

State Government as aforesaid) till possession of the occupancy is given to the Tribal or the State Government, such amount for the use and occupation of the occupancy as the Collector may fix in the prescribed manner.

¹[**36BB.** Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under sections 36, 36A or 36B before the Collector, the Commissioner or the State Government :

Pleaders, etc.,
excluded
from
appearance.

Provided that, where a party is a minor or lunatic, his guardian may appear, and in the case of any other person under disability, his authorised agent may appear, in such proceedings.

Explanation.—For the purpose of this section, the expression ‘pleader’ includes, an advocate, vakil or any other legal practitioner].

36C. (1) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under section 36, 36A or 36B required to be settled, decided or dealt with by the Collector.

Bar of
jurisdiction
of Civil Court
or authority.

Explanation.—For the purpose of this section, a Civil Court shall include a Mamlatdar’s Court under the Mamlatdar’s Court Act, 1906.

Bom. II
of
1906.

(2) No Civil Court or authority shall entertain an appeal or application against an order of the Collector under section 36, 36A or 36B unless the appellant or applicant deposits such security as in the opinion of the Court or authority is adequate.]

37. An occupant is entitled to the use and occupation of his land in perpetuity conditionally on the payment of the amount due on account of the land revenue for the same, according to the provisions of this Code, or of any rules made under this Code or of any other law for the time being in force, and on the fulfilment of any other terms or conditions lawfully annexed to his tenure.

Occupants’
rights are
conditional.

38. It shall be lawful for the Collector at any time to lease under grant or contract any unalienated unoccupied land to any person, for such period, for such purpose and on such conditions as he may, subject to rules made by the State Government in this behalf, determine, and in any such case the land shall, whether a survey settlement has been extended to it or not, be held only for the period and for the purpose and subject to the conditions so determined. The grantee shall be called a Government lessee in respect of the land so granted.

Power to
grant leases.

39. Every occupant shall pay as land revenue the assessment fixed under the provisions of this Code and rules made thereunder; and every Government lessee shall pay as land revenue lease money fixed under the terms of the lease.

Occupant to
pay land
revenue and
Government
lessee to
pay rent
fixed.

40. Nothing contained in any provision of this Code shall derogate from the right of the State Government to dispose of any land, the property of Government, on such terms and conditions as it deems fit.

Saving of
powers of
Government.

¹ Section 36BB was inserted by Mah. 12 of 1977, s. 2.