

Madhya Pradesh Bhu-Rajasva Sanhita (Anuchit Roop Se Bekabja Kiye Gaye Bhumiswami Ka Punarsthapan) Niyam, 2018

MADHYA PRADESH

India

Madhya Pradesh Bhu-Rajasva Sanhita (Anuchit Roop Se Bekabja Kiye Gaye Bhumiswami Ka Punarsthapan) Niyam, 2018

Rule

MADHYA-PRADESH-BHU-RAJASVA-SANHITA-ANUCHIT-ROOP-SE-BE of 2018

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Madhya Pradesh Bhu-Rajasva Sanhita (Anuchit Roop Se Bekabja Kiye Gaye Bhumiswami Ka Punarsthapan) Niyam, 2018Published vide Notification No. F-2-10/2018/VII/Se.6, dated 28.09.2018Last Updated 8th February, 2020No.F-2-10/2018/VII/Se.6. - In exercise of the powers conferred by section 250 and clause (lxv-a) of sub-section (2) of section 258 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and in supersession of this department's Notification-No-.2565-63-81-VII-41-1-dated 15th -September, 1981 and all rules previously made on the subject, the State Government, hereby, makes the following rules, the same having been previously published in the Madhya Pradesh Gazette as required by sub-section (3) of section 258 of the said Code, namely :-Rules

1. Short tile and commencement.

(1)These rules may be called the Madhya Pradesh Bhu-Rajasva Sanhita (Anuchit Roop Se Bekabja Kiye Gaye Bhumiswami Ka Punarsthapan) Niyam, 2018.(2)They shall come into force from the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 (No. 23 of 2018) that is, 25th September, 2018.

2. Definitions.

- In these rules, unless the context otherwise requires:-(a)"Form" means a form appended to these

rules;(b)"section" means a section of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

3.

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 (3) of section 250, the Tahsildar shall submit a report accordingly to the Sub-Divisional Officer concerned under sub-section (8) of section 250.

4.

On receipt of the report from the Tahsildar under rule 3, the Sub- Divisional Officer shall issue a notice in Form I to the person referred to in the said rule calling upon him to appear before him on a day specified therein to show cause why he should not be confined in civil prison for failure to vacate the unauthorised occupation or possession of land, as the case may be.

5.

If such person fails to appear in-pursuance of the notice issued under rule 4, on a day specified therein and also continues in unauthorised occupation or possession, the Sub-Divisional Officer shall issue a warrant in Form II, for the arrest of such person for confining in civil prison in accordance with the provisions of section 250.

6.

Where the person in unauthorised occupation or possession of land appears before the Sub-Divisional Officer in obedience to a notice issued under rule 4, the Sub-Divisional Officer shall give him an opportunity of showing cause why should he not be committed to civil prison for failure to vacate the unauthorised occupation or possession of the land.

7.

Upon the conclusion of the enquiry under rule 6 the Sub-Divisional Officer may, subject to the provisions of section 250, make an order for committal of the person to civil prison and shall in that event cause him to be arrested if he is not already under arrest.

8.

The provisions of section 55 of the Code of Civil Procedure, 1908 (No. V of 1908) shall apply mutatis mutandis to arrest under rules 5 and 7.

9.

The order for release under the second proviso to sub-section (8) of section 250 shall be in Form III.

10.

The expenditure incurred on the confinement of a person in civil prison under sub-section (8) of section 250 shall be borne by the State Government. Form-I [See rule 41] In the Court of Sub-Divisional Officer.....District.....Notice To, Shri.....Resident of.....Village.....Tahsil.....District.....Whereas, you have been in defiance of order No.....dated.....of the Tahsildar.....Tahsil.....continuing in unauthorised occupation/possession of the land, namely:-

1. Khasra No.....

2. Area.....Hectares

3. Village/Urban area.....

4. Patwari Halka No/Sector No.....

5. Tahsil.....

for more than seven days after the date of the said order. Now, therefore, you are hereby called upon to appear before this Court on the day of 20 to show cause why you should not be committed to civil prison for failure to vacate the unauthorised occupation or possession of the said land. Given under my hand and the seal of the Court this day of.....20.....Seal Name.....Sub-Divisional Officer, Sub-Division Form-II [See rule 5] In the Court of Sub-Divisional Officer.....District.....Warrant of Committal of Jail To, The Officer-in-charge of the Jail at.....Whereas.....in unauthorised occupation/possession of the following land, namely: -

1. Khasra No.....

2. Area.....Hectares

3. Village/Urban area.....

4. Patwari Halka No/Sector No.....

5. Tahsil.....

for more than seven days after the date of an order of Tahsildar.....Tahsil.....issued under sub-section (2) and (3) of section 250 of the Madhya Pradesh Land Revenue Code,1959;And whereas..... was called upon to appear before this court on vide notice No datedAnd whereas, the said.....has failed to appear before this court on the days specified in the said notice;ORAnd whereas, after having appeared before the Court, has not satisfied this Court as to why he should not be committed to civil prison on this account;Now, therefore, you are hereby commanded and required to take and receive the said.....into the civil prison and keep him imprisoned therein for a period of.....days, with effect from to (both days inclusive).Given under my hand and the seal of. the Court, this.....day of.....20.....SealName.....Sub-Divisional Officer,Sub-DivisionForm-III[See rule 9]In the Court of Sub-Divisional Officer.....District.....Order for releaseTo,The officer in charge of the Jail at.....Whereas.....(name and description of prisoner) was committed to your custody under warrant of the Court, dated the.....day of.....20.....Under orders passed this day, you are hereby directed to set Free.....now in your custody unless he is liable to be detained for some other causeDate.....SealName.....Sub-Divisional Officer,Sub-Division