

Saurashtra Gharkhed, Tenancy Settlement And Agricultural lands Ordinance, 1949

GUJARAT

India

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Saurashtra Gharkhed, Tenancy Settlement And Agricultural lands Ordinance, 1949(Ordinance No. 41 of 1949)Last Updated 27th January, 2020[Dated 08.07.1949]An Ordinance to provide for the settlement of disputes between landholders and their tenants and other matters.Whereas it is expedient for the peace and good government of the State of Saurashtra to provide for the settlement of disputes relating to the quantum of Gharkhed land, rent and evictions, between the land-holders and their tenants, for the improvement of the economic and social conditions of peasants, for the full and efficient use of land for agriculture and for certain other matters hereinafter appearing :Now, Therefore, in exercise of the powers conferred by paragraph (3) of Article IX of the Covenant, read with paragraph III of the Supplementary Covenant and all other powers enabling him in this behalf, the Raj Pramukh is hereby pleased to make and promulgate the following Ordinance :-

1. Short title, extent and commencement.

(1)This Ordinance may be called The Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949.(2)It extends to the whole of the State of Saurashtra.(3)It shall come into force on such date as may be specified by Government by a notification in the Official Gazette.

2. Definitions.

- In this Ordinance, unless there is anything repugnant in the subject or context ;(a)"Agency" means the former Western India and Gujarat States Agency;(b)"agriculture" includes horticulture, raising of crops fodder or garden produce, dairy farming, poultry forming, stock breeding and grazing, but does not include cutting of wood only;(c)"agriculturist" means a person who cultivates the land personally;(d)"an agreeing Talukdar or Estate-holder" means a Talukdar or Estate holder who has

entered into an agreement with the Government of India to accept Zamindari of his Taluka or Estate and to merge his taluka or estate in the State of Kathiawar known thereafter as the State of Saurashtra ;(e)"Bid land" means such land as has been used by the landholder for grazing his cattle or for cutting grass for the use of his cattle for not less than 10 years previous to 1st January, 1948 ;(f)"to cultivate" means to carry on any agricultural operation ;(g)"to cultivate personally" means to cultivate on one's own account-(1)by one's own labour, or(2)by the labour of any member of one's family, or(3)by servants on wages payable in cash or kind, but not in crop shares or by hired labour, under one's personal supervision or of any member of one's family;Explanation I. - An agriculturist who is a widow or a minor or is subject to any physical or mental disability or who is in active service of the Government of the State of Saurashtra, the Government of India or any State Government in India, shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour ;Explanation II. - In the case of undivided Hindu family, the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family ;(h)"Gharkhed" means land reserved by a land-holders for cultivating personally:Provided that the land shall continue to be Gharkhed land even if a landholder allows the same to be cultivated by the tenant cultivating the land on the 1st January, 1948 ;(i)"Government" means the Government of the State of Saurashtra;(j)"improvement" means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held and includes,-(a)the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes ;(b)the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water;(c)the reclaiming, clearing, enclosing, levelling or terracing of land;(d)the erection of buildings on the land required for the convenient or profitable use of such land for agricultural purposes; and(e)the renewal or re-construction of any of the foregoing works or alterations therein or additions thereto as are not of the nature of ordinary repairs ;but does not include such clearances, embankments, levelling, enclosures, temporary wells, water channels and other works as are commonly made by the tenants in the ordinary course of agriculture ;(k)"land" means land which is used for agricultural purposes and includes:-(a)sites of farm buildings appurtenant to land used for agricultural purposes ; and(b)sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;(l)"landholder" means a Zamindar, Jagirdar, Girasdar, Talukdar, Bhayt, Bhagdar, Mulgirasia, Barkhalidar, Inamdar, Jiwaitdar or any person who is a holder of land or who is interested in land and whom the Government has declared on account of the extent and value of the land or his interests therein to be a landholder for the purposes of this Ordinance;(m)"Mamlatdar" includes a Mahalkari and any other officer whom the Government may appoint to perform the duties of a mamlatdar under this Ordinance ;(n)"person" includes an undivided Hindu family ;(o)"prescribed" means prescribed by rules made under this Ordinance;(p)"profits of agriculture" in respect of any land means the surplus remaining with the cultivator after the expenses of cultivation including wages of the cultivator working on the land are deducted from the gross produce;(q)"reasonable rent" means the rent determined under section 13 ;(r)"rent" means any consideration in money or kind paid or payable by a tenant on account of the use or occupation of the land held by him, but shall not include the rendering of any personal service or labour;(s)"State" means the State of Saurashtra;(t)"tenancy" means the relationship of landholders and tenant;(u)"tenant" means an agriculturist who holds land or lease and includes a person who is deemed to be a tenant under the provisions of this

Ordinance;(v)"Tribunal" means the Agricultural Lands Tribunal constituted under section 58 ;(w)"State of Saurashtra" means the State created and established under the Covenant entered into by the rulers of Kathiawar and the Agreement entered into by the Talukdars and Estate-holders of Kathiawar and the former States of Junagadh, Manavadar, Bantwa, Sardargadh, Mangrol and Babariawad which have integrated under the Supplementary Covenant entered into by the representatives of these States and rulers of Kathiawar and includes any other State, area or territory which may hereafter integrate or merge into the State of Saurashtra;(x)"year" means the year ending on the 31st of March or on such date as the Government may, by notification appoint for any locality ;(y)words and expressions used in this Ordinance but not defined shall have the meaning assigned to them, as the case may be, in the Bombay Land Revenue Code, 1879, as adapted and applied to the State and the Transfer of Property Act, 1882.[Chapter II.] [Chapter II Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).] [3. [Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).][***]

4. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

[***]

5. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

[***]

6. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

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7. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

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8. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

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9. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

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10. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

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11. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

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12. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

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13. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

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14. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

[***]

15. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

[***]

Chapter III

. Non-Gharkhed Lands.

16. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

[***]

17. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

[***]

18. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act. No. XXV of 1951).]

[***]

19. Modifications in the Bombay Land Revenue Code as adapted and applied.

(1)[The] [This word was substituted for the words 'Subject to the provisions of sub-sections (2) and (3)' by section 18 of the Saurashtra Estates Acquisition Act, 1962 (Act No. III of 1952).] Bombay Land Revenue Code, 1879, as adapted and applied to the State, shall apply to the estates of landholders to which this Ordinance applies.(2)[* * * *(3)* * * *] [Sub-sections (2) and (3) were omitted, by section 18 of the Saurashtra Estates Acquisition Act, 1962 (Act No. III of 1952).](4)[.....] [Sub-section (4) was repealed by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

20. [[Section 20 was repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

* * *][Chapter IV.] [Chapter IV was Repealed by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).] [21. [Repealed by the Saurashtra Land Reforms Act, 1931 (Act No. XXV of 1951).]* * *]

22. [[Repealed by the Saurashtra Land Reforms Act, 1931 (Act No. XXV of 1951).]

* * *][Chapter V.] [Chapter V was Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).] [23. [Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]***]

24. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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25. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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26. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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27. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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28. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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29. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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30. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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31. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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32. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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33. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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34. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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Chapter VI

. Management of Estates Held By Landholders.

35. Power to assume management of landholder's estate.

- Notwithstanding any law for the time being in force, usage or custom or the terms of contract or grant, when the Government is satisfied that on account of the neglect of a landholder or disputes between him or his tenants the cultivation of his estate has seriously suffered, or when it appears to the Government that it is necessary for [* * *] [The words 'the purpose of improving the economic and social condition of peasants or' were omitted by ordinance No. LXXXV of 1949.] ensuring the full and efficient use of the land for agriculture to assume management of any landholder's estate, a notification announcing such intention shall be published in the Official Gazette and the Collector shall cause notice of the substance of such notification to be given at convenient place in the locality where the estate is situated. Such notification shall be conclusive.

36. Vesting of estate in management.

- On the publication of the notification under section 35, the estate in respect of which the notification has been published shall, so long as the management continues, vest in the Government. Such management shall be deemed to commence from the date on which notification is published and the Government shall appoint a manager to be in charge of such estates.

37. Effect of declaration of management.

- On the publication of the notification under section 35, the following consequences shall ensue:-(1)All proceedings then pending in any civil court in respect of the debts and liabilities enforceable against the estate shall be stayed : and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended.(2)So long as the management continues no fresh proceedings, processes, executions or attachments shall be instituted in or issued, enforced or executed by any civil court in respect of such debts and liabilities.(3)So long as the management continues the holder of the estate shall be incompetent :- (a)to enter any contract involving the estate in pecuniary liability;(b)to mortgage, charge, lease, or

alienate the property under management or any part thereof; or(c)to grant valid receipts for the rents and profits arising or accruing therefrom:Provided that nothing contained in this section shall be deemed to preclude the manager from letting and the holder from taking the whole or any part of such estate on such terms consistent with this Ordinance as may be agreed upon between the parties.(4)So long as the management continues, no person other than the manager shall be competent to mortgage, charge, lease or alienate such estate or any part thereof.

38. Manager's powers.

(1)The manager shall, during the management of the estate, have all the powers which the holder thereof might as such have exercised and shall receive and recover all rents and profits due in respect of the property under management.(2)For the purpose of recovering such rents and profits the manager shall have, in addition to any powers possessed by the Collector under the law for the time being in force for securing and recovering land revenue due to Government.

39. Manager to pay costs of management, etc.

(1)From the sums received or recovered under section 38, the manager shall pay:(i)the costs of management including the costs of necessary repairs;(ii)the Government revenue and all debts and liabilities for the time being due or incurred to the Government in respect of the property under management;(iii)the rent, if any, due to any superior holder in respect of the said estate;(iv)such periodical allowances as the Collector may from time to time fix for the maintenance and other expenses of the holder and of such members of his family as the Collector directs;(v)the cost of such improvements of the said estate as he thinks necessary and as approved by the Collector.(2)The residue shall be retained by the manager for the liquidation, in the manner hereinafter provided, of the debts and liabilities other than those mentioned in sub-section (1) and also for the repayment either before or after the liquidation of such debts and liabilities, of any loan received from Government by the manager under this Ordinance. The balance, if any, shall be paid to the holder.

40. Notice to claimants.

- On the publication of the order of management, the manager shall publish in the Official Gazette a notice calling upon all persons having claims against the estate under management to notify the same in writing to such manager within two months from the date of the publication. He shall also cause copies of such notice to be exhibited at such several places as he thinks fit.

41. Claim to contain full particulars.

(1)Every such claimant shall, along with his claim, present full particulars thereof.(2)Every document on which the claimant founds his claim or on which he relies in support thereof, shall be delivered to the manager along with the claim.(3)If the document be an entry in any book, the claimant shall produce the book to the manager, together with a copy of the entry on which he relies. The manager shall mark the book for the purpose of identification and, after examining and

comparing the copy with the original, shall return the book to the claimant.(4)If any document in possession or under the control of the claimant is not delivered or produced by him before the manager along with the claim, the manager may refuse to receive such document in evidence on claimant's behalf at the investigation of the case.

42. Claim not duly notified to be barred.

- Every such claim other than the claim of the Government not informed to the manager within the time and in the manner required by such notice shall, except as provided herein, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged :Provided that when proof is made to the manager that the claimant was unable to comply with the provisions of section 40, the manager may receive such claim within the further period of two months from the expiration of the original period of two months.

43. Determination of debts and liabilities.

- The manager shall inquire into the history and merits of every claim received under the preceding section and shall in accordance with the rules to be made under this Ordinance determine the amount of the debts and liabilities, if any, justly due to the several claimants.

44. Power to rank debts and fix interest.

- If such amount cannot be paid at once, the manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid and fix the interest, if any, to be paid thereon, respectively from the date of the final decision thereon to the date of the payment and discharge thereof.

45. Scheme for liquidation.

- When the total amount of the debts and liabilities including those due and incurred to the Government has been finally determined, the manager shall prepare and submit to the Collector a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

46. Provision of scheme.

- Every liquidation scheme shall further provide for the continuance of the payments to be made by the manager and for the repayment of money, if any, the manager proposes to borrow from Government under this Ordinance and may provide for the improvement of the estate under management either from the said income or with the aid of the funds raised as aforesaid or partly in one of such ways and partly in the other.

47. Effects of sanctioning scheme.

- When the Collector sanctions the liquidation scheme, he shall notify the fact of such sanction at such place and in such manner as the Government may from time to time by rule direct; and thereupon:-(i)all proceedings, processes, execution and attachments stayed or suspended under section 37 shall be forever barred;(ii)every debt or liability due or owing to any person which was provable before the manager shall be extinguished, and such person shall be entitled to receive under the liquidation scheme the amount, if any, finally awarded to him under the preceding sections in respect of such debt or liability.

48. Power to remove mortgagee in possession.

(1)If the estate under management or any part thereof be in the possession of a mortgagee or conditional vendee, the manager at any time after the liquidation scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current year.(2)If such encumbrancer refuses or neglects to obey such order, the manager may without resorting to a civil court enter upon the property and summarily evict therefrom the said incumbrancer or any other person obstructing or resisting in his behalf.(3)Nothing in this section shall be held to affect the right of any encumbrancer to receive under the liquidation scheme the amount, if any, awarded to him under this Ordinance.

49. Power to sell or lease.

- Subject to the rules made under this Ordinance, the manager, after the liquidation scheme has been sanctioned as aforesaid, shall have power to sell or grant on lease all or any part of the estate under the management :Provided that the estate or any part thereof shall not be sold or leased for a period exceeding 10 years without the previous permission of the Collector :Provided further that the Collector shall not give such permission unless he is satisfied that such sale or lease is necessary for the benefit of the estate. The decision of the Collector shall be final.

50. Manager's receipt a discharge.

- The manager's receipt for any moneys, rents or profits raised or received by him under this Ordinance shall discharge the person paying the same therefrom or from being concerned to see to the application thereof.

51. Holder of estate dying.

(1)If the holder of the estate dies after the publication of the order of management, the management shall continue and proceed in all respects as if the holder were still living.(2)Any person succeeding to the whole or any part of the estate under management shall, while such management continues, be subject in respect of such estate to the disabilities imposed under this Ordinance.(3)No civil court shall, during the continuance of the management, issue any attachment or other process against any

portion of the estate under management for or in respect of any debt or liability incurred by any such person either before or after his said succession.

52. Termination of management.

- The Government, when it is of opinion that it is not necessary to continue the management of the estate, by order published in the Official Gazette, may direct that the said management shall be terminated. On the termination of the said management the estate shall be delivered into the possession of the holder, or, if he is dead, of any person entitled to the said estate together with any balances which may be due to the credit of the said holder. All acts done of or purporting to be done by the manager during the continuance of the management the estate shall be binding on the holder or on any person to whom the possession of the estate has been delivered.

53. Manager deemed to be public servant.

- The manager appointed under this Chapter shall be deemed to be a public servant under section 21 of the Indian Penal Code.

Chapter VII

. Restriction on transfers of agricultural lands, management of uncultivated lands and acquisition of estates and lands.

54. Transfer to non-agriculturists barred.

(1)Save as provided in this Ordinance:-(a)no sale (including sales in execution of a decree of a civil court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift, exchange or lease of any land [where lease is by law allowed] [These words were inserted by Saurashtra Act No. XLIV of 1953.] or interest therein, or(b)no mortgage of any land or interest (herein in which the possession of the mortgaged property is delivered to the mortgagee, shall be valid in favour of a person who is not an agriculturist; [or] [This word was added by Guj. 30 of 1977, s. 9(i).](c)[no agreement made by an instrument in writing for the sale, gift, exchange, lease or mortgage of any land or interest therein:] [Clause (c) was inserted, by Guj. 30 of 1977, s. 9.(ii).]Provided that the Collector or an officer authorised by the Government may grant permission for such sale, gift, exchange, lease, [where lease is by law allowed] [These words were inserted, by Saurashtra Act, No. XLIV of 1953, S. 2 (i)(b).], or mortgage, [or for such agreement] [These words were inserted by Gujrat Act No. 30 of 1977, s. 9 (iii).] on such conditions as may be prescribed:[Provided further that no such permission shall be granted, where land is being sold to a person who is not an agriculturist for agricultural purpose, if the annual income of such person from other sources exceeds five thousand rupees.] [This proviso was added by Guj. 16 of 1973, s. 2.](2)Nothing in this section shall be deemed to prohibit the sale, gift, exchange or lease of a dwelling house or the site thereof or any land appurtenant to it in favour of an agricultural labourer or an artisan.[Explanation . [This Explanation was added by Saurashtra Act No. XLIV of 1953, s. 2

(b).] - For the purpose of this section in so far as it relates to sale or lease of land, the term "agriculturist" shall include a [Maldhari and Landless Labourers employed in agricultural operations].]

**55. [Sole of land for bonafide industrial purpose permitted in certain cases.
[This Section was inserted by Guj. 7 of 1997 s.5.]**

(1) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code 1879 (Bom. V of 1879). in favour of any person for use of such land by such person for a bonafide industrial purpose: Provided that - (a) the land is not situated within the urban agglomeration as defined in clause (n) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976). (b) where the area of the land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the industries Commissioner Gujarat State or such other officer, as the State Government may, by an order in writing authorise in this behalf. (c) the area of land proposed to be sold shall not exceed four times the area on which construction for a bonafide industrial purpose is proposed to be made by the purchaser: Provided that any additional land which may be required for pollution control measures or required under any relevant law for the time being in force and certified as such by the relevant authority under that law shall not be taken into account for the purpose of computing four times the area, (d) where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Bombay Land Revenue Code, 1879 (Bom. V of 1879). (2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as "the purchaser"), he shall within thirty days from the date of the purchase of the land for a bonafide industrial purpose, send a notice of such purchase in such form along with such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar. (b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Ordinance, such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Ordinance, direct. (c) Where, on receipt of the notice of the date of purchase for the use of land for a bonafide industrial purpose and other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit - (i) is satisfied that the purchaser of such land has validly purchased the land for a bonafide industrial purpose in conformity with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed, (ii) is not so satisfied, he shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of land to the purchaser shall be deemed to be in contravention of section 54. (d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such officer, as it may, by an order in writing, authorise in this behalf. (ii) The State Government or the authorised officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit. (3) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such

Government, Government Company, local authority or statutory authority in relation to use of land for industrial purpose before the land is put to use for such purpose.(b)The purchaser to whom a certificate is issued under sub clause (i) of clause (c)of sub-section (2) shall commence industrial activity on such land within three years from the date of certificate and commence production of goods or providing of services within five years from such date :Provided that the period of three years or, as the case may be five years may, on an application made by the purchaser in that behalf, be extended from time to time, by the State Government or such officer, as it may, by an order in writing, authorise in this behalf, in such circumstances as may be prescribed.(4)Where the Collector, after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard, comes to a conclusion that the purchaser has failed to commence industrial activity or production of goods or providing of services within the period specified in clause (b) of sub-section (3), or the period extended under the proviso to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the Collector may determine, having regard to the price paid by the purchaser and such land shall be disposed of by the State Government, having regard to the use of land.]

56. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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57. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

***][Chapter VIII] [Chapter VIII was repealed by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

58. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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59. [[Repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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60. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act No.XXV of 1951).]

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61. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act No.XXV of 1951).]

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62. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act No.XXV of 1951).]

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68. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act No.XXV of 1951).]

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69. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act No.XXV of 1951).]

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70. [[Repealed by the Saurashtra Land Reforms Act, 1951 (Act No.XXV of 1951).]

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72. [[Chapter IX was repealed, by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).]

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Chapter X

. Miscellaneous.

73. Rules.

(1)The Government may make rules for carrying out the purposes of this Ordinance.(2)[In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :-(a)the manner of determining debts and liabilities under section 43;(b)the manner of notifying liquidation scheme sanctioned under section 47;(c)the conditions subject to which permission to acquire land or interest therein may be granted under Section 54;(d)the form of notice and particulars to be sent under clause (a), the rules subject to which the Collector may direct the payment of fine under clause (b), the form of and the time within which a certificate is to be issued under sub-clause (i) of clause (c) of sub-section (2) and the circumstances in which the period may be extends under the proviso to clause (b) of sub-section (3), of section 55, and(e)any other matter which is to be or may be prescribed under this Ordinance.(3)Rules made under this section shall be subject to the condition of previous publication in the Official Gazette.(4)All rules made under this section shall be laid before the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.(5)Any modifications so made by the State Legislature shall be published in the Official Gazette and shall

thereupon take effect] [The sub-sections (2) (3), (4) and (5) were substituted for original sub-section s(2) and (3) by Guj. 7 of 997, s.5.].

74. Delegation of powers.

- The Government may , subject to such restrictions and Conditions as it may impose, by notification in the Official Gazette, delegate to any of its officers, not below the rank of an Assistant or Deputy Collector, all or any of the powers conferred on it by this Ordinance.

75. Summary eviction.

- Any person un authorisedly occupying or wrongfully in possession of any land,(a)the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Ordinnce,(b)the management of which has been assumed under the said provisions, or(c)to the use and occupation of which he is not entitled under the said provisions and the said provisions do not provide for the eviction of such persons, may be summarily evicted by the Collector.

76. Bar of jurisdiction.

(1)No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Ordinance required to be settled, decided or dealt with by the mamlatdar or Tribunal, a manager, the Collector or the Saurashtra Revenue Tribunal in appeal or revision or the Government in exercise of their powers of control.(2)No order of the mamlatdar, the Tribunal, the Collector or the Saurashtra Revenue Tribunal or the Government made under this Ordinance shall be questioned in any civil or criminal court.Explanation. - For the purpose of this section, a civil court shall include a Mamlatdar's Court constituted under the Saurashtra Mamlatdars' Court Ordinance, 1948.

77. Control.

- In all matters connected with this Ordinance, the Government shall have the same authority and control over the mamlatdars and the Collectors acting under this Ordinance as they have and exercise over them in the general and revenue administration.

78. Indemnity.

- No suit or legal proceeding shall lie against any person in respect of a thing which is in good faith done or intended to be done under this Ordinance.

79. Ordinance not to apply to certain lands and areas.

(1)Nothing in the foregoing provisions of this Ordinance shall apply :-(a)to lands held on lease from the Government, a local authority or a cooperative society;(b)to lands held on lease for the benefit of

an industrial or commercial undertaking ;(c)[* * * * *] [Clause (c) was omitted by Guj. 17 of 1976, s. 2.](d)to any area which the Government may, from time to time, by notification in the Official Gazette, specify as being reserved for urban non-agricultural or industrial development.(2)Notwithstanding anything contained in sub-section (1) the Government may, by notification published in the Official Gazette, direct that any particular land or class of lands in any area shall not be exempt from all or any of the provisions of this Ordinance.

80. Repeal.

(1)The Ordinance specified in [Schedule II] [These words were substituted for the words 'the Schedule' by Saurashtra Act No. XXX of 1950.] are hereby repealed.(2)But nothing in this Ordinance or any repeal effected thereby shall, save as expressly provided in this Ordinance, affect or be deemed to affect-(a)any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Ordinance, or(b)any legal proceedings or remedy in respect of any such right, title, interest, obligation or liability or anything done or suffered before the commencement of this Ordinance, and any such proceeding shall be continued and disposed of as if this Ordinance was not passed.(3)Notwithstanding anything contained in sub-section (2), all proceedings for the recovery or restoration of the possession of the land under the Ordinance so repealed pending at the date of commencement of this Ordinance before the mamlatdar or in appeal before the Collector, shall, notwithstanding anything contained in this section, be deemed to have been instituted and pending before the mamlatdar or in appeal before the Collector, as the case may be, under this Ordinance and shall be disposed of in accordance with the provisions of this Ordinance.(4)Any appointment, notification, order, rule or form made or issued under the Ordinances so repealed, shall continue to be in force and be deemed to have been made or issued under the provisions of this Ordinance, in so far as such appointment, notification, notice, order, rule or form is not inconsistent with the provisions of this Ordinance or rules made thereunder, and shall continue to be in force unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Ordinance.[Schedule I] [This Schedule was inserted by Saurashtra Act No. XXX of 1950.]Crop ShareI-Name of the crop and extent of share.

1	2	3
Millet }	1/4	Ground-nut } 1/4 Wheat } 1/5
Jowar	Seasamum	Summer Jowar
Adad	Kapas	Summer Millet
Mug	Kala	Summer Mug
Math	Winter Jowar	Rajka Seed
Kalthi	Bavto	Dangar
Kang	Kodara	
Banti	Garlic (Green)	
Tali	Gram	
II. - Cash rent		
Garlic (Dry) Rs. 8-0-0 per Bigha		

Sugarcane Rs. 15-0-0 to Rs. 25-0-0 per Bigha

Vegetable, Rs. 6-0-0 to Rs. 10-0-0 per Bigha,

The Schedule[II] [This was numbered as Schedule II, by Saurashtra Act No. XXX of 1950.]Ordinances repealed(See section 80)

Year No. Short title.

1948 XXII The Saurashtra Protection of Tenants Ordinance,1948.

1948 XXVI The Saurashtra Zamindars and Tenants Settlementof Rent Disputes Ordinance, 1948.

1948 XXXVI The Saurashtra Protection of Tenants(Amendment) Ordinance, 1948.

1949 XXVIII The Saurashtra Postponement of EvictionOrdinance, 1949