

Rajasthan Land Revenue (Permanent Allotment of Evacuee Agricultural Lands) Rules, 1963

RAJASTHAN

India

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Rule

RAJASTHAN-LAND-REVENUE-PERMANENT-ALLOTMENT-OF-EVACUEE-AGRICULTURAL-LANDS-RULES-1963

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Rajasthan Land Revenue (Permanent Allotment of Evacuee Agricultural Lands) Rules, 1963 Published vide Notification No. Rajasthan Government Gazette Part 4(ga), dated 11-4-1963 Last Updated 10th June, 2019 Whereas certain agricultural lands of Muslim evacuees situated in the districts of Alwar and Bharatpur were declared, or are deemed to have been declared, as evacuee property under the administration of evacuee Property Act, 1950 (Central Act 13 of 1950); And whereas the said lands, were allotted by the Custodian of Evacuee Property to non-claimant displaced persons, as a measure of rehabilitation, for temporary cultivation; And whereas the said lands were subsequently acquired by the Central Government by Notification No. [S. III/5 (14) 55] [Substituted vide Notification No. F. 3 1(15) R & R/61/dated 18-11-1963, Published in Rajasthan Government Gazette Part 4(ga), dated 20-2-1964.], dated the 6th April, 1955 issued in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954); And whereas Khatedar rights under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) have not accrued to the occupants of the said lands; And whereas, with a view to assist the said non-claimant displaced persons in their permanent rehabilitation on the said lands, the Rajasthan State Government has got the said lands transferred to it from out the Compensation pool on payment of an ad-hoc sum of rupees one crore to the Central Government; And whereas, it is desirable to make rules for the permanent allotment of the said lands to the persons and the conferment of rights therein. Now, therefore, in exercise of the powers conferred by Section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), read with Section 101 and 102 of the said Act and the proviso to Section 34 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), and all other powers enabling it in this behalf, the State Government hereby makes the following rules namely-

1. Short title and Commencement.

(1) These rules may be called the Rajasthan Land Revenue (Permanent Allotment of Evacuee Agricultural Lands) Rules, 1963. (2) They shall come into force at once.

2. Interpretations.

- In these rules, unless the context otherwise requires- (1) "displaced persons" means a person as defined in clause (b) of Section 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954); (1A) ["Market price" shall mean such price as determined by District Level Committee (DLC) constituted under clause (b) of sub-rule (1) of rule 2 of the Rajasthan Stamp Rules, 2004; [Inserted vide Notification No. F-6(5) Rev.-6/96 Part /46, dated 28-11-2004. Published in Rajasthan Government Gazette Part IV-C, dated 13-12-2004.] (1B) "Advisory Committee" means, a Committee formed under rule 13 of the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970.] (2) "non claimant displaced person" means a displaced person who has not got a verified claim and includes person who had got his claim verified on the basis of rehabilitation grant application filed on or after 8-5-1961; (3) "standard acre" has the same meaning as in clause (g) of Rule 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1955; (4) "verified claim" means a claim as defined in clause (e) of Section 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954); (5) words and expression defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) shall wherever used in these rules, be construed to have the meanings assigned to them by those Acts.

3. Scope of the rules.

- These rules shall govern the permanent allotment of, and the accrual of Khatedari rights in agricultural lands situated in the [State of Rajasthan] [Substituted vide Notification No. F-6(5) Rev.-6/96 Part/46, dated 28-11-2004, Published in Rajasthan Gazette Part IV-C, dated 13-12-2004.] that were declared, or are deemed to have been declared, as evacuee property under the Administration of Evacuee Property Act, 1950 (Central Act 31 of 1950) and that were subsequently acquired by the Government of India by a notification issued in exercise of powers conferred by Section 12 of the displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central 44 of 1954) and that have now been transferred to the. Rajasthan Government on Payment of an agreed price, for allotment to non-claimant displaced persons, and other persons, hereafter in these rules referred to as "the lands to which these rules apply.

4. Rights not be acquired except under these rules.

- No non-claimant displaced person, or a displaced person of any other class, or any person, in temporary occupation of any land to which these rules apply shall acquire any right, title or interest therein except under and in accordance with the provisions of these rules.

5. Terms and conditions of permanent allotment.

- The permanent allotment of the lands to which these rules apply shall be subject to the following terms and conditions namely-(1)The allottee shall acquire khatedari rights in the land only if he fulfils each and everyone of the terms and conditions hereafter specified.(2)The allottee shall pay the price of the land at the rate of Rupees one hundred and fifty per standard acre either in one lump-sum within one month of the commencement of these rules, or in ten equated yearly instalments, in which case interest at the rate of seven per cent, per annum will have to be paid.(3)In addition to the price of the land, the allottee shall be liable to pay and shall pay on the due date the assessed land revenue or rent, and all other rules, cesses and other charges that or imposed, or may in future be imposed by competent authority under any law for the time being in force.(4)All outstanding of loans advanced to the allottee either by the Central Government, or the State Government, or any other dues payable by him in respect of the land allotted to him, together with any interest due on any such loan, shall be a first charge on the land and shall, without prejudice to any other rights and remedies of the State Government, be recoverable in the same manner as an arrear of revenue, and no transfer of the land shall be valid unless the amount of the said loan, together with interest, if any, and the said dues have been paid in full.(5)So long as the full price of the land, together with interest due (if any) and all out standings of the loans referred to in the preceding clause are not paid up in full, the allottee shall not sell, mortgage or in any other manner transfer or part with the possession of the whole or any part of the land or his interest in the same.(6)In the event of the payment of the price of the land by instalments, if the allottee fails to pay two consecutive instalments, or in any way encumbers or alienates the land or his rights therein, the Tehsildar shall be empowered after notice to the allottee and the person in occupation, to take over the possession of the land and to recover the price of the land and other outstanding of the Government by sale thereof.[Provided that Collector may allow the allottee, who has not paid instalments, regularly to continue possession of the land on payment of all outstanding dues of land forthwith penal interest @ 12% per annum on the outstanding instalments.] [Added vide Notification No. F. 3(1)(15) Rev./61, dated 23-8-1975 Published in Rajasthan Government Gazette Part 4(ga)(1), dated 18-9-1975.](7)All transfers made, or encumbrances created, at any time, in contravention of the provisions of these rules shall be null and void and if the allottee refuses on being called upon by the Tehsildar, to pay the price of the land as well as the arrears of any loan outstanding against hint, or where the non-claimant displaced person has left the land in the possession of some other person and is not traceable, it shall be competent for the Tehsildar to cancel the allotment and take over the possession of the land and where necessary eject the person in possession in accordance with the provisions of Section 91 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956).

5A. [Terms and conditions of Regularization and revalidation. [Inserted vide Notification No. F-6(5) Rev.-6/96 Part/46, dated 28-11-2004, Published in Rajasthan Government Gazette Part IV-C, dated 13-12-2004.]

(1)Notwithstanding anything contained in clauses (5), (6) and (7) of rule 5 of these rules, where an allottee has transferred the land allotted to him under these rules in contravention of the provisions

of these rules, the Sub .Divisional Officer in consultation with Advisory Committee on receipt of declare are such transfer valid, after holding such enquiry as he deems proper subject to payment of all dues of the State Government by the transferee and, on payment of 25% of market price from purchaser of land with a penalty @ Rs. 1000/-and Rs. 500/- per bigha for irrigated and un-irrigated land respectively-Provided that 50% of the above price shall be leviable from S.C., S.T. and BPL allottees.(2)Where an allottee has failed to deposit the instalment in time prescribed in rule 5 and proceedings have been undertaken under section 19(2) of Displace Persons (Compensation & Rehabilitation) Act, 1954 and rule 102 of the rules made there under, and his land has been resumed but possession of the land has not been taken or is in the process of resumption by the competent authority under these rules, The Sub Divisional Officer in consultation with Advisory Committee, shall [on] receipt of application from the allottee within a month from the date of receipt of application, may revalidate the allotment on payment of entire balance amount and on payment of regularisation fee of @ 25% of market price:Provided that 50% of the above [Regulation, fee] [Substituted vide Notification No. F-6(5) Rev.-6/96 Part 18, dated 13-6-2005. Published in Rajasthan Gazette Part IV-C, dated 22-6-2005.] shall be leviable from S.C., S.T. and BPL allottees.[The application from both the allottee and the transferee within a month from the date of receipt of the application and subject to the provision of Section 42 of Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) may] [Inserted vide Notification No. F. 6/96 Part 18 dated 13-6-2005, Published in Rajasthan Gazette Extraordinary Part IV-C (1) dated 22-6-2005.](3)Where an allottee has failed to deposit the instalment in time prescribed in rule 5 and proceeding have been undertaken under section 19(2) of Displace Persons (Compensation Rehabilitation) Act, 1954 and rule. 102 of the rules made thereunder, but allotment has not been cancelled by the competent authority under these rules, the Sub Divisional Officer in consultation with Advisory Committee, shall on receipt of application from the allottee within a month from the date of receipt of application, may revalidate the allotment on payment of 25% of market price of the Tend] and on payment of regularisation fee @ Rs. 2000/- and Rs. 1000/- per bigha for irrigated and un-irrigated land respectively in the cases of allotment before the year 1976 and @ Rs. 5000/- and Rs. 2500/-per bigha for irrigated R. un-irrigated land respectively for the allotment made after the year 1976:Provided that 50% of the above price shall be leviable from S.C., S.T. and BPL allottees.(4)Where wells have been constructed on evacuee agriculture lands such wells shall be regularised by the Sub Divisional Officer after charging an amount @ 25% of market price of that land prevalent in the area:Provided that 50% of the above price shall be leviable from SC, S.T. and BPL allottees.]

6. [Disposal of certain lands, by public auction and allotment. [Rule 6 Substituted vide Null. No r-6(5) Rev.-C/196 Part-10 dated 28-11-2004, Published in Rajasthan Gazette Part IV-C, dated 13-12-2004.]

- Any land taken over by the Sub Divisional Officers/Tehsildar under clause (6) or clause (7) of rule 5 except those covered under rule 5A and the Evacuee lands which have vested in the State. Government under the package deal and are lying vacant shall be disposed off in the following manner-(1)The land would be allotted to the eligible person by the Sub Divisional Officer in consultation with Advisory Committee.(2)Where a strip of evacuee agriculture land is lying vacant, such strip of land shall be disposed off through allotment by the Sub Divisional Officer in consultation with the Advisory Committee by charging an amount @ 25% of market price prevalent

in the area in cases where there is only one claimant. However, in case of S.C., S.T. and BPL allottees 50% of the above price shall be leviable. Where there are more than one claimants the land shall be disposed off through auction by the Sub Divisional Officer.(3)Where an allottee of evacuee agriculture lands has illegally occupied lands in excess of land allotted to him, such excess land shall be allotted subject to ceiling limit by the Sub Divisional Officer in consultation with Advisory Committee by charging an amount @ 25% of market price subject to a maximum of 15 bigha of such illegal possession. In cases of such allotment involving such excess lands more than 15 bigha 50% of market price prevalent in the area shall be charged for the land in excess of 15 bigha of such lands:Provided that 50% of the above price shall be charged from S.C., ST. and-BPL allottees.(4)Where the evacuee agriculture lands have been vested in the State Government but such lands are in illegal possession of unauthorised persons as trespassers, such lands shall be allotted by the Sub Divisional Officer in consultation with the Advisory Committee by charging an amount @ 50% of market price prevalent in the area subject to a maximum limit of 15 bigha. In case of such allotment involving lands more than 15 bigha full market price prevalent in the area will be charged for the land in excess of 15 bigha of such lands:Provided that 50% of the above price shall be charged from S.C., S.T. and BPL allottees.[Provided further that [10%] of the above price shall be charged from small farmer and marginal farmer and [5%] [Substituted '(12.5%)' by Rajasthan Notification No. G.S.R. 10, dated 23.3.2018 (w.e.f. 11.4.1963).] of the above price shall be charged from Scheduled Caste and Scheduled Tribes and BPL category of small farmer and Marginal farmer in rural areas.Explanation. - For the purposes of this proviso,-

1. 'Marginal farmer' means a cultivator with an un-irrigate land holding upto one hectare or irrigated land holding upto one-half hectare.

2. 'Small farmer' means a cultivator with an un-irrigate land holding upto two hectare or with an irrigated land holding upto one hectare, but more than one the holding of a marginal farmer.]

(5)Where the evacuees agriculture, lands are lying Vacant such lands shall be disposed off by the Sub Divisional Officer in consultation with the Advisory Committee through auction of such lands wherein the reserve price of such lands will be 25% of market price prevalent in the area.(6)Where the evacuee agriculture lands are within municipal limits, such lands shall be transferred to concerned local bodies by the State Government in Revenue Department, by charging an amount equal to forty times of the land revenue applicable.(7)The Collector shall have the power to cancel any allotment/regularisation made by Sub Divisional Officer either suo-moto or on an application of any person in case the allotment/regularisation has been secured through fraud [or] [Substituted vide Notification No. F-6(5) Rev.-6/96 Pt 18, dated 13-6-2005, Published in Rajasthan Gazette Part IV-C, dated 22-6-2005.] misrepresentation or has been made against rules:Provided that no such order to the [prejudice] [Substituted vide Notification No. F-6(5) Rev.-6/96 Pt 18, dated 13-6-2005, Published in Rajasthan Gazette Part IV-C, dated 22-6-2005.] of any person shall be passed without giving such person an opportunity of being heard.

7. Grant of Sanad.

- A sanad in the form appended to these rules shall be granted by the Tehsildar to each allottee. Form of Sanad (see Rule 7) Whereas the land, particulars whereof are given below has been allotted to Shri son of aged resident of under the Rajasthan Land revenue (Permanent Allotment of Evacuee Agricultural Lands) Rules, 1963 on Payment of a price at the rate of rupees per lump-sum within one month of the commencement of standard acre payable in a ten equal yearly instalments of Rs. each with these rules/date of the Tehsildar's order interest at rupees seven percent per annum as shown in Part B of the sanad on the terms and conditions mentioned in the said rules and reproduced in Part C. Now, therefore this sanad is hereby granted to the said Shri in accordance with the provisions of Rule 7 of the said rules.

Part A – Particulars of land

1. Name of village, with name of Tehsil

2. Khasra No.

3. Area in (a) Ordinary acres of local bighas.

(b) standard acres.

4. Soil class.

5. Sanctioned rent/rate.

6. Assessed rent.

7. Date of payment of instalment of rent.

Part B – Price of the land

Price of standard acres of land at Rs. (Rupees in words) equal to Rs. (Rs.) Payable in a lump-sum within one month of the commencement to the above mentioned rules/date of order, or in ten equal yearly instalments as shown below.

No. of Instalment	Date of Payment	Principal amount	Interest	Total
1	2	3	4	5
First				

Second

Third

Fourth

Fifth

Sixth

Seventh

Eighth

Ninth

Tenth

Part C – Terms and conditions of allotment

(1)The allottee shall acquire khatedari rights in the land only if he fulfils each and everyone of the terms and conditions hereafter specified.(2)The allottee shall pay the price of the land at the rate of Rupees one hundred and fifty/four hundred and fifty in the case of persons to whom allotment is made under clause (6) or clause (7) of rule 5 per standard acre in one lump-sum within one month of the commencement of these rules, or the date of the Tehsildar's order or in ten equal yearly instalments, in which case interest at the rate of seven per cent, per annum will have to be paid.(3)In addition to the price of the land, the allottee shall be liable to pay and shall pay on the due date the assessed land revenue or rent, and all other rates, cesses and other charges that or imposed, or may in future be imposed by competent authority under any law for the time being in force.(4)All outstandings of loans advanced to the allottee either by the Central Government, or the State Government, or any other dues payable by him in respect of the land allotted to him, together with any interest due on any such loan, shall be a first charge on the land and shall, without prejudice to any other rights and remedies of the State Government, be recoverable in the same manner as arrears of land revenue, and no transfer of the land shall be valid unless the amount of the said loan, together with interest, if any, and the said dues have been paid in full.(5)So long as the full price of the land, together with interest due (if any) and all outstandings of the loans referred to in the preceding clause are not paid up in full, the allottee shall not sell, mortgage or in any other manner transfer or part with the possession of the whole or any part of the land or his interest in the same.(6)In the event of the payment of the price of the land by instalments, if the allottee fails to pay two consecutive instalments, or in any way encumbers or alienates the land or his rights therein, the Tehsildar shall be empowered after notice to the allottee and the person in occupation, to take over the possession of the land and to recover the price of the land and other outstandings of the Government by sale thereof.(7)All transfers made, or encumbrances created, at any time, in contravention of the provisions of these rules shall be null and void and if the allottee refuses on being called upon by the Tehsildar, to pay the price of the land as well as the arrears of any loan outstanding against him, or where the non-claimant displaced person has left the land in the possession of some other person and is not traceable, it shall be competent for the Tehsildar to cancel the allotment and take over the possession of the land and where necessary eject the person in possession in accordance with the provisions of Section 91 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and dispose it off by open auctions subject to the provision made under Rule 6.

Date.....Seal of the Tehsil TehsildarTehsil