

The M.P. Van Bhumi Shashwat Patta Prati Sanharan Rules, 1974

MADHYA PRADESH

India

The M.P. Van Bhumi Shashwat Patta Prati Sanharan Rules, 1974

Rule

THE-M-P-VAN-BHUMI-SHASHWAT-PATTA-PRATI-SANHARAN-RULES of 1974

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The M.P. Van Bhumi Shashwat Patta Prati Sanharan Rules, 1974 Published vide Notification No. F-18-8-73-3-2-10, dated 11-6-1976, M.P. Rajpatra, Part 4 (Ga), dated 17-9-1976 at pages 668-674 In exercise of the powers conferred by Section 11 of the Madhya Pradesh Van Bhumi Shashwat Patta Prati Sanharan Adhiniyam, 1973 (No. 33 of 1973), the State Government hereby makes the following rules, namely :-

1.

These rules may be called the Madhya Pradesh Van Bhumi Shashwat Patta Prati Sanharan Rules, 1974.

2.

In these rules, -unless the context otherwise requires, -(a)"Act" means the Madhya Pradesh Van Bhumi Shashwat Patta Prati Sanharan Adhiniyam, 1973 (No. 33 of 1973);(b)"Form" means a form appended to these rules;(c)"Section" means a section of the Act;(d)All other words and expressions used in these rules but not herein defined shall have the same meaning as has been assigned to them in the Act.

3.

The Divisional Forest Officer shall prepare a statement of all the perpetual lessees, who have cleared up and brought under cultivation any portion of the forest land before 1st October, 1973 in

accordance with the terms and conditions of the perpetual lease and forward the copy of the said statement to the Collector.

4.

Every lessee, whose perpetual lease stands revoked, shall file before, the Collector, a statement in respect of the forest land in Form A-.

5.

Such a statement may be submitted by the lessee in person or by his agent or by a legal practitioner duly authorised by him or by his agent in writing in this behalf or sent by registered post acknowledgement due.

6.

On receipt of the statement, the Collector shall get the relevant details given in the statement verified by the Divisional Forest Officer before initiating any enquiry in the matter as required under sub-section (1) of Section 7.

7.

The Collector shall give a notice to the lessee in Form 'B' of not less than fifteen days in order to give him an opportunity to represent his case for determination of compensation payable to the lessee.

8.

The notice shall be served in the manner provided in Rules 1 to 16 of the Rules of Procedure of Revenue Officers and Revenue Courts contained in Schedule I appended to the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

9.

In case of a perpetual lease where any portion of Forest Land is cleared up and brought under cultivation by the lessee before 1st October. 1973, the Collector shall verify the area so cleared up and brought under cultivation and shall settle it with the lessee in Bhoomi-Swami rights subject to the ceiling limit fixed under the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960) on terms and conditions given below, namely :-(a) For the land settled under these rules, the lessee shall pay the premium to the State Government at the following rates :- Premium rates for cultivated land settled with the lessee.

- | | | |
|-----|--|--------------------------------------|
| (1) | where the settled land does not exceed 10 acres. | Rupees 100 per acre or part thereof. |
|-----|--|--------------------------------------|

- | | | |
|-----|---|---|
| (2) | where the settled land exceeds 10 acres but does not exceed 50 acres. | Rupees one thousand plus rupees 110 per acre or part thereof in excess of 10 acres. |
| (3) | where the settled land exceeds 50 acres. | Rupees 5,400 plus rupees 120 per acre or part thereof in excess of 50 acres. |

(b) The land so allotted shall be subject to the provisions of the Madhya Pradesh Land Revenue Code, 1959 and the rules made thereunder. (c) The premium to be paid under these rules shall be deducted from the compensation, if any, to be paid to the lessee. In case the amount of compensation is less than the amount of the premium, the difference will be paid by the lessee within such time as may be fixed by the Collector. If the amount due is not paid within the time so fixed, the allotment of the land so made shall be cancelled.

10.

The Collector shall enquire into the matter and determine the amount of compensation payable to the lessee and record his statement of such determination in Form 'C'. A copy of the statement so recorded shall be supplied free of cost to the lessee concerned and also to the Divisional Forest Officer.

11.

After determining the amount of compensation payable to the perpetual lessee, the Collector shall issue a notice in Form 'D' of not less than thirty days informing him that he should receive the amount within the aforesaid period and thereafter no interest shall be payable when the amount remains unpaid on account of a default on his part.

12.

Perpetual lessee, who claims exemption from the provisions of the Act, shall file a statement in Form 'E' to the Divisional Forest Officer, who shall verify whether the provisions contained in Section 12 of the Act are satisfied. The Divisional Forest Officer shall then forward his report to the State Government. Form A [See Rule 4] (Statement Showing Particulars Of Forest Land Held Under Perpetual Lease) (To be filled by the perpetual lessee) Before the Collector..... District. Through :- Divisional Forest Officer..... I..... s/o Daughter/Wife of..... resident of..... Post Office..... Tahsil..... District..... beg to submit the statement about all lands held by me on 1st October, 1973 for the determination of the extent of the cultivated land to be settled, and compensation payable to me for the surplus land.

Part I – . - Details of cultivated forest Land held under perpetual lease. { |

| - | District | Tahsil | Village | Survey Nos. or Plot Nos. or name of Forest block compartment Nos. |
Area | - | (1) | (2) | (3) | (4) | (5) | - | | | | | }

Area irrigated permanently, of Col. 4.	Area irrigated seasonally of Col. 4	Land revenue	Nature of rights	Remarks
(6)	(7)	(8)	(9)	(10)

Attach certified copy of the lease.

Part II – . - Encumbrances on the Forest land held under perpetual lease. { |

| - | District | Tahsil | Village | S. No. or Plot No., Name of forest block or compartment No. | Area | - | (1) | (2) | (3) | (4) | (5) | - | ||||| }

Name and address of the creditor	Monetary extent to which encumbered	Details of mortgage deed etc.	Remarks
(6)	(7)	(8)	(9)

Attach certified copies of mortgage deeds

Part III – . - Showing particular of transfers of partitions of cultivated forest land held under perpetual lease after 1-10-1973. { |

| - | District | Tahsil | Village | S. No./Plot No./Forest Block, Compartment No. | Area | Land Revenue | - | (1) | (2) | (3) | (4) | (5) | (6) | - | ||||| }

Name and address of	Consideration for which transferred	Details of transfer sale/gift registered or unregistered	Date of transfer	Name and address on whose behalf partitioned	Remarks
(7)	(8)	(9)	(10)	(11)	
Area transferred as a result of partition	Relationship if any with the lessee	Date of partition	Reference to documents of partition registered/unregistered		
(12)	(13)	(14)	(15)		(16)

Attach certified copies of documents.

Part IV – . - Particulars of pending litigation on cultivated forest land held

under perpetual lease. {||-| District| Tahsil| Village| S. No./Plot No./Forest Block, Compartment No.| Area|-| (1)| (2)| (3)| (4)| (5)|-|||||}

Land revenue (6)	Civil Suit No., Revenue Case No., Criminal CaseNo. (7)	Name of Court of office (8)	Brief nature of litigation (9)
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Part V – . - Particulars of any other land held by the applicant in Bhoomiswami

rights anywhere in Madhya Pradesh {||-| District| Tahsil| Village with P.C. No.| No. of each Survey No./Plot No.| (1)| (2)| (3)| (4)|-|||||}

Area of Khasra or Plot
No. of Col. 4

Area (5)	Area irrigated permanently of Col. 4 (6)	Area irrigated seasonally of Col. 4 (7)	Land revenue (8)	Right (7)	Remarks (10)
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Part VI – . - Description of the cultivated Forest Land which the perpetual lessee

desires to retain {||-| District| Tahsil| Village| S. No./Plot No./Forest Block, Compartment No.| (1)| (2)| (3)| (4)|-|||||}

Area of Col.
4

Area (5)	Area irrigated permanently (6)	Area irrigated seasonally (7)	Land revenue (8)	No. of trees other than fruit bearing trees in the land desired to be retained (9)	Remarks (10)
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Part VII – . - Another information which the perpetual lessee wants to furnish relevant to the case.

List of enclosures

- 1.
- 2.
- 3.
- 4.
- 5.

Dated.....Signature of applicantPerpetual lessee.Form 'B'[See Rule 7]To,.....son of..... resident of village.....Tahsil.....Distt.....Whereas in pursuance of Section 6 of the Madhya Pradesh Van Bhumi Shashwat Patta Prati Sanharan Adhinyam, 1973 (33 of 1973). You have submitted the statement in respect of Forest land held under perpetual lease.Now, therefore, you are hereby informed that you should appear either personally or through a pleader or agent on.....day of.....197 to represent your case while determining the amount of compensation payable to you on resumption of the said land.CollectorDistrict.....Form 'C'(See Rule 10)I got the relevant details furnished in the statement verified and after hearing the applicant in person/through agent record the following observation/orders :-

1. Part II Encumbrances
2. Part III Partition
3. Part IV Litigations
4. Part V Other land held
5. Part VI Particulars of cultivated forest land to be settled and the premium that is to be realised
- 6. Particulars regarding surplus cultivated land and compensation payable thereof.**

OrderIt is hereby ordered that,On realisation of a net premium of rupees *(after deducting from compensation payable or otherwise and encumbrances on the land) cultivated forest land or village/Forest block of the description.....measuring.....acres be settled in Bhumiswami rights in favour of.....subject to the following terms and conditions :-(a)The land revenue for the settled land is fixed.at.....(b).....CollectorDistrict..... off if not necessary)Form 'D'[See Rule 11]In the Court of Collector.....Whereas Shri son of Village.....District perpetual lessee has been granted

compensation of Rs.....in lieu of revocation of perpetual lease of Forest land.....Notice is hereby given that you should appear before me on any day within a period of thirty days from the date of receipt of this notice and receive the amount. In case you do not appear within the aforesaid period to receive the amount of compensation, you will not be entitled to claim any interest on the said amount, whatsoever. Collector District.....Form 'E'[See Rule 12]Return to be filed before the Divisional Forest Officer by the perpetual lessee who claims exemption under Section 12 of the Act.(Return should pertain to the accounts commencing from the 1st July and closing on 30th June and should be filed in October every year).

1. Name and permanent address of the perpetual lessee.

2. Details of the perpetual lease-

(i)Situation(ii)Area and extent(iii)Nature of rights.(iv)Lease rent payable.

3. Details of income and expenditure from-

(i)1st July to 30th June.....(ii)Total income Rs.....(iii)Total expenditure Rs.....(iv)Net income Rs.....

4. Details of income appropriated for promotion of the general public or for the promotion of the educational or economic interests of the weaker sections of the people and in particular of the Scheduled Castes and the Scheduled Tribes.

.....Perpetual lesseeEnclosures:

1.

2.

3.

(Certified Copies of the balancesheet and other documents.)