

# The Himachal Pradesh Utilisation of Surplus Area Scheme, 1974

HIMACHAL PRADESH

India

## The Himachal Pradesh Utilisation of Surplus Area Scheme, 1974

### Rule

### THE-HIMACHAL-PRADESH-UTILISATION-OF-SURPLUS-AREA-SCHEME of 1974

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The Himachal Pradesh Utilisation of Surplus Area Scheme, 1974 Published vide Notification Gazette (Extraordinary) dated 20th July, 1974 vide Revenue Department Notification No. 10-7/74-Revenue, dated 20th July, 1974. This scheme may be called the Himachal Pradesh Utilisation of Surplus Area scheme, 1974.

#### 1. Short title and commencement.

- It shall come into force at once.

#### 2. Definitions.

- In this scheme, unless the context otherwise requires:-(a)"Act" means the Himachal Pradesh ceiling on land Holdings Act, 1972 (Act No. 19 of 1973);(b)"allottee" means a person who is allotted or is deemed to have been allotted land under this scheme;(bb)[ "Commissioner" means the Commissioner, Himachal Pradesh and includes an officer appointed as such by the State Government for the purposes of this Scheme".] [Inserted vide notification No. Revenue 2A(3)11/77, dated 10.7.1978.](c)"eligible person" means a person who is eligible for the allotment of surplus land under section 15 of the Act.(d)"form" means a form appended to this scheme;(e)"rules" means the Himachal Pradesh Ceiling on Land Holdings Rules, 1973;(f)all other words and expressions used herein and not defined in this scheme but defined in the Act or Rules shall have the meanings as are respectively assigned to them in the Act or the Rules as the case may be;

### **3. Application.**

- An eligible person may make an application to the Tehsil Revenue officer in Form I for allotment of land comprised in the surplus area. Such an application shall be made within three months of the date commencement of this scheme or within such extended period as may, for reasons to be recorded, be allowed by the Tehsil Revenue Officer.

### **4. Power to proceed suomoto.**

- Proceedings for allotment of land comprised in the surplus area may also be intimated suomoto by the Tehsil Revenue Officer.

### **5. Procedure to be observed by Tehsil Revenue Officer.**

- When application is made under paragraph 3 or when the Tehsil Revenue Officer suomoto initiates proceedings under paragraph 4, he shall after giving the persons seeking allotment or being considered for allotment, an opportunity of being heard and after making such summary inquiry, as he may consider necessary, prepare a statement for each revenue estate/indicating:- (1) Particulars of each eligible person; (2) the land, if any, owned or held by each person; (3) The area which can be allotted to each such person under the Act, and (4) The revenue estate or estates for which such person indicates preference for allotment of land, in case no area is available for allotment in the revenue estate, where he resides.

### **6. Procedure for allotment of surplus area.**

(a) After the procedure prescribed in paragraph 5 has been followed, the Tehsil Revenue Officer shall prepare a list of all eligible persons for each revenue estate in such a manner that the members of scheduled castes and Scheduled Tribes be placed at the top and the persons who do not own/hold any land and the persons who own or hold less than one acre of land are placed, according to the area possessed by each, in an ascending order. [ \*\* ] [ Deleted vide notification No.10-7/74-Revenue A dated 18.10.75. ] (b) The Tehsil Revenue Officer shall also prepare a list of khasra numbers (with area) of the land comprised in the surplus area available for allotment in a revenue estate mentioning such numbers in the numerical order. Where there are killas and rectangles, the numerical order of the rectangles shall be observed first and then of killas in each rectangle. (c) The record of each case along with the lists referred to in sub-para (a) and (b) above shall be forwarded to the Collector who shall proceed to allot the land to eligible persons in the following order of preference:- (a) Members of Scheduled Castes/Scheduled Tribes, ex-servicemen, freedom fighters and Ex-INA personnel, covered under the Government of India scheme, and also those freedom fighters who have been awarded commendation certificates by the State Government. (b) land owners or tenants whose holdings as a result of implementation of section 104 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 are reduced below one acre; and (c) to remaining eligible persons.

## **7. Allotment of land to the eligible persons in other revenue estates.**

- If any eligible person cannot be allotted land in the revenue estate in which he resides, the Collector may, having due regard to his preference, allot him surplus area in any revenue estate in which it is available. When making such allotment, the Collector shall endeavour to allot him land in any other revenue estate nearest to his village of residence, as far as possible, in the following order:-(i) in the Patwar Circle; (ii) in the Kanungo Circle, if no land is available in the Patwar Circle; (iii) in the Tehsil, if no land is available in the Kanungo Circle; (iv) in the district, if no land is available in the Tehsil; (v) in some other district, if no land is available in the district. (2) If more than one eligible persons seek or are being considered for allotment of land in a revenue estate other than the revenue estate in which they reside, the principles mentioned in paragraph 6 shall, as far as possible apply.

## **8. Surplus area to which scheme not to apply.**

- This scheme shall not apply to the surplus areas to be demarcated by the Forest Department in consultation with the Revenue Department for efficient management of land.

### **8A. [ [Added vide No.10-7/74-Revenue A dated 13.3.76.]**

(1) No land containing more than 40 trees of valuable species per acre shall be granted under this scheme. (2) If there are trees on the land granted under this scheme and the grantee is not in a position to pay the price of the trees at market rate, the trees shall be cleared by the Forest Department within a month from the date of grant of the land. \*\*

## **9. Issue of certificate.**

- Each allottee shall be given a certificate in Form II by the Collector. A copy of certificate shall be sent to the Tehsil Revenue Officer.

## **10. Delivery of possession.**

(1) After making the allotment under paragraph 6 or 7, as the case may be, the Collector shall also pass an order for delivery of possession of the land to the allottee. On receipt of such an order, the landowner or any other person in possession of such land shall deliver possession of the land mentioned in the order to the allottee. (2) The possession of the land shall be given to the allottee after the crops are harvested.

## **11. Condition of allotment.**

- The allotment shall be subject to the following terms and conditions:-(a) the allottee shall be liable to pay all Government dues, including land revenue, rates and cesses from the date he takes possession of the land; (b) the allottee shall be liable to pay for the land an amount as prescribed in section 15 of the Act; (c) the allottee shall become full owner of the land allotted to him when all

payments due in respect of such land have been made either in lump sum or on payment of first instalment of such dues, as the case may be; (d) [ the allottee shall not transfer his rights in the land allotted to him to any person within a period of 20 years from the date of taking over the possession after [allotment] [Inserted vide notification No. Revenue 2A(3)-11/77 dated 9-12-87.] and in the event of violation of the provisions, the land granted to him shall be liable to be resumed by the State Government and no further allotment of land shall be made to him thereafter.][Provided that the allottee may transfer the land by way of mortgage without possession in favour of a primary Agricultural Cooperative Credit Society, a bank as defined in the H.P. Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972 (Act No. 7 of 1973) for the purpose of raising loans for development of such land, purchase of Bullocks, Seed, Fertilisers etc. required for bringing the land under cultivation.] [Inserted vide notification No. 10-4/74 Revenue A. dated 3-6-76.](e) the land allotted under this scheme shall not be subject to fragmentation by way of partition, transfer or by any other mean; and (f) [ the Revenue Officer shall record the conditions laid down in sub-paragraphs (d) and (e) above in the mutation orders to be passed by him. His orders shall further be recorded in the remarks column of the jamabandi in which the mutation pertaining to the land is incorporated.] [Inserted vide notification No. 10-7/60/74-Revenue A, dated 18.10.1975.]

## **12. Payment of amount in instalments.**

- The amount prescribed in section 15 of the Act shall be paid by the allottee in the following manner:-(1) The amount payable under section 15 of the Act shall, if it is not voluntarily paid in lump sum be paid-(a) Where it does not exceed 100 rupees, in four six-monthly instalments, (b) Where it exceeds 100 rupees but does not exceed 200 rupees in eight six-monthly instalments. (c) where it exceeds 200 rupees in twelve six-monthly instalments. (2) All instalments referred to in sub-paragraph (1) shall be equal in amount upto a rupee, the balance, if any, being payable with the last instalment.

## **13. Cancellation of allotment in certain cases.**

- If an allottee makes any default in the payment of the amount due from him or infringes any of the conditions of allotment, he shall render himself liable to cancellation of the allotment. Provided that if default is made in paying part of the amount determined under paragraph 12, the Collector may cancel the allotment of an area proportionate to the amount which has remained unpaid.

## **14. Manner of payment of amount.**

- (i) The amount shall be paid into the Government treasury or sub-treasury by the allottee. (ii) The Tehsil Revenue Officer shall maintain a ledger account in respect of the amount due from and amount paid by each allottee. He shall also maintain a day book regarding payments received from them. At the end of every month a statement regarding payments received from allottees shall be furnished by the Treasury Officer or Sub-Treasury Officer, as the case may be, to the Tehsil Revenue Officer.

**14B. [Para 14 B added vide notification No. Revenue 2A(3)-11/77 dated 11 9 80.]**

## 15. Repeal and savings.

Name, Parentage, Village, Tehsil and District of the applicant	Khasra No. land he own/cultivates with the name of the estate, Tehsil and District	Area he wants to be allotted with the name of the estate, Tehsil and District	Name of the scheduled caste or scheduled tribe to which he belongs	Remarks
1	2	3	4	5

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