

The M.P. Land Revenue Code, 1959

MADHYA PRADESH

India

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Act 20 of 1959

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1. [Amended by THE MADHYA PRADESH LAND REVENUE CODE (SECOND AMENDMENT) ACT, 2022 (Act 1 of 2023) on 24 January 2023]

The M.P. Land Revenue Code, 1959M.P. Act No. 20 of 1959Statement of Objects and Reasons. - There are at present different sets of laws regarding land revenue, agricultural tenures and other matters relating thereto in force in the different regions of this State. Such a state of affairs is obviously not desirable from the point of view of efficient revenue administration and it is necessary to have a uniform legislation on the subject for the whole of the State. The Bill is designed to achieve this object. It is generally based on the existing laws in force on the subject in the various regions.Received the assent of the President on 15-9-1959, published in the M.P. Gazette, (Extraordinary), dated 21-9-1959.An Act to consolidate and amend the law relating to land revenue, the powers of Revenue Officers, rights and liabilities of holders of land from the State Government, agricultural tenures and other matters relating to land and the liabilities incidental thereto in Madhya Pradesh.Be it enacted by the Madhya Pradesh Legislature in the Tenth Year of the Republic of India as follows :-Chapter-I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Madhya Pradesh Land Revenue Code, 1959.(2)[It extends to the whole of Madhya Pradesh but nothing contained in this Code except the provisions relating to liability of land for payment of land revenue, the assessment of land revenue with reference to the use of land, realisation of land revenue and all provisions ancillary thereto shall apply to such areas as may, from time to time, be constituted as reserved or protected forest under the Indian Forest Act, 1927 (XVI of 1927) :Provided that the aforesaid provisions of the Code shall apply with reference to the use of land in such areas for one or more of the purposes specified in Section 59.] [Substituted by M.P. Act No. 25 of 1987 (w.e.f. 28-5-1987).](3)This Code shall [come into force on such date] [Came into force from 2nd October, 1959 vide Notification No. 11135- VII-N, dated 21-9-1959, published in M.P. Rajpatra, dated 21-9-1959.] as the State Government may, by notification, appoint.

2. Definitions.

(1) In this Code, unless there is anything repugnant to the subject or context, - (a) ["abadi" means the area reserved from time to time in a village for the residence of the inhabitants thereof or for purposes ancillary thereto, and any other cognate variation of this expression such as "village site" or "gaonsthan" shall also be construed accordingly;] [Substituted by M.P. Act No. 23 of 2018] (b) "agriculture" includes - (i) the raising of annual or periodical crops including betel leaves (Pan) and waternuts (singhara) and garden produce; (ii) horticulture; (iii) the planting and upkeep of orchards; and (iv) the reserving of land for fodder, grazing or thatching grass; (v) [the use of land for poultry, fisheries or animal husbandry in an area situated more than five kilometres away from the periphery of urban areas;] [Inserted by M.P. Act No. 22 of 2003 (w.e.f. 21 -4-2003).] (c) "agricultural year" means the year commencing on the first day of July or such other date as the State Government may, by notification, appoint; (d) "Board" means the Board of Revenue constituted under Section 3; (e) "bonafide agriculturist" means a person who cultivates land personally or who may reasonably be expected to cultivate personally; (f) "co-operative society" means a society registered as such under any law relating to Co-operative Societies in force for the time being in any region of the State; [(f-1) "development plan" shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973);] [Inserted by M.P. Act No. 23 of 2018.] (g) "Government forest" means a forest constituted as a reserve forest or protected forest in accordance with the provisions of the Indian Forest Act, 1927 (XVI of 1927); (h) "Government lessee" means a person holding land from the State Government under Section 181; (i) ["holding" means a parcel of land separately assessed to land revenue and held under a tenure;] [Substituted by M.P. Act No. 23 of 2018.] (j) "improvement" means with reference to a holding, any work which adds materially to the value of the holding which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the holding, is either executed directly for its benefit or is after execution, made directly beneficial to it; and, subject to the foregoing provisions, includes - (i) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes; (ii) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water; (iii) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land; (iv) the erection of buildings on or in the vicinity of the holding, elsewhere than in the abadi or urban area, required for the convenient or profitable use or occupation of the holding; and (v) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto; but does not include - (a) temporary wells and such water channels, embankments, levelling, enclosures or other works or petty alterations in or repairs to such works, as are commonly made by cultivators of the locality in the ordinary course of agriculture; or (b) any work which substantially diminishes the value of any land, wherever situated, in the occupation of any other person, whether as bhumiswami or occupancy tenant; Explanation. - A work which benefits several holdings may be deemed to be an improvement with respect to each of such holdings; (k) "land" means a portion of the earth's surface whether or not under water; and, where land is referred to in this Code, it shall be deemed to include all things attached to or permanently fastened to any thing attached to such land; (l) "landless person" means a person who is bonafide agriculturist and who whether individually or jointly with other members of his family hold no lands or land less than the area which may be prescribed in this behalf; Explanation. - For

purposes of this clause the family of a person shall be deemed to consist of his spouse, issue and parents.(m)"land records" means records maintained under the provisions of this Code;[(m-1) "land revenue" means all moneys payable to the State Government for holding land and includes premium, rent, lease money, quit rent or any other cognate variation of these expressions;] [Inserted by M.P. Act No. 23 of 2018](n)"legal practitioner" means any person entitled to practice in any of the Courts in Madhya Pradesh under the [Legal Practitioners Act, 1879 (XVIII of 1879),] [See now Advocates Act, 1961 (No. 25 of 1961).] or under any other law for the time being in force;(o)"mango grove" means mango trees planted in such numbers that they preclude or when full grown are likely to preclude the land on which they stand or any major portion thereof from being used primarily for any purpose other than planting of trees;(p)"orchard" means fruit trees planted in such numbers than they preclude or when full grown are likely to preclude the land on which they stand or any major portion thereof from being used primarily for any purpose other than planting of trees;(q)["plot number" means the number assigned to a portion of land formed into or recognised as a plot number under this Code;] [Substituted by M.P. Act No. 23 of 2018](r)"recognised agent" in reference to a party to a proceeding under the Code means-(i)a person authorised under a power of attorney by such party to make appearance and applications and to do other acts on his behalf in such proceedings; and(ii)a person authorised in writing by such party to make appearance on his behalf in such proceedings;(s)"region" means the Mahakoshal region, the Madhya Bharat region, the Bhopal region, the Vindhya Pradesh region and the Sironj region, or any of these, as the case may be;(t)"rents" means whatever is paid or is payable in money or in kind-(i)[***] [Omitted 'by an occupancy tenant to his bhumiswami according to the provisions of Section 188 or' by M.P. Act No. 23 of 2018] by a lessee to his bhumiswami. on account of the use or occupation of land held by him from such bhumiswami; or(ii)by a Government lessee to the Government on account of the use or occupation of land leased out to him by the Government;(u)"Revenue Officer" in any provision of this Code means such Revenue Officer as the State Government may, by notification, direct to discharge the functions of a Revenue Officer under that provision;(v)"revenue year" means the year commencing on such date as the State Government may, in the case of any special local area, by notification, appoint;[(v-1) "sector" means any tract of land in urban area formed into or recognised as a sector under the provisions of this Code; [Inserted by M.P. Act No. 23 of 2018](v-2) "service land" means such land in a non-urban area which is given to a kotwar for the purpose of agriculture during his tenure of post;](w)"sub-division of a survey number" means a portion of a survey number in respect of which the area and the land revenue payable are separately entered in the land records under an indicative number subordinate to that of the survey numbers of which it is a portion;(x)["survey number" means the number assigned to a portion of land formed into or recognised as a survey number under this Code and entered in the land records under an indicative number known as the khasra number;] [Substituted by M.P. Act No. 23 of 2018](y)[***] [Deleted '(y) 'tenant' means a person holding land from a bhumiswami as an occupancy tenant under Chapter XIV;' by M.P. Act No. 23 of 2018](z)"tenure-holder" means a person who holds land from the State Government and who is or is deemed to be bhumiswami under the provisions of this Code;(z-1) "timber trees" means trees of the following species, namely :-(i)*Tectona grandis* (sagwan);(ii)*Pterocarpus Marsumpium* (bija);(iii)*Dalberia latifolia* (shisham);(iv)*Shorea robusta* (sal);(v)*tinsa*; (vi)*Terminalia tomentosa* (ain or saj);(vii)*Santalum albam* (Chandan);(viii)[*Adina Cordifolia* (Haldu); [Inserted by M.P. Act No. 19 of 2001 (w.e.f. 27-9-2001).](ix)*Mitragyna Parviflora* (Mundi);(x)*Terminalia Arjuna* (Arjun);(xi)*Diaspyrous melaxylon* (Tendu);(xii)*Gmelina*

arborea (Khamhar).](z-2) "to cultivate personally" means to cultivate on one's own account-(i)by one's own labour; or(ii)by the labour of any member of one's family; or(iii)by servants on wages payable in cash or kind but not in crop share; or(iv)by hired labour under one's personal supervision or the personal supervision of any member of one's family;[(z-3) "unoccupied land" means the land other than the abadi or service land, or the land held by a Bhumiswami or a Government lessee;] [Substituted by M.P. Act No. 23 of 2018](z-4) "urban area" means the area for the time being included within the limits of any municipal corporation or any municipality or notified area constituted under any law for the time being in force relating to municipalities or any village or group of villages which may be specified by the State Government as urban area; and the expression "non-urban area" shall be construed accordingly;[(z-5) "village" means any tract of land in a non-urban area which, before the coming into force of this Code, was recognized or was declared as a village under the provisions of any law for the time being in force and any other tract of land in a non-urban area which is recognized as a village at any land survey or which the State Government may, by notification, declare to be a village.] [Substituted by M.P. Act No. 23 of 2018](2)Any reference made in this Code to the date of coming into force of this Code shall be construed as a reference to the date appointed by notification under sub-section (3) of Section 1.Chapter-II Board of Revenue

3. Constitution of Board of Revenue.

(1)There shall be a Board of Revenue for Madhya Pradesh consisting of a President and two or more other members as the State may, from time to time, think fit to appoint.(2)The Board of Revenue as constituted and functioning for the several regions of this State immediately before the coming into force of this Code, hereinafter in this chapter referred to as the existing Board, shall with effect from the date of coming into force of this Code, be deemed to be the Board of Revenue for Madhya Pradesh constituted under this section.(3)The President and members of the existing Board shall be the first President and members respectively of the Board of Revenue for Madhya Pradesh.

4. Principal seat and other places of sittings of Board of Revenue.

(1)The principal seat of the Board shall be at such place as the State Government may, by notified order, appoint.(2)[Notwithstanding anything contained in sub-section (1), the President and members of the Board shall also sit at such other place or places as the State Government may, after consultation with the President of the Board, notify.] [Substituted by M.P. Act No. 23 of 2018]

5. Conditions of service of members of Board.

(1)When my member is, by reason of absence or otherwise, unable to perform the duties of his office, the State Government may, by notification, appoint any person to be, for the time being, a member of the Board.(2)Except as expressly provided by this Code, the terms and conditions of service of the President and members of the Board shall be such as may be prescribed and the terms and conditions laid down by the State Government for the President and members of the existing Board shall continue in force until modified or superseded under this section.(3)A person shall not be qualified for appointment as a member of the Board unless he-(a)is eligible for appointment as a

Judge of the High Court; or(b)has been a Revenue Officer, and has held, for at least five years, an office not lower in rank than that of a Collector.

6. Salaries and allowances.

- There shall be paid to the members of the Board such salaries and allowances as the State Government may determine and those salaries and allowances shall be charged on the consolidated fund of the State.

7. [Jurisdiction of Board. [Substituted by M.P. Act No. 23 of 2018]

- The Board shall exercise the powers and discharge the functions conferred upon it by or under this Code or such other functions as have been conferred or may be conferred by or under any enactment upon it or as may be specified by a notification of the State Government or Central Government in that behalf.]

8. Powers of Superintendence of Board.

- The Board shall, in respect of all matters subject to its appellate or revisional jurisdiction, have superintendence over all authorities in so far as such authorities deal with such matters and may call for returns.

9. Exercise of jurisdiction by single members and benches.

- The Board may make rules for the exercise of powers and functions of the Board by benches constituted of one or more members thereof, and all decisions given by such benches in exercise of such powers or functions shall be deemed to be the decisions of the Board.

10. Cases pending at commencement of Code.

- All appeals, applications for revision and other proceedings pending before the existing Board immediately before the coming into force of this Code shall be heard and decided by the Board.

Chapter III

Revenue Officers, their Classes and Powers

11. Revenue Officers.

- There shall be the following classes of the Revenue officers, namely : -Principal Revenue Commissioner;Commissioner;Additional Commissioner;Commissioner Land Records;Additional Commissioner Land Records;Collector;Additional Collector;District Survey Officer;Sub Divisional Officer;Deputy Survey Officer;Assistant Collector;

12. Control over Revenue Officers.

(1) All Revenue Officers shall be subordinate to the State Government. (2) All Revenue Officers in a Division shall be subordinate to the Commissioner. (3) Unless the State Government otherwise directs all Revenue Officers in a district shall be subordinate to the Collector.

13. Power to alter, create or abolish divisions, districts, sub-divisions and tahsils.

(1) The State Government may create divisions comprising of such districts as it may deem fit and may abolish or alter the limits of such divisions. (2) [The State Government may alter the limits of any district or subdivision or tahsil and may create new or abolish existing districts or sub-divisions or tahsils: Provided that the State Government shall invite objections to such proposals in the prescribed Form and shall take into consideration objections received, if any.] [Substituted by M.P. Act No. 23 of 2018] (3) [***] [Deleted by M.P. Act No. 23 of 2018]. [Rules] [Notification No. 174-6477-VII-N (Rules), dated 6-1-1960.] (1) Any proposal to alter the limits of any division or district or tahsil or to create a new or abolish an existing division or district or tahsil shall be published in the following form :- Notice In pursuance of the provision contained in the proviso to sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), notice is hereby given that in exercise of the powers conferred by sub-section (1)/sub-section (2) of the said section, the State Government propose to alter the limits of division/district/tahsil, to create a new division/district/tahsil, to abolish the existing division/district/tahsil, and to define the limits thereof as specified in the Schedule below. The proposal will be taken into consideration on the expiry of sixty days from the date of publication of this notice in the "Madhya Pradesh Gazette" and any objections or suggestions in respect thereof may be forwarded, in writing to the Secretary to Government, Madhya Pradesh, Revenue Department, before the expiry of the said period : -

Schedule

Division/district/tahsil	Nature of change	Limits
		N
		E
		S
		W

Reasons for proposed change- (2) The notice shall be published in the "Madhya Pradesh Gazette" and in such other manner as the State Government may deem fit.

13A. [Appointment of Principal Revenue Commissioner and his powers and duties. [Inserted by M.P. Act No. 23 of 2018]

- The State Government may, by notification, appoint a Principal Revenue Commissioner who shall exercise such powers and perform such duties conferred and imposed on him by the State

Government.]

14. Power to appoint Commissioners of divisions.

(1)The State Government shall appoint in each division a Commissioner who shall exercise therein the powers and discharge the duties conferred and imposed on a Commissioner by or under this Code or by or under any other enactment for the time being in force.(2)The State Government may, subject to such condition as it may deem fit to impose, by notification, confer upon the Commissioner any of the powers or functions assigned to the State Government by or under any enactment for the time being in force.

15. Power to appoint Additional Commissioner.

- [(1) The State Government may appoint one or more Additional Commissioner in a divisions.]
[Substituted by MP Act No. 5 of 2018, dated 18.1.2018.](2)An Additional Commissioner shall exercise such powers and discharge such duties conferred and imposed on a Commissioner by or under this Code or by under any other enactment for the time being in force in such cases or class of cases as the State Government may, by a general order, notify or as the Commissioner of the division may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct.(3)This Code and every other enactment for the time being in force and any rule made under this Code or any such other enactment shall, except where expressly directed otherwise, apply to the Additional Commissioner when exercising any powers or discharging any duties under sub-section (2) as if he were the Commissioner of the division.

16. Power to appoint Collector.

- The State Government shall appoint in each district a Collector who shall exercise therein the powers and discharge the duties conferred and imposed on a Collector by or under this Code or any other enactment for the time being in force.

17. Power to appoint Additional Collectors.

(1)The State Government may appoint one or more Additional Collector in a district.(2)An Additional Collector shall exercise such powers and discharge such duties conferred and imposed on a Collector by or under this Code or by or under any other enactment for the time being in force, in such cases or class of cases as the State Government may, by a general order, notify or as the Collector of the district may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct.(3)This Code and every other enactment for the time being in force and any rule made under this Code or any such other enactment shall, except where expressly directed otherwise, apply to the Additional Collector, when exercising any powers or discharging any duties under sub-section (2), as if he were the Collector of the district.

18. [Appointment and powers of Assistant Collectors, Joint Collectors and Deputy Collectors. [Substituted by M.P. Act No. 2 of 1990 (w.e.f. 6-2-1990).]

- The State Government may appoint for each district as many persons as it thinks fit to be
-(i)Assistant Collectors of the first and second grades;(ii)Joint Collectors; and(iii)Deputy Collectors,who shall exercise such powers as the State Government may, by notification, direct.]

19. [Appointment of Tahsildars, Additional Tahsildars and Naib Tahsildars. [Substituted by M.P. Act No. 23 of 2018]

(1)The State Government may appoint for each district as many persons as it thinks fit to be-(a)Tahsildar;(b)Additional Tahsildar; and(c)Naib Tahsildar,who shall exercise therein the powers and perform the duties conferred or imposed on them by or under this Code or by or under any other enactment for the time being in force.(2)The Collector may place a Tahsildar as in charge of a tahsil, who shall exercise therein the powers and perform the duties conferred or imposed on him by or under this Code or by or under any other enactment for the time being in force.(3)The Collector may place one or more Additional Tahsildars and Naib Tahsildars in a tahsil who shall exercise therein such powers and perform such duties conferred or imposed on a Tahsildar by or under this Code or by or under any other enactment for the time being in force, as the Collector may, by an order in writing, direct.]

20. Appointment of Superintendents of Land Records and Assistant Superintendents of Land Records.

(1)The State Government may appoint to each district as many persons as it thinks fit, to be Superintendents of Land Records and Assistant Superintendents of Land Records.(2)The Superintendents and Assistant Superintendents of Land Records shall exercise the powers and perform the duties conferred and imposed on them by or under this Code or any other enactment for the time being in force.

21. [*] [Deleted by M.P. Act No. 23 of 2018]**

21. Other Officers.- (1) The State Government may appoint such other officers and invest them with such power as may be necessary to give effect to the provisions of this Code.(2) Such officers shall discharge such duties and be subordinate to such authorities as the State Government may direct.

22. [Sub-Divisional Officers. [Substituted by M.P. Act No. 23 of 2018]

- The Collector may place any Assistant Collector or Joint Collector or Deputy Collector to be in charge of one or more sub-divisions of the district who shall exercise therein the powers and perform the duties conferred or imposed on a Sub-Divisional Officer by or under this Code or by or under any other enactment for the time being in force.]

23. Subordination of Revenue Officers.

- Unless the Collector otherwise directs, every Revenue Officer in a sub-division shall be subordinate to the Sub-Divisional Officer and a Naib-Tahsildar in a tahsil shall be subordinate to the Tahsildar.

24. [Conferral by State Government of powers of Revenue Officers on any public servant or local body. [Substituted by M.P. Act No. 23 of 2018]

- The State Government may confer on any public servant or local body the powers conferred by or under this Code on any Revenue Officer :Provided that the powers of -(a)Collector under sections 72, 113, 135, 165, 237, 238, 243 and 251;(b)Sub-Divisional Officer under sections 59, 115, 170, 170-A, 170-B, 234, 241, 242, 248(2-A) and 253;(c)Appellate authority under section 44; and(d)Revisional authority under section 50; shall not be conferred on any public servant or local body.Explanation - For the purpose of this section, "public servant" means any person who holds an office of the State Government or any body corporate or institution established and controlled by the State Government.]

25. Powers exercisable on transfer.

- If any Revenue Officer, who has been invested with any powers under this Code in any tahsil or district, is transferred to an equal or higher office of the same nature in any other tahsil or district, he shall, unless the State Government otherwise directs, exercise the same powers under this Code in such other tahsil or district.

26. Collector in case of temporary vacancy.

- If the Collector dies or is disabled from performing his duties, the officer who is temporarily placed in charge of the current duties of the Collector shall be held to be the Collector under this Code until the State Government appoints a successor to the Collector so dying or disabled and such successor takes charge of his appointment.

Chapter IV

Procedure of Revenue Officers and Revenue Courts

27. Place of holding enquiries.

- Except for reasons to be recorded in writing, no Revenue Officer shall enquire into, or hear, any case at any place outside the local limits of his jurisdiction :[Provided that Sub-Divisional Officer may enquire into, or hear, any case at any place within the district.] [Substituted by M.P. Act No. 23 of 2018]

28. Power to enter upon and survey land.

- [Any Revenue Officer, Revenue Inspector, Nagar Sarvekshak and patwari] [Substituted 'All Revenue Officers, Revenue Inspectors, measurers and patwaris' by M.P. Act No. 23 of 2018] and when under their observation and control, their servants and workmen when so directed, may enter upon and survey land and demarcate boundaries and do other acts connected with their duties under this Code or any other enactment for the time being in force and in so doing shall cause no more damage than may be required for the due performance of their duties :Provided that no person shall enter into any building or upon any enclosed Court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least twenty-four hours' notice, and in making such entry due regard shall be paid to the social and religious sentiments of the occupier.

29. [Power to transfer cases. [Substituted by M.P. Act No. 23 of 2018]

(1)Whenever it appears that an order is expedient for the ends of justice, the Board may direct that any particular case be transferred from one Revenue Officer to another Revenue Officer of an equal rank.(2)The Commissioner may, if he is of opinion that it is expedient for the ends of justice, order that any particular case be transferred from a Revenue Officer to another Revenue Officer of an equal rank in the same district or any other district in the same division.]

30. Power to transfer cases to and from subordinates.

(1)A Collector, a Sub-Divisional Officer, or a Tahsildar may make over any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force, for decision from his own file to any Revenue Officer subordinate to him competent to decide such case or class of cases, or may withdraw any case or class of cases from any such Revenue Officer and may deal with such case or class of cases himself or refer the same for disposal to any other Revenue Officer subordinate to him competent to decide such case or class of cases.(2)A Commissioner, a Collector, a Sub-Divisional Officer, or a Tahsildar may make over for inquiry and report any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force from his own file to any Revenue Officer subordinate to him.

31. Conferral of Status of Courts on Board and Revenue Officers.

- The Board or a Revenue Officer, while exercising power under this Code or any other enactment for the time being in force to enquire into or to decide any question arising for determination between the State Government and any person or between parties to any proceedings, shall be a Revenue Court.

32. Inherent power of Revenue Courts.

- Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Revenue Court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Court.

33. Powers of Revenue Officers to require attendance of persons and production of documents and to receive evidence.

(1) Subject to the provisions of Sections 132 and 133 of the Code of Civil Procedure, 1908 (V of 1908) and to rules made under Section 41, every Revenue Officer acting as a Revenue Court shall have power to take evidence, to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry or case arising under this Code or any other enactment for the time being in force. (2) No person shall be ordered to attend in person, unless he resides -(a) within the limits of the tahsil if the Revenue Officer acting as a Revenue Officer is a Naib-Tahsildar and in the case of any other Revenue Officer, within the local limits of his jurisdiction; or (b) without such limits but at a place less than fifty, or where there is a railway communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where he is summoned to attend, less than two hundred miles distant from such place. (3) Any person present may be required by any such Revenue Officer to give evidence or to produce any document then and there in his possession or power. (4) Every such Revenue Officer shall have power to issue a commission to examine any person who is exempted from attending Court or who cannot be ordered to attend in person or is unable to attend on account of sickness or infirmity.

34. Compelling attendance of witness.

- If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been, issued under Section 33 may -(a) issue a bailable warrant of arrest; (b) order him to furnish security for appearance; or (c) impose upon him a fine not exceeding rupees fifty.

35. Hearing in absence of party.

- [(1) ***.] [Deleted by M.P. Act No. 23 of 2018] (2) If any party to a case or proceeding before a Revenue Officer does not appear on the date fixed for hearing after due service of a notice or summons on him the case may be heard and determined in his absence or may be dismissed in default, as the case may be. (3) [The party against whom any order is passed under sub-section (2) may apply within thirty days from the date of such order or knowledge of the order in case the notice or summons was not duly served, to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing and the Revenue Officer may, after notice to the opposite party which was present on the date on which such order was passed and after making such inquiry as he considers necessary, set aside the order passed.] [Substituted by M.P. Act No. 23

of 2018](4)Where an application filed under sub-section (3) is rejected, the party aggrieved may file an appeal to the authority to whom an appeal lies from an original order passed by such officer.(5)Except as provided in sub-section (4) or except where a case or proceeding before any Revenue Officer has been decided on merits, no appeal shall lie from an order passed under this section.

36. Adjournment of hearing.

(1)A Revenue Officer may, from time to time, for reasons to be recorded and on such terms as to costs, adjourn the hearing of a case or proceeding before him.(2)The date and place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

37. Power to award costs.

- A Revenue Officer may award costs incurred in any case or proceeding arising under this Code or any other enactment for the time being in force in such manner and to such extent, as he thinks fit :Provided that the fees of a legal practitioner shall not be allowed as costs in any such case or proceeding, unless such officer considers otherwise for reasons to be recorded by him in writing.

38. Manner of executing order to deliver possession of immovable property.

- Where any person against whom an order to deliver possession of immovable property has been passed under this Code such order shall be executed in the following manner, namely :-(a)by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land; and(b)if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same; and(c)if the officer removing any such person is resisted or obstructed by any person, the Revenue Officer shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance or obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.

39. Persons by whom appearances and applications may be made before and to Revenue Officers.

- Save as otherwise provided in any other enactment for the time being in force, all appearances before, applications to and acts to be done before any Revenue Officer under this Code or any other enactment for the time being in force may be made or done by the parties themselves or by their recognised agents or by any legal practitioner :Provided that subject to the provisions of Sections 132 and 133 of the Code of Civil Procedure, 1908 (V of 1908), any such appearance shall, if the

Revenue Officer so directs, be made by the party in person :Provided further that appearance alone may be made by a recognised agent falling under item (ii) of clause (r) of sub-section (1) of Section 2.

40. Effect of rules in Schedule I.

- The rules in Schedule I shall have effect as if enacted in the body of this Code until annulled or altered in accordance with the provisions of this Chapter.

41. [Deleted by M.P. Act No. 23 of 2018]

***]

41. Power of Board to make rules.- (1) The Board may, from time to time, make rules consistent with the provisions of this Code regulating the practice and procedure of the Board and the procedure to be allowed by other Revenue Courts and may by such rules annul, after or add to all or any of the rules in Schedule I.(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), such rules may provide for all or any of the following matters, namely :
-(a) the service of summons, notices and other processes by post or in any other manner either generally or in any specified areas, and the proof of such service;(b) the regulation of power of Revenue Officers to summon parties and witnesses and the grant of expenses to witnesses;(c) the regulation of recognised agents with regard to appearances, applications and acts done by them in proceedings under this Code,(d) procedure to be observed in effecting attachment of movable and immovable properties;(e) procedure for publishing, conducting, setting aside and confirming sales and all ancillary matters connected with such proceedings;(f) the maintenance and custody, while under attachment, of livestock and other movable property, the fees payable for such maintenance and custody, the sale of such live-stock and property and the proceeds of such sale;(g) consolidation of appeals and other proceedings;(h) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Revenue Courts;(i) the time within which, in the absence of any express provision, appeals or applications for revision may be filed;(j) the cost of and incidental to any proceedings;(k) examination of witnesses on commission and payment of expenses incidental to such examination;(l) licensing of petition-writers and the regulation of their conduct.(3) Such rules shall be subject to the condition of previous publication and approval of the State Government, and after they are so made and approved they shall be published in the Gazette, and shall, from the date of publication or from such other date as may be specified, have the same force and effect as if they were contained in Schedule I.

42. Orders of Revenue Officer when reversible by reason of error or irregularity.

- No order passed by a Revenue Officer shall be reversed or altered in appeal or revision on account of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before or during enquiry or other proceedings under this Code, unless such error, omission, or irregularity has in fact occasioned a failure of justice.Explanation. - In determining

whether any error, omission or irregularity in any proceedings under this Code has occasioned a failure of justice regard shall be had to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

43. Code of Civil Procedure to apply when no express provision made in this Code.

- Unless otherwise expressly provided in this Code, the procedure laid down in the Code of Civil Procedure, 1908 (V of 1908) shall, so far as may be, be followed in all proceedings under this Code. Chapter-V Appeal, Revision and Review

44. [Appeal and appellate authorities. [Substituted by M.P. Act No. 23 of 2018]

(1) Save where it has been otherwise provided, an appeal shall lie from every original order of a Revenue Officer competent to pass such order under this Code or the rules made thereunder - (a) if such order is passed by any Revenue Officer subordinate to the Sub-Divisional Officer - to the Sub-Divisional Officer; (b) if such order is passed by any Revenue Officer subordinate to the Deputy Survey Officer - to the Deputy Survey Officer; (c) if such order is passed by the Sub-Divisional Officer - to the Collector; (d) if such order is passed by the Deputy Survey Officer - to the District Survey Officer; (e) if such order is passed by any Assistant Collector, Joint Collector or Deputy Collector to whom the powers have been conferred under section 24 - to the Collector; (f) if such order is passed by any Revenue Officer in respect of whom a direction has been issued under sub-section (3) of section 12 - to such Revenue Officer as the State Government may direct; (g) if such order is passed by a Collector or District Survey Officer - to the Commissioner; (h) if such order is passed by the Commissioner - to the Board. (2) Save as otherwise provided, a second appeal shall lie against every order passed in first appeal under this Code or the rules made thereunder - (a) by the Sub-Divisional Officer or the Deputy Survey Officer or the Collector or the District Survey Officer - to the Commissioner; (b) by the Commissioner - to the Board. (3) The second appeal shall lie only - (a) if the original order has in the first appeal been varied or reversed otherwise than in a matter of cost; or (b) on any of the following grounds and no other, namely :- (i) that the order is contrary to law or, usage having the force of law; or (ii) that the order has failed to determine some material issue of law, or usage having force of law; or (iii) that there has been a substantial error or defect in the procedure as prescribed by this Code, which may have produced error or defect in the decision of the case upon merits. (4) An order passed in review varying or reversing any order shall be appealable in like manner as the original order.]

45. [Deleted by M.P. Act 23 of 2018]

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45. Transfer of certain pending proceedings to Settlement Commissioner.- All proceedings arising from the Madhya Bharat region and pending before the Director of Land Records in appeal,

revision or review immediately before the coming into force of this Code, shall stand transferred to the Settlement Commissioner and every such proceeding shall be heard and decided by the Settlement Commissioner as if it had been entertained by him under the provisions of this Code.

46. [No appeal against certain orders. [Substituted by M.P. Act No. 23 of 2018]

- Notwithstanding anything contained in section 44, -(a)no appeal shall lie from an order -(i)allowing or rejecting an application for condonation of delay on the grounds specified in section 5 of the Limitation Act, 1963 (No. 36 of 1963); or(ii)rejecting an application for review; or(iii)allowing or rejecting an application for stay; or(iv)of an interim nature; or(v)passed under the provisions of sections 29, 30, 104, 106, 114-A, 127, 146, 147, 150, 152, 161, 207, 208, 210, 212, 213, 215, 220 and 243; and(b)no second appeal shall lie from an order passed in first appeal against an order passed under the provisions of sub-section (1) of section 131, section 134, section 173, section 234, section 239, section 240, section 241, section 242, section 244 and section 248.]

47. [Limitation of appeals. [Substituted by M.P. Act No. 23 of 2018]

- The period of limitation for filing first or second appeal shall be forty-five days from the date of the order appealed against:Provided that where an order, against which the appeal is preferred, was made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, the period of limitation of appeal shall be as provided in the Code prior to the said Amendment Act:Provided further that where a party, other than a party against whom the order has been passed ex parte, had no previous notice of the date on which the order was passed, limitation shall be computed from the date of the communication of such order.]

48. Copy of order objected to accompany petition.

- Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made unless the production of such copy is dispensed with.

49. Power of appellate authority.

(1)The appellate authority may either admit the appeal or, after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it :Provided that the appellate authority shall not be bound to call for the record where the appeal is time-barred or does not lie.(2)If the appeal is admitted date shall be fixed for hearing and notice shall be served on the respondent.(3)After hearing the parties, if they appear, the appellate authority may confirm, vary or reverse the order appealed against; or may direct such further investigation to be made, or such additional evidence to be taken, as it may think necessary; or may itself take such additional evidence; or may remand the case for disposal with such directions as it thinks fit.[Provided that the appellate authority shall not ordinarily remand the case for disposal to any Revenue Officer subordinate to it;] [Substituted by M.P. Act No. 23 of 2018]

50. [Revision. [Substituted by M.P. Act No. 23 of 2018]

(1) Subject to the provisions of sub-sections (2), (3), (4) and (5), -(a) the Board may, at any time on its own motion or on an application made by any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by the Commissioner; (b) the Commissioner may, at any time on his own motion or on an application made by any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by the Collector or the District Survey Officer; (c) the Collector or the District Survey Officer may, at any time on his own motion or on an application of any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by a Revenue Officer subordinate to him; and if it appears that the subordinate Revenue Officer -(i) has exercised a jurisdiction not vested in him by this Code; or (ii) has failed to exercise a jurisdiction so vested; or (iii) has acted in the exercise of his jurisdiction illegally or with material irregularity, the Board or the Commissioner or the Collector or the District Survey Officer may make such order in the case as it or he thinks fit. (2) No application for revision shall be entertained -(a) against an order appealable under this Code; (b) against any order passed in second appeal under this Code; (c) against an order passed in revision; (d) against an order of the Commissioner under section 210; (e) unless presented within forty-five days from the date of order or its communication to the party, whichever is later : Provided that where an order, against which an application for revision is being preferred, was made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 the period of limitation for presenting the application for revision shall be as provided in the Code prior to the said Amendment Act. (3) The Board or the Commissioner or Collector or the District Survey Officer shall not, under this section, vary or reverse any order made or any order deciding an issue, in the course of proceeding, except where -(a) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the proceedings; or (b) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made. (4) A revision shall not operate as a stay of proceeding before the Revenue Officer, except where such proceeding is stayed by the Board or the Commissioner or the Collector or the District Survey Officer, as the case may be. (5) No order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard. Explanation. - For the purpose of this section all Revenue Officers shall be deemed to be subordinate to the Board.]

51. Review of orders.

- [(1) The Board or any Revenue Officer may, either suo motu or on an application of any party interested, review any order passed by it or him, or by any predecessor-in-office and pass such order in reference thereto as it or he may think fit: Provided that -(i) if the Commissioner, Collector or District Survey Officer thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the Board, and if an officer subordinate to the Collector or District Survey Officer proposes to review an order, whether passed by himself or his predecessor, he shall first obtain the sanction in writing of the Collector or District Survey Officer to whom he is immediate subordinate; (ii) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order; (iii) no order from which an

appeal has been made, or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending, be reviewed;(iv)no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings, and no application for the review of such order shall be entertained unless it is made within forty-five days from the passing of the order.(2)No order shall be reviewed except on the following grounds, namely: -(a)discovery of new and important matter or evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the order was made;(b)some mistake or error apparent on the face of the record; or(c)any other sufficient reason.](3)For the purposes of this section the Collector shall be deemed to be the successor in office of any Revenue Officer who has left the district or who has ceased to exercise powers as a Revenue Officer and to whom there is no successor in the district.(4)An order which has been dealt with in appeal or on revision shall not be reviewed by any Revenue Officer subordinate to the appellate or revisional authority.

52. Stay of execution of orders.

(1)A Revenue Officer who has passed any order or his successor in office may, at any time before the expiry of the period prescribed for appeal or revision, direct the execution of such order to be stayed for such time as may be requisite for filing an appeal or revision and obtaining a stay order from the appellate or revisional authority.(2)The appellate or revisional authority may, at any time direct the execution of the order appealed from or against which a revision is made to be stayed for such time as it may think fit.(3)The authority exercising the powers conferred by Section 50 or Section 51 may direct the execution of the order under revision or review to be stayed for such time as it may think fit.(4)The Revenue Officer or the authority directing the execution of an order to be stayed may impose such conditions or order such security to be furnished as he or it thinks fit.(5)No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section.

53. Application of Limitation Act.

- Subject to any express provision contained in this Code the provision of the [Indian Limitation Act, 1908] [See now the Limitation Act, 1963 (36 of 1963).] (IX of 1908), shall apply to all appeals and applications for review under this Code.

54. [Pending revisions. [Substituted by M.P. Act No. 23 of 2018]

- Notwithstanding anything contained in this Chapter, any proceedings pending in revision immediately prior to coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, -(a)if initiated on an application of a party, be heard and decided by the Board or the Revenue Officer competent to hear and decide them under sub-section (1) of section 50 as amended by the aforesaid Amendment Act and, if required for this purpose, shall be transferred to such competent Revenue Officer;(b)if initiated suo motu by the Board or any Revenue Officer, shall be heard or decided by the Board or such Revenue Officer, as the case may be, as if this Amendment Act had not been passed:(c)if initiated by the Settlement Commissioner, shall be transferred to the

Commissioner of concerned division, who shall heard and decide it;(d)if initiated by the Settlement Officer, shall be transferred to the District Survey Officer or the Collector, as the case may be, who shall heard and decide it.]

54A.

[***] [Omitted by M.P. Act No. 32 of 1997 (w.e.f. 22-8-1997).]

55. [[Deleted by M.P. Act No. 23 of 2018]

***] [Substituted by M.P. Act No. 23 of 2018]

55. Application of Chapter.- For avoidance of doubt, it is hereby declared that save as otherwise expressly provided in this Code, the provisions of this Chapter shall apply to-(a) all orders passed by any Revenue Officer before the date of coming into force of this Code and against which no appeal or revision proceedings are pending before such date; and(b) all proceedings before Revenue Officers, notwithstanding that they were instituted or commenced or arose out of proceedings instituted or commenced before the coming into force of this Code.

56. [Construction of order. [Substituted by M.P. Act No. 10 of 1974 (w.e.f. 8-5-1974).]

- In this Chapter, unless the context otherwise requires, expression "order" means the formal expression of the decision given by the Board or a Revenue Officer in respect of any matter [in exercise of powers under this Code].]Chapter-VI Land and Land Revenue

57. State ownership in all lands.

(1)All lands belong to the State Government and it is hereby declared that all such lands, including standing and flowing water, mines, quarries, minerals and forests reserved or not, and all rights in the sub-soil of any land are the property of the State Government :[Provided that nothing in this section shall, save as otherwise provided in this Code, be deemed to affect any rights of any person subsisting at the coming into force of this Code in any such property.] [Substituted by M.P. Act No. 8 of 1979 (w.e.f. 2-10-1959).](2)[***] [Deleted by M.P. Act No. 23 of 2018](3)Any person aggrieved by any order passed under sub-section (2) may institute a civil suit to contest the validity of the order within a period of one year from the date of such order.[(3-a)(a) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908) no Civil Court shall, in a suit instituted under sub-section (3) on or after 24th October, 1983, by order of temporary injunction disturb the person to whom possession is restored under Section 250 if such person furnishes a reliable surety to recompensate the aggrieved party against any loss in case the Civil Court grants a decree in favour of the aggrieved party :Provided that no surety shall be required to be furnished by a member of a tribe declared to be an aboriginal tribe under sub-section (6) of Section 165;(b)Where a Civil Court by an order of temporary injunction disturbed the person referred to in clause (a) on or after 24th October, 1983 but before the publication of Revenue Department's Notification No.

1-70-VII-N-2-83, dated 4th January, 1984 such order shall abate on such publication and the Tahsildar shall restore possession to a person who is disturbed by such order.](4)Where a civil suit has been instituted under sub-section (3) against any order such order shall not be subject to appeal or revision.

58. Liability of land to payment of land revenue.

- [(1) All land to whatever purpose applied and wherever situate, is liable to the payment of revenue to the State Government except such land as has been wholly or partially exempted from such liability by or under this Code or by special grant of or contract with the State Government or such land which is wholly or partially exempted from such liability by notification, issued in this behalf by the State Government.] [Substituted by M.P. Act No. 23 of 2018](2)[***] [Deleted by M.P. Act No. 23 of 2018]

58A. [Exemption from payment of land revenue. [Substituted by M.P. Act No. 23 of 2018]

- Notwithstanding anything contained in this Code, no land revenue shall be payable in respect of
-(a)any holding up to two hectares used exclusively for the purpose of agriculture;(b)such other land used for non agricultural purpose as the State Government may, by notification, specify.Explanation. - For the purpose of this section, "holding" means the sum of all lands held by a person individually and his share in the lands held by him jointly, if any, in the entire State.]
[Inserted by Notification F. No. 1-70-VII-N-II-83, dated 5-1-1984.]

58B. [[Substituted by M.P. Act No. 23 of 2018]

***.]

59. [Land revenue according to purpose for which land is used. [Substituted by M.P. Act No. 23 of 2018]

(1)The assessment of land revenue shall be made with reference to the following use of land at such rates as may be prescribed :(a)for the purpose of agriculture including any improvement made thereon;(b)for the purpose of dwelling houses;(c)for educational purpose;(d)for commercial purpose;(e)for industrial purpose including the purpose of mines and minerals;(f)for purpose other than those specified in items (a) to (e) above as may be notified by the State Government.(2)Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to assessment at the rates prescribed for the purpose to which it has been diverted.(3)Where the land held free from the payment of land revenue on condition of being used for any purpose is diverted to any other purpose it shall become liable to the payment of land revenue and assessed at the rates prescribed for purpose for which it has been diverted.(4)Where land assessed for use for any one purpose is diverted to any other purpose, and land revenue is

assessed thereon under the provisions of this section, the premium on such diversion shall be payable at such rates as may be prescribed.(5)Whenever land assessed for one purpose is diverted to another purpose, the Bhumiswami shall compute the premium and reassessed land revenue payable and deposit the amount so computed in the manner prescribed.(6)The Bhumiswami shall give a written intimation of such diversion to the Sub-Divisional Officer along with the receipt of the deposit of the amount under sub-section (5), and the land shall be deemed to have been diverted from the date of such intimation.(7)On the receipt of intimation under sub-section (6), the Sub-Divisional Officer shall, as soon as possible, make enquiry into the correctness of the computation made by the Bhumiswami and communicate to the Bhumiswami either confirming the computation made under sub-section (5) or informing him the correct amount of premium and land revenue payable. In case the amount deposited under sub-section (5) is less than the amount computed by the Sub-Divisional Officer, the difference shall be paid by the Bhumiswami within sixty days of receipt of such intimation :Provided that in case the amount deposited under sub-section (5) is greater than the amount computed by the Sub-Divisional Officer, the difference shall be refunded to the Bhumiswami within sixty days.(8)If the Sub-Divisional Officer fails to communicate to the Bhumiswami under sub-section (7) within five years from the date of intimation received under sub-section (6), the arrears of re-assessed land revenue shall not be payable for a period exceeding five years.(9)If the Bhumiswami fails to give the intimation of diversion under sub-section (6), the Sub-Divisional Officer on his own motion or on receiving such information shall compute the premium and re-assess the land revenue payable on account of such diversion and also impose a penalty equal to fifty per centum of the total amount payable :Provided that such re-assessed land revenue shall be payable from the actual date of diversion subject to a maximum period of five years :Provided further that no penalty shall be imposed for one year from the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018.(10)The Bhumiswami shall divert land for only such purpose as is permissible under the law governing the use of land for the time being in force :Provided that no action of the Bhumiswami or Sub-Divisional Officer under this section shall be construed as granting of permission to change use of land contrary to the provisions of the applicable law :Provided further that the competent authority may take action against Bhumiswami for such diversion contrary to the provisions of the law for the time being in force irrespective of any action taken under this section.(11)The premium and re-assessed land revenue shall be computed at the rates prevailing on the date of intimation by the Bhumiswami under subsection (6) or the date of passing of order by Sub-Divisional Officer under sub-section (9), as the case may be.(12)All proceedings under this section pending before the Board or any Revenue Officer prior to commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall stand abated and the Sub-Divisional Officer shall impose premium and assess the land revenue on account of diversion in accordance with the provisions of this section.]

59A. [Assessment when to take effect. [Inserted by M.P. Act No. 15 of 1975 (w.e.f. 2-10-1959).]

- The alteration or assessment made under the provision of Section 59 shall take effect from the date on which the diversion was made.

59B. Reassessment on diversion of land prior to coming into force of the Code.

- Where prior to the coming into force of this Code land in any area assessed for any one purpose was subsequently diverted for use to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed -(1)in accordance with the purpose to which it has been diverted with effect from -(a)the date on which such diversion was made if in the area concerned there was in force any enactment repealed under Section 261 which contained provision for alteration or reassessment on such diversion;(b)the date of coming into force of this Code in any other case; and(2)in case of (a) above in accordance with the provisions of such repealed Act, and in the case of (b) above in accordance with the provisions of this Code.]

60. [Assessment of un-assessed land. [Substituted by M.P. Act No. 23 of 2018]

- All lands on which the assessment has not been made, the assessment of land revenue shall be made by the Collector in accordance with rules made under this Code.][Chapter VII [Substituted by M.P. Act No. 23 of 2018] Land Survey

61. Definition of land survey.

- The "land survey" means -(a)all or any of the following activities -(i)division of land into survey numbers, recognition of existing survey numbers, reconstitution thereof or forming new survey numbers in land used for agricultural purposes and activities incidental thereto;(ii)division of land into plot numbers, recognition of existing plot numbers, reconstitution thereof or forming new plot numbers and grouping them into blocks in land used for non-agricultural purposes and activities incidental thereto;(iii)grouping of the survey numbers and blocks into villages in non-urban areas and into sectors in urban areas and activities incidental thereto;(b)preparation of a Field Book describing the area, current land use and other attributes of each survey number, block number or plot number, as the case may be;(c)preparation or revision or correction of field map, as the case may be;(d)preparation of record of rights, in order to bring the land records up to date in any local area;(e)preparation of any other record, as may be prescribed.

62. Appointment of Commissioner Land Records.

- The State Government may appoint a Commissioner Land Records who shall, subject to the direction issued in this regard by the State Government, manage the land survey and the land records.

63. Appointment of Additional Commissioners Land Records and their powers and duties.

(1)The State Government may appoint one or more Additional Commissioner Land Records.(2)An Additional Commissioner of Land Records shall exercise such powers and discharge such duties, conferred and imposed on a Commissioner Land Record by this Code or rules made there under in such cases or classes of cases, as the State Government or Commissioner Land Records may direct and while exercising such powers and discharging such duties, the Additional Commissioner Land Records shall be deemed to have been appointed as a Commissioner Land Records for the purposes of this Code or any rule made.

64. Notification of proposed land survey.

(1)The Commissioner Land Records may commence land survey in a tahsil area by publishing a notification in the official Gazette to that effect.(2)Land survey may extend to all lands in the tahsil area or part thereof as the Commissioner Land Records may direct in the notification issued under sub-section (1).(3)The lands notified under sub-section (1) shall be held to be under land survey from the date of said notification till the subsequent notification declaring the land survey to be closed is issued.

65. District Survey Officer, Deputy Survey Officer and Assistant Survey Officer.

(1)In respect of the lands under land survey, -(a)the Collector of a district shall be the District Survey Officer;(b)the Sub-Divisional Officer of a sub-division shall be the Deputy Survey Officer for his sub-division;(c)the Tahsildar, Additional Tahsildar or Naib Tahsildar shall be Assistant Survey Officer within their respective jurisdiction.(2)All District Survey Officers shall be subordinate to the Commissioner Land Records.(3)All Deputy Survey Officer and Assistant Survey Officers in a district shall be subordinate to the District Survey Officer.(4)All Assistant Survey Officers in a sub-division shall be subordinate to the Deputy Survey Officer.

66. Powers of District Survey Officer, Deputy Survey Officer and Assistant Survey Officer.

(1)In respect of lands under land survey the powers of the Collector, the Sub-Divisional Officer or the Tahsildar under this Code shall vest in the District Survey Officer, Deputy Survey Officer or Assistant Survey Officer respectively.(2)The State Government may invest any Deputy Survey Officer or Assistant Survey Officer with all or any of the powers of the District Survey Officer under this Code.

67. Formation of survey numbers, block numbers, plot numbers and their grouping into villages in non-urban areas or into sectors in urban areas.

- Subject to rules made under this Code, the District Survey Officer may -(a)take measurements of the land to which land survey extends and construct such number of survey marks thereon as may be necessary;(b)divide such land into survey numbers, recognize existing survey numbers, reconstitute survey numbers or form new survey numbers in land used for agricultural purpose;(c)divide such land into block numbers, recognize existing block numbers, reconstitute block numbers or form new block numbers in land used for non agricultural purpose;(d)divide blocks in plot numbers, recognize existing plot numbers, reconstitute plot numbers or form new plot numbers in land used for non agricultural purpose;(e)group survey numbers and blocks into villages in non-urban areas and into sectors in urban areas :Provided that the plots of any land lying within the boundaries of a layout approved under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), shall be deemed to be plots under this Code :Provided further that except as hereinafter provided and subject to the approved development plan of the area, if any, no survey number or plot number shall henceforth be made of an extent less than the minimum prescribed.

68. Power to re-number or sub-divide or amalgamate survey number, block number and plot number.

(1)The District Survey Officer may either re-number or sub-divide survey numbers into as many sub-divisions as may be required or amalgamate one or more survey numbers into a single survey number in view of the acquisition of rights in land or for any other reason.(2)The District Survey Officer may either re-number or sub-divide block numbers and plot numbers into as many sub-divisions as may be required or amalgamate one or more block numbers and plot numbers into a single block number or plot number in view of the acquisition of rights in land or for any other reason :Provided that no division or amalgamation of block number or plot number shall be permissible where such block or plot or any part thereof falls within the boundaries of layout approved under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973).(3)The division or amalgamation of any survey number, block number or plot number and assessment thereof shall be carried out in accordance with rules made under this Code.(4)The District Survey Officer may modify a block by removing one or more plot numbers from a block or adding one or more plot numbers from an adjoining block.(5)Where a holding consists of several survey numbers and plot numbers, the District Survey Officer shall assess the land revenue payable for each survey number or plot number.(6)Whenever the survey numbers, block numbers or plot numbers are re-numbered, the District Survey Officer shall correct the entries in all records prepared or maintained under this Code.

69. Entry of survey, numbers, block numbers and plot numbers and their sub-divisions in land record.

- The area and assessment of survey numbers and plot numbers and their sub-divisions and area of block numbers shall be entered in land records in such manner as may be prescribed.

70. Determination of abadi of village.

- The District Survey Officer shall, in the case of every inhabited village, ascertain and determine, with due regard to rights in lands, the area to be reserved for the residence of the inhabitants or for purposes ancillary thereto, and such area shall be deemed to be the abadi of the village.

71. Power of District Survey Officer to divide or unite villages and sectors or exclude area therefro.

(1)The District Survey Officer may divide a village to constitute two or more villages or may unite two or more villages and constitute one village or may alter the limits of a village by including therein any area of a village in the vicinity thereof or by excluding any area comprised therein, in accordance with the rules made under this Code.(2)The District Survey Officer may divide a sector to constitute, two or more sectors or may unite two or more sectors and constitute one sector or may alter the limits of a sector by including therein any area of a sector in the vicinity thereof or by excluding any area comprised therein, in accordance with the rules made under this Code.

72. Assessment.

- The District Survey Officer shall fix the assessment on each holding at such rates as may be prescribed.

73. All lands liable to assessment.

- The District Survey Officer shall make assessment on all lands to which the survey extends whether such lands are liable to the payment of land revenue or not.

74. Duty of District Survey Officer to maintain maps and records.

- When an area is under land survey, the duty of maintaining the maps and records of such area shall stand transferred from Collector to the District Survey Officer, who shall thereupon exercise all the powers conferred on the Collector under any of the provisions of Chapters IX and XVIII.

75. Power of Sub-Divisional Officer to correct errors.

- The Sub-Divisional Officer may, at any time after the closure of land survey, correct any error in the area or assessment of any survey number or plot number or block number due to mistake of survey or arithmetical miscalculation :Provided that no arrears of land revenue shall become payable by reason of such correction.

76. Powers provided under this Chapter to be exercised by Collector, Sub-Divisional Officer and Tahsildar in area not under land survey.

- In any area not under land survey, the Collector, the Sub-Divisional Officer or the Tahsildar shall exercise the powers of District Survey Officer, Deputy Survey Officer or Assistant Survey Officer respectively provided under this Chapter within their respective jurisdiction.

77. Power to make rules.

- The State Government may make rules for carrying out the land survey under this Chapter.]

78. Maximum and minimum limits for the rate of assessment.

- The maximum and minimum limits for the assessment rate shall respectively be one and quarter times and three-fourth of the assessment rate in force for the time being :Provided that in the event it is considered desirable to alter the minimum or maximum limits, aforesaid, a proposal to that effect shall be laid on the table of the Legislative Assembly for its approval and the limits of assessment rate shall thereafter be altered in accordance with the proposals as approved.

79. Fixation of fair assessment.

- The Settlement Officer shall fix the assessment on each holding in accordance with the assessment rates approved under Section 77 and the provisions of the Section 81 and such assessment shall be the fair assessment of such holding.

80. All lands liable to assessment.

- The Settlement Officer shall have the power to make fair assessment on all lands what-so-ever to which the Settlement extends, whether such lands are liable to the payment of land revenue or not.

81. Principles of assessment.

(1)The fair assessment of all lands shall be calculated in accordance with the principles and restrictions set forth in the section.(2)No regard shall be had to any claim to hold land on privileged terms.(3)Regard shall be had in the case of agricultural land to the profits of agriculture, to the consideration paid for leases' to the sale prices of land and to the principal moneys on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.(4)The fair assessment on land used for non-agricultural purposes shall not exceed thirty-three per centum of the estimated rental value of the land.(5)Where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.(6)Except for special reasons to be approved in each case by the State Government, no increase in the fair assessment of a holding for the purpose of agriculture shall exceed fifty per

centum of the existing assessment.

82. Announcement of Settlement.

(1)When the assessment of any land has been fixed in accordance with Section 79, notice thereof shall be given in accordance with rules made under this Code, and such notice shall be called the announcement of the settlement.(2)The assessment of any land, as announced under this section, shall be the land revenue payable annually on such land during the term of the settlement unless it is modified in accordance with the provisions of this Code, or any other law.

83. Introduction of Settlement.

- The term of a settlement shall commence from the beginning of the revenue year next following the date of announcement or from the expiry of the previous term of settlement, whichever is later.

84. Remission of enhancement of bhumiswami who relinquishes.

- During the first year of the term of settlement any bhumiswami, who is dissatisfied with the new assessment shall, on relinquishing his rights in his holding in the manner prescribed by Section 173 may, one month before the commencement of the agricultural year, receive a remission of any increase imposed thereby :Provided that the relinquishment of only part of a holding or of a holding, which, or any part of which, is subject to an encumbrance or a charge shall not be permitted.

85. Term of settlement.

(1)The term of settlement shall be fixed by the State Government and shall not be less than thirty years :Provided that if, at any time during the currency of the settlement, the State Government finds that having regard to changes in general conditions subsequent to the settlement, it is desirable that the assessment should be reduced, it may reduce such assessment for such period as it may deem fit.(2)Notwithstanding anything contained in sub-section (1) in any area where there is ample scope for extension of cultivation or for agricultural development or where the pitch of rents is unduly low or where there has been a rapid development of resources owing to the construction of roads, railways or canals since the last settlement, the State Government may, for reasons to be recorded, fix a term which may be less than thirty years but which shall in no case be less than twenty years.(3)Notwithstanding that the term of settlement fixed under sub-section (1) or sub-section (2) for any local area has expired, the term shall be deemed to have been extended till the commencement of the term of the subsequent settlement in that area.

86. Power of Collector to complete unfinished proceedings.

- Where the settlement operations are closed all applications and proceedings then pending before the Settlement Officer shall be transferred to the Collector who shall have the powers of a Settlement Officer for their disposal.D-General

87. Inquiry into profits of agriculture and value of land.

(1) With effect from the coming in force of this Code the State Government may take steps to institute and may cause to be constantly maintained, in accordance with rules made under this Code, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes. (2) For the purpose of determining the profits of agriculture, the following elements shall be taken into account in estimating the cost of cultivation, namely :-(a) the depreciation of stock and buildings; (b) the money equivalent to the cultivator's and his family's labour and supervision; (c) all other expenses usually incurred in cultivation on the land which is under inquiry; and (d) interest on the cost of buildings and stock and on expenditure for seed and manure, and on cost of agricultural operations paid for in cash. (3) The Settlement Officer shall take in consideration the information collected in the course of this inquiry, when framing his proposals for assessment rates.

88. Power to transfer, duty of maintaining maps and records to Settlement Officer.

- When a local area is under revenue survey, the duty of maintaining the maps and records may, under the orders of the State Government, be transferred from Collector to the Settlement Officer, who shall thereupon exercise all the powers conferred on the Collector in any of the provisions in Chapters IX and XVIII.

89. Power of Sub-Divisional Officer to correct errors.

- The Sub-Divisional Officer may, at any time after the closure of the revenue surveys and during the term of settlement, correct any error in the area or assessment of any survey number of holding due to mistake of survey or arithmetical miscalculation : Provided that no arrears of land revenue shall become payable by reason of such correction.

90. Power of Collector during term of Settlement etc.

- After the closure of the revenue survey and during the term of a settlement, the Collector, shall, when so directed by the State Government, exercise the powers of a Settlement Officer under Sections 68, 69, 70, 72 and 73.

91. Power to grant power of Settlement Officer during term of Settlement.

- The State Government may, after the closure of the revenue survey and during the term of settlement, invest any Revenue Officer with all or any of the power of the Settlement Officer under this Chapter, within such area and subject to such restrictions and for such period as it may think fit.

91A. Power to make rules.

- The State Government may make rules for regulating generally the conduct of a revenue survey or settlement under this Chapter.

Chapter VIII

Assessment and Re-Assessment of Land in Urban Areas

92. Provisions of Chapter to apply to land in urban areas.

(1)The provisions of this Chapter shall apply to land held in urban area, whether for agricultural or non-agricultural purposes. -(1)by a bhumiswami;(2)by a Government lessee under a lease granting a right of renewal; and(3)by a holder of service land.(2)Whenever the land revenue or rent assessed on a plot number falls due for revision the Collector shall assess the plot in accordance with the provisions of this Chapter.Explanation.-For the purposes of this section, the land revenue or rent payable for a plot shall be deemed due for revision-(i)if the plot is held on a lease when the lease becomes due for renewal; and(ii)in the case of a plot held by a bhumiswami on the expiry of the original term of settlement.

93. Powers of Collector to divide lands into plot numbers.

- Subject to rules made under this Code, the Collector may -(a)divide the lands in an urban area into plot numbers; and(b)recognize existing survey numbers as plot numbers, reconstitute plot numbers or form new plot numbers.

94. Powers of Collector to re-number or sub-divide plot numbers.

(1)The Collector may either re-number or sub-divide plot numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.(2)The division of plot numbers into sub-divisions and the apportionment of the assessment of the plot number amongst the sub-divisions shall be carried out in accordance with rules made under this Code and such rules may provide limits either of area or of land revenue or rent, as the case may be, or both in any local area, below which no sub-division shall be recognised :Provided that the total amount of assessment of any plot number shall not be enhanced during the term of settlement unless such assessment is liable to alteration under the provisions of this Code.

95. Area and assessment of plot numbers and sub-divisions to be entered in records.

- The area and assessment of plot number and sub-divisions of plot numbers shall be entered in such records as may be prescribed.

96. Area in town formed into blocks for assessment.

- For the purposes of assessment, the area in a town shall be formed into blocks and in forming such blocks regard shall be had to use of land for industrial, commercial, residential or such other special purposes as may be prescribed.

97. Collector to fix standard rate of assessment and publication of standard rates.

(1)The Collector shall with the approval of the State Government, fix in accordance with the provisions of Section 98 the standard rate of assessment per one hundred square feet of land in the case of non-agricultural land and per acre of land in the case of agricultural land in each block in an urban area and such standard rates shall be published in such manner as may be prescribed.(2)The rates published under sub-section (1) shall remain in force for ten years and shall thereafter be deemed to be in force until altered.

98. Fixation of standard rates of assessment.

- [(1) The Collector shall keep a record in accordance with the rules made under this Code of all registered sales and leases of lands in the different blocks in urban areas in respect of land held for each of the purposes mentioned in sub-section (1) of Section 59.(2)The average annual letting value of lands in each block in respect of land held for purposes mentioned in sub-section (1) of Section 59 shall be determined separately in the prescribed manner on the basis of transactions of sales and leases in respect of the land held for each of the aforesaid purposes in such block during the period of five years immediately preceding the year in which the letting value is being determined, so far as the information about such transactions is available :Provided that if the transactions which have taken place in any block in respect of any land held for any of the aforesaid purpose are not sufficiently representative transactions in respect of the land held for the corresponding purpose during the same period in adjacent block may be taken as basis for determining the letting value.(3)The standard rate of assessment for lands held for purposes mentioned in clause (b) or (c) of sub-section (1) of Section 59 shall be equal to one-third of the average annual letting value determined or the block in respect of such land under sub-section (2) and for purposes mentioned in clause (b) of sub-section (1) of Section 59 shall be one-half of the average annual letting value determined for the block in respect of such land.] [Substituted by M.P. Act No. 15 of 1975 (w.e.f. 2-10-1959).](4)The standard rates for lands held for agricultural purposes shall be fixed with due regard to soil and position of land and to the profits of agriculture to the consideration paid for leases and to the sale prices of such lands.

99. Maximum and minimum limits for the rate of assessment.

- The maximum and minimum limits for the rate of assessment shall respectively be one and quarter times and three-fourths of the standard rate in force for the time being.

100. Collector to assess plot at rate prescribed.

- The Collector shall assess the plot at the rate within the limits prescribed by Section 99 regard being had to the use, situation and the other advantages or disadvantages attaching to such plot :Provided that if, in the case of lands which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in the case of agricultural land one and a half times the land revenue or rent and in the case of other lands six times the land revenue or rent payable immediately before the revision the assessment shall be fixed at one and a half times such land revenue or rent in the case of agricultural land and at six times such land revenue or rent in the case of other lands :Provided further, that where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made.

101. Term of settlement.

- The assessment fixed under Section 10 shall remain in force for a period of thirty years or for such longer period as may elapse before re-assessment after that period and such period shall be deemed to be the term of settlement for all purposes.

102. Assessment fixed shall be land revenue or rent.

- The assessment fixed under Section 100 shall be the land revenue or rent payable annually on such plot number unless it is modified in accordance with the provisions of this Code or any other law.

103. Land revenue or rent fixed under previous settlement or leases to continue.

- The land revenue or rent fixed for any land in an urban area under a settlement or a lease from Government with rights of renewal made before the coming into force of this Code shall, notwithstanding the expiry of the term of such settlement or lease, continue in force until the assessment on such land is fixed in accordance with the provisions of this Chapter. Chapter-IX Land Records

104. [Formation of patwari halkas in non-urban area and formation of sectors in urban area and appointment of patwaris and Nagar Sarvekshaks. [Substituted by M.P. Act No. 23 of 2018]

(1)The Commissioner Land Records shall for each tahsil, arrange the villages into patwari halkas and divide each urban area into sectors and may, at any time, alter the limits of existing patwari halkas or sectors and may create new patwari halkas or sectors or abolish existing patwari halkas or sectors.(2)The Collector shall appoint a patwari to each patwari halka and a Nagar Sarvekshak to each sector for maintaining correct land records and for such other duties as may be

prescribed.(3)Till the formation of sectors in an urban area under sub-section (1), every village, existing therein immediately before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be deemed to be a sector and relevant land records of such village shall be deemed to be land records of such sector.]

105. [Formation of Revenue Inspector circles in non-urban area. [Substituted by M.P. Act No. 23 of 2018]

- The Commissioner Land Records shall arrange the patwari halkas in a Tahsil into Revenue Inspector circles and may, at any time alter the limits of any circle and may create new circles or abolish existing circles.]

106. [Appointment of Revenue Inspectors in non-urban areas. [Substituted by M.P. Act No. 23 of 2018]

- The Collector may appoint in each Revenue Inspector circle a Revenue Inspector to supervise the preparation and maintenance of land records and to perform such other duties as may be prescribed.]

107. [Maps of villages, abadi, blocks and sectors. [Substituted by M.P. Act No. 23 of 2018]

(1)For each village-(a)a map shall be prepared showing the boundaries of survey numbers and block numbers which shall be called "village map";(b)a map shall be prepared for abadi showing the area occupied by holders and the area not so occupied, giving separate plot numbers and such other particulars as may be prescribed which shall be called "abadi map";(c)a map shall be prepared for diverted lands showing the area occupied by holders giving separate plot numbers and such other particulars as may be prescribed, which shall be called "block map".(2)For each urban area a map shall be prepared of each sector showing the area occupied by holders and area not so occupied, giving separate survey numbers, block numbers and plot numbers and such other particulars as may be prescribed, which shall be called "sector map".(3)The maps under sub-section (1) and (2) shall be prepared on such scale as may be prescribed.]

108. [Record of rights. [Substituted by M.P. Act No. 23 of 2018]

(1)A record of rights shall, in accordance with rules made in this behalf, be prepared and maintained for every village area and for each sector of every urban area and such record shall include following particulars :-(a)the names of all Bhumiswamis together with survey numbers or plot numbers held by them and purposes for which they are being used and their area and status of irrigation in case of land used for agriculture;(b)the names of all Government lessees and such classes of lessees as may be specified by the State Government together with survey numbers or plot numbers held by them and purposes for which they are being used and their area and status of irrigation in case of land used for agriculture;(c)the names of all persons occupying the abadi of the village, or in urban area

all persons occupying the land which was abadi of a village before the constitution of such urban area, as the case may be, along with the nature of their interest in land, plot numbers held by them and purpose for which the land is being used;(d)the nature and extent of interest in land assigned or granted to any person by the State Government or by the person authorised under any enactment or direction of the State Government or the Central Government along with -(i)the nature and extent of the respective interests of such persons and the conditions or liabilities, if any;(ii)the land revenue or lease rent payable by such persons if any; and(iii)such other particulars as may be prescribed.(2)The record of rights mentioned in sub-section (1) shall be prepared during a land survey or whenever the State Government may, by notification, so direct.]

109. [Acquisition of rights to be reported. [Substituted by M.P. Act No. 23 of 2018]

(1)Any person lawfully acquiring any right or interest in land shall report his acquisition of such right within six months from the date of such acquisition in the form prescribed -(a)to the Patwari or any person authorised by the State Government in this behalf or Tahsildar, in case of land situated in non-urban area;(b)to the Nagar Sarvekshak or any person authorised by the State Government in this behalf or Tahsildar, in case of land situated in urban area :Provided that when the person acquiring the right is a minor or is otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Patwari or Nagar Sarvekshak or the person authorised or the Tahsildar.Explanation 1. The right mentioned above does not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882 (No. IV of 1882).Explanation II. A person, in whose favour a mortgage is redeemed or paid off or a lease is determined, acquires a right within the meaning of this section.Explanation III. Intimation in writing required to be given under this section may be given either through a messenger or handed over in person or may be sent by registered post or by such other means as may be prescribed.Explanation IV. For the purpose of this section, "otherwise disqualified" includes the "person with disability" as defined in clause (5) of section 2 of the Rights of person with Disabilities Act, 2016 (No. 49 of 2016)(2)When any document purporting to create, assign or extinguish any title to or any charge on land used for agricultural purposes, or in respect of which a khasra has been prepared, is registered under the Indian Registration Act, 1908 (No. 16 of 1908), the Registering Officer shall send intimation to the Tahsildar having jurisdiction over the area in which the land is situated in such Form and at such times as may be prescribed.(3)Any person whose rights, interests or liabilities are required to be or have been entered in any record or register under this Chapter, shall be bound on the requisition in writing of any Revenue Officer, Revenue Inspector, Nagar Sarvekshak or Patwari engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof, as may be within his knowledge or in his possession or powers. A written acknowledgement of the information furnished or document produced shall be given to the person.(4)Any person neglecting to make the report required by sub-section (1) or furnish the information or produce the documents required by sub-section (3) within the period specified therein shall be liable, at the discretion of the Tahsildar, to a penalty not exceeding five thousand rupees.(5)Any report regarding the acquisition of any right under this section received after the specified period shall be dealt with

in accordance with the provisions of section 110.]

110. [Mutation of acquisition of right in land records. [Substituted by M.P. Act No. 23 of 2018]

(1)The Patwari or Nagar Sarvekshak or person authorised under section 109 shall enter into a register prescribed for the purpose every acquisition of right reported to him under section 109 or which comes to his notice from any other source.(2)The Patwari or Nagar Sarvekshak or person authorised, as the case may be, shall intimate to the Tahsildar, all reports regarding acquisition of right received by him under sub-section (1) in such manner and in such Form as may be prescribed, within thirty days of the receipt thereof by him.(3)On receipt of intimation under section 109 or on receipt of intimation of such acquisition of right from any other source, the Tahsildar shall within fifteen days, -(a)register the case in his Court;(b)issue a notice to all persons interested and to such other persons and authorities as may be prescribed, in such Form and maimer as may be prescribed; and(c)display a notice relating to the proposed mutation on the notice board of his office, and publish it in the concerned village or sector in such manner as may be prescribed;(4)The Tahsildar shall, after affording reasonable opportunity of being heard to the persons interested and after making such further enquiry as he may deem necessary, pass orders relating to mutation within thirty days of registration of case, in case of undisputed matter, and within five months, in case of disputed matter, and make necessary entry in the village khasra or sector khasra, as the case may be, and in other land records.(5)The Tahsildar shall supply a certified copy of the order passed under sub-section (4) and updated land records free of cost to the parties within thirty days, in the manner prescribed and only thereafter close the case :Provided that if the required copies are not supplied within the period specified, the Tahsildar shall record the reasons and report to the Sub-Divisional Officer.(6)Notwithstanding anything contained in section 35, no case under this section shall be dismissed due to the absence of a party and shall be disposed of on merits.(7)All proceedings under this section shall be completed within two months in respect of undisputed case and within six months in respect of disputed case from the date of registration of the case. In case the proceedings are not disposed of within the specified period, the Tahsildar shall report the information of pending cases to the Collector in such Form and manner as may be prescribed.]

111. Jurisdiction of Civil Courts.

- The Civil Courts shall have jurisdiction to decide any dispute to which the State Government is not a party relating to any right which is recorded in the record-of-rights.

112. [[Deleted by M.P. Act No. 23 of 2018]

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112. [Intimation of transfers by Registering Officers. [Substituted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).]- When any document purporting to create, assign or extinguish any title to or any charge on land used for agricultural purposes, or in respect of which a field book has been prepared,

is registered under the Indian Registration Act, 1908 (XVI of 1908), the Registering Officer shall send intimation to the Tahsildar having jurisdiction over the area in which the land is situate in such form and at such times as may be prescribed by rules under this Code.]

113. [Correction of errors in record of rights. [Substituted by M.P. Act No. 23 of 2018]

- The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights prepared under section 108.]

114. [Land records. [Substituted by M.P. Act No. 23 of 2018]

(1)Following land records shall be prepared for every village, namely :-(a)village map, abadi map and block map under section 107;(b)record of rights under section 108;(c)village khasra or village field book in such Form as may be prescribed;(d)Bhoo-Adhikar Pustika under section 114-A;(e)(i)details of all unoccupied land under section 233;(ii)Nistar Patrak under section 234;(iii)Wajib-ul-arz, if any, under section 242;(f)details of diverted land; and(g)any other record as may be prescribed.(2)Following land records shall be prepared for each sector in every urban area, namely : (a)sector map under section 107;(b)record of rights under section 108;(c)sector khasra or sector field book in such Form as may be prescribed;(d)Bhoo-Adhikar Pustika under section 114-A;(e)(i)details of all unoccupied land under section 233;(ii)land reserved for public purposes under section 233-A;(f)details of diverted land; and(g)any other record as may be prescribed.]

114A. [Bhoo-Adhikar Pustika. [Substituted by M.P. Act No. 23 of 2018]

(1)The Tashildar may provide to every Bhumiswami whose name is entered in the khasara prepared under section 114 a Bhoo-Adhikar Pustika in respect of his all holdings in the village or sector, as the case may be, which shall be provided to him in such Form and on payment of such fee as may be prescribed.(2)The Bhoo-Adhikar Pustika shall consist of two parts bound as one book, which shall contain such particulars as may be prescribed.(3)A Tahsildar may, on his own motion or on application of the Bhumiswami, after making such enquiry as he deems fit, correct any wrong or incorrect entry in Bhoo Adhikar Pustika.]

115. [Correction of wrong or incorrect entry in land record. [Substituted by M.P. Act No. 23 of 2018]

(1)A Sub-Divisional Officer may, on his own motion or on application of an aggrieved person, after making such enquiry as he deems fit, correct any wrong or incorrect entry including an unauthorised entry in the land records prepared under section 114 other than Bhoo-Adhikar Pustika and record of rights, and such corrections shall be authenticated by him :Provided that no action shall be initiated for correction of any entry pertaining to a period prior to five years without the sanction in writing of the Collector.(2)No order shall be passed under sub-section (1) without-(a)getting a written report from the Tahsildar concerned; and(b)giving an opportunity of

hearing to all parties interested : Provided that where interest of Government is involved, the Sub-Divisional Officer shall submit the case to the Collector. (3) On receipt of a case under sub-section (2), the Collector shall make such enquiry and pass such order as he deems fit.]

116. [[Deleted by M.P. Act No. 23 of 2018]

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116. [Disputes regarding entry in khasra or in any other land records. [Inserted by M.P. Act No. 15 of 1971 (w.e.f. 7-5-1971).]- (1) If any person is aggrieved by an entry made in the land records prepared under Section 114 in respect of matters other than those referred to in Section 108, he shall apply to the Tahsildar for its correction within one year of the date of such entry. (2) The Tahsildar shall, after making such enquiry as he may deem fit, pass necessary orders in the matter.]

117. Presumption as to entries in land records.

- All entries made under this Chapter in the land records shall be presumed to be correct until the contrary is proved. [118 to 119. [Deleted by M.P. Act No. 23 of 2018]***]

118. Obligation to furnish information as to title.- (1) Any person, whose rights, interest or liabilities are required to be or have been, entered in any record or register under this Chapter, shall be bound on the requisition in writing of any Revenue Officer, Revenue Inspector or Patwari engaged in compiling or revising the record or register to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power. (2) The Revenue Officer, Revenue Inspector or Patwari to whom any information is furnished, or before whom any document is produced under sub-section (1) shall at once give a written acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date the receipt of. 119. Penalty for neglect to furnish information.- (1) Any person neglecting to make the report required by Section 109, or furnish the information or produce the documents required by Section 118, within the specified period shall be liable, at the discretion of the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961.], to a penalty not exceeding twenty-five rupees, which shall be recoverable as an arrear of land revenue. (2) Any report regarding the acquisition of any right [under Section 109] [Substituted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).] received by the patwari after the specified period shall be dealt with in accordance with the provisions of Section 110. [Proviso Omitted.] [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).]

120. Requisition of assistance in preparation of maps and record of rights.

- Subject to rules made under this Code, any Revenue Officer, Revenue Inspector, [Nagar Sarvekshak] [Substituted 'Measurer' by M.P. Act No. 23 of 2018] or Patwari may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, call upon any holder of land and any holder of plot in abadi to point out the boundaries of his land or plot.

121. [[Deleted by M.P. Act No. 23 of 2018]

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121. Power to make rules for land records.- The State Government may make rules for regulating the preparation, maintenance and revision of land records required for the purposes of this Code.

122. Exemption from provisions of this Chapter.

- The State Government may, by notification, direct that this Chapter or any provisions thereof shall not apply to any specified local area or to any lands or any class of villages or lands.

123. Record-of-rights at commencement of Code.

(1)Until record of rights for the villages in the Madhya Bharat, Bhopal, Vindhya Pradesh and Sironj regions is prepared in accordance with the provisions of Section 108 the jamabandi or khatauni of every such village for the agricultural year as the State Government may notify shall, so far as it contains the particulars specified in Section 108, be deemed to be the record-of-rights, for that village.(2)The jamabandi or khatauni referred to in sub-section (1) shall be published in the village in such manner as may be directed by the Collector.(3)[Objections may be filed to any entry in jamabandi or khatauni which shall be disposed of by the Tahsildar in such manner as may be prescribed.] [Substituted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).](4)The jamabandi of the villages in the Mahakoshal region for the agricultural year [1954-55] [Substituted by M.P. Act No. 24 of 1961 (w.e.t. 2-10-1959).] shall continue to be deemed to be record-of-rights of such village until a record-of-rights is prepared in accordance with the provisions of Section 108.

Chapter X

Boundaries and Boundary Marks, Survey Marks

124. [Construction of boundary marks of villages, sectors, and survey numbers or plot numbers. [Substituted by M.P. Act No. 23 of 2018]

(1)Boundaries of all villages and sectors shall be fixed and demarcated by permanent boundary marks.(2)The State Government may, in respect of any village or sector, by notification, order that the boundaries of all survey numbers, block numbers or plot numbers of the village or sector or part thereof shall also be fixed and demarcated by boundary marks.(3)Such boundary marks shall, subject to the provisions hereinafter contained, be of such specification and shall be constructed and maintained in such manner as may be prescribed.(4)Every holder of land shall be responsible for the maintenance and repair of the permanent boundary marks erected thereon.]

125. Disputes regarding boundaries between villages, survey numbers and plot numbers.

- All disputes regarding boundaries of [villages, sectors, survey numbers, block numbers and plot numbers] [Substituted 'villages, survey numbers and plot numbers' by M.P. Act No. 23 of 2018] where such boundaries have been fixed under the provisions of Section 124, shall be decided by the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] after local inquiry at which all persons interested shall have an opportunity of appearing and producing evidence.

126. Ejectment of persons wrongfully in possession.

(1)When a boundary has been fixed under the provisions of Section 124, the Tahsildar may[summarily eject in a manner prescribed] [Substituted 'summarily eject' by M.P. Act No. 23 of 2018] any person who is wrongfully in possession of any land which has been found not to appertain to his holding or to the holding of any person through or under whom he claims.(2)[and (3)] [Deleted by M.P. Act No. 23 of 2018]

127. [Demarcation and maintenance of boundary lines. [Substituted by M.P. Act No. 23 of 2018]

(1)Every holder of land adjoining a village road or sector road or unoccupied land or land reserved for community purposes shall, at his own cost and in the manner prescribed (a)affix the boundary marks between his land and village road or sector road or unoccupied land or land reserved for community purposes adjoining it, and(b)repair and renew such boundary marks from time to time.(2)If the holder fails to affix the boundary marks or repair or renew the boundary marks as required by sub-section (1), the Tahsildar may, after such notice, as he deems fit, cause the boundary marks to be affixed or the boundary marks to be repaired or renewed and may recover the cost incurred as an arrear of land revenue.explanation. - For The Purpose Of This Section, "Village Road Or Sector Road" Means A Road As Such Which Bears An Indicative Survey Number Or Plot Number.]

128. Enforcement of repair of boundary or survey marks.

(1)[The Patwari or Nagar Sarvekshak] [Substituted 'After the end of November in each year the patel of the village' by M.P. Act No. 23 of 2018] shall give written notice to every holder on whose land the boundary or survey marks are defective calling upon him to put them into proper repair before the first day of March following.(2)After the first day of March in any year, the Tahsildar or any other Revenue Officer empowered to act may cause any defective boundary or survey marks to be properly repaired and shall recover the cost of such repair from the holder or holders responsible for the maintenance of such boundary or survey marks, together with a penalty which may extend to one rupee for every boundary marks so repaired. Such cost and penalty shall be recoverable as an arrear of land revenue.

129. [Demarcation of boundaries of survey number or sub-division of survey number or block number or plot number. [Substituted by M.P. Act No. 23 of 2018]

(1)The Tahsildar may, on application of a party depute a Revenue Inspector or Nagar Sarvekshak or Patwari to demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number and construct boundary marks thereon.(2)The Revenue Inspector or Nagar Sarvekshak or Patwari so deputed shall, after giving notice to parties interested including the neighbouring land holders, demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number, construct boundary marks thereon and submit a demarcation report to the Tahsildar in such manner as may be prescribed. The demarcation report shall also include the particulars of the possession, if any, of any person other than the Bhumiswami on the land demarcated.(3)For carrying out the demarcation the Revenue Inspector or Nagar Sarvekshak or Patwari may take the assistance of such agency and in such manner as may be prescribed.(4)On the receipt of the demarcation report, the Tahsildar may, after giving opportunity of hearing to the parties interested including the neighbouring land holders, confirm the demarcation report or may pass such order as he thinks fit.(5)A party aggrieved by the confirmation of demarcation report under sub-section (4), may apply to the Sub-Divisional Officer to set it aside on any of the following grounds-(a)that he was not given notice required under sub-section (2) or opportunity of hearing under sub-section (4); or(b)any other sufficient ground :Provided that such application shall not be entertained after the expiry of forty-five days from the date of confirmation the demarcation report by the Tahsildar or the date of knowledge, whichever is later.(6)The Sub-Divisional Officer may, if he admits the application made under sub-section (5), after giving opportunity of hearing to the parties interested including the neighbouring land holders and making such enquiries as he may think fit, either confirm the demarcation report submitted under sub-section (2) or depute a team consisting of such persons as may be prescribed to carry out the demarcation once again.(7)The team deputed under sub-section (6) shall, after giving notice to parties interested including the neighbouring land holders, demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number, construct boundary marks thereon and submit report to the Sub-Divisional Officer in such manner as may be prescribed and the Sub-Divisional Officer may pass such orders on it as he thinks fit.(8)Notwithstanding anything contained in sections 44 and 50. no appeal or application for revision shall lie against any order passed or proceedings taken under this section.(9)The State Government may make rules for regulating the procedure to be followed by the Tahsildar in demarcating the boundaries of a survey number or of a subdivision of survey number or of a block number or of a plot number prescribing the nature of the boundary marks to be used, and authorizing the levy of fees from the holders of land in demarcated survey number or sub-division or block number or plot number.]

130. Penalty for destruction, injury or removal of boundary or survey marks.

- If any person wilfully destroys or injures, or without lawful authority removes, a boundary or survey mark lawfully constructed, he may be ordered by the Tahsildar or any other Revenue Officer

empowered to act to pay such fine, not exceeding [five thousand] [Substituted by M.P. Act No. 23 of 2018] rupees for each mark so destroyed, injured or removed, as may, in the opinion of the Tahsildar or any other Revenue Officer empowered to act be necessary to defray the expense of restoring the same [***] [Omitted 'and of rewarding the informant, if any' by M.P. Act No. 23 of 2018].

131. [Rights of way and other private easements. [Substituted by M.P. Act No. 23 of 2018]

(1) In the event of a dispute arising as to the route by which a cultivator shall have access to his fields or to the unoccupied lands or pasture lands of the village, otherwise than by the recognised roads, paths or common land, including those road and paths recorded in the village Wajib-ul-arz prepared under section 242 or as to the source from or course by which he may avail himself of water or as to the course by which he may drain water from his fields, a Tahsildar may, after local enquiry, decide, the matter with reference to the previous custom in each case and with due regard to the conveniences of all the parties concerned. (2) The Tahsildar may, at any stage of the enquiry, pass an interim order to grant immediate relief in respect of any matter under dispute in sub-section (1) if he is of the opinion that grant of such relief is necessary in the facts and circumstances of the case : Provided that such interim order shall stand vacated on the expiry of ninety days from the date of the order unless vacated earlier.]

132. [Deleted by M.P. Act No. 23 of 2018]

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132. [Penalty for obstruction of way, etc. [Substituted by M.P. Act No. 15 of 1980 (w.e.f. 24-10-1980).]- Any person who encroaches upon, or causes any obstruction to the use of a recognised road, path or common land of a village including those roads and paths recorded in the village Wajib-ul-arz or who disobeys the decision of a Tahsildar passed under Section 131, shall be liable, under the written order of a Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to one thousand rupees.]

133. [Removal of obstruction. [Substituted by M.P. Act No. 23 of 2018]

(1) If a Tahsildar finds that any encroachment or obstruction impedes the free use of a recognised road or path including those roads and paths recorded in the village Wajib-ul-arz or common land of a village or impedes the road or water course or source of water or drainage of water which has been the subject of a decision under section 131, he may order the person responsible for such encroachment or obstacle to remove it. (2) If such person fails to comply with the order passed under subsection (1), the Tahsildar may cause the encroachment or obstacle to be removed and may recover from such person the cost of removal thereof and such person shall be liable, under the written order of the Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to ten thousand rupees. (3) If any person fails to remove the encroachment or obstruction for more than seven days after the date of order of removal thereof under subsection (1), then without

prejudice to the penalty that may be imposed under sub-section (2), the Sub-Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be confined in a civil prison for a period of fifteen days in case of first order of removal of encroachment or obstruction and six months in case of second or subsequent order of removal of encroachment or obstruction :Provided that no action under this sub-section shall be taken unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison :Provided further that the Sub-Divisional Officer may order the release of such person from detention before the expiry of the period mentioned in the warrant if he is satisfied that the encroachment or obstruction has been removed :Provided also that no woman shall be arrested or detained under this section.]

134. Execution of bond for abstaining from repetition of certain acts.

- Any person who encroaches upon or causes any obstruction under Section 131, 132 or 133 may be required by the Tahsildar to execute a personal bond for such sum not exceeding five hundred rupees, as he may deem fit, for abstaining from repetition of such act.

135. Acquisition of land for road, paths, etc.

(1) If, on the application of the villagers or otherwise, the Collector is, after enquiry satisfied that it is expedient to acquire any land for the purpose of providing a road not exceeding ten feet in width cart track or path for the use of the village community in such village he may call upon the residents of the village to deposit the amount of compensation, payable in respect of such land under sub-section (3) within a specified period. On such deposit being made the Collector may, by order published in the prescribed manner, acquire such land and upon the making of such order, such land shall vest absolutely in the State Government. (2) Any person claiming any interest in any such land may within period of one year from the date of vesting under sub-section (1) make an application to the Collector for compensation in respect of his interest. (3) The compensation payable in respect of such land shall be fifteen times the land revenue assessed or assessable thereon.

136. [[Deleted by M.P. Act No. 23 of 2018]

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136. Power to exempt from operation of this Chapter.- The State Government may, by notification, declare that any of or all of the provisions of this Chapter shall not apply in any village or class of villages.

Chapter-XI Realisation of Land Revenue

137. Land revenue first charge on land.

- The land revenue assessed on any land shall be first charge on that land and on the rents and profits thereof.

138. Responsibility for payment of land revenue.

(1)The following person shall be [***] [Omitted 'primarily' by M.P. Act No. 23 of 2018] liable for the payment of the land revenue assessed on a holding-(a)in a bhumiswami's holding the bhumiswami;(b)in a holding consisting of land leased by the State Government the lessee thereof.(2)When there are more than one bhumiswami or lessee in a holding, all such bhumiswamis or lessees, as the case may be, shall be jointly and severally liable to the payment of the land revenue on such holding

139. Land revenue recoverable from any person, in possession.

- In case of default by any person who is primarily liable under Section 138, the land revenue, including arrears, shall be recoverable from any person in possession of the land :Provided that such person shall be entitled to credit for the amount recovered from him in account with the person who is primarily liable.

140. [Dates on which land revenue falls due and payable. [Substituted by M.P. Act No. 23 of 2018]

(1)The land revenue payable on account of a year shall fall due on the first day of April of that year and shall be paid up to the last day of June of that year, in such manner, to such person and at such places as may be prescribed :Provided that the dues of the land revenue payable at the time of the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall be paid before the 1st April, 2019.(2)A person may, at his option, pay up to ten years land revenue in advance :Provided that no rebate shall be granted on such advance payment: Provided further that if the land revenue is subsequently enhanced the difference amount shall be payable.]

141. [Definition of "arrear" and "defaulter". [Substituted by M.P. Act No. 23 of 2018]

- Any land revenue due and not paid till the end of period as specified in section 140 becomes therefrom an arrear, and the persons responsible for it become defaulters.]

142. [Person receiving land revenue bound to give receipt. [Substituted by M.P. Act No. 23 of 2018]

- Every person who receives a payment on account of land revenue or on account of any sum of money recoverable as an arrear of land revenue shall grant a receipt to the payee for such sum and in such Form as may be prescribed.]

143. [Penal interest on delayed payment of Sand revenue. [Substituted by M.P. Act No. 23 of 2018]

- If land revenue is not paid up to the end of the period as specified in section 140, simple interest shall be payable on the arrear thereafter till the date of payment at the rate of twelve per centum per annum for first twelve months and thereafter at the rate of fifteen per centum per annum :Provided that no such interest shall be payable for delayed payment, where any payment of land revenue has been suspended by the order of the Government.]

144. [Remission or suspension of land revenue on failure of crops. [Substituted by M.P. Act No. 23 of 2018]

- The State Government may, by notification stating the reasons, grant remission or suspension of land revenue in years in which crops have failed in any area or in which crops could not be grown in any area in consequence of any order made under any law by a competent authority.]

145. Certified account to be evidence as to arrear and defaulter.

(1)A statement of account, certified[by the Tahsildar] [Substituted 'by the Collector or by the Tahsildar' by M.P. Act No. 23 of 2018] shall, for the purpose of this Chapter, be presumed to be correct statement of the arrears payable to Government or its amount, and of the person who is the defaulter, until the contrary is proved.(2)No notice to defaulter shall be necessary before drawing up the statement referred to in sub-section (1).

146. [Notice of demand. [Substituted by M.P. Act No. 23 of 2018]

(1)A Tahsildar shall cause a notice of demand to be served on any defaulter before the issue of any process under section 147 for the recovery of an arrear.(2)Any defaulter may apply to the Tahsildar that nothing is due or that the amount due is less than the amount for which the notice of demand has been served and the Tahsildar shall decide the objection so raised and only thereafter proceed to issue any process under section 147, if required.]

147. Process for recovery of arrear.

- [(1) An arrear of land revenue payable to Government or [***] [Substituted by M.P. Act No. 19 of 2001 (w.e.f. 26-9-2001), for the words 'An arrear of land revenue payable to Government'.]] may be recovered by a Tahsildar by any one or more of the following processes :-(a)by attachment and sale of movable property;(b)by attachment and sale of the holding on which arrear is due and where such holding consist of more than one survey number or plot number by sale of one or more of such survey numbers, or plot numbers as may be considered necessary to recover the arrears :[Provided that no holding shall be sold for the recovery of any dues of a co-operative society without first exhausting the procedure prescribed in Section 154-A.] [Inserted by M.P. Act No. 2 of 1990 (w.e.f. 6-2-1990).](bb)[by attachment of holding on which arrear is due and letting the same under Section

154-A; [Inserted by M.P. Act No. 1 of 1971.](bbb)by attachment of any other holding belonging to the defaulter which is used for the purposes of agriculture and letting the same under Section 154-A;](c)[by attachment and sale of any other immovable property wherever situate belonging to the defaulter:] [Substituted by M.P. Act No. 23 of 2018]Provided that the process specified in clauses (a) and (c) shall not permit the attachment and sale of the following, namely : -(i)the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, his wife and children, and such personal ornaments, as, in accordance with the religious usage, cannot be parted with by any woman;(ii)tools of artisans and, if the defaulter is an agriculturist, his implements of husbandry, except an implement driven by mechanical power and such cattle and seed as may, in the opinion of the Tahsildar, be necessary to enable him to earn his livelihood as such;(iii)articles set aside exclusively for the use of religious endowments;(iv)house and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for the enjoyment) belonging to an agriculturist and occupied by him :[Provided further that the process specified in clause (b) shall not permit attachment and sale of holding where the defaulter holds,-(i)six hectares or less than six hectares of land in the Scheduled Area; or(ii)four hectares or less than four hectares of land in other areas.Explanation.-For the purpose of this proviso, "Scheduled Area" means any area declared to be Scheduled Area within the State of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India.] [Inserted by M.P. Act No. 9 of 1977.](2)[Notwithstanding anything contained in sub-section (1), the Tahsildar may recover the arrear of land revenue by attaching any financial asset including bank account or locker, wherever situate, of the defaulter. The attachment of financial assets of the defaulter shall, so far as possible be made by serving a garnishee order on the incharge of financial assets in the manner laid down in Order 21 contained in the First Schedule to the Code of Civil Procedure, 1908 (No. 5 of 1908). In case of a locker hired by the defaulter, the same shall be sealed in the presence of such in-charge, who shall thereafter await further orders of the Tahsildar regarding preparation of inventory of its contents and their ultimate disposal.(3)The Sub-Divisional Officer may cause any person committing default in payment of an arrear of land revenue exceeding rupees fifty lakh to be arrested and shall send him with a warrant to be confined in a civil prison for a period not exceeding fifteen days unless the arrears are sooner paid :Provided that no action under this sub-section shall be taken unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison.(4)Notwithstanding anything contained in sub-section (3), no person shall be arrested or confined in a civil prison for an arrear of land revenue, where and for so long as such person (a)is a minor, or a person mentally ill or mentally retarded; and(b)is exempted under sections 133, 135 or 135-A of the Code of Civil Procedure, 1908 (No. 5 of 1908).(5)The Sub-Divisional Officer issuing the arrest warrant may withdraw such warrant if the defaulter pays or undertakes to pay the whole or substantial portion of the arrears and furnishes adequate security therefor.] [Added by M.P. Act No. 23 of 2018]

148. Costs recoverable as part of arrear.

- The cost of serving a notice of demand under Section 146 or of issuing and enforcing any process in Section 147 shall be recoverable as part of the arrear in respect of which the notice was served or the process was issued.

149. Enforcement of processes in other districts.

- The processes specified in [***] [Omitted 'clauses (a) and (c) of' by M.P. Act No. 23 of 2018]
Section 147 may be enforced either in the district in which the default has been made or in any other district.

150. [Payment before property is knocked down at a sale and thereupon proceeding to be stayed. [Substituted by M.P. Act No. 23 of 2018]

- If proceedings are taken under this Chapter against any person for the recovery of an arrear of land revenue, he may, at any time before the property is knocked down at a sale, pay the amount claimed and thereupon the proceedings shall be closed.]

151. Application of proceeds of sale.

(1)The proceeds of every sale under this Chapter shall be applied, firstly, in satisfaction of the arrears on account of which the sale was held and of the expenses of such sale, secondly, to the payment of any arrears of cesses due by the defaulter under any law for the time being in force in the region concerned, thirdly, to the payment of any other arrears payable to the State Government by the defaulter, and fourthly to the payment of any arrears due by the defaulter to a Co-operative Society, and the surplus, if any, shall then be payable to him, or where there are more defaulters than one, to such defaulters according to their respective shares in the property sold :Provided that the surplus shall not be paid to the defaulter or defaulters until after the expiry of two months from the date of the sale in the case of movable property from the date of the confirmation of sale in the case of immovable property.(2)Notwithstanding anything in sub-section (1), the proceeds of sale under [clause (c) of sub-section (1) of section 147] [Substituted 'clause (c) of Section 147' by M.P. Act No. 23 of 2018] shall be applied first to the payment of arrears of land revenue payable by the defaulter for the immovable property sold up to the date of the sale, and the surplus, if any, shall be applied in accordance with sub-section (1).

152. Land sold for arrears to be free from encumbrances.

(1)Unless the Sub-Divisional Officer in ordering the sale otherwise directs, purchaser of the land sold for arrears of land revenue due in respect thereof, shall acquire it free of all encumbrances imposed on it, and all grants and contracts made in respect of it, by any person other than the purchaser.(2)Any transfer, grant or contract in respect of trees or the produce of trees which are or at any time have been the property of the bhumiswami of the land in which they stand, shall be deemed to be a grant or contract made in respect of such land within the meaning of sub-section (1).

153. [Purchaser s title. [Substituted by M.P. Act No. 23 of 2018]

- Where immovable property is sold under the provisions of this Chapter and such sale has become absolute, the property shall be deemed to have vested in the purchaser from the time when full

money as specified in the letter of sale is deposited by the purchaser.]

154. Purchaser not liable for land revenue due prior to sale.

- Notwithstanding anything in Section 138, or Section 139, the person named in the certificate of purchase shall not be liable for land revenue payable in respect of the land for any period previous to the date of the sale.

154A. [Powers of the Tahsildar to let out the holding in respect of which arrear is due or any other holding of the defaulter. [Substituted by M.P. Act No. 1 of 1971.]

- [(1) Where the arrear of land revenue is due in respect of a holding or where any money is recoverable in the same manner as an arrear of land revenue under Section 155, the Tahsildar may, notwithstanding anything contained in this Code, after attachment of holding under clause (b) for the recovery of dues of a Cooperative Society, or clause (bb) or clause (bbb) of [sub-section (1) of section 147] as the case may be, let out the holding on which arrear is due or any other holding belonging to the defaulter which is used for the purpose of agriculture to any person other than the defaulter for a period not exceeding ten years commencing from the first day of agricultural year next following upon such terms and conditions as the Collector may fix :[***] [Deleted 'Provided that the holding attached for the recovery of the dues of a Co-operative Society shall be let out for a period not exceeding ten years : ' by M.P. Act No. 23 of 2018]] [Provided [***] [Inserted by M.P. Act No. 1 of 1998 (w.e.f. 5-1-1998).] that any land of a holding of a bhumiswami belonging to a member of a tribe which has been declared to be an aboriginal tribe under sub-section (6) of Section 165, shall not be let out to any person other than a member of such tribe.](2) Nothing in this section shall affect the liability of any person who may be liable under this Code for the payment of the arrears of land revenue or of any money recoverable in the same manner as an arrear of land revenue under Section 155.(3) Upon the expiry of the period of lease the holding shall be restored to the person concerned free of any claim on the part of the State Government for the arrears in respect of such holding or free of any claim on the part of the State Government or any other authority whatsoever for the moneys recoverable in the same manner as an arrear of land revenue under Section 155 for the satisfaction whereof the same was let out under sub-section (1) :][Provided that nothing in this sub-section shall apply to the holding attached and let out for the recovery of the dues of a Co-operative Society where the dues for the satisfaction were of the same was let out under sub-section (1) are not fully satisfied on the expiry of the period of lease.] [Inserted by M.P. Act No. 2 of 1990 (w.e.f. 6-2-1990).]

155. Moneys recoverable as an arrear of land revenue.

- The following moneys may be recovered, as far as may be, under the provisions of this Chapter in the same manner as an arrear of land revenue :-(a) except such charges as are included in the land revenue under sub-section (2) of Section 58, all rents, royalties, water rates, cesses, fees, charges, premia, penalties, fines and cost payable or leviable under this Code or any other enactment for the

time being in force;(b)all moneys falling due to the State Government under any grant, lease or contract which provides that they shall be recoverable in the same manner as an arrear of land revenue;(bb)[all moneys guaranteed by the State Government to the extent of amount guaranteed under a contract of guarantee which provides that they shall be recoverable in the same manner as an arrear of land revenue;] [Inserted by M.P. Act No. 9 of 1970 (w.e.f. 3-12-1969).](c)all sums declared by this Code, or any other enactment for the time being in force to be recoverable in the same manner as an arrear of land revenue; and(d)any sum ordered by a liquidator appointed under any law relating to Co-operative Societies in force for the time being in any region of the State to be recovered as a contribution to the assets of a society or as the cost of liquidation :Provided that no action shall be taken on application for recovery of a sum specified in clause (d), unless such application is accompanied by a certificate signed by the Registrar appointed under such law that the sum should be recovered as an arrear of land revenue;(e)[all moneys becoming payable to the Madhya Pradesh State Agro Industries Development Corporation Limited- [Substituted by M.P. Act No. 30 of 1973 (w.e.f. 1-6-1973).](i)on account of penalty, cost of agricultural implements or other materials sold by the Corporation to agriculturists for the purpose of agriculture or improvement of land or otherwise, under any agreement of sale of such implements or materials by the said Corporation;(ii)in repayment of any loan advanced by the said Corporation or of any amount due to the said Corporation under any lease, contract, or agreement with or any other dealing of the said Corporation :Provided that no action shall be taken on application for recovery of a sum specified in this clause, unless such application is accompanied by a certificate signed by the Managing Director of the said Corporation that the sum should be recovered as an arrear of land revenue;](f)[all moneys becoming payable to the Madhya Pradesh Laghu Udyog Nigam Limited and the Madhya Pradesh Audyogik Vikas Nigam Limited - [Inserted by M.P. Act No. 16 of 1979 (w.e.f. 21-5-1979).](i)on account of service charge, penalty, interest, cost of machinery or other materials sold by the said Nigams to entrepreneurs for the purpose of establishing, expanding or running an industry or for any other purpose ancillary to an industry under any agreement of sale on hire purchase or otherwise of such machinery or materials by the said Nigams;(ii)on account of rent or cost of building hired out or sold, as the case may be, by the said Nigams under any lease, contract or agreement;(iii)in repayment of any loan advanced by the said Nigams, or of any amount due to the said Nigams under any lease, contract or agreement with or any other dealing of the said Nigams :Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the Managing Director of the said Nigam that the said sum should be recovered as an arrear of land revenue;(g)all moneys becoming payable to the Madhya Pradesh Lift Irrigation Corporation Limited on account of-(i)construction charges of the tube-wells;(ii)water rates for the water supplied for the purpose of irrigation from any Lift Irrigation Schemes;(iii)any sum due to the said Corporation under any lease, agreement or contract executed with the said Corporation : Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the Managing Director of the said corporation that the said sum should be recovered as an arrear of land revenue.](h)all moneys becoming payable to such entity owned and controlled by the State Government as may be notified by the State Government in this behalf: [Inserted by M.P. Act No. 23 of 2018]Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the chief executive, by whichever name called, of the said entity that the said sum should be recovered as an arrear of

land revenue.]

156. Recovery of moneys from surety.

- Every person who may have become a surety under any of the provisions of this Code or under any other enactment or any grant, lease or contract whereunder the sum secured is recoverable from the principal as an arrear of land revenue shall, on failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against under the provisions of this Code in the same manner as for an arrear of land revenue.

157. Class of tenure.

- There shall be only one class of tenure-holders of land held from the State to be known as bhumiswami.

158. Bhumiswami.

- [(1)] [Re-numbered by M.P. Act No. 8 of 1979 (w.e.f. 2-10-1959).] Every person who at the time of coming into force of this Code, belongs to any of the following classes shall be called a bhumiswami and shall have all the rights and be subject to all the liabilities conferred or imposed upon a bhumiswami by or under this Code, namely (a) every person in respect of land held by him in the Mahakoshal region in bhumiswami or bhumidhari rights in accordance with the provisions of the Madhya Pradesh Land Revenue Code, 1954 (II of 1955); (b) every person in respect of land held by him in the Madhya Bharat region as a Pakka tenant or as a Muafidar, Inamdar or Concessional holder, as defined in the Madhya Bharat Land Revenue and Tenancy Act, Samvat, 2007 (66 of 1950); (c) every person in respect of land held by him in the Bhopal region as an occupant as defined in the Bhopal State Land Revenue Act, 1932 (IV of 1932); (d) (i) every person in respect of land held by him in the Vindhya Pradesh region as a pachapan paintalis tenant, pattedar tenant, a grove holder or as a holder of tank as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955); (ii) every person in respect of land (other than land which is a grove or tank or which has been acquired or which is required for Government or public purposes) held by him in the Vindhya Pradesh region as a gair haqdar tenant and in respect of which he is entitled to a patta in accordance with the provisions of sub-section (4) of Section 57 of the Rewa State Land Revenue and Tenancy Code, 1935; (iii) every person in respect of land held by him as a tenant in the Vindhya Pradesh region and in respect of which he is entitled to a patta in accordance with the provisions of sub-sections (2) and (3) of Section 151 of the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955), but has omitted to obtain such patta before the coming into force of this Code; (e) every person in respect of land held by him in Sironj region as a khatedar tenant or as a grove holder as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955). (2) [A Ruler of an Indian State forming part of the State of Madhya Pradesh who, at the time of coming into force of this Code, was holding land or was entitled to hold land as such Ruler by virtue of the covenant or agreement entered into by him before the commencement of the Constitution, shall, as from the date of coming into force of this Code, be a bhumiswami of such land under the Code and shall be subject to all the rights and

liabilities conferred and imposed upon a bhumiswami by or under this Code.] [Inserted by M.P. Act No. 8 of 1979 (w.e.f. 2-10-1959).](3)[Every person-(i)who is holding land in bhumiswami right by virtue of a lease granted to him by the State Government or the Collector or the Allotment Officer on or before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1992 from the date of such commencement, and (ii) to whom land is allotted in bhumiswami right by the State Government or the Collector or the Allotment Officer after the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1992 from the date of such allotment, shall be deemed to be a bhumiswami in respect of such land and shall be subject to all the rights and liabilities conferred and imposed upon a bhumiswami by or under this Code :[Provided that no such person shall transfer such land within a period of ten years from the date of lease or allotment and thereafter may transfer such land with the permission obtained under sub-section (7-b) of section 165.] [Inserted by M.P. Act No. 17 of 1992 (w.e.f. 28-10-1992).]Explanation.-In this section, the expression "Ruler" and "Indian State" shall have the same meanings as are assigned to these expressions in clauses (22) and (15) respectively by Article 366 of the Constitution of India.]

159. Land revenue payable by bhumiswamis.

- Every person becoming a bhumiswami under Section 158 shall pay as land revenue-(a)if he was paying land revenue in respect of the lands held by him-such land revenue; or(b)if he was paying rent in respect of the lands held by him-an amount equal to such rent.

160. Revocation of exemption from liability for land revenue.

(1)Every Muafi or Inam land, wherever situate, which was heretofore exempted from payment of the whole or part of the land revenue by a special grant from the Government or under the provisions of any law for the time being in force or in pursuance of any other instrument shall, notwithstanding anything contained in any such grant, law or instrument be liable from the commencement of the revenue year next following the coming into force of this Code, to the payment of full land revenue assessable thereon.(2)Where any such Muafi or Inam land is held for the maintenance or upkeep of any public, religious or charitable institution, the State Government may, on the application of such institution, in the prescribed form [and made within such time as may be prescribed] [Inserted by M.P. Act No. 24 of 1961 (w.e.f. 2-10-1959).] grant to it such annuity not exceeding the amount of the exemption from land revenue enjoyed by it, as may be considered reasonable for the proper maintenance or upkeep of such institution or for the continuance of service rendered by it.(3)The annuity granted under sub-section (2) shall be subject to such conditions as may be prescribed and may from time to time be revised or withdrawn by the State Government.(4)Where an application is made under sub-section (2), the recovery of land revenue from the institution concerned shall be stayed until the decision of the application.

161. Reduction of revenue [*] [Omitted 'during the currency of settlement' by M.P. Act No. 23 of 2018].**

(1)At any time [***] [Omitted 'during the currency of settlement' by M.P. Act No. 23 of 2018] the

Collector may, in accordance with such rules as may be made in this behalf, on the application of a bhumiswami or of his own motion reduce the revenue in respect of any land on any of the following grounds, namely :-(i)that the land has been wholly or partially rendered unfit for cultivation in consequence of floods or other cause beyond the control of such bhumiswami;(ii)that any irrigation source, whether new or old, constructed and maintained at the cost of the State has fallen into disrepair and has ceased to irrigate the whole or any part of his holding to which an enhanced rate of revenue has been applied on account of irrigation;(iii)that any private irrigation source has for any cause beyond the control of bhumiswami, ceased to irrigate the whole or any part of the holding which has been assessed to enhanced land revenue on account of irrigation;(iv)that the revenue payable by the bhumiswami in respect of the land is more than the revenue calculated at the rate fixed at the last settlement or under any other law for such land;(v)that the area of the holding of such bhumiswami has decreased for any reason below the area on which the existing land revenue was assessed.(2)Where any reduction is ordered under sub-section (1), such reduction shall take effect from the commencement of the revenue year next following the date of the order.(3)If the cause for which revenue has been reduced under sub-section (1) subsequently ceases or is removed, the Collector may, after giving the bhumiswami a reasonable opportunity of being heard, make an order directing that such reduction shall cease to be in force and on such order being passed, the reduction shall stand revoked from the commencement of the revenue year next following the date of the order.

162.

[***] [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).]

163.

[***] [Omitted by M.P. Act No. 23 of 2018]

163. Pending applications for conferral of bhumiswami rights.- All applications by bhumidharis for conferral of bhumiswami rights pending before any Revenue Court in the Mahakoshal region immediately before the coming into force of this Code whether in appeal, revision, review or otherwise, shall be filed and the amount, if any, deposited by such bhumidharis shall be refunded to them.

164. [Devolution. [Substituted by M.P. Act No. 38 of 1961 (w.e.f. 8-12-1961).]

- Subject to his personal law the interest of bhumiswami shall, on his death, pass by inheritance, survivorship or bequest, as the case may be.]

165. Rights of transfer.

(1)Subject to the other provisions of this section and the provision of Section 168 a bhumiswami may transfer [***] [Omitted by M.P. Act No. 38 of 1961 (w.e.f. 8-12-1961).] any interest in his land.(2)Notwithstanding anything contained in sub-section (1) -(a)no mortgage of any land by a

bhumiswami shall hereafter be valid unless atleast five acres of irrigated or ten acres of unirrigated land is left with him free from any encumbrance or charge;(b)subject to the provisions of clause (a), no usufructuary mortgage of any land by a bhumiswami shall hereafter be valid if it is for a period exceeding six years and unless it is a condition of the mortgage that on the expiry of the period mentioned in the mortgage deed, the mortgage shall be deemed, without any payment whatsoever by the bhumiswami to have been redeemed in full and the mortgagee shall forthwith re-deliver possession of the mortgaged land to the bhumiswami;(c)if any mortgagee in possession of the land mortgaged does not hand over possession of land after the expiry of the period of the mortgage or six years whichever expires first the mortgagee shall be liable to ejectment by the orders of the Tahsildar as trespasser and the mortgagor shall be placed in possession of the land by the Tahsildar :[Provided that nothing in this sub-section shall apply in the case of a mortgage of any land held by a bhumiswami for non-agricultural purpose.] [Inserted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).](3)Where a bhumiswami effects a mortgage other than a usufructuary mortgage of his land in pursuance of the provisions of sub-section (2), then notwithstanding anything contained in the mortgage deed, the total amount of interest accruing under the mortgage shall not exceed half the sum of the principal amount advanced by the mortgagee.(4)Notwithstanding anything contained in sub-section (1), no bhumiswami shall have the right to transfer any land-(a)in favour of any person who shall as a result of the transfer become entitled to land which together with the land, if any, held by himself or by his family will in the aggregate exceed such ceiling limits as may be prescribed;(b)[***] [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).][Provided that-(i)nothing in this sub-section shall apply-(a)(i)in the case of transfer in favour of an institution established for a public, religious or charitable purpose or a transfer for industrial purpose or a transfer by way of mortgage;(ii)in the case of transfer in favour of Co-operative Society for industrial purpose or a transfer by way of mortgage subject, however, to the condition that no mortgage for agricultural purposes shall authorise sale for recovery of an advance in contravention of clause (b) of Section 147;(b)in the case of a transfer of land held for non-agricultural purposes] :[Provided further that in case of the transfer of land under sub-clause (a) of clause (i) of the preceding proviso for industrial purpose, the land shall be diverted under section 59 prior to such transfer.] [Substituted by M.P. Act No. 23 of 2018]Explanation.-For the purposes of this sub-section, a person's family shall consist of the person himself, the minor children and the spouse of such person living jointly with him and if such person is a minor then his parents living jointly with him.(5)Notwithstanding anything to the contrary in any other enactment for the time being in force, no land of a bhumiswami shall, in execution of a decree or order of a Court, be sold to any person who as a result of such sale shall become entitled to land which together with the land, if any, held by himself or by his family will in the aggregate exceed such ceiling limits as may be prescribed :[Provided that nothing in this sub-section shall apply in the case of a co-operative society where any land is to be sold in execution of a decree or order passed in favour of such society after exhausting the procedure prescribed in Section 154-A.] [Substituted by M.P. Act No. 2 of 1990 (w.e.f. 6-2-1990).]Explanation. - For the purposes of this sub-section , the expression "a person's family" shall have the same meaning as assigned to it in sub-section (4).(6)[Notwithstanding anything contained in sub-section (1) the right of bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe by the State Government by a notification in that behalf, for the whole or part of the area to which this Code applies shall-(i)in such areas as are predominately inhabited by aboriginal tribes and from such date as the State Government may, by notification, specify, not be transferred nor it shall be

transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe in the area specified in the notification;(ii)in areas other than those specified in the notification under clause (i), not to be transferred or be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe without the permission of a Revenue Officer not below the rank of Collector, given for reasons to be recorded in writing. Explanation. - For the purposes of this sub-section the expression "otherwise" shall not include lease.] [Substituted by M.P. Act No. 61 of 1976 (w.e.f. 29-11-1976).] [(6-a) Notwithstanding anything contained in sub-section (1), [the right of a bhumiswami other than a bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6), in the land excluding the agricultural land] [Inserted by Notification No. F-16-1 -81 -XXV, dated 15-4-1981.] shall not be transferred or be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to aboriginal tribe without the permission of the Collector given for reasons to be recorded in writing : Provided that every such transfer effected [after the 9th day of June, 1980 but before the 20th April, 1981] [Substituted by Notification dated 17-7-1981.] which is not in accordance with the provisions herein contained shall, unless such transfer if ratified by the Collector in accordance with the provisions hereinafter contained, be void and shall be of no effect whatsoever, notwithstanding anything contained in this Code or any other law for the time being in force. (6-b) Notwithstanding anything contained in the Limitation Act, 1963 (No. 36 of 1963), the Collector may on his own motion at any time or on an application made in this behalf within three years of such transaction in such form as may be prescribed, make an enquiry as he may deem fit, and may, after giving a reasonable opportunity of being heard to the persons affected by the transfer, pass an order ratifying the transfer or refusing to ratify the transfer. (6-c) The Collector shall in passing an order under sub-section (6-a) granting or refusing to grant permission or under sub-section (6-b) ratifying or refusing to ratify the transaction shall have due regard to the following : -(i) whether or not the person to whom land is being transferred is a resident of the Scheduled Area; (ii) the purpose to which land shall be or is likely to be used after the transfer; (iii) whether the transfer serves, or is likely to serve or prejudice the social, cultural and economic interest of the residents of the Scheduled Area; (iv) whether the consideration paid is adequate; (v) whether the transaction is spurious or benami; and (vi) such other matters as may be prescribed. The decision of the Collector granting or refusing to grant the permission under sub-section (6-a) or ratifying or refusing to ratify the transaction of transfer under sub-section (6-b), shall be final, notwithstanding anything to the contrary contained in this Code. Explanation. - For the purpose of this sub-section, -(a) "Scheduled Area" means any area declared to be a Scheduled Area within the State of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India; (b) the burden of proving that the transfer was not spurious, fictitious or benami shall lie on the person who claims such transfer to be valid. (6-d) On refusal to grant the permission under sub-section (6-a) or ratification under sub-section (6-b), the transferee, if in possession of the land shall vacate the possession forthwith and restore the possession thereof to the original bhumiswami. (6-e) If the bhumiswami for any reason whatsoever fails or is unable to take possession of the land of which the right of possession stands restored to him under sub-section (6-d), the Collector shall cause the possession of land to be taken and cause the land to be managed on behalf of the bhumiswami subject to such terms and conditions as may be prescribed till such time as the original bhumiswami enters upon his land : Provided that if any resistance is offered in restoring possession, the Collector shall use or cause to be used such force as may be necessary. [(6-ee) The

agricultural land transferred by the bhumiswami other than a bhumiswami belonging to an aboriginal tribe declared under sub-section (6) to a person not belonging to an aboriginal tribe shall not be diverted for any other purpose before the expiry of period of ten years from the date of transfer;] [Inserted by Notification No. 37-4-VII-N-II-84, dated 4-6-1984.](6-f) The provisions of sub-section (6-a) to [(6-ee)] [Substituted by Notification No. 37-4-VII-N-II-84, dated 4-6-1984.] shall have effect, notwithstanding anything to the contrary contained in this Code or any other law for the time being in force.] [Substituted by M.P. Act No. 2 of 1990 (w.e.f. 6-2-1990).](7)Notwithstanding anything contained in sub-section (1) or in any other law for the time being in force-(a)[where the area of land comprised in a holding or if there be more than one holding the aggregate area of all holdings of a bhumiswami is in excess of five acres of irrigated or ten acres of unirrigated land, then only so much area of land in his holding or holdings shall be liable to attachment or sale in execution of any decree or order as is in excess of five acres of irrigated or ten acres of unirrigated land;] [Substituted by M.P. Act No. 37 of 1973.](b)no land comprised in a holding of a bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) shall be liable to be attached or sold in execution of any decree or order;(c)no receiver shall be appointed to manage the land of a bhumiswami under Section 51 of the Code of Civil Procedure, 1908 (V of 1908) nor shall any such land vest in the Court or any receiver under the Provincial Insolvency Act, 1920 (V of 1920), contrary to the provisions of clause (a) or clause (b) :Provided that nothing in this sub-section shall apply where a charge has been created on the land by a mortgage.[(7-a) Notwithstanding anything contained in sub-section (1), no bhumiswami specified in Section 33 of the Madhya Pradesh Bhoodan Yagna Adhiniyam, 1968 (No. 28 of 1968) shall have the right to transfer any interest in his land specified in the said section without the permission of the [Collector] [Inserted by M.P. 15 of 1975.].](7-b) Notwithstanding anything contained in sub-section (1), [a person who holds land from the State Government or a person who holds land in bhumiswami rights under sub-section (3) of Section 158] [Inserted by M.P. Act No. 15 of 1980.] or whom right to occupy land is granted by the State Government or the Collector as a Government lessee and who subsequently becomes bhumiswami of such land, shall not transfer such land without the permission of a Revenue Officer, not below the rank of a Collector, given for reasons to be recorded in writing.](8)Nothing in this section shall prevent a bhumiswami from transferring any right in his land to secure payment of, or shall affect the right of the State Government to sell such right for the recovery of an advance made to him under the Land Improvement Loans Act, 1883 (XIX of 1883) or the Agriculturist Loans Act, 1884 (XII of 1884).(9)[Nothing in this section shall-(i)prevent a bhumiswami from transferring any right in his land by way of mortgage to secure payment of an advance made to him by co-operative society subject to the condition that the land shall not be sold to secure recovery, without exhausting the procedure prescribed in Section 154-A; or(ii)affect the right of any such society to secure recovery or an advance made to him, in accordance with the provisions of Section 154-A] [(9-a) Nothing in this section shall prevent a bhumiswami who is a displaced person from transferring any right in his land to secure payment of an advance made to him by the Dandakaranya Development Authority or shall affect the right of that Authority to sell such right for the recovery of such advance.Explanation. - In this sub-section "displaced person" means a person displaced from the territories now comprised in East Pakistan who is resettled in Madhya Pradesh on or after the 1st day of April, 1957, under any scheme of resettlement of displaced persons sanctioned by the Central Government or the State Government.] [Inserted by M.P. Act No. 38 of 1961 (w.e.f. 8-12-1961).] [(9-b) Nothing in this

section shall prevent a bhumiswami from transferring any right in his land to secure payment of an advance made to him by a Commercial Bank for purpose of agriculture or improvement of holding or shall affect the right of any such Bank to sell such right for the recovery of such advance.] [Inserted by M.P. Act No. 9 of 1970 (w.e.f. 3-12-1969).](10)Notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908), no officer empowered to register documents thereunder shall admit to registration any document which purports to contravene the provisions of this section.(11)Nothing in this section shall-(a)invalidate any transfer which was validly made; or(b)validate any transfer which was invalidly made; before the coming into force of this Code.Explanation.-For purposes of this section one acre of irrigated land shall be deemed to be equal to two acres of unirrigated land and vice-versa.

166. Forfeiture in cases of certain transfers.

(1)If a transfer of land is made in contravention of the provisions of clause (a) of sub-section (4) of Section 165 so much of the land as is in excess of the prescribed ceiling limit with the transferee shall, after its selection by the transferee within the prescribed period and demarcation by a Sub-Divisional Officer in accordance with such rules as may be made in that behalf, stand forfeited to the State Government :Provided that if the transferee fails to make the selection within the prescribed period such selection shall be made by the Sub-Divisional Officer.(2)[***] [Omitted by M.P. Act No. 25 of 1964.](3)The Sub-Divisional Officer shall in the cases referred to in sub-sections (1) and (2) fix the land revenue in the prescribed manner in respect of the land left with the transferee.

167. Exchange of land.

- Subject to the provisions of Section 165 bhumiswami may exchange by mutual agreement the whole or any part of their holding for purposes of consolidation of holdings or securing greater convenience in cultivation.

168. [Leases. [Substituted by M.P. Act No. 23 of 2018]

(1)A Bhumiswami may lease any land comprised in his holding which has been assessed for the purpose of agriculture under section 59, for any period not exceeding five years at a time.(2)The lessee shall hold the land on such terms and conditions as may be agreed upon between him and the Bhumiswami.(3)Tahsildar on the application of the Bhumiswami on the ground of breach of any material term or condition of the lease or the lease ceasing to be in force may order the lessee to hand over possession of the land to the Bhumiswami.(4)If a lessee does not hand over the possession of the land to the Bhumiswami on the expiry of the lease or within seven days from the date of the order passed by the Tahsildar under sub-section (3), the Bhumiswami shall be deemed to have been improperly dispossessed from his land by the lessee and shall be entitled to relief under section 250.Explanation. - For the purposes of this section-(a)"lease" means a transfer of a right to enjoy any land, made for a certain time, expressed or implied in consideration of a price paid or promised or of money or any other thing of value to be given periodically to the transferor by the transferee who accepts the transfer on such terms,(b)any arrangement whereby a person cultivates

any land of a Bhumiswami on condition of his giving a specified share of the produce of the land to the Bhumiswami shall be deemed to be a lease;(c)any lease given under sub-section (1) for a period exceeding five years shall be deemed to have been given for a period of five years;(d)the grant of a right merely to cut grass or to graze cattle or to grow "singhara" or to propagate or collect lac, or to pluck or collect tendu leaves shall not be deemed to be a lease of the land.]

169. [Deleted by M.P. Act No. 23 of 2018]

****] [Substituted by M.P. Act No. 2 of 1990 (w.e.f. 6-2-1990).]

169. [Unauthorised lease etc. [Substituted by M.P. Act No. 15 of 1980 (w.e.f. 24-10-1980).]- If a bhumiswami-(i) leases out for any period any land comprised in his holding in contravention of Section 168; or(ii) by an arrangement which is not a lease under sub-section (1) of Section 168 allows any person to cultivate any land comprised in his holding otherwise than as his hired labour and under that arrangement such person is allowed to be in possession of such land for a period exceeding two years without being evicted in accordance with Section 250;the rights of an occupancy tenant shall, -(a) in the case of (i) above, thereupon accrue to the lessee in such land; and(b) in the case of (ii) above, on the expiration of a period of two years from the date of possession, accrue to such person in that land :Provided that nothing in this section shall apply to a land comprised in the holding of a bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of Section 165 and which is leased out by him or in respect of which he has made an arrangement as aforesaid, as the case may be.]

170. [Avoidance of transfer in contravention of Section 165. [Substituted by M.P. Act No. 61 of 1976 (w.e.f. 29-11-1976).]

(1)Where possession is transferred by a bhumiswami in pursuance of a transfer which is in contravention of sub-section (6) of Section 165 any person who, if he survived the bhumiswami without nearer heirs would inherit the holding, may,-(i)till the 31st December, 1978, in the case of transfer of possession prior to the 1st July 1976; and(ii)within [twelve years] of such transfer of possession, in subsequent cases,apply to the Sub-Divisional Officer to be placed in possession subject so far as the Sub-Divisional Officer may, in accordance with the rules made in this behalf determine to his acceptance of the liabilities for arrears of land revenue or any other dues which form a charge on the holding, and the Sub-Divisional Officer shall dispose of such application in accordance with the procedure as may be prescribed.](2)Where any land of a bhumiswami is sold in contravention of subsection (3) of Section 165, the Court by which such sale is ordered shall, on the application of the bhumiswami or any person who, if he survived the bhumiswami without nearer heirs would inherit the holding made within two years of such sale, set aside the sale and place the applicant in possession of the land subject to his accepting the liability for arrears of land revenue or any other dues which form a charge on the land.

170A. [Certain transfers to be set aside. [Inserted by M.P. Act No. 61 of 1976 (w.e.f. 29-11-1976).]

(1)Notwithstanding anything contained in the Limitation Act, 1963 (No. 36 of 1963), the Sub-Divisional Officer may, on his own motion or on an application made by a transferer of agricultural land belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of Section 165 on or before the 31st December, 1978, enquire into a transfer effected by way of sale, or in pursuance of a decree of a Court of such land to a person not belonging to such tribe or transfer effected by way of accrual of right of occupancy tenant under Section 169 or of bhumiswami under sub-section (2-A) of Section 190 at any time during the period commencing on the 2nd October, 1959 and ending on the date of commencement of the Madhya Pradesh Land Revenue Code (Third Amendment) Act, 1976 to satisfy himself as to the bona fide nature of such transfer.](2)If the Sub-Divisional Officer on an enquiry and after giving a reasonable opportunity to the persons owning any interest in such land, is satisfied that such transfer was not bona fide, he may notwithstanding anything contained in this Code or any other enactment for the time being in force,-(a)[subject to the provisions of clause (b), set aside such transfer if made by a holder belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of Section 165 and restore the land to the transfer; or] [This clause of sub-section (2) of Section 170-A is applicable to Non-Scheduled Areas of the State.](a)[subject to the provisions of clause (b), set aside such transfer if made by a holder belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of Section 165 and [restore the land to the transferor by putting him in possession of the land forthwith] [This clause of sub-section (2) of Section 170-A is applicable to Scheduled Areas of the State.]; or(b)where such land has been diverted for non-agricultural purposes, he shall fix the price of such land which it would have fetched at the time of transfer and order the transferee to pay the difference, if any, between the price so fixed and the price actually paid to the transferer within a period of six months.]

170B. [Reversion of land of members of aboriginal tribe which was transferred by fraud. [Inserted by M.P. Act No. 15 of 1980 (w.e.f. 24-10-1980).]

(1)Every person who on the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment), 1980 (hereinafter referred to as the Amendment Act of 1980) is in possession of agricultural land which belonged to a member of a tribe which has been declared to be an aboriginal tribe under sub-section (6) of Section 165 between the period commencing on the 2nd October, 1959 and ending on the date of the commencement of Amendment Act, 1980 shall, within [two years] of such commencement, notify to the Sub-Divisional Officer in such form and in such manner as may be prescribed, all the information as to how he has come in possession of such land.(2)If any person fails to notify the information as required by sub-section (1) within the period specified therein it shall be presumed that such person has been in possession of the agricultural land without any lawful authority and the agricultural land shall, on the expiration of the period aforesaid revert to the person to whom it originally belonged and if that person be dead, to his legal heirs.[(2-A) If a Gram Sabha in the Scheduled area referred to in clause (1) of Article 244 of the Constitution finds that any person, other than a member of an aboriginal tribe, is in possession of any land of a

bhumiswami belonging to an aboriginal tribe, without any lawful authority, it shall restore the possession of such land to that person to whom it originally belonged and if that person is dead to his legal heirs :Provided that if the Gram Sabha fails to restore the possession of such land, it shall refer the matter to the Sub-Divisional Officer, who shall restore the possession of such land within three months from the date of receipt of the reference.] [Inserted by M.P. Act No. 1 of 1998 (w.e.f. 5-1-1998).](3)On receipt of the information under sub-section (1), the Sub-Divisional Officer shall make such enquiry as may be deemed necessary about all such transactions of transfer and if he finds that the member of aboriginal tribe has been defrauded of his legitimate right he shall declare the transaction null and void and pass an order revesting the agricultural land in the transferor and, if he is dead, in his legal heirs.](3)[On receipt of the information under sub-section (1) the Sub-Divisional Officer shall make such enquiry as may be necessary about all such transactions , of transfer and if he finds that the member of aboriginal tribe has been defrauded of his legitimate right he shall declare the transaction null and void and-(a)Where no building or structure has been erected on the agricultural land prior to such finding pass an order revesting the agricultural land in the transferor and if he be dead, in his legal heirs,(b)Where any building or structure has been erected on the agricultural land prior to such finding, he shall fix the price of such land in accordance with the principles laid down for fixation of price of land in the Land Acquisition Act, 1894 (No. 1 of 1894) and order the person referred to in sub-section (1) to pay to the transferor the difference, if any, between the price so fixed and the price actually paid to the transferor :Provided that where the building or structure has been erected after the 1st day of January, 1984, the provisions of clause (b) above shall not apply :Provided further that fixation of price under clause (b) shall be with reference to the price on the date of registration of the case before the Sub-Divisional Officer.] [Substituted for Scheduled Areas of the State by M.P. Notification F. No. 1-70-VII-N-II-83, dated 5-1-1984.]

170C. [Advocate not to appear in proceedings under Section 170-A or 170-B without permission. [Provisions of this section shall apply to Scheduled Areas of the State of Madhya Pradesh only. Vide Government of Madhya Pradesh, Revenue Department's Notification F. No. 1-70-VII-N-2-83, dated the 5-1-1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, published in Madhya Pradesh Rajpatra, dated 6-1-1984 at pages 23-29.]

- Notwithstanding anything contained in the Advocates Act, 1961 (No. 25 of 1961) no Advocate shall appear before a Revenue Officer under any proceeding under Section 170-A or 170-B without the permission of such officer :Provided that if permission is granted to one party not belonging to a member of a tribe which has been declared to be an aboriginal tribe under subsection (6) of Section 165, similar assistance shall always be provided to the other party belonging to such tribe at the cost of and through legal aid agency.]

170D. [Second appeal barred. [Provisions of this section shall apply to Scheduled Areas of the State of Madhya Pradesh only. Vide Government of Madhya Pradesh, Revenue Department's Notification F. No. 1-70-VII-N-2-83, dated the 5-1-1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, published in Madhya Pradesh Rajpatra, dated 6-1-1984 at pages 23-29.]

- Notwithstanding anything contained in this Code, no second appeal shall lie against the orders passed on or after the 24th October, 1983 under Section 170-A and Section 170-B.][171 to 172. [Deleted by M.P. Act No. 23 of 2018]***]

171. Right to make improvements.- A bhumiswami of land held for the purpose of agriculture is entitled to make any improvement thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid.172. Diversion of land.- (1)[If a bhumiswami of land held for any purpose in-(i) urban area or within a radius of five miles from the outer limits of such area;(ii) a village with a population of two thousand or above according to last census; or(iii) in such other areas as the State Government may, by notification, specify;wishes to divert his holding or any part thereof to any other purpose except agriculture,] [Substituted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).]he shall apply for permission to the Sub-Divisional Officer who may, subject to the provisions of this section and to rules made under this Code, refuse permission or grant it on such conditions as he may think fit :Provided that should the Sub-Divisional Officer neglect or omit for three months after the receipt of an application under sub-section (1) to make and deliver to the applicant an order of permission or refusal in respect thereof, and the applicant has by written communication called the attention of the Sub-Divisional Officer to the omission or neglect, and such omission or neglect continues for a further period of[one month] [Substituted by M.P. Act No. 19 of 2001 (w.e.f. 26-9-2001), for the words 'six months'.], the Sub-Divisional Officer shall be deemed to have granted the permission without any condition :[Provided further that if a bhumiswami of a land, which is reserved for a purpose other than agriculture in the development plan but is used for agriculture, wishes to divert his land or any part thereof to the purpose for which it is reserved in the development plan, a written information of his intention given by bhumiswami to the Sub-Divisional Officer shall be sufficient and no permission is required for such diversion :Provided also that if a bhumiswami of a land wishes to divert his land or any part thereof which is assessed for agriculture purpose and situated in any area other than an area covered by development plan to the purpose of industry, a written information of his intention given by bhumiswami to the Sub-Divisional Officer shall be sufficient and no permission is required for such diversion.] [[Substituted by M.P. Act No. 22 of 2003 (w.e.f. 3-5-2003). Prior to substitution it read as under : 'Providing further that if a Bhumiswami of land situated in urban area which is reserved for a purpose other than agriculture in the development plan but is used for Agriculture wishes to divert his land or any part thereof to the purpose for which it is reserved in the development plan, he may apply for permission to the Sub-Divisional Officer, who shall, subject to the provisions of this section grant it on such conditions as he may think fit. If the Sub-Divisional Officer neglects or omits for two months after the receipt of an application under this proviso to make and deliver to the applicant an order of permission in respect thereof and the applicant has by written

communication called the attention of the Sub-Divisional Officer to the omission or neglect, and such omission or neglect continues for a further period of one month, the Sub-Divisional Officer shall be deemed to have granted the permission without any condition.']] [Provided also that if a competent authority undertakes the work of regularisation of the illegal colony, the land of which is not diverted, then the land, subject to the provisions of development plan, shall be deemed to have been diverted and such land shall be liable for premium and revised land revenue under Section 59. Explanation.-For the purpose of this section the competent authority shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Palika (Registration of Coloniser. Terms and Conditions) Rules, 1998 made under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).] [Inserted By M.P. Act No. 7 of 2000 (w.e.f. 15-3-2000).] (2) Permission to divert may be refused by the Sub-Divisional Officer only on the ground that the diversion is likely to cause a public nuisance, or the bhumiswami is unable or unwilling to comply with the conditions that may be imposed under sub-section (3). (3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality. (4) If any land has been diverted without permission by the bhumiswami or by any other person with or without the consent of the bhumiswami the Sub-Divisional Officer on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding [two thousand rupees] [Substituted by M.P. Act No. 22 of 2003 (w.e.f. 3-5-2003), for the words 'two hundred rupees'.] and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert had been made. (5) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the Sub-Divisional Officer may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. The Sub-Divisional Officer may also impose on such person a penalty not exceeding [two thousand rupees] [Substituted by M.P. Act No. 22 of 2003 (w.e.f. 3-5-2003), for the words 'two hundred rupees'.] for such contravention, and a further penalty not exceeding [one hundred rupees] [Substituted by M.P. Act No. 22 of 2003 (w.e.f. 3-5-2003), for the words 'twenty rupees'.] for each day during which such contravention is persisted in. (6) If any person served with the notice under sub-section (5) fails within the period stated in the notice to take the steps ordered by the Sub-Divisional Officer under that sub-section, the Sub-Divisional Officer may himself take such steps of cause them to be taken; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue. [(6-a) If any land has been diverted in contravention of sub-section (6-ee) of Section 165, the Sub-Divisional Officer in addition to taking action laid down in sub-sections (5) and (6), shall also impose a penalty not exceeding five thousand rupees for such contravention and a further penalty not exceeding one hundred rupees for each day during which such contravention is persisted in.] [Inserted by Notification No. 37-4-VII-N-II-84, dated 4-6-1984, is its application to Scheduled Areas.] (7) [x x x] [Omitted by M.P. Act No. 17 of 1996 (w.e.f. 10-10-1996).] [Explanation I.] [Re-numbered by M.P. Act No. 17 of 1996 (w.e.f. 10-10-1996).]-Diversion in this section means

using land assessed to one purpose under Section 59 to any other purpose mentioned therein but using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.[Explanation II.-For the purposes of this section the words 'development plan' shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973).] [Inserted by M.P. Act No. 17 of 1996 (w.e.f. 10-10-1996).]

173. Relinquishments.

- Subject to rules made under this Code, a bhumiswami may relinquish his rights, that is, resign them in favour of the State Government, but subject to any rights, tenures, encumbrances or equities lawfully subsisting in favour of any person, other than the State Government or the bhumiswami, by giving notice in writing to the Tahsildar not less than thirty days before the date of commencement of the agricultural year and thereupon he shall cease to be a bhumiswami from the agricultural year next following such date of such order. In case of the relinquishment of only a part of the holding the bhumiswami shall apportion the assessment of the holding in accordance with the rules made under this Code :Provided that the relinquishment of a holding or any part of a holding, which is subject to an encumbrance or a charge, shall not be valid.

174. [[Deleted by M.P. Act No. 23 of 2018]

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174. Disposal of relinquished sub-division.- If any sub-division of a survey number or plot number is relinquished under Section 173, the Tahsildar shall offer the rights to occupy such sub-division at such premium as he thinks fit to the bhumiswami of the other sub-divisions of the same survey number or plot number and if there be competition among such bhumiswami he shall sell such right to the highest bidder amongst them.

175. Right of way to relinquished land.

- If any person relinquishes his right to land, the way which lies through other land retained by him any, future holder of the land relinquished shall be entitled to a right of way through the land retained.

176. [[Deleted by M.P. Act No. 23 of 2018]

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176. Abandonment of holding.- (1) If a bhumiswami ceases to cultivate his holding for two years either by himself or by some other person, does not pay land revenue and has left the village in which he usually resides, the[Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).]may, after such enquiry as he may deem necessary, take possession of the land comprising the holding and arrange for its cultivation by letting it out on behalf of the bhumiswami for a period of one agricultural year at a time.(2) Where the bhumiswami or any other person

lawfully entitled to the land claims it within a period of three years from the commencement of the agricultural year next following the date on which the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] took possession of the land, it shall be restored to him on payment of the dues, if any, and on such terms and conditions as the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] may think fit. (3) Where no claim is preferred under sub-section (2) or if a claim is preferred and disallowed, the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] shall make an order declaring the holding abandoned and the holding shall vest absolutely in the State Government, from such date as may be specified in that behalf in the order. (4) Where a holding is declared abandoned under sub-section (3), the liability of the bhumiswami for the arrears of revenue due from him in respect thereof shall stand discharged.

177. Disposal of holdings.

(1) If a bhumiswami whose land has been assessed for the purpose of agriculture under Section 59, or who holds land for dwelling purposes, dies, without known heirs, the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] shall take possession of his land and may lease it for a period of one year at a time. (2) If within three years of the date on which the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] takes possession of the land any claimant applies for the holding being restored to him, the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] may, after such enquiry as he thinks fit, place such claimant in possession of the land or reject his claim. (3) The order of the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] passed under sub-section (2) shall not be subject to appeal or revision but any person whose claim is rejected under sub-section (2) may, within one year from the date of the communication of the order of the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] file a civil suit to establish his title, and if such suit is filed, the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] shall continue to lease out the land as provided in sub-section (1) till the decision of the suit. (4) If no claimant appears within three years from the date on which the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] took possession of the land or if a claimant whose claim have been rejected under sub-section (2) does not file a suit within one year as provided in sub-section (3), the [Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] may sell the deceased bhumiswami's right in the holding by auction. (5) Notwithstanding anything contained in any law for the time being in force a claimant who establishes his title in land which has been dealt with in accordance with the provisions of this section, shall be entitled only to the rents payable under sub-section (1) and the sale proceeds realized under sub-section (4) less all sums due on the holding on account of land revenue and the expenses of management and sale.

178. Partition of holding.

(1) If in any holding, which has been assessed for purpose of agriculture under Section 59, there are more than one bhumiswami any such bhumiswami may apply to a Tahsildar for a partition of his share in the holding : [Provided that if any question of title is raised the Tahsildar shall stay the proceeding before him for a period of three months to facilitate the institution of a civil suit for determination of the question of title.] [Substituted by M.P. Act No. 18 of 1978 (w.e.f. 13-6-1978).] [(1-A) If a civil suit is filed within the period specified in the proviso to sub-section (1),

and stay order is obtained from the Civil Court, the Tahsildar shall stay his proceedings pending the decision of the Civil Court. If no civil suit is filed within the said period, he shall vacate the stay order and proceed to partition the holding in accordance with the entries in the record of rights.] [Inserted by M.P. Act No. 18 of 1978 (w.e.f. 13-6-1978).](2)The Tahsildar, may, after hearing the co-tenure holders, divide the holding and apportion the assessment of the holding in accordance with the rules made under this Code.(3)[x x x] [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).](4)[x x x] [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).](5)[x x x] [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).]Explanation I.-For purposes of this section any co-sharer of the holding of a bhumiswami who has obtained a declaration of his title in such holding from a competent Civil Court shall be deemed to be a co-tenure holder of such holding.Explanation II.-[x x x] [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).]

178A. [Partition of land in life time of Bhumiswami. [Substituted by M.P. Act No. 23 of 2018]

(1)If any Bhumiswami wishes to partition his holding assessed for purpose of agriculture under section 59 or any part thereof amongst his legal heirs during his life time, he may apply for partition of such holding or part thereof to the Tahsildar.(2)The Tahsildar may after hearing the legal heirs divide the holding or part thereof and apportion the assessment in accordance with the rules made under this Code.]

179. Rights to trees in holding.

(1)Subject to the provisions of Sections 240 and 241 all trees standing in the holding of a bhumiswami shall belong to him.(2)Nothing in sub-section (1) shall affect any right in trees in the holding of a bhumiswami in favour of any person existing on the date of the coming into force of this Code, but the bhumiswami may apply to the Tahsildar to fix the value of such right and purchase the right through the Tahsildar in such manner as may be prescribed.

180. Restriction on transfer of trees.

(1)The transfer by a bhumiswami of any trees standing in any land comprised in his holding except the produce of such trees shall be void unless the land itself is transferred.(2)Trees standing in any land comprised in the holding of a bhumiswami shall not be attached or sold in execution of a decree or order of a Civil Court or under an order of a Revenue Officer or under an order made in pursuance of any provisions of any law for the time being in force unless the land itself is attached or sold.Chapter-XIII Government Lessees and Service Land

181. Government lessees.

(1)Every person who holds land from the State Government or to whom a right to occupy land is granted by the State Government or to Collector and who is not entitled to hold land as a bhumiswami shall be called a Government lessee in respect of such land.(2)Every person who at the

coming into force of this Code-(a)holds any land in the Madhya Bharat region as an ordinary tenant as defined in the Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007 (66 of 1950); or(b)holds any land in the Vindhya Pradesh region as a special tenant as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955), or as a gair haqdar tenant any grove or tank or land which has been acquired or which is required for Government or public purposes; or(c)holds any land from the State Government in the Sironj region as a gair khatedar tenant as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955);shall be deemed to be a Government lessee in respect of such land.(3)[x x x] [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).]

181A. [Person having Free hold right shall be Bhumiswami. [Substituted by M.P. Act No. 23 of 2018]

- Every person, who holds land in free hold right immediately prior to the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be the Bhumiswami of such land.]

182. Rights and liabilities of a Government lessee.

(1)A Government lessee shall, subject to any express provisions in this Code, hold his land in accordance with the terms and conditions of the grant, which shall be deemed to be a grant within the meaning of the Government Grants Act, 1895 (XV of 1895).(2)A Government lessee may be ejected from his land by order of [the Collector] [Substituted 'a Revenue Officer' by M.P. Act No. 23 of 2018] on one or more of the following grounds, namely :-(i)that he has failed to pay the rent for a period of three months from the date on which it became due; or(ii)that he has used such land for purposes other than for which it was granted; or(iii)that the term of his lease has expired; or(iv)that he has contravened any of the terms and conditions of the grant :Provided that no order for ejectment of a Government lessee under this sub-section shall be passed without giving him an opportunity of being heard in his defence.

183. [Service land. [Substituted by M.P. Act No. 23 of 2018]

(1)Any person holding land on the condition of rendering service as a Kotwar shall cease to be entitled to such land if he diverts such land to non-agricultural purposes.(2)Any right of a Kotwar in the service land shall not be transferred nor be transferable by way of sale, gift, mortgage, sub-lease or otherwise except by a sub-lease for a period not exceeding one year.(3)If a Kotwar dies, resigns or is lawfully dismissed, the service land shall pass to his successor-in-office.(4)The right of a Kotwar in such land shall not be attached or sold in execution of a decree nor shall a receiver be appointed to manage such land under section 51 of the Code of Civil Procedure, 1908 (No. 5 of 1908).(5)If a Kotwar contravenes or attempt to contravene the provisions of sub-section (1) and (2), without prejudice to any action that may be taken against him under the provisions of this Code or any other law, such service land may be taken back from him by the order of the Tahsildar and the Kotwar or any other person who unauthorisedly continue to remain in possession of the land may be ejected under section 248.(6)The service lands situated (a)in an urban area;(b)in such area for which

development plan has been approved; or(c)in such area beyond the outer limit of urban area, as notified by the State Government,shall cease to be service land from the date as notified by State Government and the Tahsildar shall cause necessary changes in the land records.]

184. [[Substituted by M.P. Act No. 23 of 2018]

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184. Disposal of service land in Sironj Region when services no longer required.- If the Collector declares that the services rendered by a village servant in any village in the Sironj region are no longer required, such village servant shall become a bhumiswami in respect of his service land and be liable to pay land revenue accordingly.

[185 to 202. [Deleted by by M.P. Act No. 23 of 2018]***][Notwithstanding the deletion of the said chapter, any case or proceeding regarding occupancy tenant pending before the Board or any Revenue Officer or any authority before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall be heard and decided by the Board or such Revenue Officer or authority, as if the said Amendment Act had not been passed.]

Chapter-XIV Occupancy Tenants185. Occupancy tenants.- (1) Every person who at the coming into force of this Code holds-(i) in the Mahakoshal region-(a) any land, which before the coming into force of the Madhya Pradesh Land Revenue Code, 1954 (II of 1955), was malik-makbuza and of which such person had been recorded as an absolute occupancy tenant; or(b) any land as an occupancy tenant as defined in the Madhya Pradesh Land Revenue Code, 1954 (II of 1955); or(c) any land as an ordinary tenant as defined in the Madhya Pradesh Land Revenue Code, 1954 (II of 1955); or(ii) in the Madhya Bharat region-(a) any Inam land as a tenant, or as a sub-tenant or as an ordinary tenant; orExplanation.-The expression "Inam Land" shall have the same meaning as assigned to it in the Madhya Bharat Muafi and Inam Tenants and Sub-Tenants Protection Act, 1954 (32 of 1954).(b) any land as ryotwari sub-lessee as defined in the Madhya Bharat Ryotwari Sub-Lessee's Protection Act, 1955 (29 of 1955); or(c) any Jagir land as defined in the Madhya Bharat Abolition of Jagirs Act, 1951 (28 of 1951), as a sub-tenant or as a tenant of a sub-tenant; or(d) any land of a proprietor as defined in the Madhya Bharat Zamindari Abolition Act, 1951 (13 of 1951), as a sub-tenant or as a tenant of a sub-tenant;(iii) in the Vindhya Pradesh Region any land as a sub-tenant of a pachpan paintalis tenant, pattedar tenant, grove holder or holder of a tank as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955); or(iv) in the Bhopal region-(a) any land as a sub-tenant as defined in the Bhopal State Sub-tenants Protection Act, 1952 (VII of 1953); or(b) any land as a shikmi from an occupant as defined in the Bhopal State Land Revenue Act, 1932 (IV of 1932); or(v) in the Sironj region-(a) any land as a sub-tenant of a khatedar tenant or grove holder as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955); or(b) any land as a sub-tenant or tenant of Khudkasht as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955);shall be called an occupancy tenant and shall have all the rights and be subject to all the liabilities conferred or imposed upon an occupancy tenant by or under this Code.(2) Where any land referred to in item (c) or (d) of clause (ii) of sub-section (1) is at the time of coming into force of this Code, in actual possession of a tenant of a sub-tenant, then such tenant and not the sub-tenant shall be deemed to be the occupancy tenant of such land.(3) Nothing in sub-section (1) shall apply to a person who at the coming into force of this Code, holds the land from a

bhumiswami who belongs to any one or more of the classes mentioned in sub-section (2) of Section 168.(4) Nothing in this section shall affect the rights of a sub-tenant of tenant of a sub-tenant belonging to any of the categories specified in items (c) and (d) of clause (ii) of sub-section (1) to acquire the rights of a pakka tenant in accordance with the provisions of the Madhya Bharat Abolition of Jagirs Act, 1951 (28 of 1951), or of the Madhya Bharat Zamindari Abolition Act, 1951 (13 of 1951), as the case may be.186. [Maximum rent. [Substituted by M.P. Act No. 20 of 1968 (w.e.f. 1-7-1968).]- Notwithstanding any agreement or usage or any decree or order of a Court or any law to the contrary, the maximum rent payable by an occupancy tenant in respect of the land held by him shall not exceed-(a) in the case of any class of irrigated land-four times the land revenue assessed on such land;(b) in case of bandh land in the Vindhya Pradesh region-three times the land revenue assessed on such land; and(c) in any other case-two times the land revenue assessed :[Provided that where such land is exempt from payment of land revenue under Section 58-A, the maximum rent aforesaid shall be reduced by the amount of land revenue so exempted under the said section.][Explanation.-Where any land has not been assessed to land revenue, the multiples aforesaid shall be calculated on the basis of the land revenue assessable on such land.]187. Commutation.-[(1) Where an occupancy tenant pays his rent in kind, in terms of service, labour, crop share or a specified quantity of gram, he may apply to the Sub-Divisional Officer for commuting the same into cash.] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).](2) On receipt of an application under sub-section (1), the Sub-Divisional Officer shall after holding an enquiry commute by an order in writing such rent into cash, which shall not exceed the maximum rent laid down in Section 186.188. Rent.- (1) The rent payable by an occupancy tenant shall, as from the commencement of the agricultural year next following the date of the coming into force of this Code, be the maximum rent laid down in Section 186 or if the rent agreed upon between the tenant and his bhumiswami is less than the maximum rent, then such agreed rent :[Provided that where the agreed rent is payable in kind, the tenant shall be liable to pay, until such rent commuted into cash under Section 187 the maximum rent laid down in Section 186.] [Inserted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).](2) Every occupancy tenant shall pay the rent to his bhumiswami on or before such date as may be prescribed in that behalf.189. Resumption by bhumiswami in certain cases.- (1) A bhumiswami whose land is held by an occupancy tenant[belonging to any of the categories specified in sub-section (1) of Section 185, except in items (a) and (b) of clause (i) thereof] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).]may, if the area of land under his personal cultivation is below twenty-five acres of unirrigated land, within one year of the coming into force of this Code, make an application to the Sub-Divisional Officer for resumption to land held by his occupancy tenant for Ms personal cultivation.(2) On receipt of the application, the Sub-Divisional Officer shall, after hearing the parties and making such further enquiry as may be necessary decide the application :Provided that the right of resumption shall be limited to the area which together with the area already under the personal cultivation of the bhumiswami shall not exceed twenty-five acres of unirrigated land :Provided further that no resumption shall be allowed so as to reduce the total area of land in possession of the occupancy tenant below :(i) twenty-five acres of unirrigated land if the occupancy tenant has been holding such land from a bhumiswami not belonging to any of the classes mentioned in sub-section (2) of Section 168, for more than five years prior to the coming into force of this Code;(ii) ten acres in any other case.(3) Where under an order passed under sub-section (2) the bhumiswami is allowed to resume a part of the land held by the occupancy tenant from such bhumiswami, the Sub-Divisional Officer shall select and demarcate

the land allowed to be resumed in accordance with such rules as may be made in that behalf. The resumption shall be allowed only if the bhumiswami agrees to pay (he occupancy tenant such compensation as the Sub-Divisional Officer may, after hearing the parties, fix for the improvement effected by the occupancy tenant for the land allowed to be resumed by the bhumiswami. The Sub-Divisional Officer shall also in such a case fix the rent in the prescribed manner in respect of the land left with the occupancy tenant.(4) Every order allowing resumption shall take effect from the agricultural year next following the date of the order and the tenancy of the occupancy tenant in respect of the land resumed shall stand terminated.Explanation.-For the purpose of this section-(1) the land under the personal cultivation of bhumiswami shall include-(a) any land transferred by him by sale or otherwise on or after the 1st January, 1959; and(b) any land allowed by him to lie fallow.(2) One acre of irrigated land shall be deemed to be equal to two acres of unirrigated land and vice versa.190. Conferral of bhumiswami rights on occupancy tenants.-[(1) Where a bhumiswami whose land is held by an occupancy tenant belonging to any of the categories specified in sub-section (1) of Section 185 except in items (a) and (b) of clause (i) thereof fails to make an application under sub-section (1) of Section 189 within the period laid down therein, the rights of a bhumiswami shall accrue to the occupancy tenant in respect of the land held by him from such bhumiswami with effect from the commencement of the agricultural year next following the expiry of the aforesaid period.] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 2-10-1959).](2) Where an application is made by a bhumiswami in accordance with the provision of sub-section (1) of Section 189, the rights of a bhumiswami shall accrue to the occupancy tenant in respect of the land remaining with him after resumption if any allowed to the bhumiswami with effect from the commencement of the agricultural year next following the date on which the application is finally disposed of.[(2-A) Where the land of a bhumiswami is held by an occupancy tenant other than an occupancy tenant referred to in sub-section (1), the rights of a bhumiswami shall accrue to the occupancy tenant in respect of such land-(a) in the case of occupancy tenants of the categories specified in items (a) and (b) of clause (i) of sub-section (1) of Section 185, with effect from the commencement of the agricultural year next following the commencement of the Principal Act;(b) in any other case, with effect from the commencement of the agricultural year next, following the date on which the rights of an occupancy tenant accrue to such tenant.](3) Where the rights of a bhumiswami accrue to an occupancy tenant under sub-section (1),[sub-section (2) or sub-section (2-A)] [Substituted by M.P Act No. 24 of 1961 (w.e.f. 2-10-1959).]such occupancy tenant shall be liable to pay to his bhumiswami compensation equal to fifteen times the land revenue payable in respect of the land in five equal annual instalments, each instalment, being payable on the date on which the rent payable under Section 188 for the corresponding year falls due, and if default is made in payment, it shall be recoverable as an arrear of land revenue :Provided that if from any cause the land revenue is suspended or remitted in whole or in part in any area in any year, the annual instalment of compensation payable by an occupancy tenant holding land in such area in respect of that year shall be suspended and shall become payable one year after the last of the remaining instalments.(4) Any occupancy tenant may at his option pay the entire amount of compensation in a lump sum and where an occupancy tenant exercise this option, he shall be entitled to a rebate at the rate of ten per cent.(5) The amount of compensation, whether paid in lump sum or in annual instalments, shall be deposited in such manner and form as may be prescribed by the occupancy tenant with the[Tahsildar] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).], for payment to the bhumiswami.(6) Where the rights of a bhumiswami in any

land accrue to an occupancy tenant under this section, he shall be liable to pay the land revenue payable by the bhumiswami in respect of such land with effect from the date of accrual of such rights.

191. Restoration of occupancy tenant.-[(1) If the bhumiswami in whose favour an order of resumption is passed under sub-section (2) of Section 189 fails to cultivate such land personally during the agricultural year next following the date on which the order is passed, the occupancy tenant may within such time as may be prescribed, make an application to the Sub-Divisional Officer for restoration of such land to him :Provided that the occupancy tenant shall not be entitled to make the application if he in any way obstructs the bhumiswami in taking possession of or cultivating such land.] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 2-10-1959).](2) On receipt of the application, the Sub-Divisional Officer may, after giving to the bhumiswami an opportunity of being heard and making such further enquiry as may be deemed necessary, pass an order restoring possession of the land in question to the occupancy tenant, and where such order is passed, the occupancy tenant shall be placed in possession of the land at the commencement of the agricultural year next following the date of the order and the rights of bhumiswami shall then accrue to him and the provisions of Section 190 except sub-section (2) thereof shall apply accordingly.(3) If there is any dispute regarding the rent payable for the land restored under sub-section (2), it shall be decided by the Sub-Divisional Officer.(4) Where any land is restored to an occupancy tenant under sub-section (2), the bhumiswami against whom restoration is ordered, shall for ever be debarred from claiming resumption of any land of such occupancy tenant under Section 189.

192. Devolution of rights of occupancy tenants.-[The interest of an occupancy tenant in his holding shall, on his death, pass by inheritance or survivorship in accordance with his personal law.] [Substituted by M.P. Act No. 38 of 1961 (w.e.f. 8-12-1961).]

193. Termination of tenancy.- (1) The tenancy of an occupancy tenant in his holding shall be liable to terminate by an order of the Sub-Divisional Officer made on any of the following grounds, namely,-(a) he has failed to pay on or before the due date in any agricultural year the rent of such land for that year; or(b) he has done any act which is destructive or permanently injurious to the land; or(c) he has used such land for a purpose other than agriculture; or(d) he has transferred his interest in the land in contravention of Section 195.(2) No order for the termination of his rights in the land on the ground specified in clause (a) of sub-section (1) shall be passed unless the Sub-Divisional Officer has by notice called upon the occupancy tenant to tender the rent due together with cost of proceedings within such period as may be specified by the Sub-Divisional Officer in the notice and the tenant has failed to deposit the required amount within the said period.(3) No proceedings on the ground specified in clause (b) of sub-section (1) shall lie unless the bhumiswami of such land has served on the occupancy tenant a notice in writing specifying the act of destruction or injury complained of and the tenant has failed within a period of six months from the date of service of notice or within such further period as the Sub-Divisional Officer may grant to restore the land to the condition in which it was before such destruction or injury.

194. Provisions applicable to occupancy tenant whose tenancy is terminated.- (1) The following provisions shall be applicable in the case of every occupancy tenant whose tenancy is terminated, namely :- (a) if the occupancy tenant has, before the date of termination, sown or planted crops in any land comprised in the holding he shall be entitled, at the option of the bhumiswami of such land, either to retain possession of such land and to use it for the purpose of tending and gathering in the crops, or to receive from the bhumiswami of such land, the value of the labour and capital expended by him in preparing such land and sowing, planting and tending such crops, together with reasonable interest thereon;(b) if the occupancy tenant has, before the date of

termination prepared for sowing any land comprised in his holding, but has not sown or planted crops thereon, he shall be entitled to receive from the bhumiswami of such land the value of the labour and capital expended by him in preparing such land together with reasonable interest thereon :Provided that-(i) an occupancy tenant shall not be entitled to retain his land or receive any sum in respect thereof under this section if, after the commencement of proceedings by the bhumiswami of such land for termination, he has cultivated or prepared such land contrary to local usage;(ii) the rent, if any payable to the bhumiswami of such land by the occupancy tenant at the time of termination may be set off against any sum payable to the occupancy tenant under this section;(c) if the occupancy tenant has, before the date of termination, effected any improvement of any land comprised in his holding, he shall be entitled to receive from the bhumiswami of such land compensation for it as the Revenue Officer may, after hearing the parties, determine.(2) The Revenue Officer terminating the tenancy shall determine the amount, if any, payable under sub-section (1).

195. Occupancy tenant's rights of transfer.-(1) No occupancy tenant shall be entitled to transfer by way of sale, gift, mortgage, sub-lease or otherwise his right in the land or any portion thereof, and every such sale, gift, mortgage, sub-lease or other transfer shall be voidable as provided in Section 197 :Provided that a sub-lease may be granted by or on behalf of an occupancy tenant if such person belongs to any of the categories mentioned in sub-section (2) of Section 168.

Explanation.-For the purposes of this section the expression 'sub-lease' shall be construed as having the same meaning as assigned to lease' in Section 168.(2) Nothing in sub-section (1) shall prevent an occupancy tenant from transferring his holding or any part thereof by sale or gift to any co-tenant or any person who, if he survived the tenant without nearer heirs, would inherit the holding.(3) Nothing in this section shall prevent an occupancy tenant from transferring any right in his land to secure payment of, or shall affect the right in his land to secure payment of, or shall affect the right of the State Government to sell such right for the recovery of an advance made to him under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists' Loans Act, 1884 (XII of 1884).(4) Nothing in this section shall prevent an occupancy tenant from transferring any right in his holding to secure payment of an advance made to him by a Co-operative Society or shall affect the right of such society to sell such right for the recovery of such advance.(5) Except in pursuance of a transfer permitted under any of the foregoing provisions, or in the case of proceedings for recovery of arrears of any annual instalment of compensation, no decree or order shall be passed for the sale of the interest of an occupancy tenant in his holding nor shall such interest be attached or sold in execution of any decree or order nor shall a receiver be appointed to manage such holding under Section 51 of the Code of Civil Procedure, 1908 (V of 1908), nor shall such interest vest in the Court or in a receiver under the Provincial Insolvency Act, 1920 (V of 1920).

196. Right of occupancy tenant to make improvement.- An occupancy tenant of land held for the purpose of agriculture is entitled to make any improvement thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid.

197. Right of certain persons to apply to set aside transfers by occupancy tenants.-(1) If an occupancy tenant transfers his rights in his holding or any portion thereof in contravention of Section 195, any co-tenant or any person who, if he survived the tenant without nearer heirs, would inherit the holding or the bhumiswami of whom such person holds the land, may apply to the Sub-Divisional Officer to be placed in possession and the Sub-Divisional Officer, may in accordance with the rules made under Section 258 place the applicant in possession subject to his acceptance of the liabilities of the occupancy tenant for arrears of rent and for advance for necessary expenses of cultivation.(2) Where more persons than

one apply under sub-section (1), they shall be entitled to be placed in possession in the following order of priority :- (i) any person who if he survived the tenant would inherit the holding; (ii) co-tenant; and (iii) bhumiswami of whom the occupancy tenant holds the land.

198. Surrender.- (1) Any occupancy tenant may, by executing in favour of the bhumiswami not less than thirty days before the commencement of the agricultural year a registered document, surrender his rights and thereupon he shall cease to be an occupancy tenant from the agricultural year next following such date. No surrender shall be valid unless effected by a registered instrument. (2) Notwithstanding anything to the contrary in the Indian Stamps Act, 1899 (II of 1899), or the Indian Registration Act, 1908 (XVI of 1908), instruments of surrender executed by occupancy tenants in pursuance of the provisions of this section, shall be exempted from payment of stamp duty and registration fee chargeable thereon. (3) On a surrender being executed under sub-section (1), a bhumiswami shall be entitled to take possession of land only to the extent of his right of resumption under Section 189 and the excess land, if any, shall vest in the State Government and the bhumiswami shall be paid compensation for such excess land, which shall be equal to two times the rent payable therefor under Section 188. (4) Where any land vests in the State Government under sub-section (3), the bhumiswami shall specify such land within the prescribed period and in the prescribed manner and on his failure to do so within such period, such land shall be specified by the Sub-Divisional Officer. (5) After such land has been specified in accordance with the provisions of sub-section (4), the Sub-Divisional Officer shall demarcate it in accordance with such rules as may be made in that behalf and also fix the land revenue in respect of land resumed by the bhumiswami.

199. Receipt.- Every bhumiswami shall give a written receipt for the amount of rent at the time when such amount is received by him in respect of any land in such form and in such manner as may be prescribed.

200. Penalty for failure to give receipt or for excess recovery.- If any bhumiswami fails to give a receipt as required by Section 199 or receives by way of rent any amount in excess of the rent payable under this Code, he shall, on the application of the occupancy tenant be liable by an order of the Tahsildar to refund the excess amount recovered and to pay as penalty a sum not exceeding two hundred rupees, not exceeding twice such amount and the Tahsildar may direct that the whole or part of such sum shall be adjusted towards the amount of compensation payable by the occupancy tenant.

201. Remission and suspension of rent consequent on like treatment of land revenue.- (1) If from any cause the payment of the whole or any part of the land revenue payable in respect of any land is remitted or suspended, the Collector may, by general or special order, remit or suspend, as the case may be, the payment of the rent, of such land, to an amount which would bear the same proportion to the whole of the rent payable in respect of the land as the land revenue of which the payment has been remitted or suspended, bears to the whole of the land revenue payable in respect thereof, and may distribute the amount so remitted or suspended amongst the occupancy tenants holding such land in such manner as may seem to him to be equitable having regard to the effect on their holdings of the cause which has led to the remission or suspension of the land revenue. (2) If the payment of rent has been suspended, the period of suspension shall be excluded in the computation of the period of limitation prescribed for the recovery of such rent. (3) The provisions of sub-sections (1) and (2) shall apply to land of which the land revenue has been wholly or in part released, compounded for or redeemed, in any case in which if the land revenue in respect of the land had not been released, compounded for or redeemed, the whole or any part of it might in the opinion of the Collector, have been remitted or suspended.

202. Reinstatement of wrongfully ejected occupancy tenant.- (1) If any person who immediately before the coming into

force of this Code held land in any region in any of the capacities mentioned in Section 185, has been ejected or dispossessed of any land held by him during the three years immediately preceding the coming into force of this Code, otherwise than by process of law, may within two years from the date of coming into force of this Code, apply to the Tahsildar for his reinstatement in such land.(2) If any person who on the coming into force of this Code, holds land as an occupancy tenant has been ejected from or dispossessed of any land held by him, after the coming into force of this Code in contravention of its provisions may within two years from the date of such ejectment or dispossession, apply to the Tahsildar for his reinstatement in such land.(3) On receipt of an application under sub-section (1) or (2), the Tahsildar shall, after making an enquiry into the respective claims of the parties, decide the application and when he orders the restoration of the possession to the occupancy tenant, put him in possession of the land.(4) The Tahsildar may, at any stage of enquiry pass under sub-section (3) an interim order for handing over the possession of the land to the applicant, if he finds that he was ejected or dispossessed by the opposite party within six months prior to the submission of the application under sub-section (1) or (2), and the opposite party shall, if necessary, be ejected under his order.(5) When an interim order has been passed under sub-section (4), the opposite party may be required by the Tahsildar, to execute a bond for such sum as he may deem fit for abstaining from taking possession of land until the final order is passed by him.(6) If the person executing a bond is found to have entered into or taken possession of the land in contravention of the bond, the Tahsildar may forfeit the bond in whole or in part and may recover such amount as an arrear of land revenue.(7) If the order passed under sub-section (3) is in favour of the applicant, the Tahsildar shall also award a reasonable compensation to be paid to the applicant by the opposite party :Provided that the amount of compensation shall not exceed ten times the revenue of the land for each year's occupation.(8) The compensation awarded under this section shall be recoverable as an arrear of land revenue.(9) The Tahsildar shall have the power to review suo motu cases of wrongful ejectment, or dispossession, whether by surrender or otherwise of occupancy tenants in any areas to be notified by the State Government in this behalf. Where action is taken under this sub-section, the provisions of the foregoing sub-sections shall, as far as may be, apply.[Inserted by M.P. Act No. 24 of 1961 (w.e.f. 2-10-1959).]

Chapter-XV Alluvion and Diluvion

203. [Alluvion and diluvion. [Substituted by M.P. Act No. 23 of 2018]

(1)Alluvial land formed on any bank shall vest in the State Government but the Bhumiswami, if any, of the Hand adjoining such bank shall be entitled to the use of the alluvial land so added to his holding free from the payment of land revenue till the land survey is undertaken, unless the area added to his holding exceeds half hectare.(2)Where any holding is diminished in area by diluvion to an extent greater than half hectare, the land revenue payable on such holding shall be reduced.]

204. Power to make assessment and decide disputes.

(1)The Sub-Divisional Officer shall have power, subject to rules made under this Code, to assess all increase and reduction in land revenue which are required or permitted under this Chapter.(2)The Sub-Divisional Officer shall also have power to decide any dispute which may arise relating to the distribution of alluvial land among the various bhumiswamis claiming such land.Chapter-XVI

Consolidation of Holdings

205. Definitions.

- In this Chapter-(i)"Consolidation of holding" means the redistribution of all or any of the land in a village, so as to allot to the bhumiswami continuous plots of land for the convenience of cultivation;(ii)"Consolidation Officer" means a Revenue Officer, not below the rank of a Tahsildar, appointed by the State Government for any district or districts to exercise the powers, and to perform the duties of a Consolidation Officer under this Code.

206. Initiation of consolidation proceedings.

(1)Any two or more bhumiswamis in a village holding together not less than the minimum area of land prescribed by rules made under Section 221, may apply in writing stating such particulars as may be prescribed by rules made under Section 221, to the Consolidation Officer for the consolidation of their holdings.(2)The Collector may of his own motion direct the Consolidation Officer to make an enquiry into the feasibility of consolidation of holdings in any village.(3)If two-thirds of the bhumiswamis in a village apply for consolidation of their holdings or if in the course of an enquiry into an application made under sub-section (1) or sub-section (2) two-thirds of the bhumiswamis of the village make an application agreeing to the consolidation of their holdings, such application shall be deemed to be the application on behalf of all the bhumiswamis of the village.(4)If in a case falling under sub-section (3), any scheme of consolidation of holdings is confirmed, it shall be binding on all the bhumiswamis of the village, and on any person who may subsequently be entitled to hold or occupy the land.(5)In any other case, if any scheme of consolidation of holdings is confirmed, it shall be binding on the applicants and those who have agreed to the consolidation of their holdings and on any person who may subsequently be entitled to hold or occupy the land affected by the scheme.

207. Rejection of application.

(1)If on receipt of any such application or at any stage of the proceedings thereon, there appears to be good and sufficient reason for disallowing the application or for excluding the case of any applicant from consolidation, the Consolidation Officer may submit the application to the Collector with a recommendation that the application be rejected in whole or in part, or that the proceedings be quashed.(2)The Collector, on receipt of the recommendation, may accept it and pass orders accordingly or may order further inquiry.

208. Admission of application.

- If the Consolidation Officer admits the application, he shall proceed to deal with the same in accordance with the procedure laid down by or under this Code.

209. Preparation of scheme for consolidation of holdings.

(1) If the bhumiswamis making the application under Section 206 submit a scheme of consolidation of holdings mutually agreed to, the Consolidation Officer, shall, in the manner laid down by rules made under Section 221 examine it and, if necessary, modify it. (2) If no scheme is submitted with the application, the Consolidation Officer shall prepare a scheme for the consolidation of holdings in the manner laid down by rules made under Section 221. (3) If the Consolidation Officer is of the opinion that the re-distribution of land in accordance with a scheme of consolidation will have the result of allotting to any bhumiswami a holding or land of a less market or productive value than that of his original holding or land, the scheme may provide for the payment of compensation to such bhumiswami by such person or persons as the Consolidation Officer may direct. (4) Where the scheme of consolidation is complete, the Consolidation Officer, after considering and as far as possible removing the objections, if any, made to the scheme, shall submit it for confirmation to the Collector. (5) When the scheme of consolidation is complete, and if all the bhumiswamis affected by such scheme, agreed to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow them to enter into such possession from a date to be mentioned in the scheme.

210. Confirmation of scheme.

- The Collector may either confirm the scheme with or without modification or refuse to confirm it after considering the objection or objections, if any, to the scheme of consolidation and the recommendation of the Consolidation Officer. The decision of the Collector, subject to any order that may be passed in revision by the [Commissioner] [Substituted 'Settlement Commissioner' by M.P. Act No. 23 of 2018] under Section 50, shall be final.

211. Procedure on confirmation.

(1) Upon confirmation of the scheme of consolidation, the Consolidation Officer shall, if necessary, demarcate the boundaries of the holdings and shall proceed to announce the decisions finally made and cause to be prepared in accordance with the scheme, a new field map, record-of-rights, other records prescribed under Section 114, Nistar Patrak and Wajib-ul-arz. (2) The new records prepared under sub-section (1) shall be deemed to have been prepared under Chapter IX or XVII, as the case may be.

212. Right of bhumiswamis to possession of holdings.

- The bhumiswami affected by the scheme of consolidation, if they have not entered into possession under sub-section (5) of Section 209, shall be entitled to possession of the holdings allotted to them under the scheme, from the commencement of the agricultural year next following confirmation; and the Consolidation Officer shall, if necessary, put them, by warrant in possession of the holdings to which they are entitled : Provided that if all the bhumiswamis agree, they may, after confirmation, be put into possession of their holdings by the Consolidation Officer from any earlier date.

213. Transfer of rights of bhumiswamis in holdings.

(1)Notwithstanding anything contained in this Code, the rights of bhumiswamis in their holdings shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise and no person shall be entitled to object to or interfere with any transfer made for the said purpose.(2)The Consolidation Officer may also transfer by exchange or otherwise any land belonging to the State Government where such transfer is necessary for the purpose of giving effect to any scheme of consolidation.

214. No instrument necessary to effect transfer.

- Notwithstanding anything contained in any law for the time being in force-(a)no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings; and(b)no such instrument, if executed, shall require registration.

215. Costs of carrying out scheme.

(1)The Consolidation Officer shall, unless the State Government for sufficient reasons directs otherwise, recover from the bhumiswamis whose holdings are affected by the scheme for consolidation of holdings, the cost of carrying out the scheme, which shall be assessed in accordance with rules made under Section 221.(2)The Consolidation Officer shall apportion the costs among the bhumiswamis liable to pay them according to occupied area of the holdings affected by the scheme.

216. Recovery of compensation and cost.

- Any amount payable as compensation under sub-section (3) of Section 209, or as costs under Section 215, may be recovered as an arrear of land revenue.

217. Suspension of partition proceedings during currency of consolidation proceedings.

- When an application for the consolidation of holdings has been admitted under Section 208, no proceedings for partition of the holdings which will affect the scheme of consolidation shall be commenced and all such proceedings pending shall remain in abeyance during the continuation of the consolidation proceedings.

218. Transfer of property during proceedings.

- When an application for the consolidation of holdings has been admitted, no bhumiswami upon whom the scheme will be binding shall have power, during the continuance of the consolidation proceedings, to transfer or otherwise deal with any part of his original holding or land so as to affect the rights of any other bhumiswami thereto under the scheme of consolidation.

219. Rights of bhumiswamis after consolidation same as before.

- A bhumiswami shall have the same rights in the holding or land allotted to him in pursuance of a scheme of consolidation as he had in his original holding.

220. Encumbrances of bhumiswamis.

(1) If the holding of any bhumiswami brought under the scheme of consolidation is validly burdened with any lease, mortgage or other encumbrance, such lease, mortgage or other encumbrance, shall be transferred and shall attach to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer, subject to any rules that may be made under Section 221, may have appointed in preparing the scheme; and thereupon, the lessee, mortgagee or other encumbrancer, as the case may be, shall cease to have any right in or against the land from which the lease, mortgage or other encumbrance has been transferred. (2) Notwithstanding anything contained in sub-section (1) or any other enactment for the time being in force the Consolidation Officer shall, if necessary, put any lessee or any mortgagee or other encumbrancer entitled to possession, by warrant, into possession of the holding or part of a holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

221. Power to make rules.

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter. (2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—(a) prescribing the minimum area of land to be held by the persons making an application under sub-section (1) of Section 206; (b) providing for the particulars to be contained in any application made under Section 206; (c) providing for the procedure to be followed by the Consolidation Officer in dealing with applications for the consolidation of holdings and for the appointment and constitution of any Advisory Committee or Panchayat to assist the Consolidation Officer in the examination or preparation of the scheme; (d) for determining the compensation to be paid in cases falling under sub-section (3) of Section 209; (e) for regulating the assessment of costs under Section 215; (f) for determining the market or productive value of the different holdings and lands brought under any scheme of consolidation; (g) for the guidance of the Consolidation Officer in respect of the transfer of encumbrances and leases under Section 220; and (h) generally for the guidance of the Consolidation Officer and other officers and persons in all proceedings under this Chapter.

222. Appointment of patels.

(1) Subject to rules made under Section 258, the Collector may appoint for each village or group of villages one or more patels. (2) When there are two or more patels in a village, the Collector may distribute, subject to rules made under Section 258, duties of the office of patel in such manner as he may think fit. (3) [Where in the Vindhya Pradesh region, patwari has been performing the duties imposed on a patel under this Code immediately before the commencement of this Code, he shall

continue to perform such duties and shall be deemed to be patel for purposes of this Code, until a Patel is appointed under sub-section (1).] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 2-10-1959).]

223. Remuneration of patels.

- The remuneration of patels shall be fixed by the Collector in accordance with rules made by the State Government.

224. Duties of patels.

- It shall be the duty of every patel-(a)[to collect land revenue and other related taxes and cesses payable through him and such other government dues ordered to be collected through him after deducting the collection charges, as may be determined by the State Government time to time, and pay into the Government treasury;] [Substituted by M.P. Act No. 23 of 2018](b)to furnish reports regarding the state of his village at such places and times as the Collector may fix in this behalf;(c)as far as possible to prevent encroachments on waste land, public paths, and roadways in the villages;(d)to preserve such stations and boundary marks erected in his village by surveyors in the service of Government as may be made over to his care and to report any damage caused to such marks;(e)subject to rules made under Section 258, to keep the village in good sanitary condition;(f)to prevent unauthorised cutting of wood or unauthorised removal of any minerals or other properties belonging to the State Government;(g)to control and superintend the kotwar, to report his death or absence from his duty and to take such steps as may be necessary to compel him to perform his duties;(h)to perform such other duties as may be prescribed by rules made under Section 258.

225. [[Substituted by M.P. Act No. 23 of 2018]

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225. Duties imposed under any law upon land holders deemed to be imposed on patels.- If by any enactment for the time being in force, any public duties are imposed on or public liabilities are declared to attach to landholders, their managers or agents, such duties shall be deemed to be imposed upon and such liabilities shall be held to attach to patels appointed under this Code :Provided that nothing herein contained shall discharge the land-holders, their managers or agents from any duties or liabilities otherwise imposed upon them by law.

226. Removal of patels.

- Subject to rules made under Section 258, the Collector may remove from office any patel.

227. Punishment of patels.

- A Patel who is found negligent in the performance of any duty assigned to him under Section 224 [***] [Deleted 'or 225' by M.P. Act No. 23 of 2018], shall be liable under the order of the Tahsildar to a fine which may extend to twenty rupees.

228. Appointment of substitute patel.

- Where a patel is temporarily unable to perform his duties the Sub-Divisional Officer may, on his application or otherwise, appoint a substitute for a period of not exceeding, six months and the substitute so appointed shall, for all the purposes of this Code, be deemed to be a patel.

229. Entrustment of village management.

- Notwithstanding anything contained in this Code, the State Government may entrust the management of a village or the performance of the duties entrusted to a patel, to a Gram Panchayat or where a Gram Panchayat has not been constituted, to a Gram Sabha [***] [Omitted 'constituted in accordance with the provisions of Section 232' by M.P. Act No. 23 of 2018].B-Kotwars

230. Appointment of kotwars and their duties.

- [(1) ***] [Deleted by M.P. Act No. 23 of 2018](2)Every person who at the coming into force of this Code holds the post of a village watchman in the Bhopal and Sironj regions or of a chowkidar in the Vindhya Pradesh region shall be deemed to be a kotwar under this section.

231. [Remuneration of Kotwars. [Substituted by M.P. Act No. 23 of 2018]

- The State Government may, by general order, subject to such restrictions, terms and conditions as may be mentioned therein, from time to time, fix the norms for providing service land or remuneration or both to Kotwars for their services.]

232. [[Deleted by M.P. Act No. 23 of 2018]

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C-Gram Sabha232.[Gram Sabha. [Substituted by M.P. Act No. 19 of 2001 (w.e.f. 26-9-2001).]-'Gram Sabha'means the body constituted under Section 5-A or Section 129-A, as the case may be, of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994) and the 'Gram Kosh' means the fund established under sub-section (1) of Section 7-J of the said Act.]

Chapter XVIII

Rights in Abadi and Unoccupied Land and Its Produce

233. [Record of unoccupied land. [Substituted by M.P. Act No. 23 of 2018]

- A record of all unoccupied land shall be prepared for every village and urban area in accordance with rules made in this behalf]

233A. [Land to be set apart for public purposes in urban area. [Inserted by M.P. Act No. 23 of 2018]

- The Collector may, in accordance with the directions issued by the State Government in this behalf, from time to time, -(a)set apart unoccupied lands in an urban area for public purposes;(b)change the public purpose for which any such land is set apart; or(c)rescind the action taken under clause (a) in respect of any such land: Provided that no land shall be set apart for public purposes under this section which is inconsistent with the approved development plan.]

234. [Preparation of Nistar Patrak. [Inserted by M.P. Act No. 23 of 2018]

- The Sub-Divisional Officer shall, in accordance with the provisions of this Code and the rules made thereunder, prepare a Nistar Patrak for every village embodying a scheme of management of all unoccupied land in the village and all matters incidental thereto and more particularly matters specified in section 235.]

235. Matters to be provided for in Nistar Patrak.

- The matter which shall be provided for in the Nistar Patrak shall be as follows, namely(a)terms and conditions on which grazing of cattle in the village will be permitted;(b)the terms and conditions on which and the extent to which any resident may obtain-(i)wood, timber, fuel or any other forest produce;(ii)mooram, kankar, sand, earth, clay, stones or any other minor mineral;(c)instructions regulating generally the grazing of cattle and the removal of the articles mentioned in paragraph (b);(d)any other matter required to be recorded in the Nistar Patrak by or under this Code.

236. Provision in Nistar Patrak for certain matters.

- In preparing the Nistar Patrak as provided in Section 235, the Collector shall, as far as possible, make provision for-(a)free grazing of the cattle used for agriculture;(b)removal free of charge by the residents of the village for their bona fide domestic consumption of-(i)forest produce;(ii)minor minerals;(c)the concessions to be granted to the village craftsmen for the removal of the articles specified in clause (b) for the purpose of their craft.

237. Collector to set apart land for exercise of Nistar rights.

(1) Subject to the rules made under this Code, the Collector may set apart unoccupied land for the following purposes, namely, - (a) for timber or fuel reserve; (b) for pasture, grass bir or fodder reserve; (c) for burial ground and cremation ground; (d) for gaathan; (e) for encamping ground; (f) for threshing floor; (g) for bazar; (h) for skinning ground; (i) for manure pits; (j) for public purposes such as schools, play grounds, parks, road, lanes, drains and the like; and (k) for any other purposes which may be prescribed for the exercise of right of Nistar. (2) Lands set apart specially for any purpose mentioned in sub-section (1), shall not otherwise be diverted without the sanction of the Collector. (3) [Subject to the rules made under this Code, the Collector may divert such unoccupied land, which is set apart for the purposes mentioned in clause (b) of sub-section (1) subject to secure minimum [two] [Inserted by M.P. Act No. 1 of 1998 (w.e.f. 5-1-1998).] percent of the agriculture land of that village for the said purposes into abadi or for agricultural purposes [***] [The words 'on the basis of a resolution by the Gram Sabha to this effect', omitted by M.P. Act No. 19 of 2001 (w.e.f. 26-9-2001).].

238. Rights in waste land of another village.

(1) Where the Collector is of the opinion that the waste land of any village is insufficient and it is in public interest to proceed under this section, he may, after such enquiry as he deems fit, order that the residents of the village shall have a right of nistar or a right of grazing cattle, as the case may be, in the neighbouring village to the extent specified in the order. (2) The residents of a village having a right of grazing cattle in the neighbouring village under sub-section (1) or Government forest may make an application to the Collector for recording their right of passage for the purpose of exercising the rights. (3) If, on enquiry, into an application made under sub-section (2), the Collector finds that the right of passage is reasonably necessary to enable such residents to exercise a right to graze their cattle in any other village or in the Government forest, he shall pass an order declaring their right to such passage and shall state the conditions upon which it shall be exercised. (4) The Collector shall further determine the route of passage, and shall restrict such route in such manner as to cause minimum inconvenience to the residents of the village through which it passes. (5) The Collector may, if he thinks fit, demarcate such route. (6) Orders passed by the Collector under this section shall be recorded in the Nistar Patrak. (7) Where the villages mentioned in sub-section (1) lie in different districts the following provisions shall apply, namely :- (a) the orders specifying the right of nistar or the right of grazing cattle shall be passed by the Collector in whose district the village over which such right is claimed lies; (b) any orders regarding route of passage shall be passed by the Collector in whose respective jurisdiction the area over which passage is allowed lies; (c) the Collector passing an order in accordance with clauses (a) and (b) shall consult in writing the other Collector concerned.

239. [Rights in fruit bearing trees and other trees planted in unoccupied land. [Substituted by M.P. Act No. 11 of 1988 (w.e.f. 7-5-1988).]

(1) Where, before coming into force of this Code any fruit bearing tree was planted by any person in the unoccupied land of any village, and is so recorded, then notwithstanding that such land vests in

the State Government, such person, and his successor-in-interest shall from generation to generation be entitled to possession and usufruct of such trees without payment of any royalty or other charge whatsoever therefor.(2)[,(3) and (4) ***]

(2) [The State Government or any Revenue Officer not below the rank of Tahsildar as may be authorised by the State Government in this behalf, may permit any person or persons to plant and grow fruit bearing or other species of trees as may be specified in this behalf on unoccupied land of a village that may be earmarked for the purpose and grant tree planting permit and tree pattas to such person or persons in accordance with the provisions of this section and the rules made thereunder.] [Substituted by M.P. Act No. 11 of 1988 (w.e.f. 7-5-1988).](3) The tree planting permit and the tree patta granted under this section shall be, in such form and subject to such terms and conditions as may be prescribed.(4) The right conferred under this section shall be transferable but permit or patta holder or his successor-in-interest shall have no right to the land on which such tree stands except the right to grow trees on such land and enjoy the usufructuary rights on such trees including the right in corpus of the tree subject to the terms and conditions of the permit and patta :Provided that no transfer by sale or by lease shall be made except with the previous permission in writing of the officer authorised by the State Government under sub-section (2).

(5)[If any of the terms and conditions of tree planting permit or tree patta granted under this section prior to the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 is breached, the Tahsildar may, after giving reasonable opportunity of being heard to the holder thereof, cancel the tree planting permit or tree patta and if such person unauthorisedly continues to remain in possession of the unoccupied land the Tahsildar shall proceed to take action against him under section 248.(6)The unoccupied land on which any tree planting permit or tree patta has been given prior to the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 may be used for any public purpose by the order of the Collector. If any interest of the holder of such tree planting permit or tree patta is adversely affected due to such use, the holder shall be entitled for such compensation which shall be calculated in such manner as may be prescribed.] [Substituted by M.P. Act No. 23 of 2018]]

240. [Prohibition of cutting of certain trees in villages] [Substituted by M.P. Act No. 23 of 2018].

- [(1) The State Government may by rules made in this behalf, prohibit or regulate cutting of trees in villages standing on the land belonging to Bhumiswami or State Government, if it is satisfied that such prohibition or regulation is in the public interest or required for preventing erosion of soil.] [Substituted by M.P. Act No. 23 of 2018](2)In framing rules under sub-section (1), the State Government may provide that all or any of the rules shall apply only to such area as the State Government may, by notification, specify.(3)The State Government may make rules regulating the control, management, felling or removal of the forest growth on the lands belonging to the State Government.

241. Measures to prevent theft of timber from Government forest.

(1) If the State Government is satisfied that in order to prevent the theft of timber from any Government forest it is necessary in the public interest to regulate the felling and removal of timber in the villages comprised in any area adjoining such forests, the State Government may, by an order published in the Gazette, declare such area to be notified area for the purposes of this section. (2) Every order published under sub-section (1) shall be proclaimed in the prescribed manner in all the villages comprised in the notified area. (3) Notwithstanding anything contained in Section 179 but subject to the provisions of sub-section (5), when an order has been proclaimed in any village under sub-section (2), no person shall in pursuance of a transaction of sale or for purposes of trade or business fell any timber tree in any holding in such village or remove the corpus of any such tree from any such holding except in accordance with such rules as may be made in that behalf. (4) [Any person who contravenes or attempts to contravene or abets the contravention of the provisions of sub-section (3) or of any rule made thereunder, shall, without prejudice to any other action that may be taken against him, be liable on the order in writing of the Sub-Divisional Officer, to pay a penalty not exceeding five thousand rupees as may be imposed by him and the Sub-Divisional Officer shall further order confiscation of any timber trees felled in contravention of the provisions of this sub-section.] [Substituted by M.P. Act No. 19 of 2001 (w.e.f. 27-9-2001). Prior to substitution it read as under : '(4) Any person who contravenes or attempts to contravene or abets the contravention of the provisions of sub-section (3) or of any rule made thereunder, shall, without prejudice to any other action that may be taken against him, be liable on the order in writing of the Collector, to pay a penalty not exceeding one thousand rupees as may be imposed by him and the Collector may, further order confiscation of any timber trees felled in contravention of the provisions of this sub-section.'](5) [Nothing in sub-sections (3) and (4) shall apply to the felling or removal up to two cubic metres of timber from trees by any person from his land during a period of one year for his bona fide agricultural or domestic purposes, if such felling or removal is otherwise in accordance with the other provisions of this Code.] [Substituted by M.P. Act No. 19 of 2001 (w.e.f. 27-9-2001), for 'Nothing in sub-sections (3) and (4) shall apply to the felling or removal of timber trees by any person from his land for his bonafide agricultural or domestic purposes'.]

242. Wajib-ul-arz.

(1) As soon as may be after this Code comes into force, the [Sub-Divisional Officer] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] shall, in the prescribed manner, ascertain and record the customs in each village in regard to-(a) the right to irrigation or right of way of other easement; (b) the right to fishing; in any land or water not belonging to or controlled or managed by the State Government or a local authority and such record shall be known as the Wajib-ul-arz of the village. (2) The record made in pursuance of sub-section (1), shall be published by the [Sub-Divisional Officer] [Substituted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).] in such manner as may be prescribed. (3) Any person aggrieved by any entry made in such record may, within one year from the date of the publication of such record under sub-section (2), institute a suit in a Civil Court to have such entry cancelled or modified. (4) The record made under sub-section (1) shall, subject to the decision of the Civil Court in the suit instituted under sub-section (3), be final and conclusive. (5) The [Sub-Divisional Officer] [Substituted by M.P. Act No. 24 of 1961 (w.e.f.

23-6-1961).] may, on the application of any person interested therein or on his own motion, modify an entry or insert any new entry in the Wajib-ul-arz on any of the following grounds(a)that all persons interested in such entry wish to have it modified; or(b)that by a decree in a civil suit it has been declared to be erroneous; or(c)that being founded on a decree or order of a Civil Court or on the order of a Revenue Officer it is not in accordance with such decree or order; or(d)that being so founded, such decree or order has subsequently been varied on appeal, revision or review; or(e)that the Civil Court has by a decree determined any custom existing in the village.

243. Abadi.

(1)Where the area reserved for abadi is in the opinion of the Collector insufficient, he may reserve such further area from the unoccupied land in the village as he may think fit.(2)Where unoccupied land for purposes of abadi is not available, the State Government may acquire any land for the extension of abadi.(3)The provisions of [The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)] [Substituted 'the Land Acquisition Act, 1894 (1 of 1894)' by M.P. Act No. 23 of 2018], shall apply to such acquisition and compensation shall be payable for the acquisition of such land in accordance with the provisions of that Act.

244. [Allotment of abadi sites. [Substituted by M.P. Act No. 23 of 2018]

- Subject to rules made in this behalf, the Tahsildar shall allot abadi sites on lease in the abadi area.]

245. [Rights to hold house site free of land revenue. [Substituted by M.P. Act No. 23 of 2018]

- Any building site of reasonable dimensions in the abadi, which is held by a kotwar or by a person who holds land or who works as an agricultural artisan or an agricultural labourer in such village or in a village usually cultivated from such village, as on the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall not be liable to the payment of land revenue.]

246. [Rights of persons holding house site in abadi. [Substituted by M.P. Act No. 23 of 2018]

Every person who lawfully holds any land as a house site in the abadi immediately prior to coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be a Bhumiswami.]

247. Government's title to minerals.

(1)Unless it is otherwise expressly provided by the terms of a grant made by the Government, the right to all minerals, mines and quarries shall vest in the State Government which shall have all powers necessary for the proper enjoyment of such rights.(2)The right to all mines and quarries

includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for purpose subsidiary thereto, including the erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines, and any other purposes which the State Government may declare to be subsidiary to mining and quarrying.(3)If the Government has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) should be exercised, and the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right has been assigned :Provided that no such delegation shall be made until notice has been duly served on all persons having rights in the land affected, and their objections have been heard and considered.(4)If, in the exercise of the right herein referred to over any land, the rights of any person are infringed by the occupation or disturbance of the surface of such land, the Government or its assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall be calculated by the Sub-Divisional Officer or, if his award is not accepted, by the Civil Court, as nearly as may be, in accordance with the provisions of the Land Acquisition Act, 1894 (I of 1894).(5)No assignee of the Government shall enter on or occupy the surface of any land without the previous sanction of the Collector, and unless the compensation has been determined and tendered to the persons whose rights are infringed.(6)If an assignee of the Government fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue.(7)Any person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in, and has not been assigned by, the Government shall, without prejudice to any other action that may be taken against him be liable, on the order in writing of the Collector, to pay penalty not exceeding a sum calculated at double the market value of the minerals so extracted or removed :Provided that if the sum so calculated is less than one thousand rupees, the penalty may be such larger sum not exceeding one thousand rupees as the Collector may impose.(8)Without prejudice to the provisions in sub-section (7) the Collector may seize and confiscate any mineral extracted or removed from any mine or quarry the right to which vests in, and has not been assigned by the Government.Explanation.-In this section, "minerals" include any sand or clay which the State Government may declare to have a commercial value or to be required for any public purpose.

248. [Penalty for unauthorisedly taking possession of land. [Substituted by M.P. Act No. 15 of 1971.]

(1)Any person who unauthorisedly takes or remains in possession of any unoccupied land, abadi, service land or any other which has been set apart for any special purpose under Section 237 [or upon any land which is the property of Government, or any authority, body corporate, or institution constituted or established under any State enactment,] may be summarily ejected by order of the Tahsildar and any crop which may be standing on the land and any building or other work which he may have constructed thereon, if not removed by him within such time as the Tahsildar may fix shall be liable to forfeiture. Any property so forfeited shall be disposed of as the Tahsildar may direct and the cost of removal of any crop, building or other work and of all works necessary, to restore the land to its original condition shall be recoverable as an arrear of land revenue from him. Such

person shall also be liable at the discretion of the Tahsildar [to a fine which may extend to one lakh rupees] [Substituted 'to pay the rent of the land for the period of unauthorised occupation at twice the rate admissible for such land in locality and to a fine which may extend to [five thousand] rupees' by M.P. Act No. 23 of 2018] and to a further fine which may extend to twenty rupees for every day on which such unauthorised occupation or possession continues after the date of first ejectment. The Tahsildar may apply the whole or any part of the fine to compensate persons, who may in his opinion have suffered loss or injury from the encroachment :]Provided that the Tahsildar shall not exercise the powers conferred by this sub-section in regard to encroachment made by buildings or works constructed-(i)in the Mahakoshal region-(a)in areas other than the merged States before the first day of September, 1917;(b)in the merged States, before the third day of April, 1950;(ii)in the Madhya Bharat region, before the fifteenth day of August, 1950;(iii)in the Vindhya Pradesh region, before the first day of April, 1955;(iv)in the Bhopal region, before the eighth day of November, 1933; and(v)in the Sironj region, before the first day of July, 1958.Explanation.-For the purposes of this sub-section "Merged States" shall have the meaning assigned to it in the Madhya Pradesh Merged States Laws (State) Act, 1950 (XII of 1950).[(1-A) On a resolution duly passed by the Gram Panchayat in respect of any unauthorised possession, the Tahsildar shall start and complete the proceedings under this section within thirty days from the date of receipt of the information of such resolution and shall communicate the action taken by him to the Gram Panchayat.] [Inserted by M.P. Act No. 7 of 2000 (w.e.f. 15-3-2000).](2)It shall not be competent to the Tahsildar to impose a fine of amount exceeding [one thousand five hundred] [Substituted by M.P. Act No. 44 of 1974.] rupees but if in any case he considers that circumstances of the case warrant imposition of a higher fine, he may refer the case to the Sub-Divisional Officer who shall, then, after giving the party concerned an opportunity of being heard, pass such orders in respect of line as he may deem fit.[(2-A) If any person continues in unauthorised occupation or possession of land for more than seven days after the date of order of ejectment under sub-section (1), then without prejudice to the fine that may be imposed thereunder the Sub-Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be confined in a civil prison for a period of fifteen days in case of first ejectment and three months in case of second or subsequent ejectment :Provided that no action under this sub-section shall be taken-(i)unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison;(ii)in respect of encroachments on Government and Nazul lands for the settlement of which the Government have issued orders from time-to-time :Provided further that the Sub-Divisional Officer may order the release of such person from detention before the expiry of the period mentioned in the warrant if he is satisfied that the unauthorised possession has been vacated :Provided also that no woman shall be arrested or detained under this sub-section.(2-B) The State Government may make rules for the purpose of carrying into effect the provisions of sub-section (2-A).] [Inserted by M.P. Act No. 12 of 1976.](3)[***] [Omitted by M.P. Act No. 7 of 2000 (w.e.f. 15-3-2000).](4)[***] [Omitted by M.P. Act No. 12 of 1976.]

249. Regulation of fishing, hunting etc.

(1)The State Government may make rules for regulating-(a)fishing in Government tanks;(b)catching, hunting or shooting of animals in villages; and(c)the removal of any materials

from lands belonging to the State Government.(2)Such rules may provide for the issue of permits, the conditions attaching to such permits and the imposition of fees therefor and other incidental matters.

250. [Reinstatement of Bhumiswami improperly dispossessed. [Substituted by M.P. Act No. 23 of 2018]

(1)The Tahsildar shall, -(a)on application of a Bhumiswami or his successor-in-interest who has been improperly dispossessed, issue a show cause notice to the person occupying Bhumiswami's land to explain the grounds of his possession and make such enquiry as he thinks fit; or(b)on coming to know' that a Bhumiswami has been improperly dispossessed, on his own motion start proceedings under clause (a).(2)If after the enquiry the Tahsildar finds that the Bhumiswami has been improperly dispossessed, he shall order the restoration of the possession to the Bhumiswami and also put him in possession of the land.(3)The Tahsildar may, at any stage of the enquiry, pass an interim order to the person occupying the land to hand-over its possession to the Bhumiswami, if he finds that the Bhumiswami was dispossessed by opposite party within six months prior to the submission of the application or commencement of suo motu proceedings under this section.(4)The person against whom an interim order has been passed under sub-section (3) may be required by the Tahsildar to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of land until the final order is passed by the Tahsildar and if the person executing a bond is found to have entered into or taken possession of the land in contravention of the bond, the Tahsildar may forfeit the bond in whole or in part and may recover such amount as an arrear of land revenue.(5)Where the Tahsildar orders restoration of possession of land to the Bhumiswami under sub-section (2), the Tahsildar shall also award compensation to be paid to the Bhumiswami by the opposite party for the period of his unauthorised possession and such compensation shall be calculated at the pro rata rate of ten thousand rupees per hectare per year. The compensation awarded under this section shall be recoverable as an arrear of land revenue.(6)When an order has been passed under sub-section (2) for the restoration of possession of land to the Bhumiswami, the Tahsildar may require the opposite party to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of the land in contravention of the order.(7)Where an order has been passed under sub-section (2) for the restoration of the possession of land to the Bhumiswami, the opposite party shall also be liable to fine which may extend to fifty thousand rupees.(8)If any person continues in unauthorised occupation or possession of land for more than seven days after the date of order for restoration of possession under sub-section (2) or sub-section (3), then without prejudice to the compensation payable under sub-section (5) or the fine under sub-section (7), the Sub-Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be confined in a civil prison for a period of fifteen days in case of first order for restoration of possession and shall cause him to be apprehended and shall send him with a warrant to be confined in such prison for a period of three months in case of second or subsequent orders for restoration of the possession to such Bhumiswami:Provided that no action under this section shall be taken unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison :Provided further that the Sub-Divisional Officer may order the release of such person from detention before the expiry of the period mentioned in the warrant if he is satisfied that

the unauthorized possession has been vacated. Explanation I. - For the purpose of this section, the Bhumiswami includes government lessee. Explanation II. - For the purpose of this section "Bhumiswami improperly dispossessed" means a Bhumiswami who is dispossessed of his land otherwise than in due course of law or if any person continues unauthorisedly in possession of land of the Bhumiswami to the use of which such person has ceased to be entitled.]

250A. [Deleted by M.P. Act No. 23 of 2018]

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250A. [Confinement in civil prison on failure to restore possession under Section 250. [Inserted by M.P. Act No. 15 of 1980 (w.e.f. 24-10-1980).]- (1) If any person continues in unauthorised occupation or possession of land for more than seven days after the date of order for restoration of possession under Section 250, then without prejudice to the compensation payable under sub-section (6) or the fine under sub-section (9) of the said section the Sub-Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be confined in a civil prison for a period of fifteen days in case of first order for restoration of possession and shall cause him to be apprehended and shall send him with a warrant to be confined in such prison for a period of three months in case of second or subsequent orders for restoration of the possession to such bhumiswami :Provided that no action under this section shall be taken unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison :Provided further that the Sub-Divisional Officer may order the release of such person from detention before the expiry of the period mentioned in the warrant if he is satisfied that the unauthorised possession has been vacated :Provided also that no woman shall be arrested or detained under this section.(2) The State Government may make rules for the purpose of carrying into effect the provisions of sub-section (1).]

250B. [Failure to vacate land in favour of allottee of land to be an offence. [Inserted by M.P. Act No. 22 of 1988 (w.e.f. 16-8-1988).]

(1) If a person to whom land has been allotted in bhumiswami rights or as a Government lessee under a Patta granted to him in accordance with a scheme of distribution or disposal or allotment of land under executive powers of the State Government as may from time to time be adopted or sponsored by the State Government or any such scheme under any enactment for the time being in force and such person has not been able to take actual possession of the land so allotted to him, he may apply to the Tahsildar for putting him in actual possession of the land allotted to him under the Patta granted to him.(2) On receipt of the application, the Tahsildar shall by an order in writing, issue a direction-(i) to the person in possession of the land to vacate the same forthwith; or (ii) in the event of any person obstructing the taking over of possession or delivery of possession, to such person to remove such obstruction to enable delivery of possession, and on his vacating the land or removing the obstruction, deliver actual possession thereof to the bhumiswami or the Government lessee, as the case may be, entitled to hold the land under the Patta.(3) The Tahsildar may, if necessary, use such force including Police force as may be necessary to put the allottee in actual

possession of the land.(4)If the person to whom direction is issued under sub-section (2) fails to comply with the direction, he shall be punishable with imprisonment for a term which may extend to three years and with fine or with both, and such non-compliance of direction is a continuing one, with further fine which may extend to one hundred rupees for everyday after the first during which the non-compliance is proved to have been persisted in.(5)The offence under this section shall be cognizable and non-bailable.]

251. Vesting of tanks in State Government.

- [(1) All tanks situated on unoccupied land on or before the date of coming into force of the Act, providing for the abolition of the rights of intermediaries in the area concerned and over which members of the village community were, immediately before such date, exercising rights of irrigation or nistar, shall, if not already vested in the State Government, vest absolutely in the State Government with effect from the 6th April, 1959 :Provided that nothing in this section shall be deemed to affect any right of a lessee in the tank under a lease subsisting on the date of vesting of the tank which shall be exercisable to the extent and subject to the terms and conditions specified in the lease :Provided further that no tank shall vest in the State Government, unless-(i)after making such enquiry as he deems fit, the Collector is satisfied that the tank fulfils the conditions laid down in this sub-section; and(ii)notice has been served on the parties interested and opportunity-given to them for being heard.](2)Any person claiming in any such tank any interest other than the right of irrigation or nistar, may, within a period of [four years] [Substituted by M.P. Act No. 38 of 1961 (w.e.f. 2-10-1959).] from the date of vesting under sub-section (1), make an application in the prescribed form to the Collector for compensation in respect of his interest.[(2-a) The provisions of Section 239 shall apply to trees standing on the embankments of tank vested in the State Government under sub-section (1) as they apply to trees planted in an unoccupied land.] [Inserted by M.P. Act No. 38 of 1961 (w.e.f. 2-10-1959).](3)Such compensation shall be fifteen times the land revenue assessable on the land covered by the tank and for purposes of assessment such land shall be treated as irrigated land of the same quality as the adjoining land.(4)The compensation as determined under sub-section (3) shall be paid by the Collector to the person or persons proved to his satisfaction to be owning interest in the tank concerned.(5)The payment of compensation under sub-section (4) shall be a full discharge of the State Government from all liability for compensation in respect of the tank concerned, but shall not prejudice any right in respect of such tank to which any other person may be entitled by due process of law to enforce against the person or persons to whom compensation has been paid as aforesaid.(6)The State Government may make rules providing for the regulation of the use of water from such tanks.(7)The vesting of any tank under sub-section (1) shall not affect the rights of irrigation and nistar in such tank to which any person is entitled immediately before the date of vesting.[Explanation.-For the purposes of this section, tank includes the trees standing on the embankments of the tank but does not include buildings, temples or other constructions standing on the embankments thereof.] [Inserted by M.P. Act No. 38 of 1961 (w.e.f. 2-10-1959).]

252. [[Deleted by M.P. Act No. 23 of 2018]

***] [Substituted by M.P. Act No. 38 of 1961 (w.e.f. 2-10-1959).]

252. Maintenance of works of public utility.- (1) It shall be the duty of the Gram Sabha to maintain and keep in proper repairs the works of public utility in the village.(2) Subject to the rules made under this Code, the Gram Sabha may, by order in writing, call upon adult males residing in the village (except those who are old and infirm or subject to any physical disability) to perform such labour as it may specify in the order for keeping in a proper state of repairs such works of public utility in the village as may be notified by the State Government in that behalf.(3) No order under sub-section (2) shall be passed unless the works are of public utility and are likely to benefit generally the persons against whom the order is being passed.(4) A person required to perform labour under the provisions or sub-section (2), may have it performed by another on his behalf or pay for its performance at such rate as may be determined by the Tahsildar.(5) Any person who neglects or refuses to perform the labour referred to in sub-section (2) or fails to pay for the performance of labour as provided in sub-section (4) shall, on the order of the Tahsildar, be liable to pay an amount equal to the value of the labour at the rates determined by the Tahsildar under sub-section (4), and such amount shall be recoverable as an arrear of land revenue.

253. Punishment for contravention of provisions.

(1) Except as otherwise provided in this Code, any person who acts in contravention of the provisions of this chapter or rules made thereunder or who contravenes or fails to observe, any rules or custom entered in the Wajib-ul-arz or commits a breach of any entry entered in the Nistar Patrak shall be liable to such penalty not exceeding [five thousand] [Substituted by M.P. Act No. 19 of 2001 (w.e.f. 26-9-2001), for the words 'one thousand'.] rupees as the Sub-Divisional Officer may, after giving such person an opportunity to be heard, deem fit and the Sub-Divisional Officer may further order confiscation of any timber, forest produce, or any other produce which such person may have appropriated or removed from lands belonging to the State Government.(2)[***] [Deleted by M.P. Act No. 23 of 2018](3) Where the Sub-Divisional Officer passes an order imposing a penalty under this section, he may direct that the whole or any part of the penalty may be applied to meet the cost of such measures as may be necessary to prevent loss or injury to the public owing to such contravention, breach or non- observance.

254. [[Deleted by M.P. Act No. 23 of 2018]

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254. Performance of duties of Gram Sabha by Patel.- Any function assigned to a Gram Sabha under this chapter shall be performed by the patel until a Gram Sabha is duly constituted under Section 232.

Chapter-XIX Miscellaneous

255. [[Deleted by M.P. Act No. 23 of 2018]

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255. Prescription of standards of cultivation and management.- (1) With a view to bring agricultural economy to a higher level of efficiency, the Government may, by rules, regulate standards of efficient cultivation and management.(2) Such rules may provide for the issue of directions as regards the methods of agriculture to be adopted, the use of improved seeds, conservation and proper utilisation of manure, sale of surplus foodgrains, and for ensuring proper wages and terms of employment of agricultural workers, and such other directions as may be necessary or desirable for the efficient utilisation of lands.(3) Such rules shall apply to agriculturists who cultivate personally land in excess of such limits as may be prescribed.(4) If any agriculturist to whom such rules apply under sub-section (3) fails to carry out the directions issued under sub-section (2), the State Government may have the directions carried out by any other agency in such manner as it deems fit and recover from him all such cost as may be incurred,.

256. Inspection and copies of maps and land records.

- Subject to such conditions and to the payment of such fees as may be prescribed by rules made under this Code, all revenue record, maps and land records which have been prepared or are required to be prepared or kept under this Code or any other enactment for the time being in force, shall be open to the inspection of the public at reasonable hours, and certified extracts therefrom, or certified copies thereof, shall be given to all persons applying for the same.

257. Exclusive jurisdiction of revenue authorities.

- Except as otherwise provided in this Code, or in any other enactment for the time being in force, no Civil Court shall entertain any suit instituted or application made to obtain a decision or order on any matter which the State Government, the Board, or any Revenue Officer is by this Code, empowered to determine, decide or dispose of, and in particular and without prejudice to the generality of this provision, no Civil Court shall exercise jurisdiction over any of the following matters :-(a)any decision regarding the purpose to which land is appropriated under Section 59;(b)any question as to the validity or effect of the notification of a revenue survey or any question as to the term of a settlement;(c)any claim to modify a decision determining abadi made by a Settlement Officer or Collector;(d)any claim against the State Government to hold land free of land revenue, or at less than the fair assessment, or to be assigned in whole or in part the land revenue assessed on any land;(e)the amount of land revenue assessed or reassessed under this Code or any other enactment for the time being in force;(f)any claim against the State Government to have any entry made in any land records or to have any such entry omitted or amended.(g)any question regarding the demarcation of boundaries or fixing of boundary marks under Chapter X;(h)any claim against the State Government connected with or arising out of, the collection of land revenue or the recovery of any sum which is recoverable as land revenue under this Code or any other enactment;(i)any claim against the State Government or against a Revenue Officer for remission or suspension of land revenue, or for a declaration that crops have failed in any year;(j)any decision

regarding forfeiture in cases of certain transfers under Section 166;(k)ejectment of a lesser of a bhumiswami under sub-section (4) of Section 168;(l)[any claim to set aside transfer by a bhumiswami under subsection (1) of Section 170 and clauses (a) and (b) of sub-section (2) of Section 170-A;] [Substituted by M.P. Act No. 18 of 1984.][l-1) any matter covered under Section 170-B.] [Inserted by M.P. Act No. 38 of 1995 (w.e.f. 15-12-1995).](m)ejectment of a Government lessee under Section 182;[***] [Deleted 'clauses (n) (o), (p), (q), (r), (s), (t) and (u)' by M.P. Act No. 23 of 2018]

(n) resumption by a bhumiswami of land held by an occupancy tenant under Section 189 and the fixation of rent of land left, if any, with the occupancy tenant;(o) claims by occupancy tenants for conferral of the rights of bhumiswami under Section 190;(p) restoration of possession to an occupancy tenant under Section 191,(q) termination of tenancy of an occupancy tenant under Section 193;(r) any claim to set aside transfer by an occupancy tenant under Section 197;(s) the imposition of penalty on a bhumiswami under Section 200;(t) suspension and remission of rent under Section 201,(u) any decision regarding reinstatement of wrongfully ejected occupancy tenant under Section 202;

(v)amount payable as compensation under sub-section (3) of Section 209, confirmation of the scheme for consolidation of holdings under Section 210, transfers of rights in carrying out the scheme under Section 213 and assessment and apportionment of costs of consolidation of holdings under Section 215;(w)any claim to modify any entry in the Nistar Patrak;[(w-i) any decision regarding penalty under Section 248, for unauthorisedly taking possession of land.] [Inserted by M.P. Act No. 7 of 2000 (w.e.f. 10-3-2000).](x)[any decision regarding reinstatement of a Bhumiswami improperly dispossessed and confinement in civil prison under section 250;] [Substituted by M.P. Act No. 23 of 2018][[(x-i) ***] [Inserted by M.P. Act No. 32 of 1997 (w.e.f. 22-8-1997).](x-ii) any decision regarding delivery of actual possession of land to the bhumiswami or the Government Lessee under Section 250 B.](y)any decision regarding vesting of tanks in State Government under Section 251 and any claim against the State Government arising thereunder;(z)any claim against the State Government to set aside or modify any premium, penalty, cess or rate imposed or assessed under the provisions of this Code or any other enactment for the time being in force;[(z-1) ***] [Deleted by M.P. Act No. 23 of 2018](z-2) any claim to compel the performance of any duty imposed by this Code on any Revenue Officer or other officer appointed under this Code.

257A. [Burden of proof and bar of legal practitioners in certain proceedings. [Inserted by M.P. Act No. 61 of 1976 (w.e.f. 29-11-1976.)]

- In any proceedings under sub-section (6) of Section 165, or under the proviso to Section 169 or under sub-section (1) of Section 170 or under Section 170-A or under Section 250 in which one of the parties is a bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of Section 165, the burden of proving the validity of transfer thereunder shall, notwithstanding anything contained in this Code or in any other law for the time being in force, lie on the person who claims such transfer to be valid.(2)No legal practitioner shall appear, plead or act on behalf of any party in any proceedings specified in sub-section (1) in which one of the parties is a bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under

sub-section (6) of Section 165 except with the written permission of the Revenue Officer/Court before whom the case is pending.]

258. General rule making power.

(1)The State Government may make rules generally for the purpose of carrying into effect the provisions of this Code.(2)In particulars and without prejudice to the generality of the foregoing powers such rules may provide for-(i)the terms and conditions of service of the President and members of the Board of Revenue constituted under Section 3;[(i-a) prescription of Form for publishing proposal under section 13(2);] [Inserted by M.P. Act No. 23 of 2018](ii)[the prescription of the duties of Superintendents of Land Records and Assistant Superintendents of Land Records under section 20(2);] [Substituted by M.P. Act No. 23 of 2018](iii)[rates for assessment, imposition of premium and assessment and reassessment of land revenue and manner for intimation of diversion under section 59;] [Substituted by M.P. Act No. 23 of 2018](iv)assessment on unassessed land under Section 60;[(iv-a) prescription of other record under section 61(e); [Inserted by M.P. Act No. 23 of 2018](iv-b) powers to be exercised and duties shall be discharged under section 63(2);](v)[formation of survey numbers, block numbers, plot numbers and their grouping into villages in non-urban areas or into sectors in urban areas under section 67; [Substituted by M.P. Act No. 23 of 2018](v-a) division or amalgamation of any survey number, block number, plot number and assessment thereof under sub-section (3) of section 68;](vi)[entry of survey numbers, block numbers and plot numbers and their sub-divisions in land record under section 69;] [Substituted by M.P. Act No. 23 of 2018](vii)[division and alteration of village or sector by dividing or uniting the villages or sectors under section 71;] [Substituted by M.P. Act No. 23 of 2018](viii)[rates of fixation of assessment on holding under section 72;] [Substituted by M.P. Act No. 23 of 2018][***] [Deleted 'clauses (ix), (x) and (xi)' by M.P. Act No. 23 of 2018]

(ix) the necessary inquiry which shall be completed and the form in which and the particulars with which the proposals for assessment rate shall be forwarded under Section 77;(x) the manner in which notice of assessment shall be given under Section 82;(xi) the manner of inquiry into the profits of agriculture and into the value of land used for agriculture and non-agricultural purposes under Section 87;

(xii)[the regulation of the conduct of land survey under section 77.] [Substituted by M.P. Act No. 23 of 2018](xiii)regulation of division of lands in urban areas into plot numbers, recognition of existing survey numbers as plot numbers, reconstitution of plot numbers or formation of new plot numbers under Section 93;(xiv)the manner of dividing plot numbers into sub-divisions and apportioning the assessment of plot number among the sub-divisions; and the limits either of area or of land revenue or both in any local area for recognition of sub-divisions under Section 94;[***] [Deleted 'clauses (xv), (xvi), (xvii) and (xviii)' by M.P. Act No. 23 of 2018]

(xv) prescription of records under Section 95;(xvi) prescription of other special purposes under Section 96;(xvii) the manner of publishing the standard rates under Section 97;(xviii) (a) the manner of keeping record of all registered sales and leases of lands under Section 98(1), and(b) determination of the average annual letting value of lands under Section 98(2);

(xix)[prescription of other duties of patwaris and Nagar Sarvekshaks under section 104 (2);] [Substituted by M.P. Act No. 23 of 2018](xx)prescription of other duties of Revenue Inspectors

under Section 106;(xxi)[prescription of other particulars and scale of map under section 107;]
 [Substituted by M.P. Act No. 23 of 2018](xxii)the prescription of the form of, and the additional
 particulars to be entered in the papers to be included in the record of rights under Section
 108;(xxiii)[prescription of Forms of, and manner for- [Substituted by M.P. Act No. 23 of
 2018](a)reporting of acquisition of right, intimation;(b)pre-mutation sketch, if
 any;(c)acknowledgement,(d)registers,(e)writing, intimation or displaying of notice;(f)supply of
 copy;(g)information of pending cases; and(h)prescription of fees, under sections 109 and
 110;][[(xxiv) ***] [Substituted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).](xxv)[preparation and
 prescription of land records under section 114;] [Substituted by M.P. Act No. 23 of 2018]][(xxv-a)
 prescription of fee on the payment of which Bhoo Adhikar Pustika shall be provided and details of
 particulars entered into under section 114-A;] [Inserted by M.P. Act No. 23 of 2018](xxvi)the
 regulation of requisition of assistance under Section 120;(xxvii)preparation, maintenance and
 revision of land records under Section 121;(xxvii-a) manner in which objection shall be disposed of
 by Tahsildar under Section 123 (3);] [Inserted by M.P. Act No. 25 of 1964 (w.e.f.
 23-4-1964).](xxviii)[specification of, and manner of, construction and maintenance of boundary
 marks of villages, sectors and survey numbers or plot numbers under section 124;] [Substituted by
 M.P. Act No. 23 of 2018](xxix)[the manner of demarcating boundary marks between a village road,
 village waste or land reserved for community purposes and the land adjoining it and the manner in
 which they shall be kept in repair and renewed under section 127;] [Substituted by M.P. Act No. 23
 of 2018](xxx)the procedure of demarcating the boundaries of survey numbers, sub-divisions, or plot
 numbers, the nature of boundary marks' and the levy of fees under Section 129;(xxxi)[manner,
 persons to whom and the places where, the land revenue shall be paid under section 140;]
 [Substituted by M.P. Act No. 23 of 2018](xxxii)the form in which receipt shall be given under
 Section 142;(xxxiii)the regulation of remission or suspension of land revenue under Section
 144(1);(xxxiv)the guidance of Revenue Officers in issuing notices of demand under Section 146 and
 executing the processes specified in Section 147(xxxv)prescription of the form of application¹ [for
 grant of annuity, the time within which such application shall be made] [Substituted by M.P. Act No.
 24 of 1961 (w.e.f. 2-10-1959).] and the conditions of such grant under Section 160;(xxxvi)the
 regulation of reduction of revenue [***] [Omitted 'during the currency of settlement' by M.P. Act No.
 23 of 2018] under Section 161;(xxxvii)[x x x] [Omitted by M.P. Act No. 23 of
 2018](xxxviii)prescription of the ceiling limits of land under Section 165,(xxxix)prescription of the
 manner in which land forfeited under Section 166 shall be selected and demarcated and land
 revenue fixed on land left with transferee;(xl)regulation of the procedure in disposing of claims to be
 placed in possession of a holding under Section 170;[(xl-a) the form and manner in which
 information shall be notified to Sub-Divisional Officer under sub-section (1) of Section 170-B,]
 [Inserted by M.P. Act No. 15 of 1980 (w.e.f. 24-10-1980).](xli)[***] [Deleted by M.P. Act No. 23 of
 2018](xlii)regulation of relinquishment of rights by a bhumiswami under Section 173;(xliii)[***]
 [Deleted by M.P. Act No. 23 of 2018](xliv)(a)regulation of partition of holdings sand apportionment
 of assessment, under Section 178(2); and(b)[x x x] [Omitted by M.P. Act No. 25 of 1964 (w.e.f.
 23-4-1964).](xliv-a) regulation of partition in life time of a Bhumswami and apportionment of
 assessment under section 178-A;] [Inserted by M.P. Act No. 23 of 2018](xlv)guidance of Revenue
 Officers with regard to applications for purchase of right in trees under Section 179 (2);(xli)[x x x]
 [Omitted by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).][***] [Deleted 'clauses (xlvii) to (li)'by M.P.
 Act No. 23 of 2018]

(xlvii) prescription of the manner of selection and demarcation of land allowed to be resumed by a bhumiswami under Section 189 and the fixation of land revenue on it and fixation of rent in respect of land left with the occupancy tenant;(xlviii) prescription of the manner and the form in which amount of compensation shall be deposited by an occupancy tenant payable to his bhumiswami under Section 190(5);[(xlviii-A) prescription of time within which an application under subsection (1) of Section 191 shall be made;] [Inserted by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961.)(xlix) the regulation of the procedure in disposing of claims to be placed in possession of an occupancy holding which has been transferred under Section 197;(l) prescription of the manner of selection and demarcation of land vesting in the State Government and the fixation of land revenue on the land reserved by the bhumiswami under Section 198 (4);(li) the form and the manner in which the receipt for rent shall be given under Section 199;

(lii)the regulation of assessment of increase and reduction in land revenue required or permitted under Chapter XV;(liii)the regulation of appointment of patels under Section 222(1), the manner of distribution of duties of the office of patel where there are two or more patels in a village, fixation of remuneration of a patel, and prescription of additional duties of patel under Section 224 and his removal from office under Section 226 and the appointment of a substitute under Section 228;(liv)the regulation of the sanitation of villages, the burial of the carcasses of animals, the protection and fencing of wells, the upkeep of village roads and like matters of village self-government for villages not included within the area of a municipality or a municipal corporation, or a notified area committee or a Gram Panchayat;(lv)[(a) the appointment punishment, suspension and dismissal of Kotwars, [Substituted by M.P. Act No. 31 of 1982 (w.e.f. 1-3-1982), published in M.P. Rajpatra, dated 29-10-1982.](b)the prescription of the duties and mode of supervision of Kotwars;](lvi)[***] [Deleted by M.P. Act No. 23 of 2018](lvii)prescription of the record to be maintained under Section 233;[(lvii-a) prescription of the record to be maintained under section 233-A;] [Inserted by M.P. Act No. 23 of 2018](lviii)the manner in which the wishes of the villagers shall be ascertained under Section 234 (2);(lix)(a)regulation of setting apart of unoccupied land for the exercise of nistar rights under Section 237 (1); and(b)other purposes for the exercise of nistar rights under Section 237 (l)(k);(c)[regulation of diversion of unoccupied land under Section 237 (3).] [Inserted by M.P. Act No. 1 of 1998 (w.e.f. 5-1-1998).](lx)[manner for calculation of compensation under section 239 (6);] [Substituted by M.P. Act No. 23 of 2018](lxi)the regulation of the cutting of trees under Section 240 (1), and of control, management, felling or removal of the forest growth under Section 240 (3);(lxii)prescription of the manner of proclaiming an order published under Section 241 and regulation of the felling or removal of trees thereunder;(lxiii)(a)the manner of ascertaining and recording the customs in regard to matters specified in Section 242 (1); and(b)the manner of publication of record of customs under Section 242 (2);(lxiv)prescription of the manner of disposal of sites in the abadi area under Section 244;(lxv)regulation of fishing, catching hunting or shooting of animals in villages and removal of any materials from land belonging to the State Government under Section 249;[(lxv-a) for the purpose of carrying into effect the provisions of section 250;] [Inserted by M.P. Act No. 23 of 2018](lxvi)(a)prescription of the form of application under Section 251 (2); and(b)the regulation of the use of water from tanks under Section 251 (6);(lxvii)[***] [Deleted by M.P. Act No. 23 of 2018](lxviii)prescription of standards of cultivation and management under Section 255;(lxix)prescription of conditions for inspection and grant of copies of records, maps and land records under Section 256;(lxx)generally for the guidance of Revenue Officers and all other persons

in proceedings under this Code;(lxxi)any other matter which has to be or may be prescribed.(2A)[The State Government may, from time to time, make rules consistent with the provisions of this Code regulating the practice and procedure of the Board and the procedure to be followed by other Revenue Courts and may by such rules annul, alter or add to all or any of the rules in Schedule I.(2B)In particular and without prejudice to the generality of the powers conferred by sub-section (2A), such rules may provide for all or any of the following matters, namely, (a)the service of summons, notices and other processes by post or in any other manner either generally or in any specified areas, and the proof of such service;(b)the regulation of power of Revenue Officers to summon parties and witnesses and the grant of expenses to witnesses;(c)the regulation of recognised agents with regard to appearances, applications and acts done by them in proceedings under this Code;(d)procedure to be observed in effecting attachment of movable and immovable properties;(e)procedure for publishing, conducting, setting aside and confirming sales and all ancillary matters connected with such proceedings;(f)the maintenance and custody, while under attachment, of livestock and other movable property, the fees payable for such maintenance and custody, the sale of such live-stock and property and the proceeds of such sale;(g)consolidation of appeals and other proceedings;(h)all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Revenue Courts;(i)the time within which, in the absence of any express provision, appeals or applications for revision may be filed;(j)the cost of and incidental to any proceedings;(k)examination of witnesses on commission and payment of expenses incidental to such examination;(l)licensing of petition-writers and the regulation of their conduct.(2C)Such rules shall, from the date of publication or from such other date as may be specified, have the same force and effect as if they were contained in Schedule I.] [Inserted by M.P. Act No. 23 of 2018](3)All rules made under this section shall be subject to the condition of previous publication.(4)All rules made under this Code shall be laid on the table of the Legislative Assembly and shall be subject to such modifications as the Legislative Assembly may make.

259. Reference to certain tenures.

- Any reference in any enactment to,-(a)[A bhumiswami or a bhumidhari in the Mahakoshal region;] [Inserted by M.P. Act No. 24 of 1961 (w.e.f. 2-10-1959).][(a-i) a pakka tenant, muafidar, inamdar or a concessional holder in the Madhya Bharat region;] [Re-numbered by M.P. Act No. 24 of 1961 (w.e.f. 2-10-1959).](b)a pachpan paintalis tenant, pattedar tenant, grove holder or a holder of a tank in the Vindhya Pradesh region;(c)a khatedar tenant or a grove holder in the Sironj region; and(d)an occupant in the Bhopal region;shall be deemed to be reference to a bhumiswami.

260. Reference to laws not in force in any region.

- Any reference in this Code to a Central Act which is not in force in any region of the State shall in relation to that region be construed as a reference to the corresponding law in force in that region.Explanation.-For purposes of this section the expression "Central Act" shall have the same meaning as assigned to it in Section 3 (7) of the General Clauses Act, 1897 (X of 1897).

261. Repeal and savings.

- The enactments specified in Schedule II are hereby repealed to the extent mentioned in the 4th column thereof :Provided that the repeal shall not affect-(a)the previous operation of any law so repealed or anything duly done or suffered thereunder; or(b)any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or(c)any penalty, forfeiture or punishment incurred in respect of any office committed against any law so repealed; or(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, constituted or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :Provided further that subject to the preceding proviso, anything done or any action taken (including any rules, assessment, appointments and transfers made, notifications and powers conferred, forms and leases granted, record-of-rights, and other records framed or confirmed, rights acquired, liabilities incurred and times and places appointed), under any such enactment shall be deemed to have been done or taken under the corresponding provision of this Code and shall continue to be in force accordingly unless and until superseded by anything done or action taken under this Code.

262. Transitory provisions.

(1)Save as otherwise expressly provided in this Code, all cases pending before the State Government or any Revenue Court in any region immediately before the coming into force of this Code, whether in appeal, revision, review or otherwise shall be decided in accordance with the provisions of the appropriate law, which would have been applicable to them had this Code not been passed.(2)Any case pending in Civil Court at the coming into force of this Code, which would under this Code be exclusively triable by a Revenue Court, shall be disposed of by such Civil Court according to the law in force prior to the commencement of this Code.(3)All proceedings under any of the laws described in Schedule III pending before the State Government immediately before the commencement of this Code shall, on such commencement, stand transferred to the Board, and shall thereupon be disposed of by the Board as if they were proceedings entertained by the Board under this Code.Explanation.-For the purpose of this sub-section "State Government shall include Governor, Council of Ministers or a Minister.

263. Power to remove difficulties.

(1)If any difficulty arises in giving effect in any region to the provisions of this Code, the State Government may, by order notified in the Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.(2)A copy of the order passed under sub-section (1) shall as soon as may be after it is passed be laid before the Legislative Assembly.

264. Code not to apply in certain cases.

- Nothing contained in this Code shall apply to a person who holds land from the Central

Government.

I

[(see section 258(2A) and (2C))] [Substituted '(See Section 41)' by M.P. Act No. 23 of 2018] Rules of Procedure of Revenue Officers and Revenue Courts issue of Summons

1. Every summons shall be in writing, in duplicate and shall be signed and sealed by the officer issuing it or by such person as he empowers in his behalf, and it shall specify the time and place at which the person summoned is required to attend, and also whether he is required to give evidence or to produce a document.

2. Every summons to a party shall be accompanied by a concise statement about the subject-matter of the proceedings.

3. A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or power of the person summoned.

Mode of Service of Summons

4. Every summons shall be served by tendering or delivering a copy of it to the person summoned personally or to his recognised agent.

5. Where the person summoned cannot be found and has no recognised agent, service may be made on any adult male member of the family of the person summoned, who is residing with him.

Explanation.-A servant is not a member of the family within the meaning of this rule.

6. Where the serving officer delivers or tenders a copy of the summons to the person summoned personally or to his recognised agent or other person on his behalf, he shall require the signature of the person, to whom the copy is delivered or tendered to an acknowledgement of service endorsed on the original summons.

7. If service of the summons cannot be effected in the manner provided in Rules 4, 5 and 6 a copy thereof should be affixed at the last known place of residence of the person summoned or at some place of public resort in such

village.

8. Where a copy of the summons is affixed as provided in Rule 7, the serving officer shall return the original copy of the summons to the Court from which it was issued with a report endorsed thereon or annexed thereto stating that he has affixed the copy, the circumstances under which he did so and the name and the address of the person in whose presence the copy was affixed and where the copy is affixed at the last known place of residence of the person summoned, the report shall also contain the name and address of the person, if any, by whom the house was identified.

9. If the person summoned resides in another district, the summons may be sent by post to the Collector of such district for service.

Mode of Compliance with Summons

10. Subject to the provisions of the Code whoever is summoned to appear before a Revenue Officer to give evidence shall attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document, shall either attend to produce it, or cause it to be produced, at such time and place.

Mode of Serving Notice

11. Every notice shall be served by tendering or delivering a copy of it to the person concerned personally or to his recognised agent :

Provided that, where the recognised agent of the person concerned is a pleader, the notice may be served by leaving a copy thereof at his office or at the place of his ordinary residence, and such service shall be deemed to be as effectual as service on the recognised agent personally.

12. Where the person concerned cannot be found and has no recognised agent, service may be made on any adult male member of the family of the person concerned, who is residing with him.

Explanation.-A servant is not a member of the family within the meaning of this rule.

13. Where the serving officer delivers or tenders a copy of the notice to the person concerned personally or to an agent or other person on his behalf, he shall require the signature of the person, to whom the copy is delivered or tendered to an acknowledgement of service endorsed on the original notice.

14. If service of the notice cannot be effected in the manner provided in Rules 11, 12 and 13 a copy thereof may be affixed at the last known place of residence of the person concerned or at some place of public resort in the village in which the land to which the notice relates is situate or from which the land is cultivated.

15. Where a copy of the notice is affixed as provided in Rule 14, the serving officer shall return the original copy of the notice to the officer who issued it, with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, the name and address of the person in whose presence the copy was affixed and where the copy is affixed at the last known place of residence of the person noticed, the report shall also contain the name and address of the person by whom the house was identified.

16. If the person to whom a notice is to be served resides in another district, the notice may be sent by post to the Collector of such district for service.

Mode of Issuing Proclamations

17. Whenever a proclamation is issued under this Code, copies thereof shall be posted on the notice board of the office of the Revenue Officer issuing it, at the headquarters of the tahsil within which the land to which it refers is situate, and at some place of public resort on or adjacent to the land to which it refers, and unless the officer issuing it otherwise directs, the proclamation shall be further published by beat of drum on or near the land to which it refers.

Order

18. Every original order passed by a Revenue Officer in any proceedings shall contain a concise statement of the case, the points for decision, the decision thereon and the reasons for such decision.

Attachment

19. Attachment of movable property other than agricultural produce in possession of defaulter-(1) Where the property to be attached is movable property other than agricultural produce, in the possession of the defaulter, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of any of his subordinates and shall be responsible for the due custody thereof :

Provided that, when the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once : Provided further that when the property attached consists of live-stock, agricultural implements or other articles which cannot be conveniently removed, and the attaching officer does not act under the first proviso to this rule, he may at the instance of the defaulter or any person claiming to be interested in such property, leave it in the village or at the place where it has been attached-(a) in the charge of the defaulter, or of the station pound-keeper, if any; or (b) in the charge of the person claiming to be interested in such property or of such respectable person as will undertake to keep such property, on his entering into a bond with one or more sureties in an amount not less than the value of the property, that he will take proper care of such property and produce it when called for. (2) The attaching officer shall make a list of the property attached and shall obtain thereto the acknowledgement of the person in whose custody the property is left, and if possible, of the defaulter and of at least one respectable person in attestation of the correctness of the list. If the property attached includes both live-stock and other articles a separate list of the live-stock shall similarly be prepared and attested.

20.

(1) Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment-(a) where such produce is a growing crop, on the land on which such crop has grown; or (b) where such produce has been cut or gathered, on the threshing floor or place for treading out grain or the like or fodder-stack on or in which it is deposited; and another copy on the outer door or on some other conspicuous part of the house in which the defaulter ordinarily resides or if there is no such house, on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain or in which he is known to have last resided or carried on business or personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Court. (2) The attaching officer shall make such arrangements for the custody of the agricultural produce as he may consider sufficient and also to tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it. (3) The costs incurred under sub-rule (2) shall be borne by the defaulter.

21.

(1)Where the live-stock attached is not left in the charge of the defaulter, the expenses for feeding and watering it shall be charged at such rate as the Collector may, by general or special order, fix.(2)Where the property attached is movable property other than agricultural produce or live-stock, and is not left in the charge of the defaulter the expenditure for its safe custody shall be charged at such rate as the Collector may, by general or special order, fix.(3)The costs incurred under sub-rules (1) and (2) shall be first charge on the sale-proceeds of the property.

22. The provisions of Order XXI, Rules 46 to 53 of the Code of Civil Procedure, 1908 (V of 1908) regarding the attachment of the several classes of movable property dealt with in those rules shall as far as may be, apply to the attachment made under this Code.

23.

(1)Where the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.(2)The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then on the notice board of the office of the Revenue Officer.(3)The order shall take effect as against purchasers for value in good faith from the date when a copy of the order is affixed on the property and against all other transferees from the defaulter from the date on which such order is made.

24.

(1)If any claim is set up by a third person to the property attached or proceeded against under the provisions of this Code, the Revenue Officer shall enquire into the claim and may admit or reject it.(2)The person against whom an order is made under sub-rule (1) may, within one year from the date of the order, institute a suit to establish the right which he claims to the property attached or proceeded against; but subject to the result of such suit, if any, the order shall be conclusive.Sale Generally

25. Every sale shall be conducted by an officer or other person appointed by a general or special order in this behalf and shall be made by public auction.

26.

(1)The Revenue Officer shall cause a proclamation of the intended sale to be made stating the time and place of sale and specifying as fairly and accurately as possible-(a)the property to be sold;(b)the land revenue assessed upon the land where the property to be sold is an interest in land paying

revenue to the Government;(c)the amount for the recovery of which the sale is ordered; and(d)every other thing which the Revenue Officer considers materials for a purchaser to know in order to judge the nature and the value of the property.(2)A copy of the proclamation issued under sub-rule (1) where it relates to the sale of any holding shall be sent to the Co-operative and the Land Mortgage Bank operating within that area in which the holding is situate.

27. The Revenue Officer may, if he considers this necessary, summon the defaulter and examine him with respect to any matters to be included in the sale proclamation.

28. Save in the case of property of the kind described in the first proviso to Rule 19, no sale hereunder shall, without the consent in writing of the defaulter take place-

(i)on Sunday or on any authorised Civil Court holidays or on any day declared as a local holiday for the area in which the sale is to be held; and(ii)until after the expiration of at least thirty days from the date on which the proclamation thereof was made.

29.

(1)The Revenue Officer may, in his discretion, adjourn any sale hereunder to a specified day and hour and the officer conducting any such sale may, in his discretion, adjourn the sale recording his reasons for such adjournment :Provided that where the order of the Revenue Officer can be obtained in time, no such adjournment shall be made without such order.(2)Where a sale is adjourned under sub-rule (1) for a longer period than fifteen days, a fresh proclamation shall be made unless the defaulter consents to waive it.(3)Every sale shall be stopped if, before the lot is knocked down, the amount due and costs are tendered to the officer conducting the sale, or proof is given to his satisfaction that the amount of such dues and costs have been paid to the Revenue Officer who ordered the sale.

30. Any deficiency of price which may happen on a resale by reason of the purchaser's default shall be recoverable from the defaulting purchaser as if it were an arrear of land revenue.

31. No officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

Sale of Movable Property

32.

(1)Where the property to be sold is agricultural produce, the sale shall be held-(a)if such produce is a growing crop, on or near the land on which such crop has grown; or(b)if such produce has been cut or gathered, at or near the threshing floor or place for treading out grain or the like or fodder stack :Provided that the Revenue Officer may direct the sale to be held at the nearest place of public resort, if he is of opinion that the produce is thereby likely to sell to greater advantage.(2)Where, on the produce being put up for sale-(a)a fair price, in the estimation of the person holding the sale, is not offered for it; and(b)the owner of the produce or a person authorised to act in his behalf applies to have the sale postponed till the next day or, if a market is held at the place of sale, the next market day.The sale shall be postponed accordingly and shall be then completed, whatever price may be offered for the produce.

33.

(1)Where the property to be sold is a growing crop and the crop from its nature admits of being stored but has not yet been stored, the day of the sale shall be so fixed as to admit of its being made ready for storing before the arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing.(2)Where the crop from its nature does not admit of being stored, or where it appears to the Revenue Officer that the crop can be sold to greater advantage in an unripe state, it may be sold before it is cut and gathered, and the purchaser shall be entitled to enter on the land and to do all that is necessary for the purpose of tending and cutting or gathering it.

34.

(1)Where movable property is sold by public auction, the price of each lot shall be paid at the time of sale or as soon after as the officer or other person holding the sale directs, and in default of payment the property shall forthwith be resold.(2)On payment of the purchase money, the officer or other person holding the sale shall grant a receipt for the same, and the sale shall become absolute.(3)Where the movable property to be sold is a share in goods belonging to the defaulter and a co-owner, and two or more persons, of whom one is such co-owner, respectively bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.

35. No irregularity in publishing or conducting the sale of movable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation or (if such other person is the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

36.

(1)Where the property sold is movable property of which actual seizure has been made, it shall be delivered to the purchaser.(2)In the case of any other movable property, the Revenue Officer may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.Sale of Immovable Property

37. On every sale of immovable property the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per cent on the amount of his purchase money to the officer or other person conducting the sale, and in default of such deposit, the property shall forthwith be resold.

38. The full amount of purchase money payable shall be paid by the purchaser within fifteen days from the date of the sale of the property.

39. In default of payment within the period mentioned in Rule 38, the deposit may, if the Revenue Officer thinks fit after defraying the expenses, of the sale, be forfeited to the Government, and the property shall be resold and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

40.

(1)Where immovable property has been sold under this Code, any person, either owning such property or holding an interest therein by virtue of a title acquired before such sale may, at any time within thirty days from the date of sale, apply, to the Revenue Officer to have the sale set aside on his depositing-(a)for payment to the purchaser, a sum equal to five per cent of the purchase money;(b)for payment on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered less any amount which may have been paid since the date of the sale on this account; and(c)the cost of the sale.(2)If such deposit is made within thirty days from the date of the sale the Revenue Officer shall pass an order setting aside the sale:Provided that, if a person applies under Rule 41 to have such sale set aside, he shall not be entitled to make an application under this rule.

41. At any time within thirty days from the date of sale, any person whose interests are affected by such sale may apply to the Revenue Officer to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it, and the Revenue Officer may, after giving notice to the persons affected thereby, pass an order setting aside the sale and may

order resale; but no sale shall be set aside on such grounds unless the applicant proves to the satisfaction of the Revenue Officer that he has sustained substantial injury by such irregularity or mistake.

42. Except in a case where land has been sold for arrears, which form a charge on the land, the purchaser may, at any time within thirty days from the date of sale, apply to the Revenue Officer to set aside the sale on the ground that the defaulter had no saleable interest in the property sold and the Revenue Officer shall, after due inquiry, pass such orders on such application as he deems fit.

43. No resale under Rule 41 shall be made until a fresh proclamation has been published as laid down in Rule 26.

44. On the expiry of thirty days from the date of sale, if no application has been made under Rule 40, 41 or 42 or if such application has been made and rejected, the Revenue Officer shall pass an order confirming the sale :

Provided that, if the Collector has reason to think that the sale ought to be set aside-(i)notwithstanding that no such application has been made; or(ii)on grounds other than those alleged in any application which has been made and rejected; or(iii)notwithstanding that a period of thirty days from the date of sale has expired;he may, after recording his reasons in writing, set aside the sale at any time before making an order confirming the sale.

45.

(1)If no application under Rule 41 is made within the time allowed therefor, all claims on the grounds of irregularity or mistake shall be barred.(2)Nothing in sub-rule (1) shall bar the institution of a suit in the Civil Court to set aside a sale on the ground of fraud or on the ground that the arrear for which the property is sold is not due or on the ground that the defaulter had no saleable interest in the property sold.

46. If the sale of any property is set aside under Rule 40, 41, 42 or 44 the amount of purchase money deposited by the purchaser shall be refunded to him.

Certificate of Purchase and Delivery of Possession

47. If the sale of any immovable property has been confirmed, the Revenue Officer shall grant a certificate to the purchaser specifying the date on which the sale is confirmed, the property sold, and the name of the purchaser and shall put the purchaser in possession of such property.

48.

(1)Where the purchaser is resisted or obstructed by any person is obtaining possession of the property, he may make an application to the Revenue Officer complaining of such resistance or obstruction.(2)The Revenue Officer shall fix a date for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

49. Where the Revenue Officer is satisfied that the resistance or obstruction was occasioned-

(a)by the defaulter or some other person at his instigation; or(b)by any person in the case of a purchase of land sold for arrears of land revenue due in respect thereof;he shall direct that the purchaser be put into possession of the property.

50. Where in any case to which Rule 49 does not apply, the Revenue Officer is satisfied that the resistance or obstruction was caused by any person claiming in good faith to be in possession of the property on his own account or on account of some person other than the defaulter, the Revenue Officer shall make an order dismissing the application.

51.

(1)Where any person other than the defaulter is dispossessed of immovable property by the purchaser of such property, he may make an application to the Revenue Officer complaining of such dispossession.(2)The Revenue Officer shall fix a date for investigating the matter and shall summon the purchaser to appear and answer the same.

52. Where the Revenue Officer is satisfied that the applicant was in possession of the property on his own account, or on account of some person other than the defaulter, he shall direct that the applicant be put into possession of the property.

53. Any party not being a defaulter against whom an order is made under Rule 49, 50 or 52 may institute a suit to establish the right which he claims to the present possession of the property but subject to the result of such suit,

if any, the order shall be conclusive.

Commissions to Examine Witnesses

54. Any Revenue Officer may in any proceedings issue a commission for the examination on interrogatories or otherwise of any person who is exempted from attending the Court or who is from sickness or infirmity unable to attend it.

55. An order for the issue of a commission for the examination of a witness may be made by the Revenue Officer either of his own motion or on the application, supported by affidavit or otherwise, of any party to the proceedings or of the withing to be examined.

56. Any Revenue Officer may, in any proceedings issue a commission for the examination of-

(a)any person resident beyond the local limits of his jurisdiction;(b)any person who is about to leave such limits before the date on which he is required to be examined in Court;(c)any person in the service of the Central or the State Government who cannot, in the opinion of such Revenue Officer, attend without detriment to the public service.

57.

(1)A commission for the examination of a person may be issued to any person whom the Court thinks fit to execute it, or to any other Revenue Officer who can conveniently examine such person.(2)Every Revenue Officer receiving a commission for the examination of any person shall examine him or cause him to be examined pursuant thereto.(3)The Revenue Officer on issuing any commission under this rule shall direct whether the commission shall be returned to himself or to any Revenue Officer subordinate to him.

58. Where a commission has been duly executed, it shall be returned together with the evidence taken under it, to the Revenue Officer by whom it was issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order; and the commission and the return thereto and the evidence taken under it shall (subject to the provisions of the next following rule) form part of the record of the proceedings.

59. Evidence taken under a commission shall not be read as evidence in the proceeding without consent of the party against whom the same is offered, unless-

(a) the person who gave the evidence is beyond the jurisdiction of the Court, or dead or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or is a person in the service of the Central or the State Government who cannot, in the opinion of the Revenue Officer, attend without detriment to the public service. (b) the Revenue Officer in his discretion dispenses with the proof of any of the circumstances mentioned in clause (a) and authorises the evidence of any person being read as evidence in the proceedings, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

60. Before issuing any commission under these rules, the Revenue Officer may order such sum (if any) as he thinks reasonable for the expenses of the commission to be, within a time to be fixed, paid by the party at whose instance or for whose benefit the commission is issued.

61.

(1) The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon witness, shall apply to persons required to give evidence or to produce documents under these rules and for the purposes of this rule the Commissioner shall be deemed to be a Revenue Court. (2) A Commissioner may apply to any Revenue Officer within the local limits of whose jurisdiction a witness resides for the issue of any process which he may find it necessary to issue to, or against, such witness, and such Revenue Officer may in his discretion, issue such process as he considers reasonable and proper.

62.

(1) Where a commission is issued under these rules, the Revenue Officer shall direct that the parties to the proceedings shall appear before the Commissioner in person or by their agents or pleaders. (2) Where all or any of the parties do not so appear, the Commissioner may proceed in their absence. Proceeding by or Against Minors and Persons of Unsound Mind

63. Every application by a minor shall be filed in his name by a person acting as the guardian, of the minor.

64. Where the non-applicant is a minor the Revenue Officer, on being satisfied of the fact of his minority, shall appoint a proper person to be the guardian of such minor for the purpose of the proceedings.

65. Any person who is of sound mind and has attained majority and whose interest is not adverse to that of the minor may act as guardian for a minor party in the proceedings.

66. In the case where a non-applicant is a minor and the guardian appointed has no funds to meet the necessary expenses, the Revenue Officer may direct the applicant to deposit a sufficient sum for the purpose. The costs so incurred by the applicant shall be adjusted in accordance with the final order passed in respect of the costs.

67.

(1) No guardian shall, without the leave of the Revenue Officer, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the proceedings in which he acts as his guardian. (2) Any such agreement or compromise entered into without the leave of the Revenue Officer so recorded, shall be voidable against all parties other than the minor.

68. The provisions contained in Rules 63 to 67, shall apply mutatis mutandis to persons of unsound mind.

II

(See Section 261)

Year	Number	Short title	Extent of repeal
(1)	(2)	(3)	(4)
1942	VI	The Central Provinces and Berar Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1942.	The whole
1955	II	The Madhya Pradesh Land Revenue Code, 1954.	The whole
1957	VI	The Madhya Pradesh Creation of Commissioners Act, 1957.	The whole
1931	I	Indore Land Revenue and Tenancy Act, 1931.	The whole
1940-41		Barwani State Resolution No. 67.	The whole
1941	VIII	Indore Restitution of Pattedar Tenants Mortgaged Land Act, 1941.	The whole
1941-42		Dhar Land Revenue and Tenancy Act, 1941-42. Qawayad Tarashiwa Ataya Chakook Parti Qabil Kast Gwalior, Sam vat 1983.	The whole
1949	25		The whole

		Madhya Bharat Jagir Land Records Management Act, Samvat 2006.	
1949	26	Madhya Bharat Jagir Tenants Restoration of Land Act, Samvat 2006.	The whole
1950	66	Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007.	
1954	32	Madhya Bharat Muafi and Inam Tenants and Sub-tenants Protection Act, 1954.	
1955	29	Madhya Bharat Ryotwari Sub-lessee Protection Act, 1955.	
1946		The Rewa State Pre-emption Act, 1946.	So far as it relates to agricultural lands.
1955	III	Vindhya Pradesh Land Revenue and Tenancy Act, 1953.	The whole
1932	IV	The Bhopal State Land Revenue Act, 1932.	The whole
1953	VII	The Bhopal State Sub-Tenants Protection Act, 1952.	The whole
1955	I	The Bhopal State Sub-Tenants (of Occupants) Protection Act, 1954.	The whole
1951	I	The Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.	The whole
1952	V	The Rajasthan Public Demands Recovery Act, 1952.	The whole
1953	XIX	The Rajasthan Lands Summary Settlement Act, 1953.	The whole
1954	IX	The Rajasthan Rent Rates Determination and Validation Act, 1954.	The whole
1954	XXVI	The Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954.	The whole
1954	XXVII	The Rajasthan Colonisation Act, 1954.	The whole
1955	3	The Rajasthan Tenancy Act, 1955.	The whole
1956	15	The Rajasthan Land Revenue Act, 1956.	The whole
1956	16	The Rajasthan Review and Validation of Rent Rates (Revival) Act, 1956.	The whole

III

[See Section 262(3)] Name of Law (1) The Indore Land Revenue and Tenancy Act. (2) Indore Jagirdar Manual. (3) Qawaid Jagirdaran, Gwalior. (4) Qawaid Muafidaran Jauzwe Arazi Riyasat, Gwalior. (5) Jagir and Muafi Rules of the Rajgarh State. (6) Dhar Land Revenue Act. (7) Muafi Rules of the Dhar State. (8) Inam Rules of the Dewas (Senior). (9) Land Revenue and Tenancy Act of Dewas (Junior). (10) Muafi Rules of Dewas (Junior). (11) Qawaid Muafi Rules of the Jhabua State. (12) Nazarana Rules of the Barwani State. Notifications In exercise of the powers conferred by clause (u) of sub-section (1) of Section 2 of the Code, the State Government hereby directs that all Collectors shall discharge the functions of the Revenue Officer under sub-section (2) of Section 182 of the Code within their respective jurisdictions. [Vide Notification No. 4061-3993-VII-N.I., dated

17.9.1966, published in M.P. Rajpatra, Part I dated 30.9.1966, page 1561.]The 1st of October has been appointed as the date on which the "revenue year shall commence throughout the area comprised within the State. [Vide Notification No. 5259-290-VII-N-Rules, dated the 30th May, 1960.](1)[Notification No. 785-2703-VIII-69, dated 8.4.1979.] [Published in M.P. Rajpatra, Part I, dated 15.8.1969.] - In exercise of powers conferred under Section 2(1)(z-5) of the Code, the State Government declared the Indore Residency area, situated in the Indore urban area to be a revenue village for the purposes of the Code.(2)[Notification No. 5399-2072-VII-N-II, dated 10.6.1960.] [Published in M.P. Rajpatra, Part I, dated 5.8.1960.] - Principal Seat of the Board of Revenue. - Gwalior has been appointed as the principal seat of the Board of Revenue.(3)[Notification No. 3052-37-60, dated 18.10.1960.] [Published in M.P. Rajpatra, dated 9.12.1960 and again by Notification No. 374-336/3-71, dated 17.2.1971.]-Other places appointed for sitting of the Board or Circuit Court. - Apart from the principal seat at Gwalior, the following additional places for circuit Court or sitting of the Board have been appointed :-Rewa, Indore, Jabalpur, Raipur, Bhopal and Bilaspur.(4)[Notification No. F. 1-3-94-VIII-Section 8, dated 29.4.1995.] [Published in M.P. Rajpatra, Part I, dated 26.5.1995, page 789.] - In exercise of the powers conferred by sub- section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby :-(1)direct that with effect from the date of publication in the Extraordinary Gazette the limits of Burhanpur Tahsil shall be so altered as to exclude 66 revenue villages and 23 forest villages of 10 Patwari Halkas of Revenue Inspector Circle Nepanagar Patwari Halka No. 1 to 8, 14 and 15, 5 Patwari Halkas No. 32, 33, 34, 36 excluding village Jhiri and 37 of Revenue Inspector Circle Burhanpur, 1 Patwari Halka No. 46 of Revenue Inspector Circle Shahpur and 2 Patwari Halkas No. 12 and 13 of Revenue Inspector Circle Khaknar from Tahsil Buranpur, and;(2)creates, with effect from the said date, a new Tahsil Nepanagar comprising of 66 Revenue Villages and 23 forest villages of 10 Patwari Halkas of Revenue Inspector Circle Nepanagar Patwari Halka No. 1 to 8, 14 and 15, 5 Patwari Halkas No. 32, 33, 34, 36 excluding village Jhiri and 37 of Revenue Inspector Circle Burhanpur, 1 Patwari Halka No. 46 of Revenue Inspector Circle Shahpur and 2 Patwari Halkas Nos. 12 and 13 of Revenue Inspector Circle Khaknar total 18 Patwari Halkas.(5)[Notification No. 1-20-90-VII-8, dated 31.1.1996.] [Published in M.P. Rajpatra (Asadharan), dated 8.3.1996, page 521.] - In exercise of the power conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) the State Government hereby :-(1)direct that with effect from the date of publication in the ordinary Gazette the limits of Sheopur Kalan Tehsil shall be so altered as to exclude 128 Revenue villages of 31 Patwari Halka from block Karahal from 108 Patwari Halka Tehsil Sheopur Kalan District Morena; and(2)creates, with effect from the said date, a new Tehsil Karahal comprising of 128 revenue villages of 31 Patwari Halka of Block Karahal.(6)[Government of Madhya Pradesh Revenue Department Order No. 1001-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(2).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Khargone (West Nimar) district with effect from the 25th May, 1998 by excluding therefrom the whole of Barwani, Thikri, Rajpur, Pansemal, Niwali and Sendhwa tahsils and create a new district Barwani comprising of the whole of Barwani, Thikri, Rajpur, Pansemal, Niwali and Sendhwa tahsils with effect from the said date.(7)[Order No. 1002-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(2).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State

Government, hereby after the limits of Morena district with effect from the 25th May, 1998 by excluding therefrom the whole of Sheopur, Karahal and Vijaypur tahsil and create a new district Sheopur comprising of the whole of Sheopur, Karahal and Vijaypur tahsils with effect from the said date.(8)[Order No. 1003-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(3).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Jabalpur district with effect from the 25th May, 1998 by excluding therefrom the whole of Katrd and Vijairaghogarh tahsils and Bahoriband and Dhimarkheda blocks of Sihora tahsil and create a new District Katni comprising of the whole of Katni and Vijairaghogarh Tahsils and Bahoriband and Dhimarkheda blocks of Sihora tahsil with effect from the said date.(9)[Order No. 1004-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(3).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Mandla district with effect from the 25th May, 1998 by excluding therefrom the whole of Dindori and Shahpura tahsils and Mohgaon, Mawai and Ghughuri blocks and create a new district Dindori comprising of the whole of Dindori and Shahpura tahsils and Mohgaon, Mawai and Ghughuri blocks with effect from the said date.(10)[Order No. 1005-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(3).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Surguja district with effect from the 25th May, 1998 by excluding therefrom the whole of Bharatpur, Menendragarh, Sonhat and Baikunthpur tahsils and create a new district Koriya comprising of the whole of Bharatpur, Manendragarh, Sonhat and Baikunthpur tahsils with effect from the said date. The headquarter of the said district for the time being shall be at Baikunthpur.(11)[Order No. 1006-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(3).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Raigarh district with effect from the 25th May, 1998 by excluding therefrom the whole of Jashpur, Pathalgaon, Bagicha and Kunkuri tahsils and create new district Jashpur comprising of the whole of Jashpur, Pathalgaon, Bagicha and Kunkuri tahsils with effect from the said date.(12)[Order No. 1007-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(4).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Bilaspur district with effect from the 25th May, 1998 by excluding therefrom the whole of Janjgir, Pamgarh, Champa, Sakti, Malkharauda, Nawagarh, Jaijaipur and Dabara tahsils and create a new district Janjgir-Champa comprising of the whole of Janjgir, Pamgarh, Champa, Sakti, Malkharauda, Nawagarh, Jaijaipur and Dabara Tahsils with effect from the said date. The headquarter of the said district shall be at Janjgir(13)[Order No. 1008-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(4).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Bilaspur district with effect from the 25th May, 1998 by excluding therefrom the whole of Katghora, Kartala, Pali and Korba tahsils and create a new district Korba comprising of the whole of Katghora, Kartala, Pali and Korba tahsils with effect from the said date.(14)[Order No.

1009-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(4).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Bastar district with effect from the 25th May, 1998 by excluding therefrom the whole of Ranker, Bhanupratappur, Charama, Antagarh, Narharpur and Pakhanjur tahsils and create a new district Ranker comprising of the whole of Ranker, Bhanupratappur, Charama, Antagarh, narharpur and Pakhanjur tahsils with effect from the said date.(15)[Order No. 1010-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(4).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby after the limits of Bastar district with effect from the 25th May, 1998 by excluding therefrom the whole of Bhopalpatnam, Bijapur, Dantewada and Ronta and tahsils and create a new district Dantewada comprising of the whole o Bhopalpatnam, Bijapur, Dantewada and Ronta Tahsils with effect from the said date.(16)[Order No. 1011-F-20-8-92-VII-S-8, dated 22.5.1998.] [Published in M.P. Rajpatra (Asadharan), dated 22.5.1998, page 498(5).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Gwalior district with effect from the 25th May, 1998 excluding therefrom the whole of Bhandar tahsils and the limits of Datia district shall be so altered as to include therein the whole of Bhandar tahsil with effect from the said date.(17)[Order No. 1236-F-20-8-92-VII-S-8, dated 2.7.1998.] [Published in M.P. Rajpatra (Asadharan), dated 2.7.1998, page 744(1).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Mandsaur district with effect from the 6th July, 1998 by excluding therefrom the whole of Javad, Manasa and Neemuch Blocks and create a new district Neemuch comprising of the whole of Javad, Manasa and Neemuc Blocks with effect from the said date. The Headquarter of the said district shall be at Neemuch.(18)[Order No. 1237-F-20-8-92-VII-S-8, dated 2.7.1998.] [Published in M.P. Rajpatra (Asadharan), dated 2.7.1998, page 744(1).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Shahdol district with effect from the 6th July, 1998 by excluding therefrom the whole of Manpur, Umaria (Rarkeli) and Pali-2 (Virsmgmpur) Blocks and create a new district Umaria comprising of the whole of Manpur, Umariya (Rarkeli) and Pali-2 (Virsingpur) Blocks with effect from the said date. The Headquarter of the said district shall be at Umaria.(19)[Order No. 1238-F-20-8-92-VII-S-8, dated 2.7.1998.] [Published in M.P. Rajpatra (Asadharan), dated 2.7.1998, page 744(1).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Raipur district with effect from the 6th July, 1998 by excluding therefrom the whole of Mahasamund, Bagbahera, Pithora, Basana and Saraipali Blocks and create a new district Mahasamund comprising of the whole of Mahasamund, Bagbahera, Pithora, Basana and Saraipali Blocks with effect from the said date. The Headquarter of the said district shall be at Mahasamund.(20)[Order No. 1239-F-20-8-92-VII-S-8, dated 2.7.1998.] [Published in M.P. Rajpatra (Asadharan), dated 2.7.1998, page 744(2).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Raipur district with effect from the 6th July, 1998 by excluding therefrom the whole of Dhamtari, Magarlod, Kurud and Nagari Blocks and create a new

district Dhamtari, comprising of the whole of Dhamatari, Magarlod, Kurud and Nagari Blocks with effect from the said date. The Headquarter of the said district shall be at Dhamtari.(21)[Order No. 1240-F-20-8-92-VII-S-8, dated 2.7.1998.] [Published in M.P. Rajpatra (Asadharan), dated 2.7.1998, page 744(2).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Hoshangabad district with effect from the 6th July, 1998 by excluding therefrom the whole of Harda, Timarani and Khirkiya Blocks and create a new district Harda comprising of the whole of Harda, Timarani and Khirkiya Blocks with effect from the said date. The Headquarter of the said district shall be at Harda.(22)[Order No. 1241-F-20-8-92-VII-S-8, dated 2.7.1998.] [Published in M.P. Rajpatra (Asadharan), dated 2.7.1998, page 744(2).] - In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby after the limits of Rajnandgaon district with effect from the 6th July, 1998 by excluding therefrom the whole of Kawardha, Shahaspur-Lohara and Bodla Blocks and after the limits of Bilaspur district by excluding therefrom the whole of Pandariya Blocks and create a new district Kawardha comprising of the whole of Kawardha, Sahaspur-Lohara, Bodla and Pandariya Blocks with effect from the said date. The Headquarter of the said district shall be at Kawardha.(23)[Notification No. 2553-GR.198-VIII N-I.] [Published in M.P. Rajpatra, Part I, dated 22.5.1964, page 1027.] - In exercise of the powers conferred by sub-section (2) of Section 14 of the Code, the State Government hereby confers upon the Commissioner, Indore Division, the powers and functions assigned to it under the Legal Remembrancer's Office of the Government of the former State of Indore, Notification No. 5, dated 15th June, 1927, in respect of religious sanctuaries and places of worship.(24)[Notification No. 703-384-VII-NI, dated 5.3.1969.] [Published in M.P. Rajpatra, Part I, dated 14.3.1969, page 677.] - The State Government are pleased to direct that the Additional Commissioner, Indore shall take up all such appeals and revisions as the Commissioner, Indore Division may direct under Section 15(2) of the Code.(25)[Notification No. 415-CR-376-VII-N-I, dated 29.1.1972.] [Published in M.P. Rajpatra, Part I, dated 4.2.1972, page 173] - In exercise of the powers conferred by sub-sections (1) and (2) of Section 15 of the Appellate Court Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby appoints the Additional Commissioner, Bhopal Division, as the Additional Commissioner of Hoshangabad Division also and further directs that the Additional Commissioner, Hoshangabad Division, shall take up all Revenue appeals, revisions and reviews pertaining to the Hoshangabad Division and shall discharge such other duties as the Commissioner, Hoshangabad Division may by an order in writing direct.(26)[Notification No. F.7-7-77-N-I-VII, dated 23.4.1977.] [Published in M.P. Rajpatra, Part I, dated 31.5.1977, page 604.] - In exercise of the powers conferred by sub-sections (1) and (2) of Section 15 of the Appellate Court Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby appoints the Additional Commissioner, Indore Division as the Additional Commissioner of Ujjain Division also and further directs that the Additional. Commissioner, Ujjain Division, shall take up all Revenue appeals, revisions and reviews pertaining to the Ujjain Division, and shall discharge such other duties as the Commissioner, Ujjain Division may by an order in writing direct.(27)[Notification No. 2591-884-VII-NI, dated 4.7.1968.] [Published in M.P. Rajpatra, Part 1, dated 30.8.1968, page 1266.] - In exercise of the powers conferred by sub-section (1) of Section 17 of the Code, the State Government hereby appoints all the Divisional Assistant Commissioners (Excise) to be the Additional Collectors in all the districts within their respective jurisdiction.(28)[Notification No. 13689-CR-661-VII-N(R), dated 22.12.1959.] [Published in M.P. Rajpatra Part I, dated 1st January,

1960.] - In exercise of the powers conferred by Section 18 of the Code and in supersession of previous notifications on the subject, the State Government has appointed-(1)All Assistant Collectors who have passed the departmental examination in the Revenue Law and Procedure by the higher standard to be the Assistant Collectors of the first grade; and(2)All other Assistant Collectors to be the Assistant Collectors of the second grade.(29)[Notification No. 5549-CR-498-VII-N-1, dated 5-10-1963.] [Published in M.P. Rajpatra, dated 25.10.1963.] - In exercise of the powers conferred by sub-section (2) of Section 19, the State Government in continuation of the above Notification No. 4783-CR-235-VII-N-1, dated 29.8.1963, appointed the officers of the Forest Department mentioned in column (2) of the table below to by the Additional Tahsildars in the Tahsils mentioned in column (3) thereof :-

S. No.	Officers	Tahsils
1.	Sub-Divisional Officer, Maikal Bilaspur Division, Bilaspur.	Mungeli, Bilaspur.
2.	Sub-divisional Officer, Pandaria, Bilaspur Division,Bilaspur.	Mungeli, Bilaspur, Jangir, Sakti.
3.	Attached Officer, North Bilaspur.	Bilaspur Katghora.
4.	Attached Officer, North Bilaspur.	Katghora, Sakti, Janjgir.
5.	Sub-Divisional Officer, Raigarh Division, Raigarh.	Raigarh, Dharamjaigarh, Sarangarh, Gharghoda.
6.	Sub-Divisional Officer, Dharamjaigarh, Raigarh Division,Raigarh.	Dharamjaigarh, Gharghoda.
7.	Attached Officer, Jashpur Division, Jashpurnagar.	Jashpur.
8.	Sub-Divisional Officer, Changbakher, Janakpur of KoreaDivision.	Manendragarh and Bharapur.
9.	Sub-Divisional Officer, Ramanujganj, Morth Surguja Division,Ambikapur.	Pal, Surajpur.
10.	Attached Officer, North Surguja Division, Ambikapur.	Pal, Surajpur, Ambikapur, Samari.
11.	Attached Officer, South Surguja Division, Ambikapur.	Ambikapur, Surajpur
12.	Attached Officer, Tikamgarh Division, Tikamgarh.	Tikamgarh, Newari, Jatara, Datia and Seonda.

(30)[Notification No. 2056-CR-140-VII-N-1, dated 7.4.1964.] [Published in M.P. Rajpatra. dated 10.7.1964.] - In exercise of the powers conferred by sub-section (2) of Section 19 and in continuation of the Notification No. 4783-CR-235-VH-N-1, dated the 29th August, 1963 the State Government has appointed the Officers of the Forest Department mentioned in column (2) of the table given below to be the Additional Tahsildars in the Tahsils mentioned in column (3) thereof :-Table

S.No.	Officers	Tahsils
1.	Sub-Divisional Officer, Sehore, West Bhopal Division, Bhopal.	Sehore, Ichhawar, Astha.
2.	Sub-Divisional Officer, Bhainsdehi of South Betul Division.	Bhainsdehi.
3.	Sub-Divisional Officer, Silwani of East Bhopal Division,Bhopal.	

- | | | |
|-----|--------------------------------------------------------------------------|-----------------------------------|
| | | Udaipura, Silwani, Bareli (Part). |
| 4. | Sub-Divisional Officer, itarsi, Hoshangabad Division. | Hoshangabad and Seoni Malwa. |
| 5. | Sub-Divisional Officer, Sohagpur of Hoshangabad Division. | Sohagpur and Panchmarhi. |
| 6. | Sub-Divisional Officer, Kawardha of North Durg Division. | Kawardha. |
| 7. | Sub-Divisional Officer, Narainpur, Sub-Division of NorthBastar Division. | Narainpur. |
| 8. | Sub-Divisionai Officer, Morena of Sheopore Forest Division. | All Tahsils of Morena District. |
| 9. | Attached Officer of Jhabua of Jhabua Division. | Jhabua, Thandla and Petlawad. |
| 10. | Attached Officer of Korea Division. | Baikunthpur. |
| 11. | Sub-Divisional Officer, Sagar, Sub-Division of Sagar,Division | Sagar, Banda and Khurai |

(31)[Notification No. 5361-CR-449-VII-NI.] [Published in M.P. Rajpatra, Parti, dated 29.11.1963, page 3309] - In exercise of the powers conferred by sub-section (2) of Section 19 of the Code, the State Government hereby appoints all Naib-Tahsildars, on whom the powers of a Tahsildar have been conferred, under sub-section (2) of Section 24 of the Code, to be the Additional Tahsildars in their respective Tahsils.(32)[Notification No. 5297-3896-VIII-S-1, dated 30.9.1964.] [Published in M.P. Rajpatra, dated 27.11.1964] - In exercise of the powers conferred by sub-section (2) of Section 19, the State Government has appointed the following Officers of the Forest Department as Additional Tahsildars in the Tahsils mentioned in Column (3).Table

S.No.	Officers	Tahsils
1.	Sub-Divisional Officer, Saraipalli, North Raipur Division.	Mahasamund.
2.	Attached Officer, North Raipur Division.	Baloda Bazar.
3.	Sub-Divisional Officer, South Raipur Division.	Raipur.

(33)[Notification No. 1-2232-VIII-66, dated 2.1.1967.] [Published in M.P. Rajpatra, dated 11.10.1968]- Tahsildars Nazul. - In supersession of Notification No. 2235-2236- VIII-65, dated the 20th October, 1965, the State Government exercising powers under Section 19(2) of the Code has appointed every Tahsildar-Nazul as an Additional Tahsildar in each Tahsil within his jurisdiction.(34)[Notification No. 2089-VII-N-I, dated 4.7.1968.] [Published in M.P. Rajpatra, dated 2.8.1968 and 30.8.1968] - In exercise of the powers conferred under Section 19(2) of the Code, the State Government has appointed all the District Excise Officers to be Additional Tahsildars in all the Tahsils within their respective jurisdiction.(35)[Notification No. 1-2232-VIII-66, dated 2.1.1967.] [Published in M.P. Rajpatra, Part I, dated 11.10.1968, page 1581 and in supersession of Notification. No. 2235-2236-VI11-65, dated 20.10.1965] - In exercise of the powers conferred by sub-section (2) of Section 19 of the Code, the State Government hereby appoints every Tahsildar-Nazul as an Additional Tahsildar in each Tahsil within his jurisdiction.(36)[No. 2589-884-VII-NI, dated 4.7.1968.] [Published in M.P. Rajpatra, Part I, dated 2.8.1968, page 1051] - In exercise of the powers conferred by sub-section (2) of Section 19 of the Code, the State Government hereby appoints all the District Excise Officers in Madhya Pradesh to be the Additional Tahsildars in all the Tahsils within their respective jurisdiction.(37)[Notification No.

6615-VII-S-I, dated 27.11.1969.] [Published in M.P. Rajpatra, dated 20.2.1970.] - The State Government have appointed all Mining Officers of the Directorate of Geology and Mining in the State as Additional Tahsildars for the purposes of Chapter XI of the Code within their respective jurisdictions.(38)[Notification No. 6791-2190-VII-S-I, dated 9.12.1969.] [Published in M.P. Rajpatra, dated 20.2.1970.] - In supersession of Notification No. 3803-5056-VII-N-I, dated the 11th October, 1968, the State Government have appointed all Regional Transport Authorities, Additional Regional Transport Authorities, and Assistant Regional Transport Authorities as Additional Tahsildars for all Tahsils in their respective jurisdictions.(39)[Notification No.1238-6513-VII-N-I, dated 21.4.1970.] [Published in M.P. Rajpatra, dated 1.5.1970.] - The State Government has appointed the officials mentioned in column (2) of the Table below as the Additional Tahsildars for the Tahsils mentioned in column (3) thereof.

S. No.	Officers	Tahsils
1.	Canal Deputy Collector, Bilaspur.	All the Tahsils of Bilaspur, Raigarh and Surguja Districts.
2.	Canal Deputy Collector, Raipur.	All the Tahsils of Raipur and Bastar District.
3.	Canal Deputy Collector, Durg.	All the Tahsils of Durg District.
4.	Canal Deputy Collector, Balaghat.	All the Tahsils of Balaghat, Seoni and Mandla District.
5.	Canal Deputy Collector, Jabalpur.	All the Tahsils of Jabalpur, Chhindwara, Sagar, Narsinghpur, Damoh, Rewa, Sidhi, Satna, Paima, Chhatarpur, Shahdol and Tikamgarh Districts.
6.	Canal Deputy Collector, Gwalior	All the Tahsils of Gwalior, Datia and Shivpuri District.
(1)		
7.	Canal Deputy Collector, Gwalior	All the Tahsils of Bhind, Morena, and Guna Districts.
(2).		
8.	Canal Deputy Collector, Gandhi Sagar.	All the Tahsils of Indore, Ratlam, Ujjain, Mandasour, Dewas, Dhar, Jhabua, West Nimar, East Nimar, Sehone, Raisen, Vidisha, Hoshirabad, Betul, Rajgarh and Shajapur Districts.

(40)[Notification No. 910-140-VIII-71, dated 24.4.1971.] [Published in M.P. Rajpatra, dated 28.5.1971]-Nazul Enquiry Tahsildar appointed Additional Tahsildars. - Every Nazul Enquiry Tahsildar has been appointed Additional Tahsildar within his respective jurisdiction(41)[Notification No. 168-F-77-VII-S-I, dated 15.2.1977.] [Published in M. P. Rajpatra, dated 1.4.1977.] - In exercise of the powers conferred under Section 19(2) of the Code, with effect from the 1st February, 1977, the State Government has appointed the officials mentioned in column (2) of the table below as the Additional Tahsildars for the Tahsil mentioned in column (3) thereof-

S.No.	Officers	Tahsils
1.		

All such Assistant Engineers of the Irrigation Department who hold the charge of an Irrigation Sub-Division. The tahsil coming within the jurisdiction of the Irrigation Sub-Division.

- All such junior Engineers of the Irrigation Department who hold the charge of an Irrigation Sub-Division.
- 2.

(42)[Notification No. 42-7-44-VII-N-I-80, dated 7.1.1981.] [Published in M.P. Rajpatra, Part I, dated 20.2.1981.] - In exercise of the powers conferred by sub-section (2) of Section 9 of the Code, the State Government has cancelled the following notifications :

1. No. 4284-CR-34-N-1, dated 29.9.1962;

2. No. 1708-3180-VII-N-1, dated 2.6.1967; and

3. No. 2907-4083-VII-N-1, dated 2.8.1968.

(43)[Notification No. 24(B)-13-VIII-81, dated 3.2.1981.] [Published in M.P. Rajpatra, Part I, dated 20.2.1981, page 384]-Superintendents of Land Records. - In exercise of the powers conferred by sub-section (2) of Section 19 of the Appellate Court Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby appoints all Superintendents of Land Records (Nazul Enquiry and Assistant Survey officer) and Assistant Survey Officers in the State as Additional Tahsildars within their respective jurisdiction.(44)[Notification No. 2213-1293-IX-73, dated 2.8.1973.] [Published in M.P. Rajpatra, Part I, dated 14.9.1973, page 1306.] - In exercise of the powers conferred by sub-section (1) of Section 21 read with clause (ii) of Section 205 of the Appellate Court Land Revenue Code 1959 (No. 20 of 1959), the State Government hereby appoints the Consolidation Officer, District Sehore, as the Consolidation Officer, District Bhopal who shall exercise the powers and perform the duties of a Consolidation Officer in respect of the District Bhopal also under the said Code.(45)[Notification No. (19)-B-7(A)-76-96-CT-V, dated 6.7.1998.] [Published in M.P. Rajpatra (Asadharan), dated 6.7.1998, page 766.] - In exercise of the powers conferred by sub-section (1) of 24 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby confers the powers of Tahsildar under Sections 146 and 147 of the said Code on all the Assistant District Excise Officers of the Excise Department in Madhya Pradesh, which they may exercise within their territorial jurisdiction for the recovery of arrears under the following Acts, namely :(1)The Madhya Pradesh Excise Act, 1915 (M.P. Act No. 2 of 1915).(2)The Madhya Pradesh Entertainments Duty and Advertisements Tax Act, 1936 (M.P. Act No. 30 of 1936).(46)[Notification No. F-15-32-VII-Sec.8-2000, dated 29.1.2001.] [Published in M.P. Rajpatra, Part I, dated 9.2.2001, page 693.] - In exercise of the powers conferred by sub-section (1) of Section 24 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby, confers fire powers of Tahsildar under Sections 146 and 147 of the said Code on Managing Director, Audyogik Kendra Vikas Nigam/Chief General Manager and General Manager District Trade and Industries Centre which they may exercise within their territorial jurisdiction for releasing the lease-rent, premium, prior loans, fines and other dues which are recoverable as an arrear of land revenue.(47)[Notification No. F.2-20-96-VII-Sec.8, dated 7.9.1998.] [Published in M.P. Rajpatra, Part, I dated

27.11.1998, page 237.] - In exercise of the powers conferred by sub-section (1) of Section 24 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby, confers the powers of Tahsildar under Sections 146 and 147 of the said Code on all Estate Officers and all Revenue Officers working in all Development Authorities established under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) for the recovery of arrears under Section 63-A of the said Adhiniyam, within their respective jurisdictions.(48)[Notification No. F-4-185/Rev./2003, dated 14.8.2003.] - In exercise of the powers conferred by sub-section (1) of Section 24 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby confers the powers, namely :-

1. On the as Special Superintendent Land Records deputed in the work of correction of settlement records the powers of :-

(i)The Collector under Section 107,(ii)The Tahsildar under Sections 115,116,129, and(iii)Under Section 108 of the said Code.

2. On the as Special Assistant Superintendent of Land Records deputed in the work of correction of settlement records the powers of the Tahsildar in the case regarding disputed mutation under Section 110 of the said Code.

(49)[Notification No. F 4-105/Revenue/03, dated 11.11.2003.] - In exercise of the powers conferred by sub-section (1) of Section 24 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby confers, powers, namely :-On the Superintendent of Land Records as Special Superintendent of Land Records deputed in the work of the preparation of the revenue village maps and Land Records papers with updation in the metric system the powers of(1)Under Section 243 of Chhattisgarh Land Revenue Code, of the Collector,(2)Sections 68, 70, 72 and 73 of the Settlement Officer,(3)Sections 113, 234 and 242 of Sub-Divisional Officer,(4)Sections 109, 114-A, 118, 119, 124, 125, 130, 131, 132, 178 and 239 of the Tahsildar, and(5)Section 120 of the Revenue Officer.The exercise of the powers conferred shall be made by previous Department Notified vide Notification No. F-4/105/Revenue/03, dated 14.8.2003.(50)[Notification No. F-2-19-VII-Sec-8-95, dated 22-3-1996.] [Published in M.P. Rajpatra, Part I, dated 5-4-1996] - In exercise of the powers conferred by Section 65 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby withdraw the powers of Collector under Section 237 of the said Code from all the Assistant Settlement Officers which were invested in them vide Bhu-Parimap Avam Bandobast Vibhag Notification No. 363-18-2-VIII-81, dated 3.2.1981, published in Madhya Pradesh Rajpatra, dated 20.2.1981, and invests all the Settlement Officers with the powers of Collector under Section 237 of the said Code.(51)[Notification No. F. 4-2-VII-8-95, dated 17-6-1999.] [Published in M.P. Rajpatra, Part I, dated 2-7-1999.] - In exercise of the powers conferred by sub-section (2) of Section 65 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby invest the Deputy Settlement Officer, Gwalior, with all the powers of Settlement Officer under the said Code, within his jurisdiction.(52)[Notification No. 8000-1905-VII-N-1., dated 25.11.1960.] [Published in M.P. Rajpatra, dated 2.11.1960. Notification No. 3825-3724-VII-N-1, dated 15.11.1967; Notification No. 3818-2050-70-71-VII-N-1, dated 8.12.1971, published in M.P.

Rajpatra, dated 17.12.1971; No. F-2-19-VII-Sec. 8-89, dated 19.10.1992, published in M.P. Rajpatra, Pad I, dated 13.11.1992, page 2890, Notification No. F-2-37-VII-S.8-93, dated 29.3.1996, published in M.P. Rajpatra, Part I, dated 12.4.1996, page 655, Notification No. F-2-11-VII-S.8-98, dated 20.9.1999, published in M.P. Rajpatra, Part I, dated 15.10.1999, page 1761 and in supersession of Notification No. 339-CR-756-VII-N (Rules), dated 11.1.1960.] - Aboriginal Tribes specified. - In exercise of the powers conferred by sub-section (6) of Section 165 of the Code, the State Government has declared the tribes specified in the Schedule below to be aboriginal tribes for the whole of the area to whole of the area to which the said Code applies :-

Schedule 5

- 1. Andh,**
- 2. Agariya,**
- 3. [Bhil and Bhilala, which includes Barele and Pateliya,] [Substituted by Notification dated 29-3-1996.]**
- 4. Baiga,**
- 5. Bharia-Bhumia or Bhuinhar Bhumia, Pando,**
- 6. Bhaina,**
- 7. Bhattra,**
- 8. Bhunjia,**
- 9. Binijhwar,**
- 10. Birhul or Birher,**
- 11. Biar or Biyar,**
- 12. Bhumiya, including Bharia and Paliha,**
- 13. Bhanwar,**
- 14. Damor, Damaria,**

15. Gond, including :-

Arakh or Arrakh, Agaria, Asur, Badi Maria or Bada Maria, Bhatola, Bhimma, Bhuta, Koibhuta or Koilabhuti, Bhar, Bisonhora Maria, Chota Maria, Dandami Maria, Dhuru or Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta or Gatti, Gaita, Gond-Gowari, Hill Maria, Kandra, Kalanga Khatola, Koitar, Koya, Khirwar or Khir-wara, Kucha-Maria, Kucha-Maria, Kuchki Maria, Madia (Maria), Mana, Mannowar, Moghya or Mogia Monghya, Mogiyar, Mudia (Muria), Nagarchi, Nagwanshi, Ojha, Raj, Sonjhari, Jhareka, Thatia or Thotya, Wada Maria or Vada Maria, Daroi.

16. Gadaba or Gadba,

17. Garasia (excluding Raipur Garasia),

18. Halba or Halbi,

19. Kamar,

20. Korku including Karku Bopchi, Mouasi, Mawasi, Nahul and Bondhi or Bondeva,

21. Kamar, Kanwar, Kaur, Cherwa, Rathia, Thanwar or Chattri,

22. Khairwar including Kondar,

23. Kharia,

24. Kondh or Khond or Kandh,

25. Kol (Dahait),

26. Kolam,

27. Korwa including Kodalu,

28. [Keer (only for Sehore, Raisen and Bhopal District,)] [Substituted by Notification dated 29-3-1996.]

29. Majhawar,

- 30. Munda,**
- 31. Mujhi,**
- 32. Nagesia or Nagasia,**
- 33. Nihal,**
- 34. Nat, Navidigar, Sapera and Kubutar,**
- 35. Oraon, including Dhanka and Dhangad,**
- 36. Pardhan, Pathari and Saroti,**
- 37. Pardhi including Bahellia or Bahellia, Chita-Pardhi, Langoli, Pardhi, Phans Pardhi, Shikari, Takankar and Takia,**
- 38. Parja,**
- 39. [x x] [Omitted by Notification dated 8-12-1971.]**
- 40. Pao,**
- 41. Saonta or Saunta,**
- 42. Sawar or Sawara,**
- 43. Saharia, Seharla, Sosia or Sor [(including Sahariya-Rawat)] [Inserted by Notification dated 20-9-1999.],**
- 44. Saur,**
- 45. Sour.**
- 46. [Meena, only for Seronj Sub-Division (Revenue) of Vidisha District.] [Inserted by Notification dated 29-3-1996.]**

(53)[Notification No. F-5-3-76-384-VII-N-1, dated 21-2-1977.] [Published in M.P. Rajpatra, Part I, dated 11-3-1977.] - The State Government has-(i)specified 26th January as the date mentioned in clause (i) of subsection (6) of Section 165, and(ii)has also declared the areas predominantly

Sr. No.	Area comprised within the limits of Tahsil	District	Division
(1)	(2)	(3)	(4)
1.	(1) Jhabua	1. Jhabua	1. Indore
	(2) Thandla		
	(3) Petlawad		
	(4) Alirajpur		
	(5) Jobat		
	(1) Sardarpur	2. Dhar	
	(2) Dhar		
	(3) Kukshi		
	(4) Manawar		
	(1) Barwani	3. West Nimar	
	(2) Rajpur		
	(3) Sendhwa		
	(4) Bhikangaon		
	(5) Khargone		
	(6) Maheshwar		
	(1) Harsud	4. East Nimar	
	(1) Sailana	5. Ratlam	2. Ujjain
2.	(1) Betul	6. Betul	3. Bhopal
	(2) Bhensdehi		
3.	(1) Chhindwara	7. Chhindwara	4. Jabalpur
	(2) Sounsar		
	(3) Amarwara		
	(1) Seoni	8. Seoni	
	(2) Lakhnadon		
	(1) Baihar	9. Balaghat	
	(1) Mandla	10. Mandla	
	(2) Niwas		
	(3) Dindori		
4.	(1) Sohagpur	11. Shahdol	5. Rewa
	(2) Pushparajgarh		
	(3) Beohari		
	(1) Gopadbanas	12. Sidhi	

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|--------------------------------|-----------------|----------------|
| (2) Deosar | | |
| 5. (1) Katghora | 13. Bilaspur | 6. Bilaspur |
| (2) Bilaspur | | |
| (1) Jashpurnagar | 14. Raigarh | |
| (2) Gharghoda | | |
| (3) Dharamjaigarh (Udaipur) | | |
| (4) Raigarh | | |
| (1) Ambikapur | 15. Sarguja | |
| (2) Surajpur | | |
| (3) Baikunthpur | | |
| (4) Bharatpur | | |
| (5) Manendragarh | | |
| (6) Samari | | |
| (7) Ramanujganj (Pal) | | |
| 6. (1) Sheopurkalan | 16. Morena | 7. Gwalior |
| 7. (1) Hoshangabad | 17. Hoshangabad | 8. Hoshangabad |
| 8. (1) Balod | 18. Durg | 9. Raipur |
| (1) Rajnandgaon | 19. Rajnandgaon | |
| (1) Bhanupratappur | 20. Bastar | |
| (2) Ranker | | |
| (3) Narayanpur | | |
| (4) Kondagaon | | |
| (5) Jagdalpur | | |
| (6) Dantewada | | |
| (7) Konta | | |
| (8) Bijapur | | |
| (1) Dhamtari | 21. Raipur | |
| (2) Bindranawagarh (Gariaband) | | |

(54)[Notification No. F. 15-69-99-VII-8, dated 23-12-1999.] [Published in M.P. Rajpatra, Part I, dated 21-1-2000, page 68.] - In exercise of the powers conferred by clause (iii) of sub-section (1) of Section 172 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby specify the village Khatiya, Mocha and Rata of Revenue Inspector Circle Anjaniya of tahsil Bichhiya of district Mandla and village Tatri of Revenue Inspector Circle Chirai-Dongari of Tahsil Nainpur of the same district for the purposes of Section 172 of the said Code.(55)[Notification No. 4061-3993-VII-N.I, dated 17.9.1966.] [Published in M.P. Rajpatra, Part I, dated 30.9.1966, page 1561.] - In exercise of the powers conferred by clause (u) of sub-section (1) of Section 2 of the Code, the State Government hereby directs that all Collectors shall discharge the functions of the Revenue Officer under sub-section (2) of Section 182 of the Code within their respective jurisdictions.(56)[Notification No. F2-23-VII-Section-8-96, dated 21.1.1997.] [Published

in M.P. Rajpatra Part I, dated 7.2.1997.] - In exercise of the powers conferred by Section 224 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby rescind this department Notification No. F.7-8-94-VII-Samanvaya, dated the 26th September, 1994.(57)[Notification No. F.7-8-94 Co-ordination, dated 26.9.1994.] [Published in M.P. Rajpatra (Extraordinary), dated 26.9.1994, page 1628] - The State Government hereby entrusts, the performance of the duties of a Patel specified in Section 224 of the Code and the rules made thereunder to the Gram Panchayats constituted under the Panchayat Raj Adhiniyam, 1993 (1 of 1994), within their respective jurisdictions in those villages where the post of Patel is vacant.(58)[Notification No. 4378-3015-XII, dated 29.5.1964.] [Published in M.P. Rajpatra, dated 6.6.1969, page 1048.] - In supersession of this Department Notification No. 4137-3015-XII, dated the 30th May, 1963, and in pursuance of the provisions contained in the Explanation to Section 247 of the Code, the State Government hereby declare that the sand and clay in the area lying throughout the State of Madhya Pradesh shall have a commercial value.