

# Haryana Utilisation of Surplus and other Areas Scheme, 1976

HARYANA

India

## Haryana Utilisation of Surplus and other Areas Scheme, 1976

### Rule

### HARYANA-UTILISATION-OF-SURPLUS-AND-OTHER-AREAS-SCHEME of 1976

- Published on 28 May 1976
- Commenced on 28 May 1976
- [This is the version of this document from 28 May 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

Haryana Utilisation of Surplus and other Areas Scheme, 1976Published vide Haryana Notification No. G.S.R. 141/H.A. 26/72/S.15/76, dated 28th May, 1976Revenue DepartmentNo. G.S.R. 141/H.A. 26/72/S.15/76. - In exercise of the powers conferred by Section 15 of the Haryana Ceiling on Land Holdings Act, 1972, the Government of Haryana frames the following scheme, namely

#### 1. Short title.

- This scheme may be called the Haryana Utilisation of Surplus and other Areas Scheme, 1976.

#### 2. Definitions.

(1)In this scheme, unless the context otherwise requires, -(a)"allotment authority" means the Sub Divisional Officer (Civil) in whose jurisdiction the surplus area to be allotted is situate, or any other officer who may be declared as such by the State Government from time to time in respect of any particular area :(b)"form" means a form appended to this scheme.(2)The words and expressions used and not defined in this scheme but defined in the Act or the rules made thereunder shall have the same meanings as are assigned to them in the Act or the rules.

#### 3. Preparation of lists of surplus area.

- The allotment authority shall prepare village-wise lists indicating the surplus area and the tenants' permissible area deemed to have vested in the State Government under sub-section (3) of Section 12, excluding the surplus area or other area in respect of which the purchase applications under

Section 18 of the Punjab law or Section 22 of the Pepsu law are pending since before the 23rd day of December, 1972 and are to be disposed of in terms of clause (i) of sub-section (2) of Section 33 of the Act, and shall thereafter prepare such lists of the surplus area as and when acquired under sub-section (1) of Section 12 in form U.S. 1 mentioning therein -(i)field (khasra) numbers in serial numerical order;(ii)name of the landowner;(iii)area of every field (khasra) number; and(iv)kind of soil in respect of each field (khasra) number as entered in the latest Khasra Gidawari.

#### **4. Categories of eligible persons and inter se priority therein.**

- The categories of eligible persons shall be as follows, namely :-Category A. - a tenant holding land declared as the tenant's permissible area under the Punjab law or the Pepsu law, as the case may be;Category B. - a tenant who was allotted and given possession of land in the surplus area by the State Government under the Punjab law or the Pepsu law and is holding the same;[Category BB. - a tenant who has been in possession of land since 15th April, 1953 or prior to that date and such land is not included in the permissible area of the landowner] [Added vide Notification dated 7.9.1979.].Category C. - a tenant liable to ejectment as a result of an ejectment order or decree passed against him under clause (i) of sub-section (1) of section 9 of the Punjab law or sub-section (1) of Section 7A of the Pepsu law;[Category CC. - a tenant on the permissible area of the landowner or have been a tenant of the small landowners, on or before the appointed day and the land under his tenancy falls in the surplus area of the landowner under the Act.] [Inserted by Haryana Notification dated 3.6.1980.].Category D. - a tenant who has been on the permissible area of the landowner or a tenant of a small landowner since before the appointed day, against whom no ejectment order or decree has been passed under clause (i) of sub-section (1) of Section 9 of the Punjab law or sub-section (1) of Section 7A of the Pepsu law.[Category E. - a tenant, settled on the surplus area by the landowner before Kharif, 1968, who is not -(i)the landowner's relation of the category specified in clause (9) of section 2 of the Punjab law or the rules made thereunder; or(ii)the landowner's relation of the category specified in the rules made under sub-clause (ii) of Clause (g) of Section 2 read with Section 52 of the Pepsu law; or(iii)the landowner's relation of the category specified in the rules made under clause (s) of Section 3 read with section 31 of this Act;Category F. - an agricultural worker;] [Substituted vide Haryana Notification dated 3.3.1981.].Category G. - a landless person.Category H. - an ex-serviceman.Category I. - a person owning land measuring less than two hectares of C category or land of its equivalent value.Explanation I. - Eligible person, entitled to the allotment of surplus area in the village, falling in any of the categories[From F to I] [Substituted vide Haryana Notification dated 3.3.1981.], means, a person who has been residing in the village, wherein the surplus area applied for by him is situate, since the 24th day of January, 1971; and whose annual house hold income does not exceed[fourteen thousand] [Substituted for the words 'two thousand four hundred' by Haryana Notification dated 25.8.2000.] rupees.Explanation II. - No person, falling in Category A or Category B, whose application for the purchase of land under his tenancy under Section 18 of the Punjab law or Section 22 of the Pepsu law, as the case may be, is pending, shall be allotted land under this scheme during the pendency of such application.

## 5. Application by eligible person.

(1)The allotment authority shall display for not less than seven days at his office a list of the surplus area and the tenants' permissible area deemed to have vested in the State Government under sub-section (3) of Section 12 and the list of the surplus area acquired from time to time under sub-section (1) of Section 12, in each village. He shall also display a list of the Categories of eligible persons who may apply, for allotment. The display of the lists shall be announced by beat of drum in the village and the Patwari shall make an entry to that effect in the daily diary.(2)Any eligible person, desiring to have land allotted to him, may, within a period of thirty days from the date of announcement under sub-paragraph (1), submit an application in form U.S. 2 bearing a court fee stamp of two rupees to the allotment authority indicating the village of his residence.(3)Any eligible person falling in Category A or Category B may submit an application in form U.S. 2 bearing a court fee stamp of two rupees to the allotment authority within a period of thirty days from the date of disposal of his application for the purchase of land under his tenancy under Section 18 of the Punjab law or section 22 of the Pepsu law, as the case may be.(4)No application for allotment shall be entertained with respect to a village where no surplus area or the tenant's permissible area is available.(5)[ Where after making allotment to all the eligible persons in the village, surplus land is still available, applications for its allotment may be invited from the eligible persons :-(i)belonging to the villages falling in the same Patwar Circle;(ii)belonging to the other villages whose boundaries adjoin the boundaries of the village in which surplus land is situate, if surplus land is still available after making allotment to the eligible persons mentioned in (i) above in accordance with the procedure laid down in paragraph 4 and sub-clauses (1) and (2) of this paragraph.Note. Explanation I to paragraph 4 shall apply mutatis mutandis to the eligible persons under this clause.]

## 6. Scrutiny of applications.

(1)The allotment authority shall scrutinise the applications, after such summary enquiry as it may deem necessary draw up village-wise less of applicants who are found eligible for allotment of land, and prepare separate lists of eligible persons falling in each of the Categories mentioned in paragraph 4.(2)The summary enquiry will, as far as possible, be made in village to which the applicant belongs.

## 7. Principles and procedure of allotment.

- The allotment authority shall make allotment first of all of the surplus area and the tenants' permissible area deemed to have vested in the State Government under sub-section (3) of section 12 and thereafter the surplus area acquired from time to time under sub-section (1) of Section 12 in each village in favour of eligible persons after observing the following principles and procedure, namely :-(i)inter se priority amongst the eligible Categories shall be in the same order in which these have been listed in paragraph 4, that is Category A will take precedence over Category B and Category B will take precedence over [Category BB, C] [Substituted vide Haryana Notification No. GSR/96/HA/26/72.S.15/Amd(2)/79 dated 7.9.1979.] and so on;(ii)eligible persons of Category A will be allotted land to the extent of permissible area under this Act out of the areas held by them;(iii)eligible persons of Category B will be allotted the areas held by them;(iv)inter se priority

amongst the eligible persons category-wise falling in categories [BB, C, CC, D, E, F, H and I, shall be arranged in the same order as the extent of area required for their resettlement with the smallest landowner coming on the top. Where several claimants are entitled to the same priority, the allotment authority shall prepare a list of their names in alphabetical order in Hindi (Devnagri scrip) and the allotment to them shall be made according to the serial number of the list so prepared. The same principle of alphabetical order shall be followed in the case of persons falling in Category G. The land owned by the claimants and the members of their families as on the 1st day of January, 1976 shall be reckoned for the purposes of this paragraph] [Vide Haryana Notification No. GSR 26/HA/72/S.15/Amd (2)/80 dated 3.6.1980.];(v)the extent of surplus area allotted to the various Categories mentioned in paragraph 4 will be as follows :-(a)Category A. to the extent of the tenants' permissible area or the permissible area under the Act, whichever is less.(b)Category B. to the extent of the area allotted to and held by the eligible persons;(bb)[ Category BB. two hectares of C Category land or land of equivalent value; provided that the total area of land, including the land already held by the allottee shall not exceed two hectares, of C Category land or land of its equivalent value;] [Added vide Haryana Notification No. GSR 96/HA26/72.S.15/And (3)/79 dated 7.7.1979.](c)Category C. to the extent prescribed in section 9A of the Punjab law or Section 7A of the Pepsu law, and the rules made thereunder;(cc)[ Category CC. two hectares of C Category land or land of equivalent value] [Inserted by Haryana Notification No. GSR/HA26/72/S.15/Amd(2)80 dated 3.6.1980.] :Provided that the total area of land, including the land already held by the allottee shall not exceed two hectares of C Category land or land of its equivalent value;(d)Category D to I. two hectares of C Category land or land of equivalent value subject to the condition that the area allotted plus the area, if any, already held by the allottee shall not exceed two hectares of C Category land or land of its equivalent value;(vi)the allotment authority shall first satisfy the requirements of applicants, in a village, falling in Categories [A, B, BB and CC] [Inserted by Haryana Notification No. GSR/HA26/72/S.15/Amd(2)80 dated 3.6.1980.] in that order, by allotment to them of the area available in the same village;(vii)after making allotment to persons falling in categories [A, B, BB, G and CC] [Inserted by Haryana Notification No. GSR/HA26/72/S.15/Amd(2)80 dated 3.6.1980.] by allotment authority shall take the following steps, namely :-(a)three separate lists of eligible persons belonging to Schedule Castes, Backward Classes and others falling in Categories D, E, F, G, H and I, shall be prepared for allotment of the remaining surplus area in the village to them.(b)the remaining available surplus area in the village after satisfying the claims of Category [A, B, BB, C and CC] [Inserted by Haryana Notification No. GSR/HA26/72/S.15/Amd(2)80 dated 3.6.1980.] shall be sub-divided into three lists for allotment to members of the Scheduled Castes, Backward Classes and others and each list shall contain the particulars mentioned in paragraph 3. Forty per cent of such surplus area shall first be earmarked, according to the numerical order of field (Khasra) number, for eligible persons belonging to the Scheduled Castes, the next ten per cent, according to the numerical order of field (khasra) numbers shall be earmarked for eligible persons belonging to the Backward Classes and the balance fifty per cent according to the numerical order of field (Khasra) numbers shall be earmarked for the remaining eligible persons. Inter se priority within each of the lists mentioned in sub-clause (a) shall be according to the principles laid down in clause (i).(c)allotment of land shall be made to the persons in the lists mentioned in sub-clause (a) from the respective areas earmarked for them as in sub-clause (b);(d)in case the surplus area reserved for allotment to Scheduled Castes or a portion thereof remains unutilised after such allotment, such unutilised area shall be added to the area earmarked for allotment to the Backward classes. If the total area thus

becoming available for allotment to the Backward Classes or a portion thereof remains unutilised after such allotment, such unutilised area shall be added to the area earmarked for the other eligible persons in the village. Likewise overflow of surplus area earmarked for allotment to other eligible persons shall first be added to the area reserved for Scheduled Castes and the unutilised balance, if any, to the area earmarked for the Backward Classes;(viii)the eligible persons falling in Category D shall be allotted land only in case they relinquish their existing tenancies;(ix)while making the allotment to eligible persons falling in Category [C, CC, D, E, F, G, H) and I, the allotment authority shall conform to the numerical order of field (khasra) numbers mentioned in the lists prepared under paragraph 3 and sub-clause (b) of Clause (vii).] [Vide Haryana Notification No. GSR/HA/26/72/S.15/Amd(2)80 dated 3.6.1980.](x)[ where mortgagee rights in respect of any land falling within the surplus area have vested in the State Government under the proviso to sub-section (1) of section 12 of the Act, such land shall not be allotted to any person until the Government becomes its full owner. The Government may, however, give such land on lease to any person from year to year.] [Inserted vide Haryana Notification No. GSR/16/HA/26/72/S.15 dated 18.2.1980.]

## **8. Association of non-official.**

- Before drawing up village-wise lists under paragraph 6 and before passing an order of allotment under paragraph 7, the allotment authority shall consult at least two of such non-officials as the State Government may nominate in this behalf for any area.[8A. Delivery of possession. - After the allotment of the land, the allotment authority shall issue a certificate in form U.S. 3 to the allottee and send a copy thereof to the Tehsildar who shall deliver possession of the land to the allottee, if such land is not already in his possession.] [Added vide Haryana Notification 15 dated 24.4.1979.]

## **9. Mode of payment.**

- The purchase price of the allotted land including the amount payable in respect of the building, structure, tubewell, water-course including its subsidiary works or crop thereon, determined in accordance with the provisions of sub-section (4) of Section 15 read with section 16 of the Act together with interest at the rate of five per cent per annum shall be payable by the allottee in ten equated annual instalments. The first instalment shall be deposited by the allotted [within thirty days from the date of delivery] [Substituted by Haryana Notification dated 24.4.1979.] of possession :Provided that the allottee may at any time make payment of the purchase price or balance thereof together with interest, if any, thereon in lump sum.

## **10. Issue of certificate and delivery of possession.**

(1)Omitted vide 2nd amendment, 1979.(2)The allottee shall be issued a certificate in form U.S. 4 when he has made full payment of the purchase price together with interest, if any.(3)[ Every allottee shall be bound to take possession of the land allotted to him within a period of seven days of the date when the same is offered to him by the allotment authority. The allottee shall further be bound to deposit the first instalment of the purchase price of the land within thirty days from the date of taking possession of the allotted land. If he fails to take possession of the allotted land or fails to deposit the first instalment within the specified period, the allotment shall be cancelled]

[Substituted by Haryana Notification dated 24.4.1979.].

## 11. Recovery of instalments.

(1) It shall be the responsibility of the tehsildar concerned to collect the instalments from the allottees. A separate account shall be maintained in form U.S. 4 for every individual allottee. (2) In case any instalment is not paid within a period of thirty days from the due date, the amount thereof shall become recoverable as arrears of land revenue together with interest thereon from the due date to the date of payment at the rate of ten per cent per annum.

## 12. Conditions of allotment.

- The allottee - (a) shall be liable to pay all Government dues levied in respect of the land allotted to him, from the date he takes over its possession. (b) [shall not be competent to transfer, sell, lease or mortgage the land allotted to him or any part thereof or transfer his rights, title or interest therein, in any manner whatsoever, to any person for a period of five years from the date of his taking possession in pursuance of the allotment, even though the full purchase price has been paid in a lumpsum or in instalments along with interest within the aforesaid period. [Substituted by Haryana Notification dated 2.6.1987.]] (c) notwithstanding anything contained in sub-section (1) of Section 15 of the Act, shall be competent to mortgage or create a charge on the land allotted to him for raising loan from any co-operative society, bank, scheduled bank or any corporation owned or controlled by the Government, for the purpose of making improvements in the land and for other agricultural purpose.]

## 13. Appeal and revision.

- The provisions in regard to appeal and revision made in section 18 of the Act shall, so far as may be, apply to all orders passed under this scheme.

## 14. Repeal and saving.

(1) the Utilisation of Surplus Areas Scheme, 1960 framed under the Pepsu Tenancy and Agricultural Lands Act, 1955, and the Punjab Security of Land Tenures Rules, 1956 in so far as they relate to the matters dealt within this scheme, and are inconsistent with this scheme, are hereby repealed. (2) Notwithstanding the repeal of the Utilisation of Surplus Areas Scheme, 1960, and the Punjab Security of Land Tenures Rules, 1956, any thing done or any action taken in exercise of any power conferred by or under the said scheme or rules shall be deemed to have been done or taken in exercise of the powers conferred by or under this scheme, as if this scheme were in force on the day, on which thing was done or action was taken. Form US-1 [See Paragraph 3] Details of surplus area available for allotment in village..... tehsil....., district.....,

Serial No.	Field (Khasra) number	Name of landowner	Area of field (Khasra) number in acres	Kind of soil as per entry in the last Khasra Girdawari
------------	-----------------------	-------------------	--	--

1                      2                                      3                                      4                                      5  
 Form US-2[See paragraph 5](Application for allotment of land)ToThe Allotment  
 Authority \_\_\_\_\_ Sir,I, \_\_\_\_\_, son of  
 \_\_\_\_\_, resident of village \_\_\_\_\_, tehsil  
 \_\_\_\_\_, district \_\_\_\_\_, hereby apply for  
 allotment of land in the surplus area.

**2. I claim allotment, being \_\_\_\_\_, as described in paragraph 4 of the scheme.**

**3. The details of the members of my family are as below :-**

Name of wife/husband, Name of adult sons, Age, Name of minor children, Age

**4. The following land is owned by me and the members of my family :-**

Name, Area, VillageSelfWife/HusbandAdult sons,Minor childrenTotal

**5. The members of my family are in possession of the land measuring  
 A \_\_\_\_\_ K \_\_\_\_\_ M \_\_\_\_\_ M \_\_\_\_\_ as tenant/sub-tenants as per  
 details below**

Name of village, Field (khasra) number, Kind of soil, Name of owner(i)SelfHusband/wifeandminor  
 children(ii)Adult sons

**6. My annual house hold income does not exceed two thousand and four hundred rupees.**

Note. - This paragraph is applicable only to the persons falling in any of the Categories [from F to I].] [Substituted by Haryana Notification dated 3.3.1981.]

**7. I fully know that in case any of the facts given above is found to be incorrect at a later stage, my allotment shall be cancelled and I shall also be liable to action under Sections 15(7) and 21(2) of the Haryana Ceiling on Land Holdings Act, 1972.**

(Signature of applicant)Date \_\_\_\_\_ Address \_\_\_\_\_ Affidavit  
 (to be sworn before Magistrate Ist Class/Oath Commissioner)I, \_\_\_\_\_, son of  
 Shri \_\_\_\_\_ resident of \_\_\_\_\_ solemnly affirm and declare that the  
 above facts are true and correct to the best of my knowledge and belief and nothing has been  
 concealed therein.I further solemnly affirm that I am residing in this village since 24th January,

1971.(Signature of applicant)Note. The affirmation regarding residence shall only be made by the persons falling in any of the Categories [from F to I]] [Substituted by Haryana Notification dated 3.3.1981.]Date \_\_\_\_\_Address \_\_\_\_\_Form US-3[See Paragraph 10]Certificate of AllotmentShri \_\_\_\_\_, son of Shri \_\_\_\_\_, resident of village \_\_\_\_\_, tehsil \_\_\_\_\_, district \_\_\_\_\_ has been allotted land (described below) out of the land declared surplus under the Haryana Ceiling on Land Holdings Act, 1972.Particulars of land :-

Name of the village	Field (Khasra) number	Kind of soil as per last Khara Girdawari
---------------------	-----------------------	---

Total area ...

**2. The total purchase price of the land and the building, structure, tubewell, water-course including its subsidiary works or crops thereon is Rs. \_\_\_\_\_ . This amount is to be deposited in ten annual equated instalments as indicated below :-**

(a)The first instalment of Rs. \_\_\_\_\_ shall be deposited [within thirty days of the date of taking of possession] [Substituted by Haryana Notification dated 24.4.1979.].(b)The next nine instalments each amounting to Rs. \_\_\_\_\_ shall be deposited on or before the \_\_\_\_\_.

**3. [ In case he fails to take possession of the allotted land within a period of seven days of the date when the same is offered to him or fails to deposit the first instalment within the specified period, the allotment shall be cancelled without any further notice] [Substituted by Haryana Notification dated 24.4.1979.].**

**4. The allottee shall abide by the conditions given on the reverse.**

Allotment AuthorityNo., DateToShri \_\_\_\_\_Son of \_\_\_\_\_Village \_\_\_\_\_Tehsil \_\_\_\_\_No. \_\_\_\_\_, Date \_\_\_\_\_.Copy forwarded to the Tehsildar \_\_\_\_\_to deliver the possession of the land and arrange to realise the purchase price.Allotment Authority\_\_\_\_\_Conditions of allotmentThe allottee  
-(a)shall be liable to pay all Government dues levied in respect of the land allotted to him, from the date he takes over its possession;(b)[ shall not be competent to transfer, sell, lease, or mortgage the land allotted to him or any part thereof or transfer his right, title or interest therein, in any manner whatsoever, to any person for a period of five years from the date of his taking possession in pursuance of the allotment, even though the full purchase price has been paid in a lump-sum or in instalments alongwith interest within the aforesaid period; [Substituted by Haryana Notification dated 2.6.1987.](c)notwithstanding anything contained in sub-section (5) of section 15 of the Act,



shall be competent to mortgage or create a charge on the land allotted to him for raising loan from any co-operative society, bank, scheduled bank or any corporation owned or controlled by the Government, for the purpose of making improvements in the land and for other agricultural purposes.]U.S.-4[See Paragraph 10(2)]Whereas the property described in the Schedule hereto (hereinafter referred to as the said property) vested in the State Government under the provisions of the Haryana Ceiling on Land Holdings Act, 1972.And whereas the said property was allotted by the State Government to Shri \_\_\_\_\_, son of Shri \_\_\_\_\_

\_\_\_\_\_ under the scheme framed under the Haryana Ceiling on Land Holdings Act, 1972, but the full price of the said property was not paid at the time of allotment.It is hereby certified that the allottee has paid the full price of the said property together with interest thereon.Allotment Authority\_\_\_\_\_ [Form US-5] [Substituted by Haryana Notification No. GSR4/HA26/72/S.15/Amd(1)79 dated 15.1.1979.][See Paragraph 11]Khatauni for the recovery of purchase price of the land etcetera from the allottee of Tehsil \_\_\_\_\_, District \_\_\_\_\_.(a)Name of village with H.B. No. \_\_\_\_\_(b)Khatauni No. \_\_\_\_\_(c)Name of allottee \_\_\_\_\_(d)Area allotted with details of Khasra Nos. and date of order \_\_\_\_\_(e)Date of delivery of possession of land to the allottee \_\_\_\_\_(f)Total purchase price of allotted land to be paid by allottee Rs. \_\_\_\_\_(g)No. of equated instalments of repayment and amount of each instalment including interest at the rate of five per cent annum (i) \_\_\_\_\_, (ii) \_\_\_\_\_List of Instalments

Demand	List of Payment Actually Made				Amount deposited					
	Amount of installment									
1	2	3	4	5	6	7	8	9	10	
Sr. No	Due date of		Date of paymentwith No. Dakhla	By whom paid						
	Principal	Interest	Total		Principal	Interest	Total			
	Total Repayment made up to date	Balance amount still to be paid								
11	12	13	14	15	16	17	18	19	20	
Penal Interest charged (if any)	Principal	Interest	Penal interest	Total	Principal	Interest	Penal Interest	Total	Initial of Tehsildar/Naiab Tehsildar regarding Attestation of collection of entries.	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

Grand Total :- \_\_\_\_\_ Signature : \_\_\_\_\_ (i) Wasil Baqi Nawis  
\_\_\_\_\_ (ii) Tehsildar/Naib Tehsildar  
\_\_\_\_\_ "

vide Haryana Notification No. GSR/87/HA/26/72.S.15/And(2)/77 dated 17.5.1977.]