

The Punjab Allotment of State Government Land Act, 2016

PUNJAB

India

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Act 54 of 2016

- Published on 24 December 2016
- Commenced on 24 December 2016
- [This is the version of this document from 24 December 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Allotment of State Government Land Act, 2016(Punjab Act No. 54 of 2016)[Dated 24.12.2016]Government of PunjabDepartment of Legal and Legislative Affairs, PunjabNo. 61-Leg./2016. - The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 23rd day of December, 2016, is hereby published for general information:-An Act to provide for allotment of land to the occupants who are in cultivating possession of such land for the last more than twenty years.Be it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India, as follows:-

1. Short title and commencement.

(1)This Act may be called the Punjab Allotment of State Government Land Act, 2016.(2)It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Allotment Commissioner" means the Sub-Divisional Magistrate;(b)"Collector" means the District Collector or the Deputy Commissioner of the District;(c)"Commissioner" means the Commissioner of the Division;(d)"competent authority" means the Chief Allotment Commissioner, who is the Deputy Commissioner of the District;(e)"cultivating possession" means continuous cultivating possession established by the entries in the revenue record;(f)"Family" in relation to a person means the person, the wife or husband, as the case may be, of such person and his or her minor children;(g)"Financial Commissioner" means the Financial Commissioner Revenue of the State of Punjab;(h)"head of family" means the eldest adult male member of a family, provided that an adult married son will be regarded as head of his own smaller family which shall also be considered separate unit;(i)"land" means the State Government's rural agriculture land, belonging to or vesting in the State

Government but shall exclude, -(i) evacuee land, which is governed by the Punjab Package Deal Properties (Disposal) Act, 1976; (ii) nazool land, which is governed by the Nazool Land Transfer Rules, 1956; (iii) surplus land, which means the area declared surplus land and which is governed by the Punjab Land Reforms Act, 1972; (iv) shamlat land means the land as defined in the Punjab Village Common lands (Regulation) Act, 1961; and (v) mushtarka malkan land kept for common purposes in the light of section 23-A and section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948; (j) "occupant" means a person in continuous cultivating possession of land, whether authorized or unauthorized, either himself or through his lineal ascendant(s); (k) "rural area" means an area within the State of Punjab which is not urban area; (l) "State Government" means the Government of the State of Punjab in the Department of Revenue, Rehabilitation and Disaster Management; and (m) "Tehsildar (Allotment)" means the Tehsildar.

3. Persons entitled to make an application.

(1) Any occupant who is in continuous, undisputed and actual cultivating possession of a land for the last more than twenty years, duly supported by the revenue record, shall be entitled for allotment of land in accordance with the provisions of this Act and the rules framed thereunder: Provided that no occupant/family shall be allotted more than five acres of land under this Act. (2) Any person who considers himself as eligible for allotment of land under the provisions of this Act may at any time apply to the competent authority for allotment of such land.

4. Transfer of land.

(1) On receipt of an application for transfer of land, the competent authority, after conducting such inquiry, as he deems fit, and after considering the reports and recommendations, if any, of the Tehsildar (Allotment) and the Allotment Commissioner may, by order in writing, either allot or decline to allot the land applied for: Provided that the competent authority shall pass an order of allotment only to that extent as the applicant is eligible under this Act: Provided further that no order, either partially or totally, rejecting allotment shall be passed without affording the applicant a reasonable opportunity of being heard. (2) An application for allotment of land may be made by a person who is in occupation of such land and is having cultivating possession for the last more than twenty years and is also head of the family. (3) An occupant shall not be entitled to apply, if, he is an allottee or vendee of the land, the allotment or transfer whereof has been cancelled on the grounds of fraud, misrepresentation of facts or otherwise.

5. Price of land.

- The price of the land which is allotted shall be determined on the basis of the Collector rate fixed by the Collector and the rate of allotment shall be as follows: -(a) upto two acres - Collector rate minus fifty per cent; (b) above two acres upto four acres - Collector rate minus twenty five per cent; and (c) above four acres and upto five acres - at the Collector rate: Provided that the Collector rate, relevant on the date of allotment order of the competent authority shall be relevant for the aforesaid purpose.

6. Mode of recovery of Price of land.

- Where any land has been allotted to an occupant, twenty five per cent of the total consideration shall be deposited at the time of issue of letter of intent and the balance price shall be paid by the allottee in ten interest-free six-monthly installments. However, for any delayed installment, interest at the rate of twelve per cent per annum shall be recovered for the period of delay. In the event, an allottee wants to deposit the entire amount at the stage of the allotment itself, a discount of ten per cent of the overall consideration shall be admissible to him.

7. Issue of conditional conveyance deed.

(1) A conditional conveyance deed shall be issued on the deposit of twenty five per cent of the total consideration. (2) The allottee shall not be entitled to alienate the allotted land for a period of ten years from the date of issue of conditional conveyance deed. Explanation. - Devolving of land by intestate succession or under a Will/ Bequest shall not be deemed as alienation. However, no mutation shall be sanctioned in favour of the allottee merely on the basis of conditional conveyance deed.

8. Issue of unconditional conveyance deed.

- After the expiry of period of ten years from the issue of conditional conveyance deed, an unconditional conveyance deed shall be issued by the competent authority after satisfying himself that no unauthorized alienation of the allotted land has taken place and all the installments of the total price of the land has been paid.

9. Power to cancel allotment.

(1) In the event of failure of the allottee to pay the installments or in case of persistent default, the competent authority, at any time, shall be authorized to cancel the conveyance deed after affording opportunity of being heard to the allottee. The amount, if any, paid by the allottee shall stand forfeited. (2) The competent authority may, at any time, cancel the allotment of land, if the allotment has been obtained by fraudulent means.

10. Publication of notice.

(1) The competent authority shall publish a notice in the Official Gazette calling for objections from all the departments of Punjab Government and any other person interested in the land, within a period of sixty days stating his intention to bring the land within the purview of the allotment scheme under this Act. (2) After hearing the objection(s), if any, received and conducting such enquiry as deemed fit, the competent authority shall pass an order as to whether the land proposed to be allotted is to be brought within the purview of this Act and his order shall be published in the Official Gazette. (3) Subject to an order passed under section 12 of this Act by the State Government, final order of the competent authority notified in the official Gazette shall be final and not called in

question in any other court.

11. Appeal.

- Any person or any department of Punjab Government aggrieved by an order of the competent authority under this Act may, within thirty days from the date of order, prefer an appeal to the Commissioner in such form and manner, as may be prescribed: Provided that the Commissioner may entertain an appeal after the expiry of said thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

12. Revision.

(1) The State Government may at any time call for the record of any case under this Act pending before, or disposed of, by any officer and may pass such order in relation thereto as in its opinion, the circumstances of the case require and is not inconsistent with any provision contained in this Act or the rules made there under. (2) The State Government shall not pass an order under this section reversing or modifying any proceedings or order of any officer without giving the affected person an opportunity of being heard.

13. Procedure.

- The proceedings under this Act shall be conducted as per procedure laid down under the Punjab Land Revenue Act, 1887.

14. Bar of jurisdiction and finality of orders.

- Save as otherwise expressly provided under this Act, every order made by any officer or an authority under this Act, shall be final and no civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the State Government or any officer or authority appointed under this Act is empowered by or under this Act and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

15. Protection of action taken in good faith.

- No suit or other legal proceedings shall lie against the State Government or any officer or authorities appointed under this Act in respect of anything which is taken in good faith or intended to be done in pursuance of this Act .

16. Power to make rules.

(1) The State Government, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) Every rule made under this Act shall be laid, as soon as may be, after it is

made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules or the House agrees, that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.