

# **The Rajasthan Land Revenue (Permanent Allotment of Evacuee Agricultural Lands) Rules, 1963**

RAJASTHAN

India

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### **Rule**

### **THE-RAJASTHAN-LAND-REVENUE-PERMANENT-ALLOTMENT-OF-EVACUEE-AGRICULTURAL-LANDS-RULES-1963**

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The Rajasthan Land Revenue (Permanent Allotment of Evacuee Agricultural Lands) Rules, 1963 Published vide Notification No. F. 3-1(15) RR/61, Dated 8-4-1963; published in Rajasthan Gazette Part 4-C, Dated 11-4-1963 Whereas certain agricultural lands of Muslim evacuees situated in the districts of Alwar and Bharatpur were declared, or are deemed to have been declared, as evacuee property under the administration of evacuee Property' Act, 1950 (Central Act 13 of 1950): And whereas the said lands were allotted by the Custodian of Evacuee Property to non claimant displaced persons, as a measure of rehabilitation, for temporary' cultivation: And whereas the said lands were subsequently acquired by the Central Government by notification No. [S. III/5 (14) 55] [Substituted by No. F. 3-1(15) R & R/61, Dated 18-11-1963; published in Rajasthan Gazette Part IV-C, Dated 20-2-64.] dated the 6th April, 1955 issued in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954): And whereas Khatedar rights under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) have not accrued to the occupants of the said lands: And whereas, with a view to assist the said non-claimant displaced persons in their permanent rehabilitation on the said lands, the Rajasthan State Government has got the said lands transferred to it from out the Compensation pool on payment of an adhoc sum of rupees one crore to the Central Government: And whereas, it is desirable to make rules for the permanent allotment of the said lands to the persons and the conferment of rights therein. Now, therefore, in exercise of the powers conferred by Section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), read with Sections 101 and 102 of the said Act and the proviso to Section 34 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), and all other powers enabling it in this behalf, the State Government hereby makes the following rules namely:

## **1. Short title and Commencement.**

(1) These rules may be called the Rajasthan Land Revenue (Permanent Allotment of Evacuee Agricultural Lands) Rules, 1963. (2) They shall come into force at once.

## **2. Interpretations.**

- In these rules, unless the context otherwise requires—(1) "displaced persons" means a person as defined in Clause (b) of Section 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954); (2) "non claimant, displaced person" means a displaced person who has not got a verified claim and includes person who had got his claim verified on the basis of rehabilitation grant application filed on or after 8-5-1961. (3) "standard acre" has the same meaning as in Clause (g) of rule 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1955; (4) "verified claim" means a claim as defined in Clause (e) of Section 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954); (5) words and expression defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) shall wherever used in these rules, be construed to have the meanings assigned to them by those Acts.

## **3. Scope of the rules.**

- These rules shall govern the permanent allotment of, and the accrual of Khatedari rights in agricultural lands situated in the districts of Alwar and Bharatpur that were declared, or are deemed to have been declared, as evacuee property under the Administration of Evacuee Property Act, 1950 (Central Act 31 of 1950) and that were subsequently acquired by the Government of India by a notification issued in exercise of powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954) and that have now been transferred to the Rajasthan Government on payment of an agreed price, for allotment to non claimant displaced persons, and other persons, hereafter in these rules referred to as "the lands to which these rules apply".

## **4. Rights not be acquired except under these rules.**

- No non-claimant displaced person, or a displaced person of any other class, or any person, in temporary occupation of any land to which these rules apply shall acquire any right, title or interest therein except under and in accordance with the provisions of these rules.

## **5. Terms and conditions of permanent allotment.**

- The permanent allotment of the lands to which these rules apply shall be subject to the following terms and conditions namely:—(1) The allottee shall acquire khatedari rights in the land only if he fulfills each and everyone of the terms and conditions hereafter specified. (2) The allottee shall pay the price of the land at the rate of Rupees one hundred and fifty per standard acre either in one

lump-sum within one month of the commencement of these rules, or in ten equated yearly installments, in which case interest at the rate of seven percent, per annum will have to be paid.(3)In addition to the price of the land, the allottee shall be liable to pay and shall pay on the due date the assessed land revenue or rent, and all other rides, cesses and other charges that or imposed, or may in future be imposed by competent authority under any law for the time being in force.(4)All outstanding of loans advanced to the allottee either by the Central Government, or the State Government, or any other dues payable by him in respect of the land allotted to him, together with any interest due on any such loan, shall be a first charge on the land and shall, without prejudice to any other rights and remedies of the State Government, be recoverable in the same manner as an arrear of revenue, and no transfer of the land shall be valid unless the amount of the said loan, together with interest, if any and the said dues have been paid in full.(5)So long as the full price of the land, together with interest due (if any) and all out-standings of the loans referred to in the preceding clause are not paid up in full, the allottee shall not sell, mortgage or in any other manner transfer or part with the possession of the whole or any part of the land or his interest in the same.(6)In the event of the payment of the price of the land by installments, if the allottee fails to pay two consecutive installments, or in any way encumbers or alienates the land or his rights therein, the Tehsildar shall be empowered after notice to the allottee and the person in occupation, to take over the possession of the land and to recover the price of the land and other out-standings of the Government by sale thereof.[Provided that Collector may allow the allottee, who has not paid installments regularly to continue possession land on payment of all outstanding dues of land forthwith penal interest @ 12% per annum on the outstanding installments.] [Added by No. F. 3(i) (15) Reh/61 GSR 158 (15), Dated 23-8-1975; published in Rajasthan Gazette Part IV-(Ga)(1), Dated 18-9-75, p. 530(43).](7)All transfers made, or encumbrances created, at any time, in contravention of the provisions of these rules shall be null and void and if the allottee refuses on being called upon by the Tehsildar, to pay the price of the land as well as the arrears of any loan outstanding against him, or where the non claimant displaced person has left the land in the possession of some other person and is not traceable, it shall be competent for the Tehsildar to cancel the allotment and take over the possession of the land and where necessary eject the person in possession in accordance with the provisions of Section 91 of the Rajasthan Land Revenue Act. 1956 (Rajasthan Act 15 of 1956).

## **6. Disposal of certain land by public auction.**

- Any land taken over by the Tehsildar under Clause (6) or Clause (7) of rule 5 shall be disposed of by publication:Provided that if there is a local tenant on such land, the land shall not be put to public auction but may be allotted to such tenant by charging price at the rate of Rupees four hundred and fifty per standard acre, payable either in one lump-sum within one month of the date of the Tehsildars order or in ten equal yearly installments plus interest at the rate of seven per cent, per annum, subject to the condition that such person does not thereby acquire land in excess of the ceiling area applicable to him.[Explanation. - For the purpose of the proviso to this rule "local tenant" shall mean and include, a tenant other non-claimant displaced person, who has been permanently residing in the village since before the commencement of Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955)] [Added by No. F. 2 (31)/R&R/64, Dated 17-1-1966; published in Rajasthan Gazette Part IV- C, Dated 3-3-1966.].

## 7. Grant of Sanad.

- A sanad in the form appended to these rules shall be granted by the Tehsildar to each allottee. Form of Sanad (See rule 7) Whereas the land, particulars whereof are given below has been allotted to Shri..... son..... of..... aged resident of... under the Rajasthan Land Revenue (Permanent Allotment of Evacuee Agricultural Lands) Rules, 1963 on payment of a price at the rate of rupees per lump-sum within one month of the commencement of standard acre payable in a..... ten equal yearly installments of Rs..... each with these rules/date of the Tehsildar's order..... interest at rupees seven per cent per annum as shown in part B of the sanad on the terms and conditions mentioned in the said rules and reproduced in Part C. Now, therefore this sanad is hereby granted to the said Shri..... in accordance with the provisions of rule 7 of the said rules.

## Part A – Particulars of land

1. Name of village, with name of Tehsil.

2. Khasra No.

3. Area in (a) ordinary acres of local bighas.

(b) standard acres.

4. Soil class.

5. Sanctioned rent/rate.

6. Assessed rent.

7. Date of payment of installment of rent.

## Part B – Price of the land

Price of standard acres of land at Rs (Rupees in words) equal to Rs (Rs) payable in a lump-sum within one month of the commencement to the above mentioned rates/date of order, or in ten equal yearly installments as shown below:

No. of installment	Date of payment	Principal amount	Interest	Total
1	2	3	4	5
First				
Second				

Third

Fourth

Fifth

Sixth

Seventh

Eighth

Ninth

Tenth

## **Part C – Terms and conditions of allotment**

(1)The allottee shall acquire khatedari rights in the land only if he fulfills each and every one of the terms and conditions hereafter specified.(2)The allottee shall pay the price of the land at the rate of rupees one hundred and fifty/four hundred and fifty in the case of persons to whom allotment is made under Clause (6) or Clause (7) of rule 5 per standard acre in one lump-sum within one month of the commencement of these rules, or the date of the Tehsildars order or in ten equal yearly installments, in which case interest at the rate of seven per cent, per annum will have to be paid.(3)In addition to the price of the land, the allottee shall be liable to pay, and shall pay on the due date, the assessed land revenue, or rent, and all other rates, cesses and other charges that are imposed, or may in future be imposed by competent authority under any law for the time being in force.(4)All out-standings of loans advanced to the allottee either by the Central Government, or the State Government or any other dues payable by him in respect of the land allotted to him together with any interest due on any such loan, shall be first charge on the land and shall, without prejudice to any other rights and remedies of the State Government, be recoverable in the same manner as arrears of kind revenue, and no transfer of the land shall be valid unless the amount of the said loan, together with interest, if any, and the said dues have been paid in full.(5)So long as the full price of the land, together with interest due, (if any) and all outstandings of the loans referred to in the proceeding clause are not paid in full, the allottee shall not sell, mortgage or in any other manner transfer or part with the possession of the whole or any part of the land or his interest in the same.(6)In the event of the payment of the price of the land by installments if the allottee fails to pay two consecutive installments, or in any way encumbers or alienates the land, or his rights therein, the Tehsildar shall be empowered, after notice to the allottee and to the person in occupation to take over the possession of the land and to recover the price of the land and other outstandings of the Government by sale thereof.(7)All transfers made, or encumbrances created, at any time, in contravention of the provisions of these rules shall be null and void, and if the allottee refuses, on being called upon by the Tehsildar, to pay the price of the land as well as arrears of any loan outstanding against him, or where the non-claimant displaced person has left the land in the possession of some other person and is not traceable, it shall be competent for the Tehsildar to cancel the allotment take over possession of the land and where necessary eject the person in possession in accordance with the provisions of Section 91 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and dispose it off by open auctions subject to the provision made under Rule 6.Date.....Seal of the TehsilTehsildar.....Tehsil.....