

Disposal of Surplus Rural Evacuee Land - Policy Regarding

PUNJAB

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Rule

DISPOSAL-OF-SURPLUS-RURAL-EVACUEE-LAND-POLICY-REGARDING of 1990

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Disposal of Surplus Rural Evacuee Land - Policy RegardingIn continuation of Memo No. PIV/2(505) Part/9837-48, dated 13th November, 1990Punjab GovernmentDepartment of Revenue and RehabilitationToAll the Deputy Commissionersin the State of PunjabMemo. No. PIV/2(505) Part-VIII/1007 Chandigarh, dated the 10.3.1994Subject :- Disposal of surplus rural evacuee land-policy regarding.This is in continuation of Memo No. PIV/2(505) Part/9837-48, dated 13th November, 1990.

2.

The State Government have decided to transfer rural evacuee land to its unauthorised occupants who have been in continuous cultivating possession, since kharif, 1992, on an area measuring up to a maximum of 3 ordinary acres, provided the land is situated beyond two miles but upto five miles from the limits of a Municipal Corporation, Municipal Corporation, notified area committee/town area committee, and upto a maximum of five ordinary acres when situated beyond five miles of the aforesaid limits, inclusive of an occupant's own holding, if any, subject to the provisions of Rule 3 of the Punjab/Package Deal Properties (Disposal) Rules, 1976. An unauthorised occupant of rural evacuee land will be eligible for the transfer of land in this favour if :-(i)he has been in continuous and undisputed cultivating possession of land since kharif, 1992;(ii)he is the head of his family and is a self-tiller.A widow who is occupant and is getting the land cultivated by her son(s) or employing servant(s) or otherwise shall be considered as self-tiller.However, an unauthorized occupant of rural evacuee land shall not be eligible for the transfer of land in his favour if :-(i)he is a minor, provided he is not a legal heir of an occupant who has died after making an application by the prescribed date;(ii)he is an allottee or vendee of land, the allotment or transfer whereof has been cancelled on the grounds of fraud, mis-representation of facts or otherwise;(iii)she is a woman, whose husband is

alive but is not disabled or incapacitated;(iv)he has already purchased surplus rural evacuee agricultural land on the basis of possession or in restricted auction and has disposed of the same, or has ceased to be entitled to hold the land by reasons of default in the terms and conditions of the transfer of sale;(v)he is an employee of the State Government or is a member of the family of such an employee except with the prior permission of the State Government in the case of a gazetted Government employee and of the Deputy Commissioner of the district in which the property is situated in the case of a Government employee other than a gazetted Government employee.Explanation 1. Where the entries of revenue record are found to be doubtful or have been tampered with or where any entry is found to have been corrected after January 24, 1994 the same shall not be taken into consideration.Explanation 2. The land owned by any person, his wife and his dependent children shall be treated an occupant's own holding but shall not include his wife's or his dependent children's share in the holding of his living father or relating to which any one of them may succeed as legal heir or reversions. Any nazool or inferior evacuee agricultural land purchased from the Revenue Department or any other source on instalment basis or otherwise by the occupant of surplus rural evacuee agricultural land, his wife or dependent children, even if it has not been fully paid for, shall also be treated as his own holding. A part or whole of the holding, if transferred by an occupant, his wife or his dependent children to any one in any source on or after 24.1.1994 and before the decision of his application by the Tehsildar (Sales) or Naib Tehsildar (Sales) shall also be deemed to be a part or whole of his own holding. For the determination of his own holding the date on which his application for the transfer of the land is decided by the Tehsildar (Sales) or Naib Tehsildar (Sales) shall be reckoned.

3. Price of the land to be charged.

- From the prospective transferees, the price of the land should be charged at the rate of Rs. 30,000/- per acre for chahi/nehri land. The land irrigated by private/government tubewells shall be considered at par with the chahi/nehri land. The price of barani land shall be Rs. 20,000/- per acre. However, from the prospective transferees belonging to the members of Scheduled Castes and Backward Classes, the chargeable price of the land shall be fifty per cent of the above rates.

4. Mode of Recovery.

- The price of the land to be transferred shall be recoverable in 20 half-yearly instalments from the prospective transferees. The first instalment equivalent to 5% of the reserve price shall be recovered at the time of transfer. The remaining instalments should be recovered with interest at the rate of 10% per annum. The arrears of rent/lease/damages for unauthorised use and occupation of rural evacuee land, if any, should also be recovered in lump-sum at the time of transfer of the land to an occupant or in such number of instalments as may be fixed by the Sales Commissioner by a specific order, keeping in view the circumstances of each case and the number of instalments so fixed shall not exceed the number of instalments in which price of land is to be recovered as provided under sub-rule (6)(ii) of Rule 3 of the Punjab Package Deal Properties (Disposal) Rules, 1976.

5. Default in payment of instalments.

- In the event of default on the part of transferee of land in the payment of any instalment by the stipulated date, interest at the rate of 15% per annum shall be recoverable on the defaulted instalments and in the event of three successive defaults by the transferee, the transfer of the land shall be liable to be cancelled under sub-rule (9) of Rule 3 of the Punjab Package Deal Properties (Disposal) Rules 1976.

6. Mode of application.

- The unauthorised occupants shall submit their applications in the prescribed form within three months from the date of issue of a press note, copy enclosed. A specimen of the application form is sent herewith which should be got printed or cyclostyled locally duly numbered according to requirement and supplied to the Tehsildar (Mahal)-cum-Sales for issuing to the unauthorised occupants of evacuee land, free of cost. A register shall be maintained by the Tehsildar mentioning therein form number, date of issue, name of the person to whom the form has been issued and his signatures or thumb impression, as the case may be, in token of having received the same. On the closing date, the Tehsildar shall record a certificate on the said register in dictating the total number of forms issued to the unauthorised occupants. Similarly, in a separate register all the applications to be received in a tehsil, duly filled in, from the occupants whether by post or by hand, shall also be entered in chronological order daily and a receipt printed on the bottom of the application shall be issued to the applicant in token of the receipt of the application. On the closing date of the receipt of applications the Tehsildar concerned shall record a certificate indicating the total number of applications received in time. The applications received after the closing date shall not be considered.

7. Steps to be taken after receipt of applications.

- The work regarding scrutiny and disposal of applications, as and when received, should be taken in hand by the Tehsildar(Sales)/Naib Tehsildar (Sales). The documents to be supplied by the applicant i.e. copies of jamabandis, khasra girdawaris in respect of the land sought to be transferred by him etc. should be carefully verified with the original record and the Tehsildar (Sales) and Naib Tehsildar (Sales) should record a certificate on the said document that he has compared with the original record and the entries appearing in the copies are correct. Similarly, the Tehsildar (Sales) and Naib Tehsildar (Sales) concerned should also satisfy himself that the applicant is a self-tiller and is the head of his family and necessary documents in this regard should be placed on the record. After thorough verification about the own holdings of the applicant in the manner prescribed in the Punjab Package Deal Properties (Disposal) Rules, 1976 and also specified in these instructions, he shall decide the application within four months from the receipt of the same and thereafter refer the case to the Sales Commissioner for orders who shall dispose of the case within two months therefrom.

8. Disposal of pending application received within time under Rabi, 1984 and Kharif, 1989 Police.

- Application received from the unauthorised occupants under the old policy within time, if any pending, shall be disposed of under the said policy by April 30, 1994.

9. Disposal of the remaining land by auction not required for transfer to unauthorised occupants.

- The remaining land which is not required for transfer to the unauthorised occupants shall continue to be disposed of; (a) by allotment to displaced persons, permanently disabled soldiers, war widows etc; (b) by sale by negotiation of the area cancelled being excess from the allotment of a displaced person to such allottee or his successor-in-interest or his bona fide vendee(s) at the negotiated price under Rule 4-B of the Punjab Package Deal Properties (Disposal) Rules, 1976; (c) by negotiation to any Government Department, Semi-Government Department, Co-operative Society, Corporate Body, Public Institutions or any other local authorities for public purposes and (d) by sale by public auction or restricted auction in the manner as prescribed under Rule 76 of the rules *ibid*.

10. Reserve price for disposing the land by open/restricted auction.

- The reserve price of the land for the purpose of sale by open and restricted auction, which was fixed @Rs. 20,000/- per acre for chahi/nehri land and for the land irrigated by private/government tubewells, And Rs. 10,000/- per acre for barani land vide instructions issued under Memo. No. PIV/2(505)Part-VII/9706-9812, dated 29.7.1988, has been enhanced. It has now been fixed at a minimum rate of Rs. 30,000/- per acre for chahi/nehri land and the land irrigated by private/government tubewells, and Rs. 20,000/- per acre for barani land for the purpose of sub-rule (6)(vi) of Rule 6 of the Punjab Deal Properties (Disposal) Rules, 1976.

11.

It should be ensured that these instructions are complied with strictly and any deviation shall be viewed seriously. The receipt of these instructions may be acknowledged. (Narinder Singh) Joint Secretary (Rev. & Reh.) for Financial Commissioner Revenue and Secretary to Government Punjab, Revenue and Rehabilitation Department