

The Chhattisgarh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Act, 2003

CHHATTISGARH

India

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Act 16 of 2003

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The Chhattisgarh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Act, 2003(C.G. Act No. 16 of 2003)[Dated 3rd September, 2003]Received the assent of the Governor on the 3rd September, 2003; assent first published in the Chhattisgarh Rajpatra (Asadharan) dated the 9th September, 2003.An Act to provide for conferring Bhumiswami rights on landless persons in respect of dwelling house and sites on or appurtenant to agricultural lands in non-urban areas in the State of Chhattisgarh.Be it enacted by the Chhattisgarh Legislature in the Fifty-fourth Year of Republic of India as follows :-

1. Short title, extent, application and commencement.

(1)This Act may be called the Chhattisgarh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 2003.(2)It extends to the whole of Chhattisgarh.(3)It shall apply to all non-urban areas in the State of Chhattisgarh.(4)It shall come into force from 21st of May, 2003.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"agricultural land" means any land in non-urban area used for the purpose of agriculture;(b)"authorised officer" means a Sub-Divisional Officer or any other Assistant Collector or Deputy Collector specially authorised by the Collector in this behalf to exercise the powers of the authorised officer for such area as may be specified;(c)dwelling house" includes a hut;(d)"homestead" means a dwelling house situated on or appurtenant to an agricultural land which is complete in itself and is not shared with any person other than a person belonging to the same family and includes any courtyard, compound, garden, place of worship, family grave-yard, tank, well, privy, latrine, drain and boundary wall annexed to or appertaining to such dwelling house and in actual physical possession of the landless person on the

21st day of May, 2003;(e)"landless person" means a person or any of his family members, who do not hold any land or dwelling house;(f)"family" means wife, son, daughter, any lineal descendant of any son or daughter and a relation by blood or marriage dependent upon such landless person;(g)words and expressions used in this Act but not defined shall have the meaning assigned to them in the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) hereinafter referred to as Land Revenue Code).

3. Act not to apply to certain homestead.

- This Act shall not apply to the homestead,-(i)belonging to any local authority and religious endowment or situated on the private groves or orchards; or(ii)belonging to a member of Scheduled Castes and is in occupation on the 21st day of May, 2003 by a member not belonging to Scheduled Castes or Scheduled Tribes; or(iii)belonging to a member of Scheduled Tribes and is in occupation on the 21st day of May, 2003 by a member not belonging to such Tribes.Explanation. - In this section,-(1)"Member of the Scheduled Castes" means a member of any castes, races, or tribes or parts or groups within castes, races or tribes specified as Scheduled Castes under Article 341 of the Constitution of India in relation to the State of Chhattisgarh.(2)"Member of the Scheduled Tribes" means a member of any tribes, or tribal communities or parts of or group within tribes or tribal communities specified as Scheduled Tribes under Article 342 of the Constitution of India in relation to the State of Chhattisgarh.

4. Vesting of homestead.

(1)In any non-urban area, homestead occupied by a landless person in or appurtenant to an agricultural land on the 21st day of May, 2003 shall on the said date be deemed to have vested in him in Bhumiswami rights provided he had been in possession thereof for one year or more prior to that date.(2)On such vesting of the homestead in the landless person, the original tenure holder shall cease to be a Bhumiswami of the area comprised in the homestead.

5. Restoration of possession.

- If such a Bhumiswami occupant of a homestead is dispossessed otherwise than in due course of law, from such homestead or part thereof, the authorised officer shall, on an application made by the said occupant of the homestead, within six months from the date of eviction after following as nearly as may be the procedure laid down under Section 250 of the Land Revenue Code, restore his possession and award compensation.

6. Appeal against the order of authorised officer.

- Notwithstanding anything contained in Section 56 of the Land Revenue Code, an appeal against the order passed by authorised officer shall lie to the Collector of the district.

7. Revision.

- The order passed by the Collector shall be final except that the Board of Revenue may at any time on its own motion or on the application made by any party for the purpose of satisfying itself as to the legality or propriety of any order passed by the Collector or as to the regularity of the proceeding of the authorised officer call for and examine the record of any case pending before, or disposed of by such officer and may pass such order in reference thereto as it may think fit: Provided that, -(i) no application for revision shall be entertained against any order appealable under this Act; (ii) no such application shall be entertained unless presented within ninety days to the Board of Revenue from the date of the order and in computing the period aforesaid, time requisite for obtaining a copy of the said order shall be excluded; (iii) no order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard.

8. Exemption from Court Fees Act, 1870.

- Notwithstanding anything contained in the Court Fees Act, 1870 (No. 7 of 1870), every application or memorandum of appeal, of an application for revision under this Act, shall bear a Court fee stamp of Rs. 10 and the copy of the order passed by the authorised officer or Collector shall be granted free of cost.

9. Bar to the jurisdiction of Civil Court.

- No Civil Court shall have jurisdiction to entertain any suit or try any dispute or pass any interim injunction, in a matter for the decision of which the specified forum and procedure has been prescribed by this Act.

10. Power to make rules.

(1) The State Government may make rules to carry out all or any of the purposes of this Act. (2) Any rules made under this Act shall be laid on the table of the Legislative Assembly.