

Bihar Land Mutation Act, 2011

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Act 23 of 2011

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Bihar Land Mutation Act, 2011(Bihar Act 23 of 2011)Preamble: - An Act to provide for regulating the process of mutation of land and making it concomitant with the needs of present time.Be it enacted by the Legislature of the State of Bihar in the sixty second year of the Republic of India as follows :-Chapter -I Preliminary

1. Short Title, Extent and Commencement.

(1)This Act may be called The Bihar Land Mutation Act, 2011.(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force on such date as notified by the Government in the Bihar Gazette.

2. Definitions.

- In this Act, unless there be anything repugnant to the subject or context:-(1)"Mutation" means alteration in the entries in the Continuous Khatian, Tenants Ledger and Khesra Register on account of transfer of right of a person in a holding or a part there of by way of any of the following means/instruments :-(a)Sale-Purchase,gift,(b)Exchange,(c)Partition of Holding,(d)Inheritance/succession intestate or testamentary,(e)Will,(f)Order/Decree of court under Code of Civil Procedure, 1908,(g)Order/Decree of court under The Bihar Land Disputes Resolution Act, 2009,(h)Settlement/Transfer/Assignment of Public Land by competent authority,(i)Acquisition under the Land Acquisition Act, 1894,(j)Land granted under the Bihar Bhoodan Yagna Act, 1954,(k)Settlement of Homestead under the Bihar Privileged Persons Homestead Tenancy Act, 1947,(l)Tripartite purchase of raiyati land for Mahadalit families under Purchase Policy, 2010,(m)Restoration of land to former raiyats under the Kosi Area (Restoration of Lands to Raiyats) Act, 1951,(n)Restoration of land to former raiyats under the Land Acquisition Act, 1894,(o)Settlement of surplus land under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, or(p)Through any other means/ instrument which the Government may notify from time to time.(2)"Record of Rights" means the latest Record of Rights as finally published under chapter X of the Bihar Tenancy

Act, 1885.(3)"Continuous Khatian" means updated Record of Rights being maintained in the prescribed form reflecting changes in the rights of a person in a holding or a part thereof since the last finally published Record of Rights.(4)"Tenants' Ledger Register" means a revenue village-wise Register being maintained in the prescribed form showing details of land held by different tenants of that revenue village and yearly demand of rent and cess on account of land held by them as well as rent and cess yearly realised from them.(5)"Competent Authority" means any authority authorised to settle/transfer/ assign public land under the Acts/Rules/ Manuals concerned.(6)"Circle Officer" means an officer appointed as such by the Government or any other officer notified by the Government to discharge all or any of the functions of a Circle Officer under this Act.(7)"Land Reforms Deputy Collector" means an officer appointed as such by the Government or any other officer notified by the Government to discharge all or any of the functions of a Land Reforms Deputy Collector under this Act.(8)"Collector" means the Collector of the District.(9)"Additional Collector" means Additional Collector of the District or any other officer notified by the Government to discharge all or any of the functions of an Additional Collector under this Act.(10)"Karmachari" means an employee appointed as such by the Collector of the District or any other employee notified by the Collector to discharge all or any of the functions of a Karmachari of a Halka under this Act.(11)"Circle Inspector" means an officer appointed as such by the Government or any other officer notified by the Government to discharge all or any of the functions of a Circle Inspector of a Circle under this Act.(12)"Halka" means the smallest administrative unit of the revenue administration under the administrative control of a Karmachari.(13)"Tenant" connotes the same meaning as assigned to it by the Bihar Tenancy Act, 1885.(14)"Holding" means a parcel or parcels of land held by a raiyat and forming subject of a separate tenancy.(15)"Raiyat" connotes the same meaning as assigned to it by the Bihar Tenancy Act, 1885.(16)"Registered" means a document registered under the Indian Registration Act, 1908.(17)"Registering Authority" means a registering authority under the Indian Registration Act, 1908.(18)"Correction Slip" means a slip issued in the prescribed form by the Circle Officer after the delivery of the order for mutation of a holding or a part thereof by him for effecting changes as per the order in the Continuous Khatian, Tenants Ledger Register and Khesra Register.(19)"Prescribed" means prescribed by Rules made under this Act.(20)"Form" means a form prescribed by Rules made under this Act.(21)"Khesra Register" means a register being maintained in the prescribed form showing details of plots along with their tenants of a revenue village.(22)"Mutation Petition Register" means a register being maintained in a prescribed form in which petitions for mutation filed before the Circle Officer are registered.(23)"Mutation Register" means a register being maintained in a prescribed form in which orders for mutation made by the Circle Officer are entered.(24)"Revenue village" means a village notified as a revenue village having a separate Revenue Thana number.(25)"Government" means the Government of Bihar.(26)"Jamabandi" means a number showing the page allotted to all tenants in Tenants Ledger Register where entries of details of their tenancies as well as demand and collection of rent and cess are made.[26(A) "Jamabandi Register." - Jamabandi Register is a register of such raiyats, who own/possess land in the concerned revenue village. In such register various details of land such as Khata, Kheshra, Area, Boundary and land rent are entered and they cultivate such land. In lieu of cultivation over such land, they have to pay rent as per entries in the Jamabandi Register. Thus, Jamabandi Register is an important register depicting exchange of land rent between Jamabandi Register Raiyat and owner (State Government) of the land.] [Added by Bihar Act No. 22 of 2017, dated 4.9.2017.](27)"Public Land" means any land defined as public land under The Bihar

3. Filing of petition for mutation.

(1) A person acquiring interest in a holding or a part thereof by any means/instrument, shall, within 90 days of the acquisition of such interest, file petition in prescribed form before the Circle Officer of the area in whose jurisdiction the holding or a part thereof is situated for mutation of his name in respect of the holding or a part thereof in the Continuous Khatian, Tenants' Ledger Register and Khesra Register. (1A) [In such cases in which mutation petition is not filed within 90 maximum days from the date of acquiring interest over that land, delay condonation petition will be enclosed in prescribed form with such mutation petitions mentioning the reasons of delay in filing mutation petition. If delay condonation petition is enclosed with the mutation petitions, the Circle Officer will decide such cases on its merit. (1B) Online mutation applications will be received through web-site and from registration offices after registration of land transfer deeds. On such informations, the Circle Officers of such notified Anchals will dispose of mutation cases on the basis of online process.] [Added by Bihar Act No. 22 of 2017, dated 4.9.2017.] (2) [Any person acquiring any interest in any holding or a part thereof by sale, gift, exchange, partition, whether by court or otherwise, succession interstate or testamentary, will, Land Acquired by the various departments/ Boards and Corporations of the State Government through registered deed (under conditions of perpetual lease), settlement/transfer/assignment of public land by Competent Authority, grant of land by the Bhoodan Yagna Samiti, conferment of tenancy rights under the Bihar Privileged Persons' Homestead Tenancy Act, 1947, acquisition of occupancy rights as under raiyat-under the Bihar Tenancy Act, 1885, restoration of holding or part thereof to a former raiyat under the land Acquisition Act, 1894, Restoration of holding or part thereof to a former raiyat under the Land Acquisition Act, 1894, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013) The National Highways Act, 1956 and The Railways (Special) Act, 2008, house-sites purchased under Policy for Purchase of Raiyati land for house-siteless Mahadalit families 2010, restoration of holding or a part thereof to former raiyats under the Kosi Area (Restoration of land to Raiyat) Act, 1951, settlement of surplus and under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, an order/decreed of any court or any other means/instrument of transfer notified by the Government, may file a petition in the prescribed manner for mutation of his name in respect of that holding or a part thereof in the Continuous Khatian, Tenants' Ledger Register/Jamabandi Register and Khesra Register in the office of the Circle Officer in whose jurisdiction the holding or a part thereof is situated or in a camp organized by the Circle Officer for the receipt of mutation petitions of the area.] [Substituted by Bihar Act No. 22 of 2017, dated 4.9.2017.] (3) On receipt of petition for mutation either in the office or in the camp, the Circle Officer shall grant a receipt in a prescribed manner to the petitioner as an acknowledgement. (3A) [After registration of land, the Circle Officers of those notified Anchals will take suo motu cognizance for Online Mutation and start mutation case record within three working days. The Circle Officer shall issue general notice and particular notice in prescribed form. After issuing general notice and also particular notice, the Circle Officer shall abide by the prescribed procedure for disposal of the mutation case records.] [Added by Bihar Act No. 22 of 2017, dated 4.9.2017.] (4) The Circle Officer shall cause each mutation petition to be registered in order of their receipt in the Mutation Petition Register being maintained in the Circle

Office.(5)The Circle Officer shall cause to open a separate case record in the prescribed manner for each mutation petition.Chapter - III Authority to intimate the Circle Officer

4. Authority responsible for intimation to the Circle Officer regarding acquisition of interest of any person in any holding or a part thereof.

(1)After the registration of any instrument of transfer by way of sale-purchase exchange, partition, gift, or by any other mode of transfer of a holding or a part thereof is complete, the Registering Authority shall give notice of such registration in prescribed form along with a photo copy of the registered deed to the Circle Officer of the area in whose jurisdiction the holding or a part thereof is situated.(2)After the possession of a holding or a part thereof has been delivered in the execution of a decree to the decree holder or to a purchaser at court auction/ sale or when a final decree for partition has been passed under the Code of Civil Procedure, 1908 or the Bihar Land Disputes Resolution Act, 2009, the court executing the decree or the court passing the final decree for partition, as the case may be, shall give notice of the fact in the prescribed form to the Circle Officer of the area in whose jurisdiction the holding or a part thereof is situated.(3)Authorities, passing the final order regarding settlement/transfer/ assignment of public land, distribution of land acquired under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, Parcha of house-sites to the privileged persons under the Bihar Privileged Persons' Homestead Tenancy Act, 1947, land for house sites given to the Mahadalit families under policy for purchase of raiyati land for house-siteless Mahadalit families, 2010, grant of occupancy rights to under raiyats under the Bihar Tenancy Act, 1885, restoration of land to former raiyats under the Kosi (Restoration of land to Raiyats) Act, 1951, shall give notice of such order in prescribed form to the Circle Officer of the area in whose jurisdiction the land is situated.(4)The officer concerned of the Bhoodan Yajna Samiti shall give notice in the prescribed form in respect of the land granted by it under the Bihar Bhoodan Yajna Act, 1954 to the Circle Officer of the area in whose jurisdiction the land is situated.(5)[Authorities, responsible for the acquisition of land under the Land Acquisition Act, 1894 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013) The National Highways Act, 1956 and The Railways (Special) Act, 2008 shall give notice to this effect in the prescribed form to the circle officer of the area in whose jurisdiction the land is situated.] [Substitued by Bihar Act No. 22 of 2017, dated 4.9.2017.](6)[Authorities responsible for the restoration of land to former raiyats under the Land Acquisition Act, 1894The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013) The National Highways Act, 1956 and The Railways (Special) Act, 2008 shall give notice to this effect in the prescribed form to the Circle Officer of the area in whose jurisdiction the land is situated.] [Substitued by Bihar Act No. 22 of 2017, dated 4.9.2017.](7)The Karmachari of the area shall obtain information in the prescribed manner and intimate in the prescribed form to the Circle Officer about cases of partition, intestate or testamentary succession or acquisition of interest by any other means or instrument in a holding or a part thereof.(8)Any person acquiring interest in a holding or a part thereof by any means/instrument shall intimate regarding acquisition of such interest in the holding or a part thereof to the Circle Officer of the area in whose jurisdiction the holding or a part thereof is situated, within 90 days of the acquisition of such interest in the prescribed manner.Chapter - IV Enquiry and Report

5. Enquiry and Report in Mutation Cases.

(1) On receipt of petitions for mutation or intimation by authorities about the acquisition of interest in a holding or a part thereof or suo motu if the Circle officer is convinced that there is an acquisition of interest in a holding or a part thereof sufficient to cause for mutation, the Circle Officer shall initiate a mutation proceeding by giving an order for a detailed enquiry report in the prescribed form with regard to the mutation petition from the Karmachari and the Circle Inspector and shall cause the order to be communicated to the Karmachari and Circle Inspector. (2) On receipt of the order for enquiry with regard to the mutation petition, the Karmachari shall enquire in the prescribed manner and shall submit the report of the enquiry in the prescribed form to the Circle Inspector. (3) On receipt of enquiry report from the Karmachari, the Circle Inspector shall examine the veracity of the enquiry report of the Karmachari and shall record his findings in the prescribed manner along with his recommendations. (4) The Circle Inspector shall submit the enquiry report of the Karmachari along with his own findings and recommendation in the prescribed form to the Circle Officer. (5) In case the Circle Officer is not satisfied with the enquiry report of the Karmachari and Circle Inspector, he may enquire it himself in any manner as he deems fit and shall record his findings in the prescribed manner. Chapter - V Disposal

6. Disposal of Mutation cases.

(1) The Circle Officer, on receipt of enquiry report from Karmachari and Circle Inspector in respect of the mutation petition or upon his own enquiry under section 5(5) of this Act, shall dispose of the mutation case in the prescribed manner after inviting objections in the manner prescribed, from persons having interest in the holding or a part thereof as well as general public either in a- (a) Regular mutation court held in his office, or (b) In camp courts organized for the disposal of mutation cases of the area where the holding or a part thereof is situated. (2) On receipt of an objection, the Circle Officer shall give reasonable opportunity to the parties concerned to adduce evidence, if any, and of being heard and shall dispose of the objection and pass such order as he deems fit. (3) Cases in which no objection has been received after the expiry of the last date of filing objections, the Circle Officer shall dispose them of by passing such order as he deems fit. (4) Cases in which objections have been received, no order shall be passed unless the parties have been given reasonable opportunity of being heard. (5) In case of rejection of a mutation petition, the Circle Officer shall record in the ordersheet the grounds on which it has been rejected and shall intimate the petitioner in the prescribed manner giving a brief account of the grounds on which the petition has been rejected. (6) Cases in which mutations have been allowed, the Circle Officer shall issue correction slips to give effect to his orders for mutation in the prescribed form and intimate the petitioners in manner prescribed. (7) [The Karmachari shall alter the entries in the continuous Khatiyani, Tenants' Ledger Register/Jamabandi Register and Khesra Register of the Revenue Village in which the holding or a part thereof is situated reflecting the order for alteration given in the correction slip.] [Replaced by Bihar Act No. 22 of 2017, dated 4.9.2017.] (8) [On the basis of the alteration effected in the entries of the Tenants' Ledger Register/Jamabandi Register the Karmachari shall alter the yearly demand of rent and cess of the concerning jamabandi.] [Replaced by Bihar Act No. 22 of 2017, dated 4.9.2017.] (9) Mutation claimed on the basis of transfer through sale-purchase, gift or exchange, shall not be allowed unless it is registered. (10) Mutation claimed on

the basis of will, shall not be allowed unless probate of the will has been duly decided by the competent court.(11)Mutation claimed on the basis of partition other than by the court or registered deed, shall not be allowed unless there is consent for partition by all co-sharers.(12)Mutation of a holding or a part thereof shall not be allowed in cases in which Title Suit with regard to that holding or a part thereof is pending in the competent court.(13)Mutation of a holding or a part thereof shall not be allowed in cases in which acquirer of an interest in the holding or part thereof does not have physical possession over that holding or a part thereof.Chapter - VI Appeal and Revision

7. Appeal.

(1)An Appeal against the order of the Circle officer shall lie with the Land Reforms Deputy Collector within thirty (30) days from the date of the order appealed against.(2)The Land Reforms Deputy Collector may condone the delay in filing appeals provided he is satisfied that there are sufficient reasons for the delay.(3)The Land Reforms Deputy Collector shall not pass any order modifying, altering or setting aside the order appealed against unless the concerned parties concerned have been given a reasonable opportunity of being heard.(4)The time limit for the disposal of a mutation appeal shall be thirty (30) working days from the date of the filing of the mutation appeal.

8. Revision.

(1)The Collector/ Additional Collector of the district under this Act may, on an application made to him on this behalf or for the purpose of satisfying himself as to the legality or propriety of any order made under this Act or the rules made thereunder by any officer or authority, call for and examine the records of any case pending before or disposed of by such officer or authority and pass such order as he deems fit.(2)An application for revision may be filed before the Collector/Additional Collector of the District by any person aggrieved by any order of the Land Reforms Deputy Collector within 30 days from the date of such order.(3)The Collector/Additional Collector may condone the delay in filing the application for revision against an order provided he is satisfied that there are sufficient reasons for the delay.(4)The Collector/Additional Collector shall not pass any order modifying, altering or setting aside an order of any authority or officer unless the concerned parties have been given a reasonable opportunity of being heard.(5)The time limit for the disposal of a mutation revision application shall be thirty (30) working days from the date of receipt of the application for revision.Chapter - VII Cancellation of Jamabandi

9. Cancellation of Jamabandi .

(1)The Additional Collector, either suo motu or on an application, shall have the power to make inquiries in respect of any Jamabandi, which has been created in violation of any law for the time being in force or in contravention of any executive instruction issued in this behalf. The Additional Collector, in whose jurisdiction the land is situated, may, after giving reasonable opportunity to the parties concerned to appear, adduce evidence and be heard, cancel such Jamabandi, dispossess the person claiming under it and deliver the possession to the legitimate owner/custodian, on such terms as may appear to the Additional Collector to be fair and equitable.(2)The jamabandi shall not be cancelled under sub-section (1) without giving reasonable opportunity to the parties, having

interest in that jamabandi, of being heard.(3)Any person, having interest in a land or a part thereof, of any jamabandi may file a petition in the prescribed manner for the cancellation of the jamabandi before the Additional Collector in whose jurisdiction the land or a part thereof is situated.(4)The Additional Collector, in whose jurisdiction the land or a part thereof of the jamabandi is situated, on a petition filed for the cancellation of the jamabandi or on reference from a Government Department which has an interest in the land or a part thereof or suo motu, may initiate proceedings for cancellation of the jamabandi by issuing notice to persons having interest in the jamabandi.(5)The Additional Collector in whose jurisdiction the land or a part thereof in the jamabandi is situated, after enquiry either by himself or by an officer authorized by him in this behalf, shall pass such order as he deems fit.(6)(a)An Appeal against the order of the Additional Collector shall lie with the Collector of the district within thirty (30) days of the order appealed against.(b)The Collector of the district may condone the delay in filing appeals provided he is satisfied that there are sufficient reasons for the delay.(c)The Collector of the district shall not pass any order modifying, altering or setting aside the order appealed against unless the concerned parties have been given a reasonable opportunity of being heard.(7)(a)An application for revision may be filed before the Commissioner of the Division by any person aggrieved by an order of the Collector of the district within 30 days from the date of such order.(b)The Divisional Commissioner may condone the delay in filing of application for revision provided he is satisfied that there are sufficient reasons for the delay.(c)The Divisional Commissioner may on an application made to him on this behalf or for the purposes of satisfying himself as to the legality or propriety of any order made under this Act or the rules made thereunder by an officer or authority, call for and examine the records of any case pending before or disposed of by such officer or authority and pass such order as he deems fit.(d)The Divisional Commissioner shall not pass any order modifying, altering or setting aside an order of any authority or officer unless the concerned parties have been given reasonable opportunity of being heard.

Chapter - VIII Preparation of Khata Pustika

10. Preparation of Khata Pustika and its supply to tenants on payment of fees

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(1)A Khata Pustika shall be prepared in respect of a tenant's holding in a revenue village in the prescribed manner , and shall be provided to the tenant concerned by the Anchal Adhikari in whose jurisdiction the holding is situated, on payment of such fee and within such time limit as may be prescribed.(2)The Khata Pustika shall contain the following particulars-(i)relevant extracts of the Continuous Khatian and the Tenant's Ledger Register in respect of the lands held by the tenant,(ii)demand and realisation of rent and cesses,(iii)loans advanced by Government or other financial institutions together with repayment made.(3)The Khata Pustika shall be presented by the tenant before the Anchal Adhikari concerned, after every mutation of land, for updation, in the prescribed manner.

Chapter - IX Miscellaneous

11. Summary proceeding.

- All proceedings under this Act shall be summary proceedings.

12. Time Limit for Disposal of mutation cases in regular mutation courts.

(1)The time limit for disposal of mutation cases, in which no objection has been received, in a regular mutation Court, shall be twenty-one (21) working days from the date of receipt of the mutation petition, eighteen (18) working days for passing the order and three (03) working days to issue the correction slip.(2)The time limit for the disposal of mutation cases, in which objections have been received, in a regular mutation court shall be thirty-three (33) working days from the date of receipt of the mutation petition, thirty (30) working days for passing the order and three (03) working days to issue the correction slip.

13. Time limit for Disposal of mutation Cases in Camp court .

(1)The time limit for disposal of mutation cases, in which no objection has been received, in a camp Court shall be eighteen (18) working days from the date of receipt of the mutation petition, fifteen (15) working days for passing the order and three (03) working days to issue the correction slip.(2)The time limit for the disposal of mutation cases, in which objections have been received, in a camp court, shall be thirty-three (33) working days from the date of receipt of the mutation petition in the camp court, thirty (30) working days for passing the order and three (03) working days to issue the correction slip.

14. Reasons to be recorded for delay in disposal of mutation petitions.

- In cases where mutation petitions have not been disposed of within the time limit provided under the foregoing sections, the Circle Officer shall record reasons for the delay in the order-sheet of the case-record which will be subject to scrutiny by the Collector of the District in the prescribed manner.

15. Liability for delay in disposal.

- The onus for the delay in the disposal of mutation cases shall lie with the official concerned responsible for such delay.

16. Authorities to have power of civil court.

- Under this Act the Collector, Additional Collector, the Land Reforms Deputy Collector and the Circle Officer shall have same powers in admission of evidence, making enquiries, summoning and enforcing the attendance of any person and examining him on oaths, compelling the production of documents and award of costs as are vested in the Court under the Code of Civil Procedure, 1908.

17. Court Fee.

- Every petition, memorandum of appeal or application for revision filed under this Act shall bear court-fee stamp of such value as may be prescribed.

18. Certified copies and information.

- Subject to such rules and on payment of such fee as the State Government, may from time to time prescribe in this behalf, information and certified extracts and certified copies of Order Sheets, Correction Slips, Continuous Khatian and Tenants' Ledger shall be given to persons applying for the same in the prescribed form.

19. Direction, control and superintendence.

- The Circle Officer and the Deputy Collector Land Reforms and Additional Collector shall in the performance of their duties and in the exercise of their powers under the Act shall be under the general direction, control and superintendence of the Collector of the District.

20. Power to remove difficulties.

- The State Government may, as occasions may require, by an order not inconsistent with the provisions of this Act, do anything or direct anything to be done to remove difficulties arising in giving effect to this Act.

21. Act not to prevail upon other laws.

- The provisions of this Act shall be in addition to and not in derogation of any of the provisions contained in any other law for the time being in force.

22. Power of the Government to make Rules.

(1)The State Government may, by notification, make rules not inconsistent with the provisions of this Act for carrying out all or any of the purposes of this Act.(2)Every Rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of 14 days which may be comprised in one Session or in two successive Sessions and if, before the expiry of the Session in which it is so laid in the Session immediately following, both the Houses agree in making any modification in the Rule or both the Houses agree that the Rule should not be made, the Rule shall thereafter have effect only in such modified form or be at no effect as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.

23. Repeal and Savings.

(1)The Bihar Tenants Holdings (Maintenance of Records) Act, 1973 (Bihar Act 28 of 1975) is hereby repealed.(2)Notwithstanding such repeal anything done or any action taken in exercise of the powers conferred by or under the said Act shall be deemed to have been done or taken in exercise of power conferred by or under this Act, as if this Act were in force on the day on which such thing or action were done or taken.