

Demarcation of boundaries in areas under town planning scheme or improvement scheme, or consolidation scheme. **144.** As soon as possible after a final town planning scheme or improvement scheme or a scheme for the consolidation of holdings has come into force in any area under any law in force in the State, it shall be the duty of the Collector to alter the boundaries fixed and demarcated under the provisions of this Chapter, so as to accord with the plots, reconstituted or laid out or consolidated under such scheme, and for that purpose, he may cause to be erected, constructed and laid out boundary marks of such plots and thereupon, the provisions of this Chapter for the recoveries of charges shall apply to each plots as they apply in relation to the construction, maintenance and repair of boundary marks.

Penalty for injuring boundary marks. **145.** Any person who after a summary inquiry before the Collector, or before Survey Officer, Tahsildar or Naib-Tahsildar, is proved to have wilfully erased, removed or injured a boundary mark or survey mark shall be liable to a fine not exceeding one hundred rupees for each mark so erased, removed or injured.

Power to exempt from operation of this Chapter. **146.** The State Government may, by notification in the *Official Gazette*, declare that all or any of the provisions of this Chapter shall not apply to any village or class of villages.

CHAPTER X.

LAND RECORDS.

A—Record of Rights.

Exemption from provisions of this Chapter. **147.** The State Government may, by notification in the *Official Gazette*, direct that the provisions of sections 148 to 159 (both inclusive) or any part thereof, shall not be in force in any specified local area, or with reference to any class of villages or lands, or generally.

Record of Rights. **148.** A record of rights shall be maintained in every village and such record shall include the following particulars :—

- (a) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land or assignees of the rent or revenue thereof ;
- (b) the names of all persons who are holding as Government lessees or tenants including tenants within the meaning of relevant tenancy law ;
- (c) the nature and extent of the respective interests of such person and the conditions or liabilities, if any, attaching thereto ;
- (d) the rent or revenue, if any, payable by or to any of such persons ;
- (e) such order particulars as the State Government may prescribe by rules made in this behalf, either generally or for purposes of any area specified therein.

Maintenance of record of rights etc., by using suitable storage device. ¹**148A.** The record of rights maintained under section 148 and the land records maintained under the other provisions of this Chapter may also be so maintained by using a suitable storage device.]

Acquisition of rights to be reported. **149.** Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any rights as holder, occupant, owner, mortgagee, landlord, Government lessee or tenant of the land situated in any part of the State or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the *Talathi* within three months from the date of such acquisition, and the said *Talathi* shall at once give a written acknowledgemet of the receipt of such report to the person making it :

¹ Section 148A was inserted by Mah. 43 of 2005, s. 3.

Provided that, where the person acquiring the right is minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the *Talathi* :

Provided further that, any person acquiring a right with the permission of the Collector or by virtue of a registered document shall be exempted from the obligation to report to the *Talathi* :

Provided also that, where a person claims to have acquired a right with the permission of the Collector where such permission is required under the provisions of this Code or any law for the time being in force, such person shall on being required by the *Talathi* so to produce such evidence of the order by which such permission is given as may be required by rules made under this Code.

IV of 1882. *Explanation I.*—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished or lease determined, acquires a right within the meaning of this section.

Explanation III.—For the purpose of this Chapter, the term “*Talathi*” includes any person appointed by the Collector to perform the duties of a *Talathi* under this Chapter.

150. (1) The *Talathi* shall enter in a register of mutations every report made to him under section 149 or any intimation of acquisition or transfer under section 154 or from any Collector.

Register of mutations and register of disputed cases.

(2) Whenever a *Talathi* makes an entry in the register of mutations, he shall at the same time post up a complete copy of the entry in a conspicuous place in the *Chavdi*, and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) When any objection to any entry made under sub-section (1) in the register of mutations is made either orally or in writing to the *Talathi*, it shall be the duty of the *Talathi* to enter the particulars of the objections in a register of disputed cases. The *Talathi* shall at once give a written acknowledgement for the objection to the person making it in the prescribed form.

(4) Disputes entered in the register of disputed cases shall as far as possible be disposed of within one year by a Revenue or Survey Officer not below the rank of an *Aval Karkun* and orders disposing of objections entered in such register shall be recorded in the register of mutations by such officer in such manner as may be prescribed by rules made by the State Government in this behalf.

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the State Government in this behalf :

Provided that, an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(6) Entries in the register of mutations shall be tested and if found correct, or after correction, as the case may be, shall be certified by any Revenue or Survey Officer not below the rank of an *Aval Karkun* in such manner as may be prescribed :

¹[Provided that, entries in respect of which there is no dispute may be tested and certified by a Circle Inspector :]

²[Provided further that], no such entries shall be certified unless notice in that behalf is served on the parties concerned.

(7) The State Government may direct that a register of tenancies shall be maintained in such manner and under such procedure as may be prescribed by rules made by the State Government in this behalf.

³[(8) The Commissioner may specify, from time to time, the storage device for preparation, maintenance and updation of all registers and documents to be maintained under section 148A.]

Obligation to
furnish
information;
obligation to
furnish
entries from
record of
rights, etc.,
to holder or
tenant in
booklet form
and to
maintain
booklet, etc.

151. (1) Any person whose rights, interests or liabilities are required to be, or have been entered in any record or register, under this Chapter shall be bound, on the requisition of any Revenue Officer or *Talathi* engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(2) A Revenue Officer or a *Talathi* to whom any information is furnished or before whom any document is produced in accordance with the requisition under sub-section (1), shall at once give a written acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof and may return the same immediately after keeping a copy of it, if necessary.

(3) Every holder of agricultural land (including a tenant if he is primarily liable to pay land revenue therefor), on making an application in that behalf in writing, may be supplied by the *Talathi* with a booklet containing a copy of the record of rights pertaining to such land.

(4) The booklet shall also contain information regarding the payment of land revenue in respect of land and other Government dues by the holder or, as the case may be, the tenant and also information as respects the cultivation of his land and the areas of crops sown in it as shown in the village accounts and such other matters as may be prescribed.

(5) Every such booklet shall be prepared, issued and maintained in accordance with the rules made by the State Government in that behalf. Such rules may provide for fees to be charged for preparing, issuing and maintaining the booklet. ⁴[The fees so charged may, subject to the orders of the State Government, if any, be retained by Revenue Officer preparing, issuing and maintaining the booklet.]

(6) Where any booklet is prepared, issued or maintained immediately before the coming into force of this Act, such booklet shall be deemed to have been prepared, issued and maintained in accordance with the provisions of this Act and

¹ This proviso was inserted by Mah. 8 of 1969, s. 5(a).

² These words were substituted for the words "Provided that", *ibid.*, s. 5(b).

³ This sub-section was added by Mah. 43 of 2005, s. 4.

⁴ These words were added by Mah. 18 of 1976, s. 2(a).

the rules made thereunder until provision is made for preparing, issuing and maintaining the booklet in any other form or manner under the rules made in that behalf by the State Government.

¹[(7) Every information in so far as it relates to the record of rights, contained in the booklet prepared, issued or maintained or deemed to have been prepared, issued or maintained in accordance with the provisions of this Code and the rules made thereunder shall be presumed to be true until the contrary is proved or until such information is duly modified under this Code.]

152. Any person neglecting to make the report required by section 149, or furnish the information or produce the documents required by section 151 within the period specified in that section shall be liable, at the discretion of the Collector, to be charged a fine not exceeding five rupees, which shall be leviable as an arrear of land revenue.

Fine for neglect to afford information.

153. Subject to rules made in this behalf by the State Government—

(a) any Revenue Officer or a *Talathi* may for the purpose of preparing or revising any map or plan required for, or in connection with any record or register under this Chapter exercise any of the powers of a Survey Officer under sections 80 and 81 except the power of assessing the cost of hired labour under section 81, and

Requisition of assistance in preparation of maps.

(b) any Revenue Officer of a rank not lower than of an Assistant or Deputy Collector or of a Survey Officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plans relate and such costs shall be recoverable as a revenue demand.

154. When any document purporting to create, assign or extinguish any title to, or any charge on, land used for agricultural purposes, or in respect of which a record of rights has been prepared is registered under the Indian Registration Act, 1908, the officer registering the document shall send intimation to the *Talathi* of the village in which the land is situate and to the Tahsildar of the taluka, in such from and at such times as may be prescribed by rules made under this Code.

Intimation of transfers by registering officers.

155. The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record of rights or registers maintained under this Chapter or which a Revenue Officer may notice during the course of his inspection :

Correction of clerical errors.

Provided that, when any error is noticed by a Revenue Officer during the course of his inspection, no such error shall be corrected unless a notice has been given to the parties and objections, if any, have been disposed of finally in accordance with the procedure relating to disputed entries.

156. In addition to the map, the registers and the record of rights, there shall be prepared for each village such other land records as may be prescribed.

Land records.

¹ This sub-section was added by Mah. 18 of 1976, s. 2(b).

Presumption of correctness of entries in record of rights and register of mutations. **157.** An entry in the record of rights, and a certified entry in the register of mutations shall be presumed to be true until the country is proved or a new entry is lawfully substituted therefor.

Bar of suits. **158.** No suit shall lie against the State Government or any officer of the State Government in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any such entry omitted or amended.

Record of rights at commencement of Code. **159.** Until the record of rights of any area in the State is prepared in accordance with the provisions of this Chapter, the existing record of rights in force in that area under any law for the time being in force (including the record of rights prepared under section 115 of the Madhya Pradesh Land Revenue Code, 1954), shall be deemed to be the record of rights prepared under this Chapter.

M.P. II
of
1955.

B—Rights in unoccupied land

Application of provisions of sections 161 to 167. **160.** The Provisions of sections 161 to 167 shall apply to those areas in the State to which provisions corresponding thereto applied immediately before the commencement of this Code; but the State Government may, by notification in the *Official Gazette*, apply the sections aforesaid to such other areas in the State as may be specified in the notification.

Nistar Patrak. **161.** (1) The Collector shall consistently with the provisions of this Code and the rules made thereunder, prepare a *Nistar Patrak* embodying a scheme of management of all unoccupied land in a village and all matters incidental thereto, and more particularly the matters specified in section 162.

(2) A draft of the *Nistar Patrak* shall be published in the village and after ascertaining the wishes of the residents of the village in the manner determined by the Collector, it shall be finalised by the Collector.

(3) On a request being made by the village panchayat, or where there is no village panchayat, on the application of not less than one-fourth of the adult residents of a village, the Collector may, at any time, modify any entry in the *Nistar Patrak* after such enquiry as he deems fit.

Matters to be provided for in *Nistar Patrak.* **162.** The following matters shall be provided in a *Nistar Patrak*, that is to say,—

(a) the terms and conditions on which grazing of cattle in the village will be permitted ;

(b) the terms and conditions on which and the extent to which any resident of the village may obtain,—

(i) wood, timber, fuel or any other forest produce ;

(ii) *moram*, *kankar*, sand, earth, clay, stones or any other minor minerals;

¹ The words and figures “ and exclusion of Chapter XIII” were deleted by Mah. 30 of 1968, s. 4.

(c) instructions regulating generally the grazing of cattle and removal of articles mentioned in paragraph (b) ;

(d) any other matter required to be recorded in the *Nistar Patrak* by or under this Code.

163. In preparing a *Nistar Patrak* the Collector shall, as far as possible, make provision for—

Provision in
Nistar Patrak
for certain
matters.

(a) free grazing of the cattle used for agriculture ;

(b) removal free of charge by the residents of the village for their *bona fide* domestic consumption of any—

(i) forest product ;

(ii) minor minerals ;

(c) the concessions to be granted to the village craftsmen for the removal of articles specified in clause (b) for the purpose of their craft.

164. (1) Where the Collector is of the opinion that waste land of any village is insufficient and it is the public interest to proceed under this section, he may after such enquiry as he deems fit, order that the residents of the village shall have a right of *Nistar* or a right of grazing cattle, as the case may be, in the neighbouring village to the extent specified in the order.

Right in
waste land
of another
village.

(2) The residents of a village having a right of grazing cattle in the neighbouring village under sub-section (1), or government forest may make an application to the Collector for recording their right of passage for the purpose of exercising the rights.

(3) If, on enquiry into an application made under sub-section (2), the Collector finds that the right of passage is reasonably necessary to enable such residents to exercise a right to graze their cattle in any other village or in a Government forest, he shall pass an order declaring that such right of passage exists and shall state the conditions upon which it shall be exercised.

(4) The Collector shall, thereupon, determine the route of passage through unoccupied land and shall restrict such route in such manner as to cause minimum inconvenience to the residents of the village through which it passes.

(5) The Collector may, if he thinks fit, demarcate such route.

(6) Orders passed by the Collector under this section shall be recorded in the *Nistar Patrak*.

(7) Where the village mentioned in sub-section (1) lie in different districts the following provisions shall apply, namely :—

(a) the orders specifying the right of *Nistar* or the right of grazing cattle shall be passed by the Collector in whose district the village over which such right is claimed lies ;

(b) any orders regarding route of passages shall be passed by the Collector in whose respective jurisdiction the area over which passage is allowed lies ;

(c) the Collector passing an order in accordance with clauses (a) and (b) shall consult in writing the other Collector concerned.

Wajib-ul-arz. **165.** (1) As soon as may be after this Code comes into force, the Collector shall, according to any general or special order made by the State Government in that behalf, ascertain and record the customs in each village in regard to—

- (a) the right to irrigation or right of way or other easements ;
- (b) the right to fishing ;

in any land or water belonging to or controlled or managed by the State Government or a local authority, and such record shall be known as the *Wajib-ul-arz* of the village.

(2) The record made in pursuance of sub-section (1) shall be published by the Collector in such manner as he may deem fit and it shall, subject to the decision of a Civil Court in the suit instituted under sub-section (3), be final and conclusive.

(3) Any person aggrieved by any entry made in such record may, within one year from the date of the publication of such record under sub-section (2), institute a suit in a Civil Court to have such entry cancelled or modified.

(4) The Collector may, on the application of any person interested therein or on his own motion, modify any entry or insert any new entry in the *Wajib-ul-arz* on any of the following grounds :—

- (a) that, all persons interested in such entry wish to have it modified ; or
- (b) that, by a decree in a civil suit, it has been declared to be erroneous ; or
- (c) that, being founded on a decree or order of a Civil Court or on the order of a revenue officer, it is not in accordance with such decree or order ; or
- (d) that, being so founded, such decree or order has subsequently been varied on appeal, revision or review ; or
- (e) that, the Civil Court has by a decree determined any custom existing in the village.

Regulation of
fishing ^{1***}
etc.

166. (1) The State Government may make rules for regulating,—

- (a) fishing in Government tanks ;
- (b) the removal of any materials from lands belonging to the State Government.

(2) Such rules may provide for the issue of permits, the conditions attaching to such permits and the imposition of fees therefor and other incidental matters.

Punishment
for contra-
vention of
provisions.

167. (1) Except as otherwise provided in this Code, any person who acts in contravention of the provisions in sections 161 to 166 or rules made under section 166 or who contravenes or fails to observe any rules or custom entered in the *Wajib-ul-arz* or commits a breach of any entry entered in the *Nistar Patrak* shall be liable to such penalty not exceeding rupees one thousand as the Collector may, after giving such person an opportunity to be heard, deem fit ; and the Collector may further order confiscation of any produce, or any other produce which such person may have appropriated or removed from lands belonging to the State Government.

(2) Where the Collector passes an order imposing a penalty under this section, he may direct that the whole or any part of the penalty may be applied to meeting the cost of such measures as may be necessary to prevent loss or injury to the public owing to such contravention, breach or non-observance.

¹ The word " hunting " was deleted by Mah. 30 of 1968, s. 5.