

The Assam Alienation of Land (Regulation) Rules, 1980

ASSAM

India

The Assam Alienation of Land (Regulation) Rules, 1980

Rule

THE-ASSAM-ALIENATION-OF-LAND-REGULATION-RULES-1980 of 1980

- Published on 7 August 1981
- Commenced on 7 August 1981
- [This is the version of this document from 7 August 1981.]
- [Note: The original publication document is not available and this content could not be verified.]

The Assam Alienation of Land (Regulation) Rules, 1980Published vide Notification No. RSS 99/80/24, dated 7th August, 1981Last Updated 10th February, 2020Notification No. RSS 99/80/24. - In exercise of the powers conferred by Section 12 of the Assam Alienation of Land (Regulation) Act, 1980 (president's Act No. 1 of 1980), the Governor of Assam is pleased to make the following rules for carrying out the purposes of the Act, namely:

1. Short title, extent and commencement.

(1)These rules may be called the Assam Alienation of Land (Regulation) Rules, 1980.(2)They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Assam Alienation of Land (Regulation) Act, 1980;(b)"Alienation" means a person in whose favour an alienation is made;(c)"Form" means a form appended to these rules.(d)"Section" means a section of the Act.(e)["Collector" means the Chief Officer of the Revenue Administration of the District and includes the Deputy Commissioner and any other officer specially appointed by the State Government to perform the functions of Collector under the Act.] [Published in the Assam Gazette, Part II-A, dated 26th August, 1981, page 1207 to 1214.]

3. Application for sanction.

(1) A person desirous of making alienation of his land in favour of any person referred to in Clause (a) or (b) of Section 4 shall make an application in Form A. (2) Every application made under the preceding sub-rule shall bear a court-fee stamp of Rs. 1.10.

4. Enquiry into application for sanction.

- On receipt of an application under Rule 3 above the Collector shall get it enquired into within a period of thirty days through the Sub-Deputy Collector of the circle in which the land is situated and/or through such other authority or officers as he may deem proper.

5. Disposal of application for sanction.

(1) On receipt of the reports of enquiry under the preceding rule the Collector may, if he is satisfied that the transferee is not in his opinion unsuitable and that the proposed alienation is not prejudicial to public interest, accord sanction for the alienation of the land or, if he is not satisfied, withhold his sanction. (2) Where the Collector withholds his sanction under the preceding sub-rule, he shall record his reasons for doing so in writing.

6. Appeal against withholding of sanction.

(1) An appeal under Section 5 (3) shall be filed within sixty days from the date of order withholding sanction in the form of a memorandum of appeal stating the material facts and the grounds on which the appeal rests. (2) Every memorandum of appeal shall be accompanied by a certified copy of order refusing to make the alienation. (3) After receipt of an appeal the relevant records shall be called for. Notices shall be issued in Form B to the appellant, the proposed transferor and the alienee and any other person interested. Thereafter on hearing the appellant, the transferor and/or alienee, who appears and desires to be heard and/or hearing such other persons as may be likely to be affected by the order, the appellate authority may either reject or allow the appeal. The Collector may also be represented by such person as may be authorised. (4) The appellate authority will send a copy of the order passed in the appeal to the Collector together with the original records. (5) Collector shall maintain a register of applications for sanctions in Form C and the State Government shall maintain a register of appeals in Form D.

7. Declaration of alienation to be void etc.

(1) Whenever it appears to the Collector that any alienation of land has been made in contravention of the provisions of Section 4, he may issue a notice in Form E to the transferor, the alienee and any other person in possession or control of the land alienated to show cause why the alienation should not be declared to be void and of no effect and why the land alienated should not vest in the State Government from the date of alienation free from encumbrances and why direction should not be issued for delivery of possession of the land to the State Government. (2) On receipt of a notice under

the preceding sub-rule, anyone or more of the persons served with notice may adduce such facts and evidences as he or they, as the case may be, likely/like to adduce to show that the alienation did not contravene any of the provisions of Section 4.(3)On receipt of the show cause and on going through the facts and evidence adduced and on hearing any one or more of them, as the case may be, pass an order either-(a)vacating the order issuing the notice, when he finds that the alteration did not contravene any of the provisions of Section 4, or(b)declaring that the alienation is void and of no effect that the land alienated stands vested from encumbrances in the State Government with effect from the date of alienation.

8. Directions to deliver possession and imposition of penalty.

(1)When the Collector passes an order under Clause (b) of the preceding sub-rule he shall pass an order-(a)in Form F directing the person or persons in possession or control of the land to deliver possession of the same to the State Government;(b)imposing a penalty, not being more than double the consideration for which the alienation was made, on the transferor.(2)The order issued under the preceding sub-rule shall be served upon the persons concerned.(3)When the Collector allows any refund of the consideration of the alienee such refund shall be made from out of penalty imposed under Clause (b) above.

9. Procedure on failure to deliver possession.

- If any person directed to deliver possession on any land under sub-rule (1) (a) above fails to comply with the direction, the Collector shall enforce delivery of possession of the land or part thereof to the State Government or when he is not such a Magistrate he shall apply to the Judicial Magistrate for enforcing such delivery of possession. Form A[Rule 3]Application under Rule 3 of the Assam Land Alienation (Regulation) Rules, 1980

1. Name and address of the applicant

2. In case the alienee is an individual-

(1)Name, citizenship and present address(2)His place of birth and age on the date of application(3)Name and citizenship of his father

3. In case the alienee is a corporate body or firm-

(1)Names, citizenship and present address of the directors, share-holders or partners.(2)Their places of birth and ages on the date of application.(3)Names, citizenship and present address of the fathers of the directors, shareholders and partners mentioned in (1) above(4)Place of incorporation, formation or registration with particulars of incorporation, formation or registration.

4. Total area of agricultural land held by the applicant in each mouza:

5. Total area of non-agricultural land held by the applicant and the places of their situation, village or town-wise;

6. Particulars of land proposed to be alienated:

(a)Dag No.....(b)Patta/Khaitan
No.....(c)Area.....(d)Village.....(e)Mouza.....(f)P.S...(g)Sub-Division/District.....

7. Nature of alienation of the land

8. Consideration money to be paid for the alienation

9. Reasons of alienation

I, Shri.....do hereby solemnly affirm and declare that the particulars furnished by me above are correct to the best of my knowledge and belief. Signature in full of the
applicant Address..... Date..... Form B[Rule 6(3)] To Shri..... Misc.
Appeal No..... Whereas Shri..... has filed an appeal under Section 5 (3) of the Assam
Land Alienation (Regulation) Act, 1980, against the order dated..... passed by the Collector
of..... withholding sanction to alienate the land described in the Schedule below notice is
hereby given to you to appear before me either in person or through authorised person on
the..... day of..... 19... at 10 a.m. and show cause, if any, why the order withholding sanction
should not be set aside and sanction accorded as prayed for. In case of failure to comply with this
notice, the appeal will be disposed of in your absence.

of the Land

Given under my hand and the seal of this office on this..... day of..... 19..... at..... Signature and
Seal Form C[See Rule 6 (5)] Form of Register of Application for sanction

Serial No.	Date of receipt	Name of the applicant	Situation of the land i.e., village, Circle, Sub-Division	Date of order passed	Nature of order	Appeal No, if filed	Date of despatch of records to the appellate authority	Result of appeal	Date of receipt of records back	
1	2	3	4	5	6	7	8	9	10	11

Form D[See Rule 6 (5)]

Serial No.	Date of receipt	Name of appellant	Date of other	Name of Sub-Division	Date of receipt of disposal	Date of sending	Date of sending	Date of sending	Result of	Remarks
------------	-----------------	-------------------	---------------	----------------------	-----------------------------	-----------------	-----------------	-----------------	-----------	---------

	of appeal		appealed against	to which the appeal meets	records from the Collector	of the appeal	back records	copy of order to Collector	appeal	
1	2	3	4	5	6	7	8	9	10	11

Form E[Rule 7(1)]Notice under Rule 7(1) of the Assam Alienation of Land (Regulation) Rules, 1980ToShri/Shrimati.....Whereas it has been brought to my notice that the land described below has been alienated by you [.....] [Insert here the name of the person who has alienated the land.] to [.....] [Insert the name/names of the alienee/alienees.] in violation of the provisions of Section 4 of the Assam Alienation of Land (Regulation) Act, 1980; and whereas it has also been brought to my notice that you ‡.....have in possession or control of the whole/part of the aforesaid land, I, Shri.....Collector of the.....District do hereby direct you to show cause why the alienation should not be declared void and the land vested in the State Government free from all encumbrances with effect from the date of alienation on, and why a direction should not be given for the delivery of possession in the same to the State Government.In case you also want to be heard in person, you may appear before me on the.....day of19...., at 10 a.m. for the hearing.In default of compliance with this direction appropriate orders shall be passed in your absence.Given under my hand and seal on the.....day of.....19.....

of Land alienated

Dag No.Patta/Khaitan No.AreaMouzaVillageNature of the alienationSignature of the Collector of.....‡ Insert here the name of the person in possession or control.Form F[Rule 8(1)(a)]Order directing delivery of possessionToShri.....Whereas I, Shri.....Collector of the.....District have declared by my order dated.....passed in Misc. Case No.....that the alienation of the land described in the Schedule below is void and of no effect and that the land stood vested with State Government with effect from the date of alienation free from encumbrances; andWhereas I am satisfied that you are in possession and/or control of the aforesaid land, I hereby direct you to deliver possession of the same to the State Government on or before.....day of.....19..... failing which legal action will be taken to enforce the delivery of possession of the same without any further reference to you.

Schedule 3

Dag No.....Patta No/Khatian No....Area....Village...Mouza.....Given under my hand and seal of this.....on this the day of.....Collector