

Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Declaration and Taking Possession of Surplus Land) and Amendment Rules, 1975

MAHARASHTRA

India

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Rule

MAHARASHTRA-AGRICULTURAL-LANDS-LOWERING-OF-CEILING-OF 1975

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Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Declaration and Taking Possession of Surplus Land) and Amendment Rules, 1975Published vide Notification No. ICH. 1172/236000-L-8No. ICH. 1172/236000-L-8. - In exercise of the powers conferred by sub-section (1) of section 46 read with sub-section (5) of section 2A, sub-section (2) of section 21 and clause (a) of sub-section (2) of section 46 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra XXVII of 1961), and of all other powers enabling it in that behalf Government of Maharashtra hereby makes the following rules, the same having been previously published as required by subsection (1) of section 46 of the said Act, namely

1. Short title.

- These rules may be called the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Declaration and Taking Possession of Surplus Land) and Amendment Rules, 1975.

2. Definitions.

- In these rules, unless the context otherwise requires : (a) "Act" means the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; (b) "Form" means a form appended to these rules; (c) "Section" means a section of the Act; (d) words and expressions used but not defined, in these rules shall have

the meanings respectively assigned to them in the Act.

3. Procedure of sitting of Tribunal constituted under section 2A.

(1)The Chairman of the Tribunal shall preside over all the meetings of the Tribunal.(2)The Chairman of the Tribunal shall fix the time, date and place of hearing of each case and issue a public notice and an individual notice of such hearing in Forms I and II, respectively.(3)The quorum for every meeting of the Tribunal shall be two including the Chairman. If within half an hour of the time fixed for the meeting there is no quorum, the Chairman alone shall proceed further with the meeting and record his decision in the proceedings as a decision of the Tribunal.

4. Manner in which and extent of and in possession of transferees to be deemed surplus land under section 10(1).

- Out of the land transferred and in possession of a transferee, land to the following extent only shall, in relation to the holding of a transferor, be deemed to be surplus land for making up the deficiency for the purpose of sub-section (1) of section 10, this is to say, -(a)where there is one transferee, then land to the extent of the deficiency shall be deemed to be surplus land;(b)where land has been transferred to more than one transferee, and the extent of deficiency to be made up is less than the extent of land transferred, then the land to be deemed surplus in respect of each transferee shall be arrived at in the following manner, that is to say, -(i)deduct from the land transferred to each transferee such area as will leave with him, as far as possible, in the aggregate an area not less than one hectare of land falling under sub-clause (a) of clause (5) of section 2 or one and half hectares of land falling under sub-clause (b) of that clause or two hectares of land falling under sub-clause (c) or (d) of that clause or three hectares of land falling under sub-clause (c) of that clause (or such other lower limit of the Collector may, due regard being had to the extent of deficiency to be made up, determine) and then;(ii)the land to be taken from each such transferee shall be in the following proportion :Extent of deficiency : Total land available for making up the deficiency.Explanation. - For the purposes of considering under clause (b) whether the total land held by a transferee is not reduced to the limit referred to therein, the land held by him on the 2nd October, 1975 shall be taken into consideration.

5. Form and manner in which return showing particulars of land shall be furnished under section 12.

(1)The return to be furnished under section 12 shall, -(a)in the case under sub-clause (a) of clause (1) of section 12, be in Form III, (b)in the case under sub-clause (b) of clause (1) of section 12, be in Form IV, (c)in the case under sub-clause (c) of clause (2) of section 12, be in Form V, (d)in the case under sub-clause (d) of clause (2) of section 12, be in Form VI, (2)The return shall be furnished to the Collector in duplicate and may be presented in person, or sent by registered post: Provided that the person, or as the case may be a member of a family unit, may present the return personally to the Tahasildar in whose jurisdiction, a major part of the land held by him or it in the district is situate, for being forwarded to the Collector.Explanation. - Where a return is sent by registered post,

it shall not be treated as having been furnished within the specified period unless it is received in the office of the Collector within the said period.(3)On receipt of the return, the Collector shall retain with him one copy thereof, and return the duplicate to the person furnishing the return, after endorsing thereon his signature (with date) in token of having received the return.

6. Form of public and individual notices under section 17.

(1)The public notice to be given under sub-section (1) of section 17 shall be in Form I.(2)The individual notice to be given under sub-section (2) of section 17 shall be in Form II.

7. Particulars of land to be retained and Form in which they are to be furnished under section 17(3).

- The particulars of land to be retained by a holder or family unit under section 16 shall be furnished by the holder or head of the family unit to the Collector or the Tribunal in Form VII.

8. Form of statement to be issued under section 21(2).

- The statement to be issued under sub-section (2) of section 21 shall be in Form VIII.

9. Manner of taking possession of surplus land under section 21(4).

(1)The Collector may, for the purpose of taking possession of surplus land under sub-section (4) of section 21, authorise an officer not below the rank of a Circle Inspector or Revenue Inspector (hereinafter referred to as the authorised officer) to take possession of the land which is delimited as surplus land.(2)The authorised officer shall thereupon give public notice in Form IX at a convenient place on or near the land stating that he intends to take possession of the land on the date and at the time and place therein mentioned and that the holder of the surplus land and all other persons interested therein should remain present on the date and at the time and place so specified. The authorised officer shall also publish the notice by beat of drum in the village in which the surplus land is situate and by affixing copies thereof in the village chavdi.(3)The authorised officer shall also serve notice to the same effect on the holder of land in the manner provided in section 32.(4)On the appointed date and at the time and place specified in the notice, the authorised officer shall, in the presence of the holder of the land and other persons interested therein, who may be present, make a panchanama in respect of the following matters, namely(a)whether the land or any part thereof was not cultivated for a continuous period of three years immediately before the commencement date i.e., 2nd October, 1975;(b)whether the land or any part thereof is used for grazing or is used as tank land or is used for horticulture;(c)whether there are any standing crops on the land, and if so, the estimated cost of cultivation thereof;(d)whether there is a well in the land; and if so, the season during which it is used for irrigation and the extent of land irrigated by it;(e)whether there are any structures or embankments constructed or permanent fixtures on the land.(5)After the panchanama is made, the authorised officer shall take over possession of the land from the holder. If the holder fails to be present at the appointed time and place, the officer shall take over possession of the

surplus land in the presence of the pane has, and make a panchanama of his having taken over possession of the said land. After the possession of the land is taken, the officer shall make a report to that effect to the Collector, and forward the panchanama or as the case may be, panchanamas, along with the report.

10. Form of public notice to be given under section 24(1).

- The public notice to be given under sub-section (1) of section 24 shall be in Form X.

11. Amendment of Ceiling Rules of 1962.

- In the Maharashtra Agricultural Lands (Ceiling on Holdings) Rules, 1962 rules 3, 4, 5, 6, 7, and 9 shall be deleted :Provided that the said rules shall continue to apply in relation to all proceedings referred to in section 5 of the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Maharashtra XXI of 1975).NotificationsNow, therefore, in pursuance of the provisions of clause (k) of sub-section (1) of section 47 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra XXVII of 1961), read with sub-rule (6) of rule 17 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Rules, 1962, the Government of Maharashtra hereby notifies the lands described in columns 2 to 5 of the Schedule hereto (being lands held by Vasant Sahakari Sakhar Karkhana Limited) for bona fide industrial or other non-agricultural use as indicated in column 6 of the Schedule.

Schedule

Sr. No	District	Village	Block No.	Area (H. Area)	Held for industrial or non-agricultural use
(1)	(2)	(3)	(4)	(5)	(6)

[Not printed]

G. N., R. & F. D., No. ICH. 2074/129958-M-(Spl.), dated 24th January, 1975 (M. G., Part IV-B, p. 227). - Whereas, the Government of Maharashtra on an application made by the Belganga Sahakari Karkhana Limited (Bhoras), Chalisgaon, district Jalgaon, an industrial undertaking, is satisfied that the land described in columns 2 to 7 of the Schedule hereto is held by that industrial undertaking for a bona fide industrial or non-agricultural use indicated in column 8 of that schedule;Now, therefore, in pursuance of the provisions of clause (k) of sub-section (1) of section 47 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra XXVII of 1961), read with sub-rule (6) of rule 17 of the Maharashtra Lands (Ceiling on Holdings) Rules, 1962, the Government of Maharashtra hereby notifies the lands described in columns 2 to 7 of the schedule hereto [being lands held by the Belganga Sahakari Sakhar Karkhana Limited, (Bhoras), Chalisgaon, district Jalgaon] for a bona fide industrial or other non-agricultural use as indicated in column 8 of the Schedule.

Schedule 2

Sr. No	District	Taluka	Village	Survey No.	Block No.	Area	Held for industrial or non-agricultural use
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

[Not
printed]

G. N., R. & F. D., No. ICH. 2068/116854-(a)-M-(Spl.), dated 27th June, 1975 (M. G., Part IV-B, p. 605). - Whereas, the Government of Maharashtra on an application made by Shri Dudhganga Vedganga Sahakari Sakhar Karkhana Limited, Bidri, taluka Kagal, district Kolhapur, an industrial undertaking is satisfied that the land described in columns (2) to (6) of the Schedule hereto, is held by that industrial undertaking for a bona fide industrial or non-agricultural use indicated in column (7) of that Schedule; Now, therefore, in pursuance of the provisions of clause (k) of sub-section (1) of section 47 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra XXVII of 1961), read with sub-rule (6) of rule 17 of the Maharashtra Lands (Ceiling on Holdings) Rules, 1962, the Government of Maharashtra hereby notifies the lands described in columns (2) to (6) of the Schedule hereto (being lands held by Shree Dudhganga Vedganga Sahakari Sakhar Karkhana Limited, Bidri, taluka Kagal, district Kolhapur) for bona fide industrial or other non-agricultural use, as indicated in column (7) of the Schedule.

Schedule 3

[not printed]