



	Q. No.	b	c				TOTAL
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प्र. क्र./Q. No.

(Q.7.)

(b) OBJECT OF CEILING ACT:

The Maharashtra Agricultural Lands (Ceiling on Holding) Act, 1961 was enacted with the object of:

- (i) Removing ownership / tenancies of land
- (ii) Creating harmonious relationship between land owners and future tenants.
- (iii) Keeping the mass ownership of land by selected few in check.

- Thus, the Ceiling Act rightfully provides for agricultural land to be distributed to agriculturists, and tenants involved in personal cultivation alike.

- The Act clearly states that all the land which is above the prescribed ceiling limit of any person or family unit, will be deemed to be surplus land and that lands will be distributed along the prescribed lines after compensation, if any, has been paid.



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(Q. 7)

(b) ⇒

— Thus, the Maharashtra Agricultural Lands (Ceiling on Holding) Act, 1961 provides for what: Is considered to be agriculture, the prescribed ceiling limit for land that can be held by a person or family unit, the surplus land, the compensation and apportionment thereof, the distribution of surplus land, etc.

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03



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(C) SURPLUS LAND:

- The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 provides for what is included in the term 'Surplus land'.

- The Land which is held by any particular person, whether jointly or separately in a Family unit, that exceeds the ceiling limit prescribed by the government in this Act, shall be deemed to be surplus land.

- The Surplus land which exceeds the ceiling limit prescribed by the government shall be distributed as per provisions laid down w/s 27.

- The Collector has to ~~prepare~~ decide whether some lands are required to be taken earlier before the prescribed 60 days w/s 21(2).

- The collector has to prepare a Title document, viz includes:



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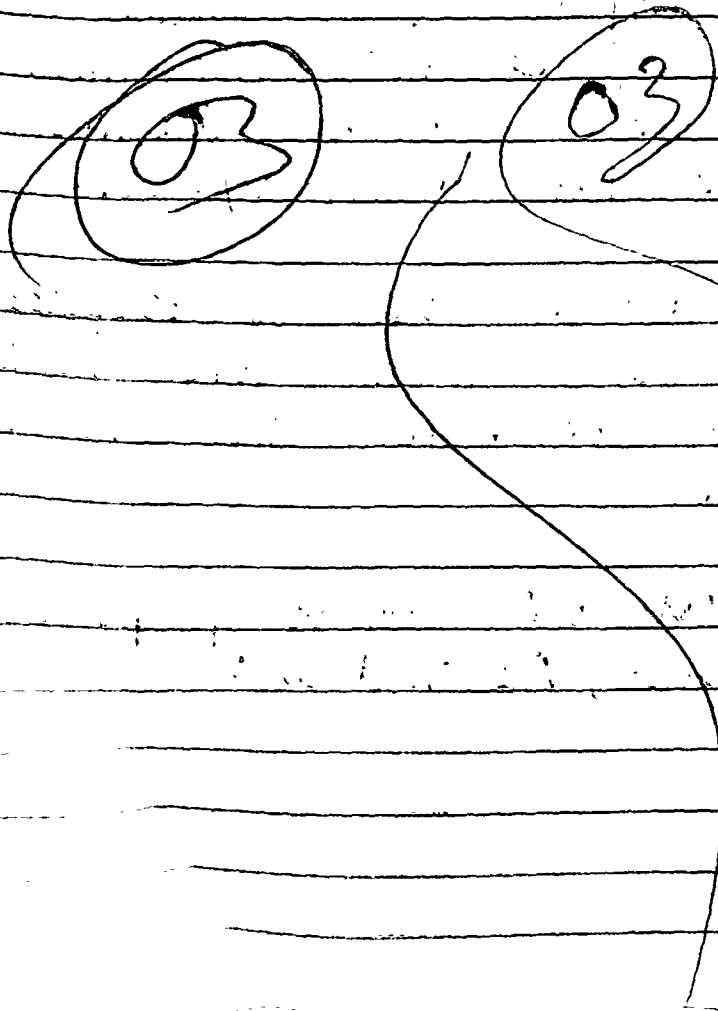
⇒ (i) Total Assessed Land entitled to hold.

(ii) Total assessed land exceeding ceiling limit.

(iii) Name, particulars, ~~an~~ of the prospective tenant, and short description of land.

(iv) Land exceeding ceiling limit delimited as surplus land.

(v) Land excess of surplus land for the tenant, that will be forfeited to the State Government.





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Q. No.

(Q.6.)

* CIRCUMSTANCES UNDER WHICH STATE GOVERNMENT CAN ASSUME MANAGEMENT OF LAND HOLDER'S ESTATE? LEGAL EFFECTS?

⇒ * INTRODUCTION:

The Bombay Tenancy and Agricultural Lands Act, 1948 provides powers to the state government to assume management of a land holder's estate under few conditions. Although, the Bombay Tenancy and Agricultural Lands Act, 1948 provides for

- + Removal of Tenantes
- + Harmonious relationships between Landlords and Tenants
- + Prevention of mis-use and mis management of land,

there are few times that the State Government would prefer that the management of an estate is better suited by the state government. Thus, where there is;

- (i) Negligence on part of Landlord
- (ii) Dispute between Landlord and Tenant,



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the State government has power u/s 44 to assume the management of the the land holder's estate till it deems fit.

- Notice to be published:

The State Govt. can assume management of a land holder's estate by publishing a notice to that effect and ~~bring~~ bringing it under the notice of the villagers in Marathi.

- No Appeal or Revision:

The State Government does not provide any opportunity for any appeal or revision to the effect of the Notice.

- Appointment of Manager:

The State Government may appoint a manager for the day to day activities of the estate.



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Commencement or continuance:

The management will commence as soon as the notice is published and will be in continuance as till the notice is in effect.

Powers of Manager:

The manager has the powers to:

- (i) produce evidence
- (ii) award costs
- (iii) take all decisions as holder.

Proceedings:-

- (i) All the civil proceedings are suspended
- (ii) All the execution of proceedings, attachments are suspended till the management continues.
- (iii) No new civil or attachment proceedings can be initiated.



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(Q. 6.)



Duties of Manager:

The manager has all the duties of the holder, he has to issue rent receipts, collect land revenue.

Claims:

The manager will invite any claims if any, against the land and will formulate a report on it.

Determine Debts and Liabilities:

When the claims are received, the manager determines all the debts and liabilities against the land.

Rank of debts and Liabilities:

Depending upon the various claims the manager has the power to rank all the debts and liabilities against the land.



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(Q.6)



- Liquidification Schemes:

- The manager has the authority to repay the debts by launching appropriate liquidification schemes.

- Power to sell or lease:

The manager is also bestowed with the power to sell or lease the land or part of it, if required to settle all claims.

- Management after Death of Landholder:

If the government believes that the assumption of management is necessary even after the death of the landholder, the disabilities will pass on to the legal heirs of the landholder.

* Termination of Management: (Sec. 61)

If the government is of the opinion that they no longer require to continue the management of the landholder's estate, they can terminate



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the assumption of management of land holder's estate by issue of notice, and the land holder will assume the ownership of the land or part of it, whichever is remaining.

* CONCLUSION:

- Thus, the State Government has the power to assume management of land holder's estate in circumstances where there is neglect on the part of the land lord or there is an ongoing dispute b/w the land lord and tenant. (Sec. 44)

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Q.5.)

* RIGHT OF TENANT TO PURCHASE WHERE LANDLORD IS MINOR OR WIDOW OR DISABLED PERSON ON TILLER'S DAY:

⇒

* INTRODUCTION:

The Bombay Tenancy and Agricultural Lands Act, 1948 had been enacted for the sole object of removal or termination of tenancies. Although, the Act provided other modes of termination as like voluntary termination like surrender (Sec. 15) of Tenancy, and compulsory termination like ~~Personal~~ Personal cultivation (Sec. 31), Default (Sec. 14), Member of Armed Force, etc. but one of the main features of this Act is Termination of tenancy by operation of law (Sec 32-32R).

* TILLER'S DAY:

On 1st April, 1957, the land lords who had previously been given time till 31-3-1957 to stake claim on their lands, the remaining lands with



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the tenants were deemed to be purchased by them. That is why, this day was called Tiller's Day.

On 01-04-1957 all the tenants who were in possession of the lands of their landlords were deemed to ~~the~~ be the owners of those lands.

The Object behind Tiller's Day was nothing but the social welfare motive of abolishing the title ownership of landlords and equitable distribution of the surplus lands over the ceiling limit.

Thus, in one stroke, all the tenants were removed as much as possible.

* DEEMED PURCHASE

- As mentioned above, on Tiller's Day all the tenants became



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the rightful owners of the lands in their possession upto the ceiling limit prescribed for all.

- The concept of Deemed Purchase was a presumption of law as it was nothing but a presumption in the eyes of the law that there was a change in ownership, even though no act towards it took place.

- The concept of Deemed Purchase is nothing but a fiction of law, where the tenants become the deemed owners of the lands.

* Cases in which persons are Deemed purchasers:

(i) When a tenant is in the possession of the lands as on 01-04-57, he becomes the ~~the~~ deemed purchaser of that land.



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→ (i) When the tenant was held landless by the land holder on conditions other than prescribed or u/s 14, and an application to that effect has been made u/s 29, the tenants become Deemed purchasers.

(ii) When the tenant was held landless by the land holder on any grounds prescribed or u/s 14, but no application has been made, although the right to apply u/s 29 still subsists, then the tenant is a deemed purchaser.

(iii) When the tenant has been held landless on any grounds u/s 31, whereas, the landlord has taken the property for personal cultivation then the landlord is a certified landlord and the tenant excluded Tenants and till the time the landlord does not terminate his ownership, the tenant shall not be deemed purchaser.



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* CLAIMED PURCHASE: (Sec. 37)

— At times, the tenants are held landless by the landlords, who are:

(i) Widow

(ii) Minor child

(iii) Disabled person.

Then, the tenant won't be a deemed owner/purchaser on Tiller's Day, due to the time afforded to them till their exemptions cease.

The tenants have to claim for ownership within 2 years of cessation of exemption of these person, viz.

(i) Widow, successor in title, death of the widow, one year

(ii) Minor child, within one year of his attaining 18.



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(iii) Disabled persons within one year of cessation of his disability.

— Claimed purchase as above stated contrasts from Deemed purchase because where in Deemed purchase there is no action and only presumption by law in claimed purchase, the tenants have to demand or claim for their ownership rights after the cessation of exemptions provided.

* CONCLUSION:

— Thus the Tillery Day is the day on which almost all tenancies was removed to provide tenants who personally cultivate land ownership and making their futures secure.

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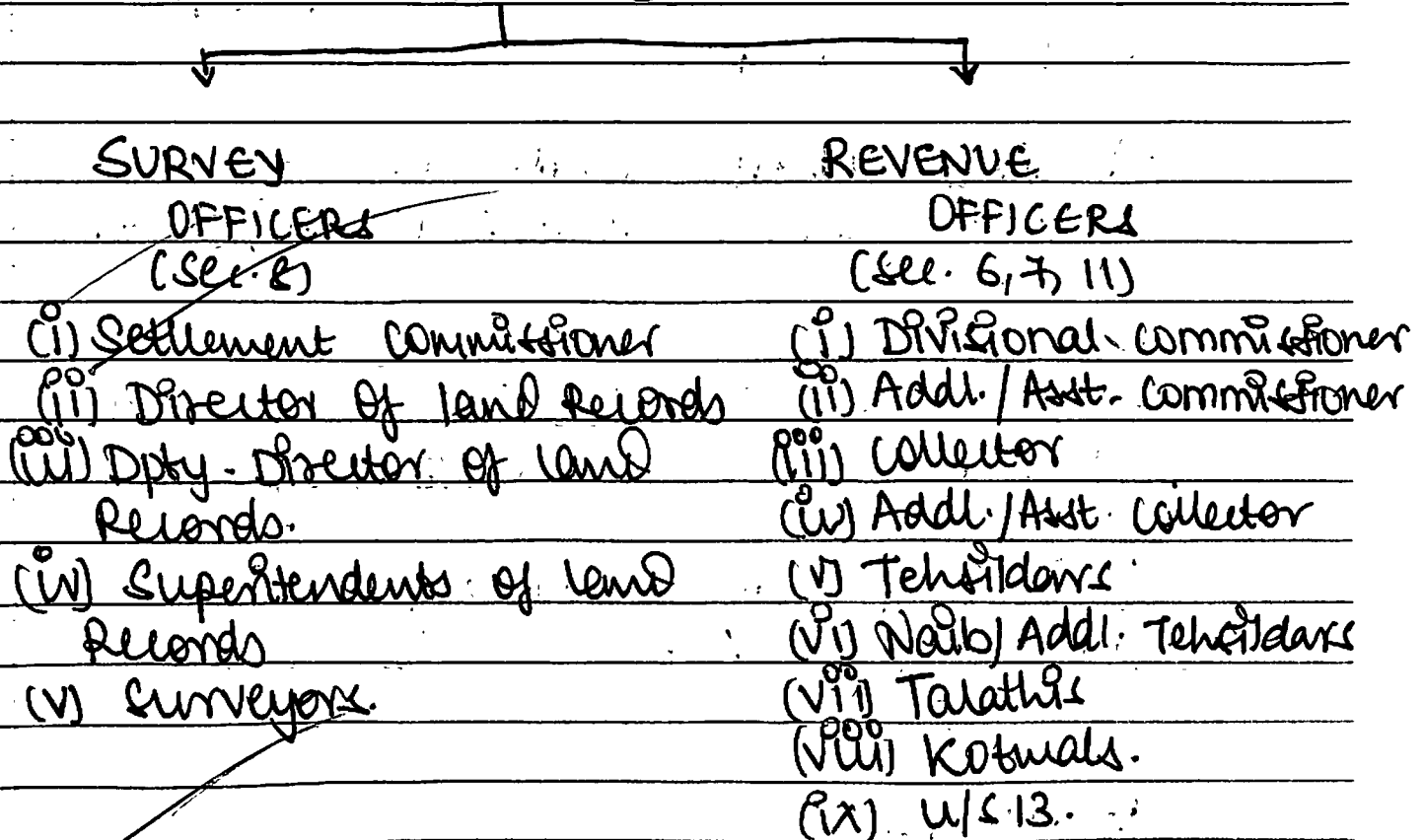
* POWERS AND DUTIES OF SURVEY OFFICERS:

⇒

* INTRODUCTION:

There are two hierarchies in the Revenue Department as per the Maharashtra Land Revenue Code, 1966.

Sec. 2(31)



In a way, Survey Officers are also Revenue Officers u/s 2(31) but, the Survey Officers work on the collection of data for land records, maintaining records, etc.



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* FUNCTIONS:

- (i) The Survey Officers collect data impervinent to maintaining of land records.
- (ii) They measure the lands for formulating a perfect map.
- (iii) They classify lands as per the distinct features of soil, climate, water etc.
- (iv) They survey the land to assess the land for settlement purposes.
- (v) They fix the boundary and boundary marks.

* POWERS:

- (i) As prescribed by the State Government the Deputy Director of land records will exercise all powers subordinated to him by the Director of land records.



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(i) The Circle Officers will exercise all such powers bestowed upon them or as prescribed by the Government from time to time in their Circles by the Tehsildars.

(ii) The Survey ~~Tehsil~~ Talathi has to perform all such duties with the powers bestowed on him by higher authorities in his Sazas or group of villages as required by the survey work.

* SURVEY WORK:

The survey work includes:

- (i) Classify the land
- (ii) Measure the land.
- (iii) Formulate land records
- (iv) measure distances to make maps
- (v) Maintaining field books
- (vi) Fix Boundary or Boundary marks.



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The procedure followed in survey of land include:

(i) The denotation of a particular land in a village.

(ii) Powers of the survey officers to conduct surveys without giving notice.

(iii) Take or demand for help from the villagers.

(iv) Make sure the ~~the~~ villagers are present during the survey.

(v) Ask or demand for any materials required for survey.

(vi) All the costs of survey to be borne by the villagers.

→ These types of survey for assessment of land is called Revenue surveys as they help in assessment of land revenue.



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* Other Duties and Powers of Survey Officers:

- (i) Power to produce evidence
- (ii) Power to presence of witnesses.
- (iii) Duty to conduct land assessments for other private and local authorities.
- (iv) All costs are borne by others.
- (v) Power to demand for materials that will be required to conduct survey.
- (vi) Make maps of all lands.
- (vii) Such maps are useful in denoting the land revenue applicable in distinct groups.
- (viii) These maintenance of land records are helpful in land assessment and determining the records for



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Rights on the land like Record of Rights, Nizaman Patra, 7/12 etc.

* CONCLUSION:

— Thus, the survey officers have been provided various powers to conduct their work of maintaining important record of rights, which is a continuous process.

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