

# **The Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Act, 1965**

MAHARASHTRA

India

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### **Act 56 of 1965**

- Published on 24 December 1965
- Commenced on 24 December 1965
- [This is the version of this document from 24 December 1965.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Act, 1965 Maharashtra Act No. 56 of 1965 [24th December, 1965] For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1965, Part V, Extra page 391. An Act to abolish certain alienations prevailing in the enclaves of the former Hyderabad State included in the former Province of Bombay by the India and Hyderabad (Exchange of Enclaves) Order, 1950. Whereas, certain alienations prevailing in the enclaves of the former Hyderabad State included in the former Province of Bombay by the India and Hyderabad (Exchange of Enclaves) Order, 1950, and now forming part to the State of Maharashtra have been abolished; And Whereas, it is expedient in the public interest to abolish the remaining alienations prevailing in the said enclaves and to provide for matters consequential and incidental thereto; It is hereby enacted in the Sixteenth Year of the Republic of India as follows:-

## **Chapter I Preliminary**

### **1. Short title, extent and commencement.**

(1) This Act may be called the Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Act, 1965. (2) It extends to the enclaves of the former Hyderabad State included in the former Province of Bombay by the India and Hyderabad (Exchange of Enclaves) Order, 1950, and now forming part of the State of Maharashtra. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

## 2. Definitions.

(1) In this Act, unless the context otherwise requires, - (a) "alienation" means a grant or recognition as a grant, - (i) of a village, portion of a village or land to any person, whether such grant be of soil with or without exemption from payment of land revenue or of assignment of the whole or a share of land revenue thereof; (ii) the right to receive the amount payable to jagirdar or hissedar under the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli, being a right continued under the India and Hyderabad (Exchange of Enclaves) Order, 1950; (iii) the right to hold the office of the patwari of any village held hereditarily and the liability to render service appertaining to that office; (iv) of total or partial exemption from payment of land revenue to a person in respect of any land held by him; or (v) of a cash allowance to any person, by whatever name called, by the ruling authority for the time being, and includes - (b) "alienated land" means land held by an alience under alienation; (c) "alience" means the holder of an alienation and includes his co-sharer recognized as such for the purpose of such alienation; (d) "appointed day" means the date of commencement of this Act; (e) "assessment" means the full assessment levied leviable on or the land in accordance with the Code and the rules made thereunder; (f) "authorised holder" means a person in whom the ownership of any land (forming part of any community service inam or watan) which has been validly alienated permanently by an alience or watandar, whether by sale, gift or otherwise, in accordance with the provisions of any law for the time being in force and the special terms and conditions, if any, regulating such inam or watan vests; (g) "Code" means the Bombay Land Revenue Code, 1879; (h) "Collector" includes an officer specially appointed by the State Government to exercise the powers and perform the functions of the Collector under this Act; (i) "community service inam" means an alienation held for the purpose of performing service useful to the village community and includes an alienation held for such service even where such service has ceased to be demanded; (j) "enclaves" means the Hyderabad enclaves specified in the Schedule hereto which were included in and formed part of the then Province of Bombay under the India and Hyderabad (Exchange of Enclaves) Order, 1950; (k) "prescribed" means prescribed by rules made under this Act; (l) "unauthorised holder" means a person in possession of land (forming part of a community service inam or watan) without any right, or in possession under a lease, mortgage, sale, gift, or any other kind of alienation which is null and void under any law for the time being in force or the terms and conditions if any, regulating such inam or watan; (m) "watan" means an alienation held as watan appertaining to the office of a village accountant (commonly known as patwari) or to the office of a District (Paragana) Officer (commonly known as Sardeshmukh, Deshmukh Deshpande or Desai or known by any other similar name), such office being held hereditarily under the provisions of any law for the time being in force for the performance of any duty connected with the administration or collection of public revenue or with the village police or with the settlement of boundaries or other matters of civil administration together with the tenure of the watan property, if any, and the rights privileges and liabilities attached thereto; and includes a watan appertaining to the said offices in respect of which a commutation settlement has been effected; (n) "watandar" means a person having a hereditary interest in a watan; (2) The expressions "Hissedar" and "Jagirdar" shall have the same meanings as are respectively assigned to them under the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli. (3) Words and expressions used but not defined in this Act, shall have the meanings assigned to them in the Code. (4) References in this Act to the incidents of any alienation shall, notwithstanding, the abolition of the alienation, be construed as references to incidents as

they were in force immediately before the appointed day.

### **3. Act not to apply to certain kinds of alienations.**

- Nothing in this Act shall apply to devasthan alienations or alienations held by any charitable or religious institution. Explanation.- For the purposes of this section, an alienation held by a religious or charitable institution means an alienation granted, or recognised as a grant, by the ruling authority for the time being for a religious or charitable institution and entered as such in the relevant revenue records maintained under any law for the time being in force.

### **4. Powers of Collector to decide certain questions.**

(1) if any question arises, - (i) whether any land is an alienation; (ii) whether any alienation is a grant of soil or assignment of land revenue or both or is a grant of total or partial exemption from payment of land revenue; (iii) whether any alienation is a watan, community service inam or any other kind of inam; (iv) whether any land held under an alienation is or is not alienable without the permission of the competent authority; (v) whether any watan land is assigned for remuneration of the officiator; (vi) whether a person is a watandar, or holder of a community service inam, a Jagirdar or Hissedar; (vii) whether any person holding land of a community service inam or watan is an authorised holder or an unauthorised holder, the Collector shall after giving the party affected an opportunity to be heard and after holding an inquiry decide the question; (2) Any person aggrieved to such decision may, within ninety days from the date of such decision, file an appeal to the State Government; (3) The decision of the Collector, subject to an appeal under sub-section (2), and the decision of the State Government in appeal under that sub-section, shall be final.

## **Chapter II**

## **Abolition of Alienations And Conferment of Occupancy Rights**

### **5. Abolition of alienations and rights and incidents in respect thereof.**

- Notwithstanding anything contained in any usage, settlement, grant, agreement, sanad, mantakhah or any other instrument, order, rule, notification or any decree or order of a Court or any law for the time being applicable to any alienation in any enclave, with effect from the appointed day - (a) all alienations shall be deemed to have been abolished; (b) save as expressly provided by or under the provisions of this Act, all rights, legally subsisting on the said date in relation to such alienation and all other incidents of such alienations (including any right to hold office or any liability to render service appertaining to any such alienation) shall be and are hereby extinguished; (c) subject to the provisions of this Act, all alienated lands of the nature of community service inams and watans are hereby resumed.

## **6. Liability of alienated lands to payment of land revenue.**

- Subject to the other provisions of this Act, all alienated lands shall be and are hereby made liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder, and accordingly the provisions thereof, relating to unalienated land shall apply to all such lands.

## **7. Regrant of land forming part of community service inam or watan.**

(1) Subject to the provisions of section 10, land held on a community service inam or under a watan resumed under section 5 shall, on application therefor be regranted -(a) where such land is in the possession of any alienee or in possession of a person holding through or from him (not being an authorised or unauthorised holder) to such alienee; and (b) where such land is in possession of an authorised holder, to such authorised holder, on payment to the State Government of an occupancy price equal to six times the amount of the full assessment of such land, within the prescribed period and in the prescribed manner; and the alienee or the authorised holder shall thereupon be an occupant within the meaning of the Code in respect of such land, and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules thereunder; and all the provisions of the Code and the rules relating to unalienated land shall, subject to the provisions of this Act, apply to the land. (2) If there be failure to pay the occupancy price under sub-section (1), within the prescribed period and in the prescribed manner; the alienee or as the case may be, the authorised holder shall be deemed to be unauthorisedly occupying the land, and shall be liable to be summarily evicted therefrom by the Collector in accordance with the provisions of the Code. (3) The occupancy or the land regranted under sub-section (1) shall not be transferable or partible by metes and bounds, without the previous sanction of the Collector and except on payment of a sum equal to twenty times the amount of the full assessment of the land, where it is held and used for the purpose of agriculture, and in any other case, a sum equal to fifty per cent of the market value of the land: Provided that, where the occupancy of any land held and used for the purpose of agriculture is made transferable or partible, and such land is subsequently used for any purpose other than agriculture, the holder thereof shall be liable to pay to the Collector the difference between the sum equal to fifty per cent of the then market value of the land and the sum already paid.

## **8. Conferment of occupancy rights in alienated land to which provisions of section 7 or 9 do not apply.**

- In the case of an alienated land to which the provisions of section 7 or 9 do not apply, the alienee shall be primarily liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder due in respect of the land in his actual possession or in the possession of any person holding from or through him; and shall be entitled to all the rights and shall be liable to all the obligations in respect of the land as an occupant under the Code or the rules made thereunder.

## **9. Disposal of community service inam land or watan land in possession of unauthorised holder.**

(1) Where any land held on community service inam or under watan resumed under section 5 is in the possession of an unauthorised holder, such holder shall be summarily evicted therefrom by the Collector in accordance with the provisions of the Code: Provided that, when in the case of any unauthorised holder, the State Government is of opinion that in view of the investment made by such holder in the development of the land, or in the non-agricultural use of the land, or otherwise, the eviction of such holder from the land will work undue hardship to him, it may direct the Collector to regrant the land to such holder on payment of such amount, and subject to such terms and conditions, as the State Government may determine, and the Collector shall regrant the land to such holder accordingly. (2) Where any land referred to in sub-section (1) is not regranted under that sub-section, it shall be disposed of in accordance with the provisions of the Code and the rules made thereunder, applicable to the disposal of unoccupied unalienated land.

## **10. Regrant of land subject to Maharashtra Act XXVII of 1961.**

- Where under any of the provisions of section 7 or 9 any land is regranted to any person, it shall be regranted subject to the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, so that by such regrant the land held by the grantee shall not after such regrant exceed the ceiling area permissible for his holding under that Act; and any land or part thereof which cannot be regranted accordingly shall be disposed of in accordance with the provisions of the Code and rules applicable to the disposal of unoccupied unalienated land, and any person in possession thereof shall be liable to be summarily evicted therefrom by the Collector in accordance with the provisions of the Code.

## **11. All public roads, etc., situate in inam lands to vest in Government.**

- All public roads, lanes and paths, the bridges, ditches, dikes and fences on or besides the same, the bed of rivers, streams, nallas, lakes, wells and tanks, and all canals and water courses, and all standing and flowing water, and all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) and all pasture lands, mines and minerals, whether discovered or not, and whether being worked or not, and all quarries which are situated within the limits of any alienated village or alienated land shall, except in so far as any rights of any person, other than the alienee may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in, and shall be deemed to be with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by an alienee in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose of them as he deems fit subject always to the right of way or other rights of the public or of individuals legally subsisting. Explanation. - For the purposes of this section, land shall be deemed to be uncultivated if it had not been cultivated for a continuous period of three years immediately before the appointed day.

## **12. Rights to trees.**

- The rights to trees specially reserved under the Indian Forest, Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force, shall vest in the State Government; and nothing in this Act shall in any way affect the rights of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Maharashtra to forests in an alienated land.

## **Chapter III**

## **Compensation And Award Thereof**

### **13. Compensation in respect of alienation consisting of assignment of land revenue.**

(1) In the case of an alienation consisting of -(a) an assignment of the whole or share of the land revenue of any village, portion thereof or land, or (b) a cash allowance by whatever name called, or (c) a right to receive the amount payable under the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli read with the India and Hyderabad (Exchange of Enclaves) Order, 1950, a sum equal to seven times the amount of such land revenue or the cash allowance, or as the case may be, of the amount payable as aforesaid shall be paid to the alienee compensation for the abolition of the alienation. (2) For the purposes of sub-section (1), the amount of land revenue or cash allowance or amount paid or payable as aforesaid shall be the amount received by, or due to, the alienee on account of grant of land revenue or cash allowance or amount paid or payable as aforesaid for the year immediately preceding the appointed day.

### **14. Compensation to watandar for abolition of right of service.**

- A watandar who in consequence of the provisions of this Act ceases to be entitled to the right to perform the duties of hereditary office shall be entitled to compensation equal to seven times the amount of the total annual emoluments, which was paid or was payable to him during the year immediately preceding the appointed day: Provided that, when the emoluments consisted in whole or in part of the profits of watan land assigned for the remuneration of the officiator; for the purpose of calculating the amount of compensation payable to the watandar, the profits of the watan land so assigned shall be taken to be equal to the amount of full land revenue leviable or levied on it in accordance with the provisions of the Code and the rules thereunder.

### **15. Compensation to alienees for extinguishment of rights in properties referred to in section 11.**

- An alienee having any right or interest in any property referred to in section 11 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in

the following manner, namely:-(a)if the property in question is waste or uncultivated but cultivable land or pasture land, the amount of compensation shall not exceed three times the assessment of the land;(b)if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment of the land;(c)if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be;(d)in the case of minerals, the amount of compensation shall be equivalent to the average of the annual income received by the alienee in respect of minerals during the three years immediately preceding the appointed day.Explanation. - For the purpose of this section the market value means the value as estimated in accordance with the provisions of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable.

## **16. Method for awarding compensation to alienee.**

(1)Any alienee entitled to compensation under sections 13, 14, or 15, shall, within the prescribed period, apply to the Collector for determining the amount of compensation payable to him under the said section.(2)On receipt of an application under sub-section (1), the Collector shall, after holding an enquiry in the manner laid down in the Code for holding of a formal inquiry, make an award determining the amount of compensation payable to the applicant. Where there are any co-sharers claiming compensation, the Collector shall by his award apportion the compensation, between the co-sharers.

## **17. Method of awarding compensation for abolition etc. of rights of other person in property.**

(1)If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in property, and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.(2)The application under sub-section (1) shall be made to the Collector within the prescribed period and in the prescribed form. The Collector shall, after holding an inquiry, in the manner laid down, for the holding of a formal inquiry under the Code, make an award determining the amount of compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894,(3)Nothing in this section shall entitle any person to compensation on the ground that any alienated land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

## **18. Provisions of Land Acquisition Act applicable to the form of award and previous approval required in certain cases.**

(1)Every award under section 16 or 17 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894 and the provisions of that Act shall, so far as may be, apply to the making of

such award.(2)Where the officer making an award under this Act is Collector, but not a Collector appointed under the Code and the amount of such award exceeds five thousand rupees, then the award shall not be made without obtaining the previous approval of the Collector appointed under the Code.

## **19. Appeal against award of Collector.**

- Notwithstanding anything in the Bombay Revenue Tribunal Act, 1957, an appeal against an award made by the Collector under this Act shall lie to the Maharashtra Revenue Tribunal constituted under that Act.

## **20. Procedure before Revenue Tribunal.**

(1)The Maharashtra Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.(2)In deciding an appeal, the Maharashtra Revenue Tribunal shall exercise all the powers which a court has and shall follow the same procedure which a court follows, in deciding an appeal from a decree or order of an original court under the Code of Civil Procedure, 1908.

## **21. Limitation.**

- Every appeal made under this Act to the Maharashtra Revenue Tribunal shall be filed within sixty days from the date of the award of the Collector. The provisions of section 4 and 12 of the Limitation Act, 1963, shall apply to the filing of such appeal.

## **22. Court-fees.**

- Notwithstanding anything in the Bombay Court-fees Act, 1959 every appeal made under this Act to the Maharashtra Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

## **23. Finality of award and decision of Revenue Tribunal.**

- An award made by the Collector under this Act, subject to an appeal to the Maharashtra Revenue Tribunal and the decision of the Maharashtra Revenue Tribunal on the appeal under section 19 shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

## **24. Inquiries and proceedings to be judicial proceedings.**

- All inquiries and proceedings before the Collector and the Maharashtra Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of Indian Penal Code.



**25. [ Compensation to be paid in cash. [Section 25 was substituted for the original by Maharashtra 53 of 1969, Section 2.]**

- Subject to the provisions of the next succeeding section, the amount of compensation payable under this Act shall be paid in cash.]

**26. Amounts of arrears of land revenue etc. to be deducted from the amount of compensation.**

- Before making payment of any compensation amount under this Act to any person, it shall be lawful for the Collector to deduct therefrom-(a)all amounts of arrears of land revenue, cesses or dues in respect of any alienated land, which are certified by the Collector to have had become due for payment by such persons on or before the appointed day, and(b)the whole or part of the amount of any loan advanced by the State Government together with interest thereon, if any, which is certified by the Collector to have had become due for repayment by such person on or before the appointed day:Provided that, the total amount so deducted shall not exceed one-third of the amount of compensation awarded.

## **Chapter V**

### **Miscellaneous**

**27. Application of Bombay LXVII of 1948 to leases of alienated land.**

- If any alienated land has been lawfully leased and such lease is subsisting on the appointed day, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter in this section referred to as "the said Act") shall apply to the said lease, and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act:Provided that, for the purposes of the application of the provisions of the said Act in regard to the compulsory purchase of land by a tenant, the lease shall be deemed to have commenced on the date of the regrant of the land under section 7 or 9, as the case may be.Explanation. - For the purposes of this section, the expression "land" shall have the same meaning as is assigned to it in the said Act.

**28. Special rule of succession to be void.**

- Any provision of law, usage or practice relating to the succession to any watan, whereby contrary to the personal law governing the parties the rule of primogeniture was followed and the female heirs were postponed in favour of male heirs, shall, on and from the appointed day, be void and cease to be in force.

## **29. Delegation of powers.**

- The State Government may, subject to such restrictions and conditions as it may impose, by notification in the Official Gazette, delegate to any of its officers not below the rank of Collector, all or any of its powers conferred on it by or under this Act.

## **30. Rules.**

(1)The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.(2)In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)under section 7, the period within which and the manner in which the occupancy price shall be paid;(b)under sections 16 and 17, the period within which and the form in which an application for compensation shall be made;(c)under section 22, the value of court-fee stamp on an appeal;(d)[\* \* \* \* \*] [Clause (d) was deleted by Maharashtra 53 of 1969, Section 3.](e)any other matter which has to be, or may be, prescribed.(3)Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification in the Official Gazette of such decision have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

## **31. Saving.**

- Nothing in this Act shall affect,-(1)any obligation or liability already incurred under an incident of a alienation before the appointed day, or(2)any proceeding or remedy in respect of such obligation or liability,and any such proceeding may be continued or any such remedy may be enforced as if this Act had not been passed.

## **Schedule**

[See section 2(1)(j)]Ahmednagar District

### **1. Aghi**

### **2. Bhilwade.**

- 3. Chondi.**
- 4. Dhanegaon.**
- 5. Dhanora.**
- 6. Fakrabad.**
- 7. Giroli.**
- 8. Halgaon.**
- 9. Hasanabad.**
- 10. Jawale.**
- 11. Jawalke.**
- 12. Koudgaon.**
- 13. Khamgaon.**
- 14. Nannaj.**
- 15. Pimparkhed.**
- 16. Wagha.**

Sholapur District.

- 1. Andelwadi Jahgir.**
- 2. Anjangaon.**
- 3. Ashte.**
- 4. Balewadi.**

- 5. Bhagaichiwadi.**
- 6. Bhairavwadi.**
- 7. Bhoenje.**
- 8. Bhoire.**
- 9. Bopal.**
- 10. Borgaon (Taluka Barsi).**
- 11. Borgaon (Taluka Karmala).**
- 12. Budrukwardi.**
- 13. Chawanwadi.**
- 14. Chikkehalli.**
- 15. Darfal Bibi.**
- 16. Degaon.**
- 17. Dhanore.**
- 18. Diksal.**
- 19. Dilmeshwar.**
- 20. Ekurke.**
- 21. Ghorpadi.**
- 22. Harakarwadi.**
- 23. Inchagaon.**

- 24. Irle.**
- 25. Jamgaon.**
- 26. Kalaman.**
- 27. Kapsewadi.**
- 28. Karambe.**
- 29. Kevad.**
- 30. Khairao.**
- 31. Khuneshwar.**
- 32. Kouthali.**
- 33. Manegaon.**
- 34. Mangoli.**
- 35. Masale-Choudhari.**
- 36. Mungashi Valuj.**
- 37. Nanaj.**
- 38. Pachpulwadi.**
- 39. Padsali.**
- 40. Pawarwadi.**
- 41. Pophali.**
- 42. Potegaon.**

- 43. Ranmasale.**
- 44. Raulgaon.**
- 45. Ridhore.**
- 46. Sasure.**
- 47. Shetgaon Holyaobe.**
- 48. Shendri.**
- 49. Shivni.**
- 50. Shripat Pimpri.**
- 51. Sultanpur.**
- 52. Taratgaon.**
- 53. Upalai.**
- 54. Waluj.**
- 55. Wangri.**
- 56. Warlegaon.**
- 57. Wirvade Kd.**
- 58. Yelamwadi.**