

The Assam Fixation of Ceiling on Land Holdings Rules, 1957

ASSAM

India

The Assam Fixation of Ceiling on Land Holdings Rules, 1957

Rule

THE-ASSAM-FIXATION-OF-CEILING-ON-LAND-HOLDINGS-RULES-1957 of 1957

- Published on 24 March 1971
- Commenced on 24 March 1971
- [This is the version of this document from 24 March 1971.]
- [Note: The original publication document is not available and this content could not be verified.]

The Assam Fixation of Ceiling on Land Holdings Rules, 1957Last Updated 12th February, 2020In exercise of the powers conferred by Section 40 of the Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act 1 of 1957), the Governor of Assam is pleased to make the following rules in order to carry out the purposes and objects of the Act.

1. Short title, extent and commencement.

(1)These rules may be called The Assam Fixation of Ceiling on Land Holdings Rules, 1957.(2)They shall have the like extent as the Act.(3)They shall come into force on the date on which the Act is brought into force.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context-(a)the 'Act' means the Assam Fixation of Ceiling on Land Holdings Act, 1956 ;(b)'section' means a section of the Act ;(c)'excess land' means land held by a person in excess of the limit fixed under Section 4;(d)all words and expressions used in these rules and not defined herein but defined in the Act shall respectively have the meanings assigned to them in the Act ;(e)'planted areas' means the area under special cultivation of tea as on 24th March, 1971 ;(f)'tea estate' means the whole of the area of the land commonly known as tea estate which is owned, or held under any grant or lease, by any person and so registered with the Tea Board constituted under the Tea Act, 1953.

3.

(1)The period within which the return shall be submitted by a person under Section 5 of of the Act shall be three months from the date these rules came into force :Provided that the State Government may, for reasons to be stated in writing, by order extend the period for a further term not exceeding three months :Provided further that when the ceiling limit under Section 4 of the Act has been re-fixed by any amendment of the Act, the period within which the return shall be submitted by a person under Section 5 of the Act shall be three months from the date of enactment of such amending Act.(2)The return under Section 4 (1) shall be in the Form A and shall be submitted in duplicate. It shall show-.(a)the name and address of the person ;(b)the plot No., area, location, land revenue, patta No. or touzi No. and the nature of the patta (i.e., whether annual, periodic, lakhiraj, nisf-khiraj etc.) of all the lands held as owner by the person or any member of his family ;(c)the plot No., area, location and patta No. or touzi No. of all the lands held as tenant by the person or any member of the family, under any other person and the name and address of the latter, and the nature of the tenancy (whether occupancy or otherwise);(d)that plot No., location and area of the orchard, if any, included in any of the lands mentioned in (b) and (c) above ;(e)any other particulars not inconsistent with the above as asked for by the Collector:Provided that where the person or a member of his family holds any lands jointly with another person who is not a member of his family, then the share held by him or the member of his family shall be shown distinctly in the return.In the case of Co-operative Farming Society, the above information shall be furnished for every individual member and for all his lands whether held within or outside such society.(4)The person shall also state in the return-(a)the plot No. location and area (not exceeding the limit fixed under Section 4) of the land which he selects for retention with him ;(b)the plot No., location and area of the land which is in excess of the limit fixed under Section 4 ; and(c)the description of any building, structure or crop that may exist in any part of the excess land mentioned at (b) above and the plot No. and location of such land.(5)The return under Section 4 (2) of the Act shall be in Form A-I and shall be submitted in duplicate. It shall show-(a)the name and address of the person ;(b)the name and location of the tea estates (gardens) inside the State ;(c)grant No., patta No. or other lease No. covering the total area of each tea estate (garden) and the land revenue assessed and payable against each;(d)area under actual cultivation of tea as on the date of the commencement of the Act namely, 24th March, 1971;(e)area used for ancillary purposes specified in the Act as on the date of the commencement of the Act namely, 24th March, 1971 ;(f)any other particulars not inconsistent with the above as may be asked for by the Collector.It shall be submitted to the Collector of the sub-division in which the person is ordinarily resident, and in other cases to such Collectors, as the State Government may, by notification, order.The return shall be accompanied by a cadastral map prepared by an approved surveyor showing the details of the area used for actual cultivation of tea and specified ancillary purposes as on date of the commencement of the Act namely, 24th March, 1971.

4. Collection of information under Section 6.

(1)If the return under the preceding rule is not submitted within the period prescribed in that rule then the Collector shall obtain the information prescribed in sub-rules (2), (3) and (5) of the preceding rule through the agency of the Settlement Officer and his staff where a settlement

operation is in progress and through the Circle Sub-Deputy Collector and his staff where no such settlement operation is in progress, or through any such Government agency that the State Government may, by order, direct.(2)The Settlement Officer or the Circle Sub-Deputy Collector, as the case may be, shall also furnish the Collector with the following information, namely :(a)the plot No., location and area (not exceeding the limit fixed under Section 4) of the land which he recommends for retention with the person ;(b)the plot No., location and area of the excess land which he recommends for acquisition by the State Government; and(c)the description of the building, structure or crop that may exist in any part of the excess land mentioned at (b) above and the plot No. and location of such land.The Collector may further proceed to get the person who fails to submit the return furnished under sub-section (2) of Section 4.

5. Verification under Section 7 (1) of the information given in the returns.

- Where a return is duly submitted under Rule 3, the information contained therein may be verified through the agency of the Settlement Officer and his staff where a settlement operation is in progress, and through the Circle Sub-Deputy Collector and his staff where no such settlement operation is in progress, or through any such Government agency that the State Government may, by order, direct.

5A. Grant of land for ancillary purposes for increase in area under special cultivation of tea.

(1)In respect of a person holding land for special cultivation of tea, if the verification under Rule 5 reveals that no land has been utilised for-(a)factory buildings ;(b)staff buildings and labour lines ;(c)hospitals and dispensaries ;then the Collector may allow more land to be held for these ancillary purposes but not exceeding the following limits :

- | | |
|--|-------------|
| (a) factory buildings..... | 2 hectares. |
| (b) staff building and labour lines..... | 4 hectares |
| (c) hospitals and dispensaries..... | 2 hectares: |

Provided that the Collector may impose a condition that where such lands allowed under these rules are not utilised for purposes for which they have been allowed within a period of three years such lands shall be deemed to be not needed for the purposes for which they have been allowed and liable for acquisition under the Ceiling Act.(2)The Collector shall determine the land to be allowed for increase in the area under special cultivation of tea under proviso to sub-section (2) of Section 4 of the Act on the following basis :(a)where in a tea estate, total planted area is less than 120 hectares, the allowable land shall be 50 per cent of the planted area :Provided that the area thus allowed together with the planted and specified ancillary purposes shall not be less than 10 hectares ;(b)where in a tea estate, the total planted area is above 120 hectares and less than 400 hectares-40 per cent of the planted area ;(c)where in a tea estate, the total planted area is move 400 hectares but less than 800 hectares-20 per cent of the planted area :(d)where in a tea estate, the total planted area is above 800 hectares-15 per cent of the planted area ;Provided that the land allowed under this sub-rule in respect of a tea estate shall be allowed to be held in that tea estate only :Provided further

that where additional land is allowed under sub-rule (2) the person shall give an undertaking in writing that the will not divert such land for any other purposes and that it will be used only for increase in area under special cultivation of tea.)

5B. Procedure to be followed in cases falling under Section 4 (5) and

(6).- Where any person transfers or partitions any land in violation of Section 4 (5) and/or Section 4 (6) and the land remaining with him is less than the excess determined under the provisions of the Act, the deficiency shall be acquired from the possession to his transferees or their successors-in-interest in the following manner : (a) if there is only one transferee-land to the extent of the deficiency ; (b) if there are more than one transferee-land in the same proportion of the land transferred to each of these transferees so as to aggregate in the total to the deficiency; Provided that the transferee shall be given the option to indicate the plot or plots to be acquired under the provisions of this rule. i-

6. Manner of service of the draft statement under sub-section (2) of Section 7.

(1) The draft statement prepared by the Collector under sub-section (1) of Section 7 shall, as far as practicable, be in Form A or Form A-I. (2) The Collector shall serve the draft statement on the person holding the excess land by tendering and delivering a copy thereof to him or to his duly authorised agent. (3) If such person or his agent is found absent then the draft statement shall be delivered to any adult member of the house in which he ordinarily resides : Provided that in the cases covered by sub-Ruled (2) and (3) above, the serving officer shall require the signature of the recipient to be given in the body of the returnable copy in token of acknowledgment of receipt of the copy served on him. (4) If such person ordinarily resides outside the jurisdiction of the Collector, then the draft statement may be served by posting a copy to him by registered post, and such posting shall be deemed to be sufficient service. (5) If such person or his agent or any adult member of his house be found unwilling to accept the draft statement or to sign acknowledgment or avoids service, or if he resides ordinarily outside the jurisdiction of the Collector and his address is not known, then the draft statement may be served by affixing a copy thereof in some conspicuous part of the land which the draft statement relates : Provided that in the cases covered by this sub-rule a return by a serving officer stating the date of such service attested by two persons present at the time of service shall be sufficient proof of service.

7. Manner of service under Section 10 of the copy of the notification of acquisition.

- The copy of the notification of acquisition of excess land published under Section 8 shall be served by the Collector on the person holding such excess land in the manner laid down in Rule 6 above.

8. Period within which any building, crop, etc., shall be removed under Section 12 (b) from the acquired land.

(1)The Collector or any other officer authorised by the State Government shall, as soon as possible after the publication of the Notification under Section 8, serve a notice under sub-section (b) of Section 12 calling upon the owner of any building, structure or crop that may exist on the acquired land to remove it within 90 days of the service of the notice, and stating therein that if it is not removed within the specified period of 90 days, then such building, structure, or crop shall be sold in public auction.(2)The Collector or the officer authorised shall, if it is not removed within the period of 90 days, sell it in public auction after the due notice, and after deducting the cost of auction, if any, pay the sale proceeds thereof the person owning it along with compensation, if any, payable to him under sub-section (a) or (o) of Section 12.If there is no buyer, then the Collector or the authorised officer shall purchase it for one rupee and then demolish it.

9. Information required to be furnished for determining compensation under Section 12.

- For the purpose of determining compensation under Section 12, the Collector or any other Officer authorised by the State Government shall, as soon as possible after the publication of the Notification under Section 8, call any person from whom excess land has been acquired to furnish the following information within 30 days from the receipt of his order or such further period as he may from time to time follow : (a)whether the acquired land is wholly or, if and partly follow then the area of the fallows portion of each plot;(b)if there was any building or structure or crop on the acquired land, whether this has been removed within the period fixed by the Collector or sold in public auction under the provisions of Rule 8 ;(c)whether any improvement was made on the acquired land ; and if so, the enhancement of the value of the land due to such improvement, probable duration of the effect of the improvement, and labour and capital spent on the improvement;(d)whether the person from whom the excess land has been acquired held it as the owner thereof, and if so whether there is any tenant or sub-tenant on the land ; in case there is any tenant or sub-tenant then the area occupied by each such tenant or sub-tenant and whether he has acquired occupancy right;(e)whether the person from whom land has been acquired held is a tenant; and if so, whether he has acquired occupancy right, and whether there is any sub-tenant on it and the area occupied by such-tenant;(f)the full rate of annual land revenue payable for the area acquired by the State Government. In case the land held is revenue free or at a concessional rate of revenue or is not assessed to land revenue under the Assam Land and Revenue Regulations, 1886 or the Assam Land Revenue Re-assessment Act, 1936, then this fact shall be distinctly stated, and the rate of annual land revenue per bigha of similar full revenue-paying land nearest to it shall be mentioned. The name of the village and the circle in which such land is situate shall also be stated;(g)any other information not inconsistent with the above as required by the Collector or the Officer authorised in this behalf.

10. Verification of the information furnished under Rule 9 and the taking of evidence for determination of compensation.

(1)The Collector or the Officer authorised may verify the above information through the Settlement Officer or the Circle Sub-Deputy Collector.(2)He shall give the person whose land has been acquired a reasonable opportunity of being heard before determining the compensation .(3)He may call for such evidence as deemed necessary and may also visit the land and make local enquiries on the spot.

11. Determination of compensation.

- The Collector or the Officer authorised shall then make an order determining the amount of compensation under Section 12, including the amount of sale proceeds, if any, under sub-Rule (2) of Rule 8, sub-rule 2 of Rule 19 and sub-section (4) of Section 19. The order shall be accompanied by a statement in the Form B or Form C, as the case may be.

12. Modification of order of compensation on appeal.

- Where an appeal is preferred under Section 31 against an order passed by the Collector or the Officer authorised determining the amount of compensation under Section 12 and such order is not upheld in the appeal, the Collector or the Officer authorised shall make necessary alterations in the amount according to the order of the appellate authority.

13. Adjustment to ad interim compensation and payment of the claims of creditors.

- Before the amount determined under Rule 11 or 12 is paid away to the person entitled to receive it, the Collector or the Officer authorised shall-(i)adjust any ad interim compensation paid to him under Section 14 and add the interest payable under proviso to sub-section (a) of Section 13 ; and(ii)pay the creditors whose debts are secured by mortgage or charge on the acquired land the amount of claims proved under the provisions of sub-section (b) of Section 13.

14. Procedure for determined of claims of creditors.

(1)A creditor whose debt is secured by mortgage or charge on the acquired land shall, within 60 days from the date of the Notification under Section 8, submit a claim petition to the Collector or the Officer authorised.(2)On receipt of the claim petition of the creditor the Collector or the Officer authorised shall issue a notice to the person who is entitled to receive the compensation to file objection, if any, within 30 days of the service of the notice or such further time as he may allow.(3)The Collector or the Officer authorised shall give reasonable, opportunity to both the parties for producing evidence and being heard and shall then dispose of the claim.(4)Except as expressly provided in these rules, the procedure laid down in the Code of Civil Procedure, 1908, for hearing and disposal of suits shall, as far as practicable, be followed in hearing and disposal of claims under this rule.(5)In disposal of any claim under this rule finally the Collector or the Officer

authorised shall give effect to the order, if any, of the appellate authority in any appeal preferred under Section 31 against his order passed under Section 15.(6)Where the amount of total claim exceeds the compensation of money and there are more than one creditors, the Collector or the Officer authorised in this behalf shall determined the order of priority of the claims proved and the proportions in which they be paid.

15. Register of Payment of Compensation.

- A register of payment of the compensation shall be maintained by the Collector or authorised Officer in Form D.

16. Manner of disposal of excess land under Section 16 where the excess land was acquired from an owner.

(1)(a)A cultivating tenant in the occupation of the land shall be given settlement of payment of due premium to be adjusted against the compensation he is entitled to receive under the provisions of the Act. In case the amount of compensation falls short of the premium due to be paid under Clause (b) of sub-section (1) of Section 16, the deficiency shall be recovered from him as an arrear of land revenue as prescribed in the Assam Land and Revenue Regulations, 1886.(b)He shall submit a formal written petition for settlement before the Collector or any other authorised Officer within six months from the date of notification under Section 8.(2)In the petition of settlement the tenant shall state-(a)the nature of the tenancy and the name of the person from whom he holds;(b)the plot No. and the area of land under his actual occupation ;(c)the boundaries of the land occupied ;(d)the total area of land (excluding) the land for which settlement has been prayed for under this rule) which is held by him or any member of his family as tenant or owner and which has not been acquired by the State under the provisions of the Act;(e)any amount which he is entitled to receive as compensation under the provisions of this Act.(3)On receipt of the petition for settlement from the tenant the Collector or the Officer authorised shall verify the truth of the petition through the agency of Settlement Officer or Circle Sub-Deputy Collector, as the case may be, and if he is satisfied that the tenant is in actual possession of the land prayed for or any part of it, then he shall pass an order for allotment of the land or any part of it which is under his actual possession.(4)The Collector or the Officer authorised shall then determine the amount payable to the State Government by such tenant under Clause (b) of sub-section (1) of Section 16 adjust the same from the compensation amount due to him or fix the number of instalments in which he shall pay the full amount and the cash and amount of each instalments, on or before the amount of compensation due to such tenant is paid.(5)He shall maintain in Form E a register of realisation of amounts payable under the preceding sub-rule.(6)The Collector or the Officer authorised shall forward a copy of his order of settlement to the Settlement Officer or the Circle Sub-Deputy Collector, as the case may be, and latter shall correct the records of ri

17. Manner of disposal of excess land, where it was acquired from a tenant.

(1)If the land was acquired from a tenant and there is a sub-tenant in occupation of it, then the same

procedure as laid down in Rule 16 shall be followed mutatis mutandis.(2)If the land was acquired from a tenant but there is no sub-tenant in occupation of it, then the Collector or the Officer authorised shall entertain petitions from the classes of person mentioned in Section 17, verify the truth of the petitions through the Settlement Officer or the Circle Sub-Deputy Collector, select the person best entitled to settlement under the provisions of the Act, fix the amount of money payable by him to the State Government (which shall not exceed the amount of compensation paid by the Government to the tenant whom it was acquired), and number of instalments not exceeding five in which it shall be paid. And on payment of the full amount he shall pass an order of settlement with him. He shall forward a copy of his order to the Settlement Officer or the Circle Sub-Deputy Collector for necessary corrections of records-of-rights.(3)The Collector or the Officer authorised shall maintain a register mutatis mutandis in Form E.

18. Manner of disposal of excess land under Section 17.

(1)In giving settlement of any land under Section 17 the procedure laid down in sub-rule (2) of Rule 17 shall be followed mutatis mutandis.(2)The Collector or the Officer authorised shall maintain a register mutatis mutandis in Form E.

19. Period within which building, crops, etc., shall be removed under Section 19 from the excess land under annual lease.

(1)The Collector or any Officer authorised in this behalf shall issue notice under sub-section (3) of Section 19 calling upon the owner of any building, structure or crop that may exist on such land to remove it within 90 days of the service of such notice and stating therein that if it is not removed within the said period of 90 days, then such building, structure or crop, shall be sold in public auction.(2)The Collector or the Officer authorised shall, if it is not removed within the specified period, sell it in public auction after due notice and after deducting the cost of auction, if any, pay the sale proceeds to the owner thereof, along with the compensation, if any, payable to him under Section 12. If there is no buyer then the Collector or the authorised Officer shall purchase it for one rupee and then demolish it.

20. Contents of the declaration under Section 20 and the action to be taken upon it.

(1)The declaration to be made under sub-section (2) of Section 20 by a transferee shall be filed in triplicate and shall contain the following information : (a) the plot No. and area of the land under transaction ; (b) the name and address of the transferor ; (c) the name and address of the transferee ; (d) the total area of lands already held or possessed by transferee or any member of his family as owner or tenant ; (e) the plot No., location and other additional information necessary to identify the lands mentioned in (d) above ; and where these are held jointly with any other person, the share of the transferee or any member of his family ; (f) any other information not inconsistent with the above as required by the registering authority, or the Collector or any Officer authorised in this behalf, as the case may be, before whom the declaration is required to be filed with the provisions of

sub-section (2) of Section 20.(2)Where the registering authority takes action under sub-section (3) of Section 20 he shall retain the copy of the declaration in his office for record.(3)Where the registering authority does not take action under sub-section (3) of Section 20 he shall after registering of the document evidencing the transaction forward two copies of the declaration to the Collector or any other Officer authorised in this behalf.(4)The Collector or the Officer authorised shall send one of the copies of the declaration received from the registering authority under the foregoing rule or a copy of any declaration made before him under proviso to sub-section (1) of Section 20 to the Settlement Officer or the Circle Sub-Deputy Collector within whose jurisdiction the land under transaction is situated, and if the Settlement Officer or the Circle Sub-Deputy Collector finds that the actual area of lands already held by the transferee is greater than the area shown in the declaration, then he shall report to the Collector or the authorised Officer after giving particulars of the lands actually held by the transferee.

21. Action to be taken when there is a contravention of Section 20.

(1)If, on receipt of the report of the Settlement Officer or the Circle Sub-Deputy Collector under the preceding rule or from any other information, the Collector or the Officer authorised has reason to believe that there has been a contravention of Section 20 in any particular case, then the Collector or the Officer authorised shall issue notice upon the transferee to show cause why he should not be ejected under the provisions of Section 21 from the excess land which has been transferred to him in contravention of Section 20.(2)After giving the transferee an opportunity of being heard and taking such evidence as he deems necessary, the Collector or the Officer authorised shall, if he is satisfied that the transaction has been placed in contravention of Section 20, pass order for taking possession of so much of the land acquired under the transaction as is found to be in excess of the limit fixed under Section 4 after taking into account the total area of lands already by him as well as the land transferred by the transaction.(3)The Collector or the Officer authorised shall, if it is necessary for the purpose of taking possession under the preceding sub-rule, eject the transferee, his assignee or any other person who may be in occupation of the land on his behalf or through him. The ejection shall be preceded by 30 days' clear notice and carried out by selling any building, structure, fence or crop that may exist on the land. The sale proceeds, after deduction of the cost of sale, shall be paid to the transferee or his assignee. If there is no buyer after due notice, the building, structure, fence or crop shall be purchased for one rupee by the Collector or the authorised Officer on behalf of the State Government and then demolished.(4)The Collector or the Officer authorised shall forward a copy of his order passed under sub-rule (2) to the Settlement Officer or the Circle Sub-Deputy Collector for necessary corrections of records-of-rights.

22. Refusal of mutation in case of transaction made in contravention of Section 20.

- Any person who prays for mutation of name in records-of-rights shall state in the mutation petition the total area and description of the lands already held by him or any member of his family as owner or tenant, and the Settlement Officer or the Circle Sub-Deputy Collector-(i)shall refuse to sanction mutation in the records-of- rights claimed by virtue of a transaction which has taken place in contravention of Section 20, and(ii)shall report immediately to the Collector or any authorised

Officer, for taking action under Section 21, any transaction which, he has reason to believe, has taken place in contravention of the provisions of Section 20.

23. Period of submission of return under Section 22.

- The period within which the returns shall be submitted under sub-section (1) of Section 22 shall be 60 days from the date of the inheritance or the bequest or gift, as the case may be.

24. Cases of inheritance, etc., coming within the purview of Section 22 (1) to be reported.

- The Settlement Officer or the Circle Sub-Deputy Collector shall report to the Collector or the Officer authorised any case of inheritance, bequest or gift to an heir according to his information with the purview of sub-section (1) of Section 22 for taking necessary action under the provisions of that section.

25. Procedure for resumption of land from tenant by landlord for personal cultivation under Section 23.

(1) A landlord who desires to resume under provisions of Section 23, any land from his tenant other than any adhiar (crop-sharer) for his (landlord's) personal cultivation shall apply to the Civil Court having territorial jurisdiction of the land stating—(a) the area and description of the land to be resumed; (b) the name of the tenant who is in occupation of the land; (c) the aggregate area of land already held under the personal cultivation by the landlord or any member of his family; (d) whether notice under sub-section (1) of Section 27 was duly given to the tenant and whether the tenant has selected the area which he is entitled to retain under the provisions of Section 23; (e) whether the landlord had given due notice of termination of the tenancy of the area selected by the landlord as acquired under sub-section (2) or (3) of Section 27; (f) what is the principal source of income of the landlord for his maintenance; (g) whether the tenant has acquired the right of occupancy; (h) whether the landlord is (i) a minor, or (ii) a widow, or (iii) a person subject to any physical or mental disability, or (iv) a member of the Military, Naval or Air Forces of the Union; (i) whether any improvement has been made by the tenant on land proposed to be resumed; (j) whether the landlord has any residence in the village in which the land to be resumed is situated or in a nearby village within a distance of five miles from the land. (2) The Court shall thereupon proceed to dispose of the application in the manner of a suit for possession of immovable property under the Code of Civil Procedure, 1908. (3) If the Court passes an order for ejection of the tenant it shall also order whether the tenant shall be paid any compensation under the provisions of sub-section (2) of Section 26 for any improvement done by him in the land for which he has been ordered to be ejected, and if so, the amount of such compensation. (4) The ejection shall be carried out in the manner provided in Rule 35 of the Order XXI in Schedule 1 of the Code of Civil Procedure, 1908.

26. Procedure for restoration under Section 25 of possession of an ejected tenant.

(1)A tenant ejected under the preceding rule who is entitled to restoration of possession under the provisions of Section 25 shall, if he wants restoration, apply to the Civil Court having territorial jurisdiction over the land for putting him back in possession stating-(a)the date on which the landlord took over possession from him ;(b)the ground on which the tenant was ejected ;(c)whether the land remain fallow for one year from the date of taking over the possession by the landlord ;(d)if it was cultivated within one year from the date of taking over possession by the landlord, the name of the person who actually cultivated it and what is his relationship to the landlord (i.e., whether he was a tenant, servant, hired labour, or a member of his family) ;(e)whether the land was sub-let to others within 2 years from the date of taking over the possession by the landlord.(2)The Court shall thereupon proceed to dispose of the application in the manner for a suit for restitution of possession of immovable property under the Code of Civil Procedure, 1908.(3)If the Court passes an order for restoration of possession, it shall also order whether the whole or any part of the compensation paid by the landlord to the tenant under the provisions of sub-rule (3) of Rule 25 shall be returned to the landlord, and if so, the amount to be so returned.(4)In case of order for restoration of possession the tenant shall be put back in actual possession of the land in the manner provided in Rule 35 of Order XXI of Schedule I of the Code of Civil Procedure, 1908.

27. Court-fees.

- Court-fees for document shall be as follows : (1)Objection petition against the draft statement under sub-section (3) of Section 7.....75 nP.(2)Appeal to the State Government against the order of the Collector preferred under sub-section (3) of Section 7.....Rs. 10.(3)Appeal to the District Judge against the order passed under Section, 12 or 13 by the Collector or the Office authorised in this behalf.....Rs. 5.(4)Claim petition, filed by a creditor before the Collector under Clause (ii) of sub-section (b) of Section 13.....Rs. 2.(5)Petition for settlement of land submitted by-(i)a cultivating tenant or sub-tenant under sub-rule (1) of Rule 16 or sub-rule (1) of Rule 17.....75 nP.(ii)any person.....Re. 1.(6)Application filed under Section 23 by a landlord for resumption of land from tenant for his personal cultivationRs. 3.(7)Application filed under Section 25 by a tenant for restoration of his possession Re. 1.(8)Miscellaneous petition 75nP. Form A Return of the lands held by a person[See Section 5 and Rule 3]Name and address of the person submitting the return.....

Name and address of the person in whose name the lands are held	His relationship with the person submitting thereturn. And where he holds as a tenant, the name and address of the landlord.	The patta No. or touzi No. of the lands and thevillage and mouza in which situate and nature of the patta andtenancy.	Plot No. or boundaries of each plot in which theowner has interest.	Total area of a plot (in bighas).	If held jointly with another person not of thecosharer and the share or
---	--	---	---	-----------------------------------	---

						interest of self, and the co-sharer.
Lands held as tenants.		Lands held as owner.				
1	2	3	4	5	6	
Area in which the owner has interest in each plot(in bighas).	Area of orchard, if any, in the land of the preceding column (in bighas).	Plot No. of lands selected for retention by the person out of land not coming under scope of exemption under Section 2.	Area selected for retention shown against each Plot No. of preceding column (in bighas).	Plot No. of lands for which exemption is claimed under Section 2.	Area of such lands shown against each Plot No. of preceding column (in bighas).	Reasons for claiming such exemption.
7	8	9	10	11	12	13
Plot No. of excess land.	Area of excess land shown against each Plot No. of preceding column (in bighas).	Plot No. and location of the land of preceding column on which any building, structure or crop exist, and the nature of such building, structure or crop.		Whether the excess land is fallow or under personal cultivation or held by a tenant. If held by a tenant the name of the tenant and the nature of tenancy.		Remarks.
14	15	16		17		18

Form A-I Return of lands held from special cultivation of tea [See Sections 4 (2), 5 and Rule 3 (5)]

- Name and address of the person submitting the return.
- Name and address of the person in whose name the lands are held [Section 4 (2)].
- Relationship of (1) to (2). 123
- Name/names of tea estate (tea garden) and districts/subdivision where located. Rule
- Total area.
- Grant Patta No., etc., covering the total area against each tea estate (garden) and Land Revenue assessed and payable.
- Area requisitioned by Government (details in Annexure 1).
- Area acquired by Government (details in Annexure 2).
- Area relinquished, if any (details in Annexure 3).

10.	Area sold, transferred, etc., to other persons on or before 31st March, 1970 (details in Annexure 5) Sub-total	-Total.
	7-10	
11.	Area sold, transferred, etc., to other persons on or after 1st April, 1970 (details in Annexure 5).	-Total.
12.	Current areas held against each grant, patta, etc.	
13.	Area under actual cultivation of tea as on 24th March, 1971	
14.	If (12) is different from area under plantation registered with Tea Board, then the registered area and reasons for difference (details in Annexure 6).	
	Return of lands held for special cultivation of tea.	
15.	Area of land used for factory buildings.	
16.	Area of land used for staff buildings.	
	Area of land used for office buildings.	
	Area of land used for management residence.	
	Area of land used for labour quarters.	
17.	Area of land used for Roads and Bridges	
	Area of land used for drains.	
18.	Area of land used for tea nurseries.	
	Area of land used for shade tree nurseries.	
19.	Area of land used for-	
	Hospitals.	
	Dispensaries.	
	Creches.	
	Playground.	
20.	Area of land used for-	
	Religious institutions	
	Cremation grounds.	
	Burial grounds.	
21.	Area of land used for any buildings built by management as statutory requirements under any law for the time being in force.	
22.	Area of land used for seed bari.	
23. [] [Maximum allowed by law is 50 bighas (6.66 hectares).]	Area of land used for rotational plantation.	
24. [] [Maximum allowed by law is 50 bighas (6.66 hectares).]	Area of land under bamboos.	

25.	Area of land, if any, lying within boundaries of actualplanted areas but excluding tenanted khet lands. (Cadastral map prepared by approval surveyor should accompanythis item).							Sub-total (17-25).
26.	Area admissible under Rs. 5-A. for- (a) increase in area under special cultivation of tea. (b) additional ancillary purposes.							
27.	Plot Nos. or other details of land selected against item 26.							
28.	Excess land and Plot Nos. and other details of such excessland.							
Form B[See Rule 11]Statement of compensation payable to an owner under Sections 12 and 19								
								Where the
								are in the
								preceding
								columns is
								inoccupation
								of the owner
								himself or of
								tenants, how
								much area
								plotby plot
								under the
								owner's
								personal
								occupation
								and how
								much
								undertenants'
								occupation
								with the
								names of the
								tenants ans
								the
								areaagainst
								each.
1	2	3	4	5	6	7	8	9
Which of the tenant have	Under Section 12(a)(1)(i)	Under Section 12(a)(1)(ii)	Under Section 12(b) or	Under Section 12 (c)	Under Section 19(4)	Under Section 19(4)	Total Number of instalments in which it is	Remarks

acquired occupancy rights and in how much area.	for fallow land	for land which is not fallow	9(3) on account of sale proceeds of building etc.	made on the acquired land	for fruit trees, etc, in annual land	payable		
10	11	12	13	14	15	16	17	18

Signature of Collector or Officer authorised. Date..... Form C [See Rule 11] Statement of compensation payable to a tenant or a sub-tenant under Section 12

Name and address of tenant or sub-tenant	Name and address of the landlord under whom he holds.	The Patta No. or the touzi No. of the acquired land, and the village in which it is situated.	The Plot No. of the acquired land of the tenant	The area acquired from the tenant's interest in each plot	Full bigha rate of annual land revenue payable for the plot	If no land revenue is payable or if it is payable at a concessional rate, the full bigha rate of land, revenue assessable on similar land situated nearest to it.	Area which is fallow out of the area of each plot as shown in column (5)	Area which is not fallow	
1	2	3	4	5	6	7	8	9	
Whether the tenant has acquired occupancy rights, if so, state the area plot by plot	Whether there is any sub-tenant in any part of the area shown in column (5). If so, state the area plot by plot, and the name of the sub-tenant against each.	Under Section 12 (a) (2) (i).	Under Section 12 (a) (2) (ii).	Under Section 12 (a) (3).	Under Section 12 (b).	Under Section 12 (c).	Total. The number of instalments in which it is payable.	Remarks	
10	11	12	13	14	15	16	17	18	19

Signature of the Collector or the Officer authorised. Date..... Form D [See Rule 15] Register of Payment of compensation

Name and address of the person to whom the compensation is payable.	Total compensation awarded by the Collector or authorized Officer under Sections 12 and 19.	Ad interim compensation paid under Section 14.	Amount payable to any creditor under Section 13(b) and the name of such creditor.	Serial No. of the instalment for payment of the amount.
1	2	3	4	5
Date on which the instalment is due.	Amount due under the instalments.	Signature of the Officer receiving the amount and the date.	Date of order of settlement of the land with the person.	Date of issue of the order to the Settlement Officer or the Sub-Deputy Collector.
6	7	8	9	10
				11

Form E[See Rule 16]Register of Realisation of the Amount Payable to Government under Sections 16 and 17

Name and address of the person to whom the amount is payable.	Amount payable by the person to the Government.	Adjustment under proviso to Section 16 (1) (b) of any amount of compensation against the amount of the preceding column.	Balance payable by the person to the Government.	Amount adjusted under proviso to Section 15 (1)(b) for taking settlement of land.	Balance of the compensation.
1	2	3	4	5	6
Serial No. of the instalment.	Date of which the instalment is due.	Amount due under the instalment.	Interest on the balance of the compensation.	Signature of the payee and the date in token of receipt of payment.	Remarks
7	8	9	10	11	12
					13