

# **The Rajasthan Land Development Corporation Rules, 1977**

RAJASTHAN

India

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### **Rule**

### **THE-RAJASTHAN-LAND-DEVELOPMENT-CORPORATION-RULES-1977 of 1977**

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The Rajasthan Land Development Corporation Rules, 1977 Published vide Notification No. G.S.R. 67/F. 11(1) CAD/WU/76, dated 17-5-1977; Published in Rajasthan Gazette Part 4-C(1), Ordinary dated 26-5-77. In exercise of the powers conferred by section 52 of the Rajasthan Land Development Corporation Act, 1975 (Rajasthan Act No. 17 of 1975) the State Government hereby makes the following rules in consultation with Rajasthan Land Development Corporation, namely:-Chapter-I Preliminary

### **1. Short title and commencement.**

(1) These rules may be called the Rajasthan Land Development Corporation Rules, 1977. (2) They shall come into force with effect from the date of their publication in the Rajasthan Gazette.

### **2. Definitions.**

(1) In these rules unless the context otherwise requires:- (i) 'Act' means the Rajasthan Land Development Corporation Act, 1975. (ii) 'Form' means form appended to these rules. (iii) 'Section' means a section of the Act. (2) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act. Chapter-II Rules to give effect to section 23(1) of the Act

### **3. Notice to land holder for temporary occupation, restoration of land holdings and manner of service.**

(1) The notice required to be given under sub-section (1) of Section 23 of the Act, shall be in Form No. 1. the period of which shall not be less than 1 month before the date of entering upon the land. (2) The notice for restoration of the land holding shall be given to the land holder in Form No. 2 by the Officer authorised, under Section 23(1) of the Act. The receipt of the restoration of the land holding shall be taken on Form No. 2 by the said Officer. (3) The notice referred to in sub-rule (1) and (2) above shall be served in the manner prescribed in the Rajasthan Land Revenue Act, 1956. Chapter-III Enquiry by the Collector under section 28(2) of the Act

#### **4. Procedure for preferring claim under sub-section (2) of Section 23.**

- Every person claiming any compensation in respect of loss of income from his land holding on account of its occupation by the Corporation for a period exceeding 3 months shall prefer his claim in writing to the Collector giving the following particulars, namely:-(i) The name of the persons with parentage and address. (ii) Full description of the land alongwith khasra numbers thereof with area of each khasra number and the name of the village/s and the tehsil/s in which it is situated. (iii) Land revenue or rent payable in respect of such land. (iv) Classification of the land as recorded under the settlement record. (v) Dates of taking over and handing over of the occupation of the land by the Corporation. (vi) If any crop could be raised during the period the land was in occupation of the Corporation. If so, what crop/s could be raised normally and by special effects and its value. (vii) Value of crop/s raised in the preceding 5 years during the period corresponding to the period the land remained in occupation of the Corporation. (viii) Amount of the compensation claimed by the applicant as a result of loss of income for the period the land holding remained in occupation of the Corporation. (ix) Any other particulars.

#### **5. The period within which claim is to be preferred.**

- Every claim under sub-section (2) of Section 23 shall be preferred by a land holder within a period of 30 days from the date of restoration of his land holding. Any claim not preferred within this period shall be rejected: Provided that the Collector may admit a claim after such period if he is satisfied that the claimant had sufficient cause for not preferring the claim within such period.

#### **6. Enquiry by the Collector.**

- The Collector shall proceed to enquire into every claim not rejected under Rule 5 after giving both the Corporation and the claimant an opportunity of being heard and shall determine the loss of income on the basis of the average net income in the five preceding years derived from the crop/s missed during the period of occupation by the Corporation.

#### **7. Method of awarding Compensation.**

- The compensation shall be awarded only in respect of the period during which the land holding remained in occupation of the Corporation beyond three months and the land holder was on that account deprived of any income from the land holding.

## **8. Award of Compensation.**

- The Collector shall after such enquiry make an award in writing with respect to each such claim setting out therein the following particulars, namely :-(i)The person/s making the claim:(ii)the loss of income claimed,(iii)The extent to which the claim is upheld; and(iv)The amount of compensation awarded and the persons to whom it is payable.

## **9. Notice of award.**

- The Collector shall give a notice of this award under sub-section (2) of section 23 to claimants or their representative, or to the persons to whom compensation is payable and the Corporation in the manner specified below ;-(a)In person by delivering or rendering it to them; or(b)through their agent/s, if any by delivering or tendering it to him/them; or(c)by registered post.

## **10. Payment or deposit of Compensation.**

(1)The Corporation shall tender payment of the compensation so determined to the person entitled thereto unless prevented by any one of the contingencies mentioned in the next sub-rule.(2)If the person/s entitled to compensation, according to the decision of the Collector does/do not consent to receive it and if there is any dispute as to the title to receive the compensation, the Corporation shall deposit the amount of compensation in Appellate tribunal having jurisdiction:Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount of compensation:Provided further that nothing herein contained shall affect the liability of any person who may receive the whole or part any compensation determined to pay the same to the person lawfully entitled thereto.Chapter-IV Enquiry by the collector under section 32 of the Act

## **11. Procedure for taking action under Section 32 of the Act.**

(1)The Collector either suo moto or on the application of the land holder may initiate enquiry under Section 32 of the Act.(2)The application referred to in sub-rule (1) shall be filed by land holder within 30 days of the restoration of his land holding:Provided that the Collector may admit an application after such period if he is satisfied that the applicant had sufficient cause for not filing the application within such period.

## **12. Notice to the Corporation and holding of enquiry.**

- On the initiation of the enquiry under rule 11, the Collector shall give notice to the Corporation to show cause why an order under sub- section (1) of Section 32 of the Act, may not be passed and shall thereafter proceed to hold an enquiry in the manner provided in the Rajasthan Land Revenue Act, 1956.

### **13. Issue of order under sub-section (1) of Section 32.**

- Where after such an enquiry, the Collector issues an order requiring the corporation to rectify the defects or complete the unfinished work, the Collector shall allow a period of not less than 3 months to the corporation for compliance.

### **14. Determination of compensation under sub-section (2) of Section 32.**

- The Collector shall have due regard to the expert testimony tendered by the Corporation with regard to the execution of the works or benefits expected from them in determining compensation wherever necessary, under sub-section (2) of Section 32.

### **15. Copy of orders to be endorsed to the Financing Bank.**

- The Collector while passing an order under sub-section (1) or sub-section (2) of Section 32 of the Act shall endorse a copy of his order to the financing bank in case a cultivator has borrowed money from the Commercial Bank for on farm development purpose. Chapter-V Enquiry by the Collector under Section 42 or the Act

### **16. Procedure for moving the Collector for determination of disputes.**

- A land holder shall move the Collector for determination of any dispute with another land holder arising out of land development under the Act, in writing within 30 days of the cause of action: Provided that the Collector may admit an application after such period if he is satisfied that the applicant had sufficient cause for not preferring the application within such period.

### **17. Determination of compensation.**

- In determining the amount of compensation in such enquiry, the Collector shall be guided by what is just and reasonable in the circumstances of each case. The Collector shall also take into consideration :-(i)The market value of the land.(ii)The damage, if any, sustained by the land holders by reason of the taking of any standing crops or trees which may be on the land.(iii)The damage, if any, sustained by the land holders by reason of serving of such land from his other land.(iv)The damage, if any, sustained by the land holder by reason of the occupation injuriously affecting other property, movable or immovable or their earning.(v)The damage, if any, bonafide resulting from domination of the profits of the land. Chapter-VI Procedure for Appeal

### **18. Procedure for appeal to the Appellate Tribunal.**

- The procedure for filing an appeal and for hearing and disposal thereof shall be, as far as possible, the same as is prescribed for appeal under Rajasthan Land Revenue Act, 1956 and the rules made thereunder. Form No. 1 Rajasthan Land Development Corporation, Jaipur. Notice for taking temporary of the land under Section 23 (1) of the Rajasthan Land Development Corporation Act,

1975.

No. Dated

**1. Name of the Scheme** \_\_\_\_\_

To \_\_\_\_\_ Where as the Command Area Authority/Area Development Commissioner is satisfied that for the purpose of executing the Scheme of land development in \_\_\_\_\_ it is necessary that the land in village \_\_\_\_\_ Panchayat Samiti \_\_\_\_\_ District \_\_\_\_\_ particulars of which are given below, should be taken into occupation temporarily:

S. No. Description of land Survey of Khasra No. Area in hectares Name of land holder

1	2	3	4	5
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Now, therefore, you Shri/Shrimati \_\_\_\_\_ son/wife of \_\_\_\_\_ Village Thesil \_\_\_\_\_ District is/are hereby given notice that after one month from the date of the service of the notice Land/s specified above shall be entered upon to carry out surveys, investigation and all such works and things as may be necessary in connection with the execution of the scheme.

Authorised Officer.

No. \_\_\_\_\_ Dated \_\_\_\_\_

Copy forwarded to :-

**1. The Regional Manager, Rajasthan Land Development Corporation**

.....

**2. ....**

Authorised Officer. Form No. 2 Rajasthan Land Development Corporation, Jaipur. Notice for restoration of the land holding.

No. Dated

To \_\_\_\_\_ Take notice that the lands mentioned below which were taken in occupation on \_\_\_\_\_ will be rested to you on \_\_\_\_\_.

S. No. Description of land Survey of Khasra No. Area in hectares Name of land holder

1	2	3	4	5
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Authorised Officer. Receipt of the Restoration I/ We have taken back the occupation of the above said land holding on \_\_\_\_\_

Signature.

No. \_\_\_\_\_ Dated \_\_\_\_\_

Copy forwarded to :-

**1. The Regional Manager, Rajasthan Land Development Corporation,**

.....

**2. ....**

Authorised Officer.