

The Ranchi District Tana Bhagat Raiyats Agricultural Lands Restoration Rules, 1948

JHARKHAND

India

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Rule

THE-RANCHI-DISTRICT-TANA-BHAGAT-RAIYATS-AGRICULTURAL-LANDS-RESTORATION-RULES-1948

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The Ranchi District Tana Bhagat Raiyats Agricultural Lands Restoration Rules, 1948Published vide Notification No. 528-3-14-R. dated 27th January, 1948No. 528-III-14-R. dated 27th January, 1948. - In exercise of the powers conferred by Section 10 of the Ranchi District Tana Bhagat Raiyats Agricultural Lands Restoration Act, 1947 (Bihar Act II of 1948), the Governor of Bihar is pleased to make the following rules namely :-

1.

These rules may be called the Ranchi District Tana Bhagat Raiyats Agricultural Lands Restoration Rules, 1948;

2.

In these rules-(a)"the Act" means the Ranchi District Tana Bhagat Raiyats Agricultural Lands Restoration Act, 1947(b)"Form" means a form set out in the Schedule to these rules; and(c)"Section" means a section of the Act.

3.

(1)An application made under sub-section (1) of Section 4 shall be in Form 1.(2)The application with a court-fee stamp of annas fifteen affixed thereto shall be presented to the Deputy Commissioner either by the Tana Bhagat raiyat or, in case of his death, by his legal representative or through his

duly authorised agent within the time prescribed in proviso to Section 4.

4.

(1)The Deputy Commissioner before, making an order under Section 4 shall make enquiry on the spot either himself or depute for the purpose any other officer subordinate to him not below the rank of Sub-Deputy Collector.(2)A notice in Form II intimating the date on which and the place where the enquiry will be made shall be served on each of the parties inserted.(3)On the date mentioned in the notice the inquiring officer shall-(a)look into the record-of-rights and village papers, if any;(b)record the evidence produced by the parties for or against the claim and in respect of improvements, if any to the holding effected by the auction-purchaser or his alienee and the nature of such improvements; and(c)enquire into and record the fact of alienation, if any, and the amount of its consideration money and the name of the alienee.

5.

When the enquiry prescribed in Rule 4 has been completed, the Deputy Commissioner shall determine the amount to be deposited by the applicant under sub-section (2) of Section 4 and direct the applicant through a notice in Form III to deposit the same by the date fixed in the notice.

6.

(1)After the amount determined under Rule 5 has been deposited and the Deputy Commissioner has made an order under Section 4 restoring the holding to the ownership and possession of the applicant, a writ or delivery of possession in Form IV shall be issued.(2)The serving officer shall deliver possession of the holding by beat of drum on the spot after identifying the same and obtain a receipt from the person taking possession with his signature or left thumb-impression and, if possible obtained signature or left thumb-impressions of the drummer and two witnesses of the village.

7.

(1)When possession has been delivered, the amount deposited under Section 4 shall, on an application made under Section 6 and after due enquiry to the satisfaction of the Deputy Commissioner, be paid to the auction-purchaser or to the person entitled, as the case may be.(2)The Deputy Commissioner may require the auction-purchaser, or the person entitled, or his authorised agent to appear before him to receive the amount and obtain a receipt in full discharge of his claim.

8.

Appeals under Section 7 shall be heard and disposed of in the manner provided for the time being for the hearing and disposal of appeals in matters relating to land revenue.

9.

(1)When action has been taken under Section 9, the Deputy Commissioner shall determine the date up to which possession will be deemed to have remained with the auction-purchaser or his alienee, if any, and the date from which possession will be deemed to have been restored to the applicant.(2)The net income derived from the holding taken possession of by the Deputy Commissioner under Section 9 shall be disposed of in the following order, namely:-(a)the rent due to the landlord in respect of the holding shall be paid by the Deputy Commissioner;(b)(i)the balance remaining after payment of rent shall be kept in deposit with the Deputy Commissioner until he has made an order under Section 4;(ii)after an order under Section 4 has been made, the balance shall be paid to the auction-purchaser or his alienee, or to the applicant, in the proportion determined by the Deputy Commissioner having regard to the circumstances of each case.

10.

The Deputy Commissioner shall maintain a register Form V for the amount deposited under Section 4(2) of the Act and the disbursement thereof.

Schedule

Form 1Application under Section 4(1) of the Ranchi District Tana Bhagat Raiyats Agricultural Lands Restoration Act, 1947ToThe Deputy Commissioner of Ranchi,

1. Name, father's name, caste, profession and residence of Tana Bhagat raiyat whose holding has been sold.

2. If the applicant claims to be the legal representative of the person mentioned in Column 1 or his authorised agent, his name, father's name, caste, profession and residence with a brief description of his relationship with the deceased Tana Bhagat raiyat.

3. Name of the village in which the holding is situated, thana number, name of the mahal, tauzi No. and Khata number of the plots for the restoration of which application is being made.

4. Original rental together with local cess, if any.

5. Name, father's name, caste, profession and residence of the landlord.

6. Amount of the decree together with cost, etc., for which the holding was sold.

7. Approximate date, month and year of sale.

8. Name, father's name, caste, profession and residence of the auction-purchaser.

9. Name, father's name, caste, profession and residence of the person in actual possession of the holding together with a brief description as to how he acquired it.

10. Relief sought for.....

Signature or Left thumb impression with name of the applicant. Form II Notice under Rule 4(2) of the Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration Rules, 1948 To..... Whereas has made an application under sub-section (1) of Section 4 of the Ranchi District Tana Bhagat Raiyats Agricultural Lands Restoration Act, 1947, in case No..... of 19..... for restoration of the holding described below to his ownership and possession, you are hereby directed to appear before the undersigned on the..... day of 19..... at..... in village..... with all the evidence in your possession for or against the claim and also in respect of improvements, if any, effected thereto and alienation's, if any, in respect of the said holding. Description of holding. Enquiring Officer Dated..... 19... Note. - This notice will issue to all the parties interested including the applicant. Form III Notice under Rule 5 of the Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration Rules, 1948 To.. .. With reference to your application under sub-section (1) of Section 4 of the Ranchi District Aboriginal Raiyats Agricultural Lands Restoration Act, 1947, in respect of the holding mentioned below, you are directed to deposit Rupees..... in the office of the undersigned on or before the..... day of 19... as the amount to be deposited by you before the said holding is restored to your ownership and possession. Description of holding. Deputy Commissioner Dated..... 19... Form IV Order for Delivery of possession under Rule 6 of the Ranchi District Tana Bhagat Raiyats Agricultural Lands Restoration Rules, 1948 Bailiff of the Court To..... Whereas order has been made restoring the holding described below to the ownership and possession of..... in case No..... of 19.....; you are hereby directed to put the said person in possession of the same. Description of the holding. Deputy Commissioner Dated 19..... Note. - These serving officer's receipt of taking possession and signatures of drummer and witnesses will be written on the reverse.

Name of the person to whom possession is to be delivered	Date and hour of service of the writ	Serving Officer's report	Receipt of taking possession	Names and signatures or left thumb impressions of the drummer and two witnesses
1	2	3	4	5

Form V[Rule 10]Register to be maintained as required under Section 4(2) of the Ranchi District Thana Bhagat Raiyats' Agricultural Lands Restoration Act, 1947

Serial No.	Name of the applicant, father's name and address	Particulars of the holding or land for which deposit is to be made	Amount to be deposited as ordered by the Deputy Commissioner with date of order	Date by which the amount is to be deposited	
1	2	3	4	5	
Date of deposit	Amount deposited	To whom payable	To whom paid and date of payment	Date of restoration	Remarks
6	7	8	9	10	11