

The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951

MAHARASHTRA

India

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Act 47 of 1951

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The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 Bombay Act No. 47 of 1951 [14th January, 1952] For Statement of Objects and Reasons, see Bombay Government Gazette, 1951, Part V, page 285. An Act to abolish exemption from land revenue enjoyed by holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay. Whereas it is expedient to abolish exemption from the payment of land revenue enjoyed by the holders of certain estates in the island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay and to provide for certain other matters hereinafter appearing; It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This act may be called the Salsette Estates (Land Revenue Exemption Abolition) Act, 1951. (2) It extends to the villages specified in the Schedule in the Bombay Suburban and Thana Districts. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, direct.

2. Definitions.

(1) In this Act, unless there is anything repugnant in the subject or context,- (a) "Code" means the Bombay Land Revenue Code, 1879; (aa) ["Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;] [Clause (aa) was inserted by Bombay 38 of 1953, section 3 and Second Schedule.] (b) "estate" means a village or a part thereof specified in this Schedule, and held under a kowl; (c) "estate-holder" means a holder of an estate and includes any person lawfully holding under or through him; (d) "kowl" means a lease, a farm or an agreement under which an estate is held from the State

Government;(e)"permanent holder" means a sutidar, a shilotridar, a peasant proprietor or a holder who was in possession of the land in an estate before the grant of the kowl and whose rights have not been acquired by the estate-holder or who permanently holds any land or payment of assessment to the estate-holder;(f)"Schedule" means the Schedule appended to this Act.(2)Any words or expressions which are defined in the Code and not defined in this Act shall be deemed to have the meaning given to them by the Code.

3. Liability of land in estates to land revenue and extinguishment of estate holder's right to revenue assessment and reversion or lapse.

(1)Notwithstanding anything contained in the kowl, a decree or order of a court or any other instrument or any law for the time being in force, but subject to the provisions of sub-section (3), - (a)all lands in any estate are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder;(b)(i)an estate-holder in respect of any land which is in his actual possession as an estate-holder or is in the possession of any person who holds the same through or under him and who is not a permanent holder, and(ii)a permanent holder.shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land under the Code or the rules made thereunder or any other law for the time being in force:Provided that the amount of any rent or a sum of money payable by the estate holder as consideration or otherwise under the terms of the kowl shall no longer be leviable.(2)The right to recover assessment in respect of any land held by a permanent holder and the right of reversion or lapse, if any, in respect of such and under the terms of the kowl shall be deemed to have been extinguished.(3)Nothing in sub-section (1) shall be deemed to affect the right of any person to hold any land in an estate wholly or partially exempt from the payment of land revenue under a special contract, or grant made or recognized by the terms of the kowl in respect of the estate or under a law for the time being in force in favour of any person other than the estate-holder.

4. Waste lands, etc. to vest in Government.

(a)All waste lands in any estate which under the terms of the kowl are not the property of the estate-holder.(b)all waste lands in any estate which under the terms of the kowl are the property of the estate-holder but have not been appropriated or brought under cultivation before the 14th August 1951, and(c)all other kinds of property referred to in section 37 of the Code situate in an estate which is not the property of any individual or an aggregate of persons legally capable of holding property other than the estate-holder and except in so far as any rights of persons may be established in or over the same and except as may be otherwise provided by any law for the time being in force, together with all rights in or over the same or appertaining thereto,are and are hereby declared to be the property of the State and it shall be lawful to dispose of and sell the same by the authority in the manner and for the purpose prescribed in section 37 or 38 of the Code, as the case may be.

5. Forest rights.

- The rights to trees specially those reserved by the Code, the Indian Forest Act, 1927, or any other law for the time being in force, shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force [in the pre-Reorganisation State of Bombay, excluding the transferred territories] [These words were substituted for the words 'in the State' by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.] to forests in any of the estates.

6. Application of the Code to lands in estates.

- Save as otherwise expressly provided in this Act, the provisions of the Code shall apply to lands in any estate.

7. Method of compensation for the extinguishment or modification of any right in land.

(1) If any estate holder or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any property and if such estate holder or person proves that such extinguishment or modification amounts to transference to public ownership of such property, such estate holder or person may apply to the Collector for compensation. (2) Such application shall be made in the form prescribed by rules made under this Act within six months from the date on which this Act comes into force. (3) The Collector shall after a formal inquiry in the manner provided by the Code award such compensation as he deems reasonable and adequate. Provided that—(a) the amount of compensation for the extinguishment of the rights of reversion in lands in any estates shall not exceed the amount calculated at the rate of Rs. 10 per 100 acres of such lands; (b) the amount of compensation for the extinguishment of any right in any waste land or in any other property referred to in clause (c) of section 4, which under the terms of the kowl was the property of the estate holder shall not exceed the amount calculated at the rate of Rs. 25 per 100 acres of such land: Provided further that in the case of the extinguishment or modification of any other right of any estate holder or any right or any other person, the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894. (3A) [(i) Where the officer making an award under sub-section (3) is a Collector under this Act but not a Collector appointed under section 8 of the Code and the amount of such award exceeds five thousand rupees, then the award shall not be made without the previous approval of—(a) the Collector appointed under section 8 of the Code, if the amount of the award does not exceed twenty-five thousand rupees, or (b) the Commissioner, if the amount of the award exceeds twenty-five thousand rupees but does not exceed one lakh of rupees, or (c) the State Government, if the amount of the award exceeds one lakh of rupees. (ii) Where the officer making an award under sub-section (3) is a Collector under this Act and also a Collector appointed under section 8 of the Code, and the amount of such award exceeds twenty-five thousand rupees, then such award shall not be made without the previous approval of—(a) the Commissioner, if the amount of the award does not exceed one lakh of rupees, or (b) the State Government, if the amount of the award exceeds one

lakh of rupees.(iii)Every award under sub-section (3) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894.](4)Subject to the provisions of sub-section (5), the award of the Collector shall be final.(5)Any person aggrieved by the award or decision of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.(6)In deciding appeals under sub-section (5), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

8. Limitation.

- Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 shall apply to the filing of such appeal.

9. Court fees.

- Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

9A. [Revisional powers in respect of awards made before commencement of Bombay XCIII of 1958. - Where any award was made under sub-section (3) of section 7 before the commencement of the Bombay Land Tenures Abolition (Amendment) Act, 1958 and no appeal was filed against such award under sub-section (5) of section 7 then notwithstanding anything contained in sub-section (4) of section 7 the State Government may call for the record of the inquiry or proceedings relating to such award for the purpose of satisfying itself as to the legality, propriety or regularity of such inquiry or proceedings and if, after giving the interested parties an opportunity to be heard, it is not satisfied as to the legality, propriety regularity of such inquiry or proceedings, it may cancel the award and direct the Collector to make a fresh award and thereupon all the provisions of this Act relating to the making of an award, the finality of such award and the appeal against such award shall mutatis mutandis apply to such fresh award.] [Section 9A was issued by Bombay 93 of 1958, section 2 Schedule.]

10. Provisions of Bombay LXVIII of 1948 to govern relations of estate holder and tenants.

- Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agriculture Lands Act, 1948, to any of the lands in any estate or the

mutual rights and obligations of an estate holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

11. Rules.

- The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the Official Gazette.

Schedule

[See section 2(1)(f)]

Bombay Suburban District Thane District

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|-----------------------|---------------------|
| 1. Deonar. | 1. Varsawa Boreghat |
| 2. Borla. | 2. Chena. |
| 3. Kirol. | 3. Ghodbunder. |
| 4. Kanjur. | 4. Bhayander. |
| 5. Bhandup. | 5. Mira. |
| 6. Vikroli. | 6. Chinchevli. |
| 7. Vyaravli. | 7. Dindoshi. |
| 8. Chendavli. | 8. Akurli. |
| 9. Powai. | 9. Borivde. |
| 10. Triandaj. | 10. Dahisar. |
| 11. Kopri. | 11. Magatana. |
| 12. Sanki. | 12. Arey. |
| 13. Paspoli. | 13. Kaneri. |
| 14. Tangwan | 14. Part Pahadi. |
| 15. Kuria. | 15. Goregaon. |
| 16. Marol. | 16. Poisar. |
| 17. Asalpay. | 17. Walnai. |
| 18. Kole Kalyan | 18. Wadhwan. |
| 19. Mohili. | 19. Ekdar. |
| 20. Parjapur. | 20. Malad. |
| 21. Shahar. | 21. Tulsi. |
| 22. Mogra (Mogray). | |
| 23. Wasivre (Oshivra) | |
| 24. Bandhivli. | |
| 25. Maravli. | |

26. Mahul.
27. Vile Parle.
28. Juhu.
29. Hirali.
30. Majas.

Notifications G.N., R. D. No. 1228/49-II (a), dated 19th February, 1952 (B.G., Part IV-B, page 214) - In exercise of the powers conferred by sub-section (3) of section 1 of the Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bombay XLVIII of 1951), the Government of Bombay is pleased to direct that the said Act shall come into force on 1st March 1952. G.N., R. D. No. SEA.1058-L, dated 11th September, 1958 (B.G., Part IV-B, page 962) - In exercise of the powers conferred by clause (aa) of sub-section (1) of section 2 of the Salsette Estate (Land Revenue Exemption Abolition) Act, 1951 (Bombay XLVII of 1951), the Government of Bombay hereby appoints the Additional Collector of Thana District to perform the function and exercise the powers of the Collector under the said Act within his jurisdiction. G.N., R. D. No. SEA.1058-L, dated 16th March, 1959 (B.G., Part IV-B, page 459) - In exercise of the powers conferred by clause (aa) of sub-section (1) of section 2 of the Salsette Estate (Land Revenue Exemption Abolition) Act, 1951 (Bombay XLVII of 1951), the Government of Bombay hereby appoints the Additional District Deputy Collector, Bombay Suburban District, to perform the functions and exercise the powers of the Collector under the said Act within his jurisdiction. [Sub-section (3A) was inserted by Bombay 92 of 1958, page 2., Schedule.]