

The M.P. Gramo Me Ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhiniyam, 1970

MADHYA PRADESH

India

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Act 26 of 1970

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The M.P. Gramo Me Ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhiniyam, 1970 M.P. Act No. 26 of 1970 [Dated 23rd October, 1970] Received the assent of the Governor on the 23-10-1970; assent first published in the "Madhya Pradesh Gazette", Extraordinary, dated the 24-10-1970. An Act to make special provision for allotment of unoccupied land to inhabitants of villages in certain circumstances. Be it enacted by the Madhya Pradesh Legislature in the Twenty-first Year of the Republic of India as follows :-

1. Short title and extent.

(1) This Act may be called the Madhya Pradesh Gramo Me ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhiniyam, 1970. (2) It extends to whole of Madhya Pradesh.

2. Definitions.

- In this Act, unless the context otherwise requires :-(a) "Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959); (b) "inhabitant of a village" means a person who-(i) holds land; or (ii) works as an agricultural artisan or as an agricultural labourer; in such village or in a village usually cultivated from such village; (c) the words and expressions used in this Act but not defined shall have the meaning assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

3. Allotment and settlement of unoccupied land in certain circumstances.

- All unoccupied lands in a village on which inhabitants of such village have, prior to the [31st day of December 2014] [Substituted '31st day of December, 2011' by Act No. 28 of 2017, dated 29.8.2017.],

erected any building for the purpose of residence or purposes ancillary thereto and such building exists on that date shall, notwithstanding anything contained in the Code or the rules made thereunder, be allotted and settled with such inhabitants in Bhumiswami rights in accordance with the provisions of this Act: Provided that nothing contained in this section shall apply to unoccupied land which is-(a)[situated in,- [Substituted by M.P. Act No. 22 of 2018](i)any development plan area;(ii)any local body or village situated on the outer periphery of any local body;(iii)area of operation of the Madhya Pradesh Nagriya kshetro ke bhoominin Vyakti (Pattadhriti Adhikaron ka Pradan kiya jana) Adhiniyam, 1984 (No. 15 of 1984);(iv)five hundred metres on both sides of a national highway specified in, or declared under, the National Highways Act, 1956 (XLVII of 1956) or highway notified under section 3 of the Madhya Pradesh Rajmarg Adhiniyam, 2004 (No.11 of 2005);](b)set apart under Section 237 of the Code for the following purposes-(i)for burial ground and cremation ground;(ii)for gaathan;(iii)for threshing floor;(iv)for skinning ground;(v)for bazar;(vi)for public purpose such as schools, playgrounds, parks, roads, lanes and drains.(c)held or reserved by the Central Government or the State Government for any specified purpose.[Explanation. - For the purpose of this section;(a)"development plan" shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973);(b)"local body" means any municipal corporation constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), or any municipality or any municipal council constituted under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).]

4. Procedure for settlement.

(1)Every inhabitant of a village to whom Section 3 applies shall make an application to the Tahsildar within such period and in such form as may be prescribed.(2)On receipt of an application under sub-section (1), proceedings, if any, pending under Section 248 of the Code in respect of the unoccupied land mentioned in the application, may be stayed till such time as the Tahsildar, may think fit.(3)Subject to the provisions of this Act and the rules made in this behalf, the Tahsildar shall allot and settle [upto 60 square metre unoccupied land] [Substituted 'unoccupied land' by Madhya Pradesh Act No. 22 of 2018.] with the inhabitant of a village.(4)On allotment of unoccupied land under sub-section (3) all proceedings pending before the Tahsildar in respect of the said unoccupied land under Section 248 of the Code shall stand abated.

5. Provisions of Act to apply to protected forest on its ceasing to be so.

- As from the date fixed in that behalf in the notification issued under Section 34-A of the Indian Forest Act, 1927 (XVI of 1927) as applicable to the State of Madhya Pradesh declaring any forest to be no longer protected forest, the provisions of this Act shall apply to forest land or waste land as were comprised within such protected forest on [31st day of December 2014] [Substituted '31st day of December, 2011' by Act No. 28 of 2017, dated 29.8.2017.] (hereinafter referred to as the said date) as if such land was unoccupied land on the said date.

6. Power to make rules.

(1)The State Government may make rules generally for the purpose of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power such rules may provide for-(a)(i)prescription of period and form under sub-section (1) of Section 4;(ii)prescription of manner of allotment and settlement of unoccupied land under sub-section (2) of Section 4;(b)prescription of terms and conditions [x x x] [Omitted by M.P. Act No. 5 of 1972.] subject to which unoccupied land shall be allotted and settled.(3)All rules made under this Act shall be laid on the table of the Legislative Assembly.

7. Repeal.

- The Madhya Pradesh Gramo Me Ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhyadesh, 1970 (No. 4 of 1970) is hereby repealed.[Added by Madhya Pradesh Act No. 22 of 2018]