

The M.P. Vanijya Fasal (Bhoomi Par Kar) Niyam, 1966

MADHYA PRADESH

India

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Rule THE-M-P-VANIJYA-FASAL-BHOOMI-PAR-KAR-NIYAM-1966 of 1966

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The M.P. Vanijya Fasal (Bhoomi Par Kar) Niyam, 1966 Published vide Notification No. 5028-4029-7-N-1, dated 21-12-1968, M.P. Rajpatra, Part 6 (Ga), dated 30-12-1966 at pages 1054-1057 In exercise of the powers conferred by Section 10 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 (No. 27 of 1966) and in supersession of the rules previously made on the subject, the State Government hereby makes of the following rules, namely :-

1.

These rules may be called the Madhya Pradesh Vanijya Fasal (bhumi Par Kar) Niyam, 1966.

2.

In these rules, -(a) "Act" means the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Act. 1966 (No. 27 of 1966); (b) "Form" means a form appended to these rules; and (c) "Section" means a section of the Act.

3.

Every Patwari shall forward separately for each village in his circle a statement in duplicate in Form A' to the Tahsildar of the Tahsil in which his patwari circle is situate, by the 1st December, giving, -(a) the names of such tenure holders, occupancy tenants, Government lessees who have grown commercial crops in their holding or part thereof during the agricultural year; and (b) the Khasra numbers in which such commercial crops have been grown and the area in each Khasra number under such crops.

4.

The areas of Khasra number will be shown by the Patwari in terms of acres and corresponding hectares while incorporating the same in Form A'.

5.

On receipt of the statement in Form 'A', the Tahsildar shall draw up in Form 'B' a provisional list of tax on commercial crops to be assessed on a tenure holder, occupancy tenant or Government lessee in the village.

6.

While calculating the tax assessable under sub-section (1) of Section 3, the total area of all the commercial crops taken together in a holding of a tenure holder, land in possession of occupancy tenant and Government lessee shall be taken into account and the calculations for complete acres or fraction thereof shall be made accordingly.

7.

Such provisional list showing the tax assessed on tenure holders, occupancy tenants and Government lessees shall then be published by the 31st December by the Tahsildar under a proclamation in Form 'C' inviting objections to the provisional list of tax by [31st January] [Substituted by Notification No. 1903-300-VII-NJ-I, dated 21-4-1968.] in village concerned by placing one copy of the list in the office of the Gram Panchayat or Nyaya Panchayat or Village Patel and proclaiming this fact by beat of drums in the village [and the same time the Tahsildar shall cause to be served a notice in Form C-1 on all persons, individually, known to be likely to have interest in such provisional list asking them to submit their objections to the list, if any, on or before the date specified in the said proclamation] [Inserted by Notification No. 1562-7490-VII-N-I, dated 16-5-1972.].

8.

The proclamation as published in Rule 7 above shall be deemed to be sufficient notice to all persons concerned of the provisional assessment of tax and time and place of hearing so fixed.

9.

The objections, if any, to the provisional list of tax shall be preferred in writing through a petition addressed to the Tahsildar so as to reach him on or before the date fixed as per Rule 7, and no objections shall lie entertained after that date.

10.

On the date and the place of hearing, the Tahsildar shall after hearing the parties and making such further enquiries as he may deem necessary may pass order either confirming, revising or modifying the provisional list of tax.

11.

Orders passed by the Tahsildar on the objections preferred on the provisional list of taxation shall be in writing and shall be communicated to the objections.

12.

The intimation as to the tax payable by a tenure holder, occupancy tenant or Government lessee, according to the list so finalised, shall then be given to the persons concerned in Form 'D'

13.

In issuing notices for the purpose of enquiries to be made under the Act and service thereof, the rules framed in this behalf under Section 41 of the Madhya Pradesh Land Revenue Code, 1959 shall be applicable.

14.

Subject to such orders as may be passed in appeal or revision, the tenure holder, occupancy tenant and Government lessee shall be liable to pay the tax finally assessed and as communicated to him as per Rule 12 and the same shall be recoverable as Land Revenue as provided for in Section 8. Form A [See Rule 3] Name of Village.....P.C. No.....Tahsil.....

Serial No. of the holding	Name of the tenure holder, occupancy tenant or Government lessee and Father's name	Khasra No. in the holding in of the which commercial crops or grown
(1)	(2)	(3)

Area of commercial crops in
each of the Khasra No.

Cotton	Ground nut	Opium	Sugarcane	Tobacco	Total area under commercial crops	Remarks
(4)	(5)	(6)	(7)	(8)	(9)	(10)

Form B [See Rule 5] Provisional list showing the tax payable for the Agricultural year.....by tenure holders, occupancy tenants and Government lessees on the area grown under commercial crops in Village P.C. No.Tahsil.....

Serial No.	Name of person with full address	Tenure	Total area grown under commercial crops inAgricultural year	Tax levied under Section 3
Bhumiswami/occupancy/ Government lessee				
(1)	(2)	(3)	(4)	(5)

Form C[See Rule 7]ProclamationIt is hereby notified for the information of all persons concerned tenure holders/occupancy tenants/Government lessee of the Village.....P.C. No..... Tahsil that a provisional list of such tenure holders/occupancy tenants/Government lessees liable to pay tax for the agricultural year.....under Section 3 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 is placed for every body's information, inspection and perusal in the office of Gram Panchayat/Nyaya Panchayat/house of the Patel in the village.Any person desirous of putting up any objection to any entry in this list in any manner whatsoever should file his objection in writing in the form of a petition addressed to the Tahsildar so as to reach the Tahsildar by the 15th January, 19.... Any objection not made on or before that date shall not be entertained.All objections received by the Tahsildar by the aforesaid date shall be heard at.....on.....where all objections are enjoined to be present for personal hearing with such evidence which they may like to adduce in support of their objections.The proclamation shall be deemed to be sufficient notice to all such intending objectors of the hearing to the objections and no separate notices shall be issued hereinafter.Seal.....Signature of Tahsildar[Form C-I [Inserted by Notification No. 1562-7490-VII-N-I, dated 16-5-1972.]]See Rule 7]NoticeBefore.....Case No.....To,.....son of.....resident of Mauza.....survey or settlement No.....Tahsil.....District.....Whereas a provisional list of such tenure holders/occupancy tenants/Government leases of village Patwari Halka No..... Revenue Inspector Circle No.....Tahsil.....as are fiable to pay tax for the agriculture year.....under Section 3 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 has been prepared.Now, therefore, you are hereby informed that if you are desirous of putting up any objection in respect of any entry in the said listing any manner whatsoever you should file your objection in writing in the form of a petition addressed to the Tahsildar within 15 days of the receipt of this notice. Any objection not filed before the expiry of the period aforesaid shall not be entertained.Tahsildar Tahsil.....]Form D[See Rule 12]Whereas a provisional list of tenure holders/occupancy tenants/Government lessees of the village.....P.C. No.....Tahsil..... liable to pay tax under Section 3 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 and the quantum of tax leviable on them was duly published in the village in accordance with the provisions of Section 4 (3) of the Adhiniyam;And whereas after hearing such objections as were preferred against the entries made in this list, the Tahsildar has finalised the same under Section 5(1);Now, therefore, you are hereby informed that in accordance with this list so finalised, you are required to pay Rs.....as tax on the area under commercial crops grown by you during the agricultural year 19.....and that the same has become recoverable as land revenue with immediate effect.....Signature of Tahsildar