The Chhattisgarh Land Revenue Code Act, 1959

Act No. 20 of 1959

Keywords:
Rights in Fruit Bearing Trees, Abadi, Improvement, Land Records, Survey


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# MADHYA PRADESH ACT

No. 20 of 1959

THE MADHYA PRADESH LAND REVENUE CODE, 1959

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(Received the assent of the President on the 15th September, 1959; assent first published in the "Madhya Pradesh Gazette" extraordinary on the 21st September, 1959.)

An Act to consolidate and amend the law relating to land revenue, the powers of Revenue Officers, rights and liabilities of holders of land from the State Government agricultural tenures and other matters relating to land and the liabilities incidental thereto in Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Tenth Year of the Republic of India as follows:---

CHAPTER I

Preliminary

1. (1) This Act may be called the Madhya Pradesh Land Revenue Code, 1959.

(2) It extends to the whole of Madhya Pradesh but nothing in this Code shall apply to such areas as may, from time to time, be constituted as reserved or protected forests under the Indian Forest Act, 1927 (XVI of 1927).

(3) This Code shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. (1) In this Code, unless there is anything repugnant to the subject or context,—

(a) "abadi" means the area reserved from time to time in a village in a non-urban area for the residence of the inhabitants thereof or for purposes ancillary thereto, and any other local equivalent of this expression such as "village site" or "gaonsthan" shall also be construed accordingly;

(b) "agriculture" includes—

(i) the raising of annual or periodical crops including betel leaves (Pan) and watermats (Singhara) and garden produce;

(ii) horticulture;

(iii) the planting and upkeep of orchards; and

(iv) the reserving of land for fodder, grazing or thatching grass;

(c) "agricultural year" means the year commencing on the first day of July or such other date as the State Government may, by notification, appoint;

(d) "Board" means the Board of Revenue constituted under section 3;


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(e) “bona fide agriculturist” means a person who cultivates land personally or who may reasonably be expected to cultivate personally;

(f) “co-operative society” means a society registered as such under any law relating to co-operative societies in force for the time being in any region of the State;

(g) “Government forest” means a forest constituted as a reserved forest or protected forest in accordance with the provisions of the Indian Forest Act, 1927 (XVI of 1927);

(h) “Government lessee” means a person holding land from the State Government under section 181;

(i) “holding” means—

(i) a parcel of land separately assessed to land revenue and held under one tenure; and

(ii) in reference to land held by a tenant a parcel of land held from a Blumiswarni under one lease or set of conditions;

(j) “improvement” means with reference to a holding any work which adds materially to the value of the holding which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the holding, is either executed directly for its benefit or is after execution, made directly beneficial to it; and, subject to the foregoing provisions, includes—

(i) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(ii) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water;

(iii) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land;

(iv) the erection of buildings on or in the vicinity of the holding, elsewhere than in the abadi or urban area, required for the convenient or profitable use or occupation of the holding; and

(v) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto;

but does not include—

(a) temporary wells and such water channels, embankments, levelling, enclosures or other works or petty alterations in or repairs to such works, as are commonly made by cultivators of the locality in the ordinary course of agriculture; or

(b) any work which substantially diminishes the value of any land, wherever situated, in the occupation of any other person, whether as Blumiswarni or occupancy tenant;

Explanation. — A work which benefits several holdings may be deemed to be an improvement with respect to each of such holdings;
(k) "land" means a portion of the earth's surface whether or not under water; and, where land is referred to in this Code, it shall be deemed to include all things attached to or permanently fastened to any thing attached to such land;

(l) "landless person" means a person who is a bonafide agriculturist and who whether individually or jointly with other members of his family hold no lands or land less than the area which may be prescribed in this behalf;

Explanation.—For purposes of this clause the family of a person shall be deemed to consist of his spouse, issue and parents.

(m) "land records" means records maintained under the provisions of this Code;

(n) "legal practitioner" means any person entitled to practise in any of the courts in Madhya Pradesh under the Legal Practitioners Act, 1879 (XVIII of 1879), or under any other law for the time being in force;

(o) "mango grove" means mango trees planted in such numbers that they preclude or when full grown are likely to preclude the land on which they stand or any major portion thereof from being used primarily for any purpose other than planting of trees;

(p) "orchard" means fruit trees planted in such numbers that they preclude or when full grown are likely to preclude the land on which they stand or any major portion thereof from being used primarily for any purpose other than planting of trees;

(q) "plot number" means a portion of land in urban area formed into or recognised as a plot number under section 93, in respect of which the area and the land revenue payable are separately entered in the prescribed records under an indicative number and includes any portion of land entered in the previous records under an indicative number known as khasra or survey number;

(r) "recognised agent" in reference to a party to a proceeding under the Code means—

(i) a person authorised under a power of attorney by such party to make appearance and applications and to do other acts on his behalf in such proceedings; and

(ii) a person authorised in writing by such party to make appearance on his behalf in such proceedings;

(s) "region" means the Mahakoshal region, the Madhya Bharat region, the Bhopal region, the Vindhya Pradesh region and the Sironji region, or any of these, as the case may be;

(t) "rents" means whatever is paid or is payable in money or in kind—

(i) by an occupancy tenant to his Bhumiswami according to the provisions of section 188 or by a lessee to his Bhumiswami on account of the use or occupation of land held by him from such Bhumiswami; or

(ii) by a Government lessee to the Government on account of the use or occupation of land leased out to him by the Government;

\(1\) See now the Advocates Act, 1961 (25 of 1961).
"Revenue Officer" in any provision of this Code means such Revenue Officer as the State Government may, by notification, direct to discharge the functions of a Revenue Officer under that provision;

"Revenue year" means the year commencing on such date as the State Government may, in the case of any special local area, by notification, appoint;

"sub-division of a survey number" means a portion of a survey number in respect of which the area and the land revenue payable are separately entered in the land records under an indicative number subordinate to that of the survey numbers of which it is a portion;

"survey number" means a portion of land in non-urban area formed into, or recognised as a survey number at the last preceding revenue survey, or subsequently recognised as such by the Collector, in respect of which the area and land revenue payable are separately entered under an indicative number in the land records; and includes any portion of land entered in the land records under an indicative number known as the khasra number;

"tenant" means a person holding land from a Bhumiswami as an occupancy tenant under Chapter XIV;

"tenure-holder" means a person who holds land from the State Government and who is or is deemed to be Bhumiswami under the provisions of this Code:

"timber trees" means trees of the following species, namely:

(i) Tectona grandis (sagwan);
(ii) Pterocarpus Marsupium (bija);
(iii) Dalbergia latifolia (shisham);
(iv) Shorea robusta (sal);
(v) tisra;
(vi) Terminalia tomentosa (ain or sal);
(vii) Santalumalbum (Chandan);

"to cultivate personally" means to cultivate on one's own account—

(i) by one's own labour, or
(ii) by the labour of any member of one's family, or
(iii) by servants on wages payable in cash or kind but not in crop share, or
(iv) by hired labour under one's personal supervision or the personal supervision of any member of one's family;

"unoccupied land" means the land in a village other than the abadi or service land, or the land held by a Bhumiswami, a tenant or a Government lessee;

"urban area" means the area for the time being included within the limits of any municipal corporation or any municipality or notified area constituted under any law for the time being in force relating to municipalities or any village or group of villages which may be specified by the State Government as urban area; and the expression "non-urban area" shall be construed accordingly;
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“village” means any tract of land which, before the coming into force of this Code, was recognised as or was declared as a village under the provisions of any law for the time being in force and any other tract of land which is hereafter recognised as a village at any revenue survey or which the State Government may, by notification, declare to be a village.

(2) Any reference made in this Code to the date of coming into force of this Code shall be construed as reference to the date appointed by notification under sub-section (3) of section 1.

CHAPTER II

Board of Revenue

3. (1) There shall be a Board of Revenue for Madhya Pradesh consisting of a President and two or more other members as the State Government may, from time to time, think fit to appoint.

(2) The Board of Revenue as constituted and functioning for the several regions of this State immediately before the coming into force of this Code, hereinafter in this Chapter referred to as the existing Board, shall with effect from the date of coming into force of this Code, be deemed to be the Board of Revenue for Madhya Pradesh constituted under this section.

(3) The President and members of the existing Board shall be the first President and members respectively of the Board of Revenue for Madhya Pradesh.

4. (1) The principal seat of the Board shall be at such place as the State Government may, by notified order, appoint.

(2) Notwithstanding anything contained in sub-section (1), the President and members of the Board may also sit at such other place or places as the President of the Board may with the approval of the State Government appoint.

5. (1) When any member is, by reason of absence or otherwise, unable to perform the duties of his office, the State Government may, by notification, appoint any person to be, for the time being, a member of the Board.

(2) Except as expressly provided by this Code, the terms and conditions of service of the President and members of the Board shall be such as may be prescribed and the terms and conditions laid down by the State Government for the President and members of the existing Board shall continue in force until modified or superseded under this section.

(3) A person shall not be qualified for appointment as a member of the Board unless he:

(a) is eligible for appointment as a Judge of the High Court; or
(b) has been a Revenue Officer, and has held, for at least five years, an office not lower in rank than that of a Collector.

6. There shall be paid to the members of the Board such salaries and allowances as the State Government may determine and those salaries and allowances shall be charged on the consolidated fund of the State.

7. (1) The Board shall exercise the powers and discharge the functions conferred upon it by or under this Code and such functions of the State Government as may be specified by notification by the State Government in that behalf and such other functions as have been conferred or may be conferred by or under any Central or State Act on the Chief Revenue Authority or the Chief Controlling Revenue Authority.
(2) The State Government may, subject to such conditions as it may deem fit to impose, by notification, confer upon, or entrust to the Board or any member of the Board, additional powers or functions assigned to the State Government by or under any enactment for the time being in force.

3. The Board shall, in respect of all matters subject to its appellate or revisional jurisdiction, have superintendence over all authorities in so far as such authorities deal with such matters and may call for returns.

9. The Board may make rules for the exercise of powers and functions of the Board, by benches constituted of one or more members thereof, and all decisions given by such benches in exercise of such powers or functions shall be deemed to be the decisions of the Board.

10. All appeals, applications for revision and other proceedings pending before the existing Board immediately before the coming into force of this Code shall be heard and decided by the Board.

CHAPTER III
Revenue Officers, their Classes and Powers

11. There shall be the following classes of the Revenue Officers, namely:

Revenue Officers.
Commissioners (including Additional Commissioners);
Settlement Commissioner (including Additional Settlement Commissioners);
Collectors (including Additional Collectors);
Settlement Officers;
Sub-Divisional Officers;
Assistant Collectors;
Deputy Collectors;
[Deputy Settlement Officers];
Assistant Settlement Officers;
Tahsildars (including Additional Tahsildars);
Superintendents of Land Records;
Nalb-Tahsildars;
Assistant Superintendents of Land Records.

12. (1) All Revenue Officers shall be subordinate to the State Government.

(2) All Revenue Officers in a Division shall be subordinate to the Commissioner.

(3) Unless the State Government otherwise directs all Revenue Officers in a district shall be subordinate to the Collector.

13. (1) The State Government may create divisions comprising of such districts as it may deem fit and may abolish or alter the limits of such divisions

Powers of superintendence of Board.
Exercise of jurisdiction by single members and benches.
Cases pending at commencement of Code.
Revenue Officers.
Control over Revenue Officers.
Power to alter, create or abolish divisions, district, sub-divisions and tahsils.

(2) The State Government may alter the limits of any district or taluk and may create new, or abolish existing districts or taluks, and may divide any district into sub-divisions and may alter the limits of or abolish any subdivision:

Provided that the State Government before passing any orders under this section on any proposal to alter the limits of any division or district or taluk or to create new or abolish existing divisions, districts or taluks, shall publish in the prescribed form such proposals for inviting objections and shall take into consideration any objections to such proposal.

(3) Subject to the orders of the State Government under sub-section (2), every taluk shall be deemed to be a sub-division of a district.

14. (1) The State Government shall appoint in each division a Commissioner who shall exercise therein the powers and discharge the duties conferred and imposed on a commissioner by or under this Code or by or under any other enactment for the time being in force.

(2) The State Government may, subject to such conditions as it may deem fit to impose, by notification, confer upon the Commissioner any of the powers or functions assigned to the State Government by or under any enactment for the time being in force.

15 (1) The State Government may appoint an Additional Commissioner in a division or in two or more divisions.

(2) An Additional Commissioner shall exercise such powers and discharge such duties conferred and imposed on a Commissioner by or under this Code or by or under any other enactment for the time being in force in such cases or class of cases as the State Government may, by a general order, notify or as the Commissioner of the division may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct.

(3) This Code and every other enactment for the time being in force and any rule made under this Code or any such other enactment shall, except where expressly directed otherwise, apply to the Additional Commissioner when exercising any powers or discharging any duties under sub-section (2) as if he were the Commissioner of the division.

16. The State Government shall appoint in each district a Collector who shall exercise therein the powers and discharge the duties conferred and imposed on a Collector by or under this Code or any other enactment for the time being in force.

17. (1) The State Government may appoint one or more Additional Collectors in a district.

(2) An Additional Collector shall exercise such powers and discharge such duties conferred and imposed on a Collector by or under this Code or by or under any other enactment for the time being in force in such cases or class of cases as the State Government may, by a general order, notify or as the Collector of the district may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct.

(3) This Code and every other enactment for the time being in force and any rule made under this Code or any such other enactment shall, except where expressly directed otherwise, apply to the Additional Collector when exercising any powers or discharging any duties under sub-section (2) as if he were the Collector of the district.

18. The State Government may appoint for each district as many persons as it thinks fit to be Assistant Collectors of the first and second grades and Deputy Collectors who shall exercise such powers as the State Government may, by notification, direct.
19. (1) The State Government may appoint in each tahsil a Tahsildar and one or more Naib-Tahsildars who shall exercise therein the powers and perform the duties conferred or imposed on them by or under this Code or under any other enactment for the time being in force.

(2) The State Government may appoint one or more Additional Tahsildars in a tahsil. An Additional Tahsildar shall exercise such powers and discharge such duties conferred or imposed on a Tahsildar by or under this Code or by or under any other enactment for the time being in force as the Collector of the district may by an order in writing direct.

20. (1) The State Government may appoint to each district as many persons as it thinks fit to be Superintendents of Land Records and Assistant Superintendents of Land Records.

(2) The Superintendents and Assistant Superintendents of Land Records shall exercise the powers and perform the duties conferred or imposed on them by or under this Code or any other enactment for the time being in force.

21. (1) The State Government may appoint such other officers and invest them with such powers as may be necessary to give effect to the provisions of this Code.

(2) Such officers shall discharge such duties and be subordinate to such authorities as the State Government may direct.

22. (1) The Collector may place one or more Assistant Collectors of Deputy Collectors in-charge of a sub-division of a district or in-charge of two or more sub-divisions of a district.

(2) Such Assistant Collector or Deputy Collector shall be called a Sub-Divisional Officer and shall exercise such powers of a Collector as the State Government may, by notification, direct.

23. Unless the Collector otherwise directs, every Revenue Officer in a sub-division shall be subordinate to the Sub-Divisional Officer and a Naib-Tahsildar in a tahsil shall be subordinate to the Tahsildar.

24. (1) The State Government may confer on any person the powers conferred by or under this Code on any Revenue Officer.

(2) The State Government may confer on any Assistant Collector, Tahsildar or Naib-Tahsildar the powers conferred by this Code on a Revenue Officer of a higher grade.

25. If any Revenue Officer, who has been invested with any powers under this Code in any tahsil or district, is transferred to an equal or higher office of the same nature in any other tahsil or district, he shall, unless the State Government otherwise directs, exercise the same powers under this Code in such other tahsil or district.

26. If the Collector dies or is disabled from performing his duties, the officer who is temporarily placed in charge of the current duties of the Collector shall be held to be the Collector under this Code until the State Government appoints a successor to the Collector so dying or disabled and such successor takes charge of his appointment.

CHAPTER IV

Procedure of Revenue Officers and Revenue Courts

27. Except for reasons to be recorded in writing, no Revenue Officer shall inquire into, or hear, any case at any place outside the local limits of his jurisdiction:

Provided that a Sub-Divisional Officer may enquire into, or hear, any case at any place within the district to which he is appointed.

28. All Revenue officers, revenue inspectors, measurers and patwaris and when under their observation and control, their servants and workmen when so directed, may enter upon and survey land and demarcate boundaries and do other acts connected with their duties under this Code or any other enactment for the time being in force and in so doing shall cause no more damage than may be required for the due performance of their duties:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least twenty-four hours notice, and in making such entry due regard shall be paid to the social and religious sentiments of the occupier.

29. (1) Whenever it appears to the Board that an order under this section is expedient for the ends of justice, it may direct that any particular case be transferred from one Revenue Officer to another Revenue Officer of an equal or superior rank in the same district or any other district.

(2) The Commissioner, on an application made to him in this behalf may, if he is of opinion that it is expedient for the ends of justice, order that any particular case be transferred from a Revenue Officer to another Revenue Officer of an equal or superior rank in the same district or any other district in the same division.

30. (1) A Collector, a Sub-Divisional Officer, or a Tahsildar may make over any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force, for decision from his own file to any Revenue Officer subordinate to him competent to decide such case or class of cases, or may withdraw any case or class of cases from any such Revenue Officer and may deal with such case or class of cases himself or refer the same for disposal to any other Revenue Officer subordinate to him competent to decide such case or class of cases.

(2) A Commissioner, a Collector, a Sub-Divisional Officer, or a Tahsildar may make over for inquiry and report any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force from his own file to any Revenue Officer subordinate to him.

31. The Board or a Revenue Officer, while exercising power under this Code or any other enactment for the time being in force to enquire into or to decide any question arising for determination between the State Government and any person or between parties to any proceedings, shall be a Revenue Court.

32. Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Revenue Court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Court.

33. (1) Subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908 (V of 1908) and to rules made under section 41, every Revenue Officer acting as a Revenue Court shall have power to take evidence, to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry or case arising under this Code or any other enactment for the time being in force.

(2) No person shall be ordered to attend in person, unless he resides:

(a) within the limits of the tahsil if the Revenue Officer acting as a Revenue Court is a Naib-Tahsildar and in the case of any other Revenue Officer, within the local limits of his jurisdiction; or
(b) without such limits but at a place less than fifty, or where there is
a railway communication or other established public conveyance
for five-sixths of the distance between the place where he resides
and the place where he is summoned to attend, less than two
hundred miles distant from such place.

(3) Any person present may be required by any such Revenue Officer
to give evidence or to produce any document then and there in his possession
or power.

(4) Every such Revenue Officer shall have power to issue a commis-
sion to examine any person who is exempted from attending Court or who
cannot be ordered to attend in person or is unable to attend on account of
sickness or infirmity.

34. If any person on whom a summons to attend as witness or to pro-
duce any document has been served fails to comply with the summons, the
officer by whom the summons has been issued under section 33 may—

(a) issue a bailable warrant of arrest;

(b) order him to furnish security for appearance; or

(c) impose upon him a fine not exceeding rupees fifty.

35. (1) If on the date fixed for hearing a case or proceeding, a Revenue
Officer finds that a summons or notice was not served on any party due to the
failure of the opposite party to pay the requisite process fees for such service,
the case or proceeding may be dismissed in default of payment of such process
fees.

(2) If any party to a case or proceeding before a Revenue Officer does
not appear on the date fixed for hearing after due service of a notice or summons
on him the case may be heard and determined in his absence or may be dis-
missed in default, as the case may be.

(3) The party against whom any order is passed under sub-section (1)
or (2) may apply within thirty days from the date of such order or knowledge
of the order in case the notice or summons was not duly served, to have it set
aside on the ground that he was prevented by any sufficient cause from paying
the requisite process fees for service of a summons or notice on the opposite party
or from appearing at the hearing and the Revenue Officer may, after notice
to the opposite party which was present on the date on which such order was
passed and after making such inquiry as he considers necessary, set aside the
order passed.

(4) Where an application filed under sub-section (3) is rejected, the
party aggrieved may file an appeal to the authority to whom an appeal lies
from an original order passed by such officer.

(5) Except as provided in sub-section (4) or except where a case or pro-
cceeding before a Revenue Officer has been decided on merits, no appeal shall
lie from an order passed under this section.

36. (1) A Revenue Officer may, from time to time, for reasons to be
recorded and on such terms as to costs, adjourn the hearing of a case or pro-
cceeding before him.

(2) The date and place of an adjourned hearing of a case or proceeding
shall be intimated at the time of the adjournment to such of the parties and
witnesses as are present.

37. A Revenue Officer may award costs incurred in any case or pro-
cceeding arising under this Code or any other enactment for the time being
in force in such manner and to such extent, as he thinks fit:
Provided that the fees of a legal practitioner shall not be allowed as costs in any such case or proceeding, unless such officer considers otherwise for reasons to be recorded by him in writing.

38. Where any person against whom an order to deliver possession of immovable property has been passed under this Code such order shall be executed in the following manner, namely:

(a) by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land; and

(b) if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same; and

(c) if the officer removing any such person is resisted or obstructed by any person, the Revenue Officer shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance or obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.

39. Save as otherwise provided in any other enactment for the time being in force, all appearances before, applications to and acts to be done before any Revenue Officer under this Code or any other enactment for the time being in force may be made or done by the parties themselves or by their recognised agents or by any legal practitioner:

Provided that subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1859 (V of 1859), any such appearance shall, if the Revenue Officer so directs, be made by the party in person:

Provided further that appearance alone may be made by a recognised agent falling under item (ii) of clause (m) of sub-section (1) of section 2.

40. The rules in Schedule I shall have effect as if enacted in the body of this Code until annulled or altered in accordance with the provisions of this Chapter.

41. (1) The Board may, from time to time, make rules consistent with the provisions of this Code regulating the practice and procedure of the Board and the procedure to be allowed by other Revenue Courts and may by such rules annul, alter or add to all or any of the rules in Schedule I.

(2) In particular and without prejudice to the generality of the Powers conferred by sub-section (1), such rules may provide for all or any of the following matters, namely:

(a) the service of summons, notices and other processes, by post or in any other manner either generally or in any specified areas, and the proof of such service;

(b) the regulation of power of Revenue Officers to summon parties and witnesses and the grant of expenses to witnesses;

(c) the regulation of recognised agents with regard to appearances, applications and acts done by them in proceedings under this Code;

(d) procedure to be observed in effecting attachment of movable and immovable properties;

(e) procedure for publishing, conducting, setting aside and confirming sales and all ancillary matters connected with such proceedings;
(f) the maintenance and custody, while under attachment, of live-stock and other movable property, the fees payable for such maintenance and custody, the sale of such live-stock and property, and the proceeds of such sale;

(g) consolidation of appeals and other proceedings;

(h) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Revenue Courts;

(i) the time within which, in the absence of any express provision, appeals or applications for revision may be filed;

(j) the cost of and incidental to any proceedings;

(k) examination of witnesses on commission and payment of expenses incidental to such examination;

(l) licensing of petition-writers and the regulation of their conduct.

(3) Such rules shall be subject to the condition of previous publication and approval of the State Government, and after they are so made and approved they shall be published in the Gazette, and shall, from the date of publication or from such other date as may be specified, have the same force and effect as if they were contained in Schedule I.

42. No order passed by a Revenue Officer shall be reversed or altered in appeal or revision on account of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before or during any enquiry or other proceedings under this Code, unless such error, omission, or irregularity has in fact occasioned a failure of justice.

Explanation.—In determining whether any error, omission or irregularity in any proceedings under this Code has occasioned a failure of justice regard shall be had to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

43. Unless otherwise expressly provided in this Code, the procedure laid down in the Code of Civil Procedure, 1908 (V of 1908) shall, so far as may be, be followed in all proceedings under this Code.
(f) if such order is passed by a Settlement Officer, whether exercising the powers of Settlement Officer or the powers of a Collector in connection with any settlement operation unless otherwise expressly provided to the Settlement Commissioner;

(g) if such order is passed by the Commissioner or the Settlement Commissioner to the Board.

[2] Save as otherwise provided a second appeal shall lie against every order passed in first appeal under this Code or the rules made thereunder—

(i) by the Sub-Divisional Officer or the Collector to the Commissioner;

(ii) by the Settlement Officer to the Settlement Commissioner;

(iii) by the Commissioner to the Board—

(a) if the original order has in the first appeal been varied or reversed otherwise than in a matter of cost; or

(b) on any of the following grounds and no other, namely—

(i) that the order is contrary to law or usage having the force of law; or

(ii) that the order has failed to determine some material issue of law or usage having the force of law; or

(iii) that there has been a substantial error or defect in the procedure as prescribed by this Code, which may have produced error or defect in the decision of the case upon merits.

(3) An order passed in review varying or reversing any order shall be appealable in like manner as the original order.

45. All proceedings arising from the Madhya Bharat region and pending before the Director of Land Records in appeal, revision or review immediately before the coming into force of this Code, shall stand transferred to the Settlement Commissioner and every such proceeding shall be heard and decided by the Settlement Commissioner as if it had been entertained by him under the provisions of this Code.

[46] No appeal shall lie under this Code from an order—

(a) admitting an appeal or application for review on the grounds specified in section 5 of the Indian Limitation Act, 1908 (IX of 1908); or

(b) rejecting an application for review; or

(c) granting or rejecting an application for stay; or

(d) of an interim nature; or

(e) relating to appointment under sub-section (2) of section 104 or sub-section (1) of section 106.

47. No appeal shall lie—

(a) to the Sub-Divisional Officer or Collector or Settlement Officer or Settlement Commissioner, after the expiration of forty-five days from the date of the order to which objection is made; or

1 Subs. by M. P. Act 10 of 1974, s. 2.
(b) to the Commissioner after the expiration of sixty days from such date; or

c) to the Board, after the expiration of ninety days from such date:

Provided that an appeal to any Revenue Officer specified in clause (a) from an order passed in the Madhya Bharat region before the coming into force of this Code may be filed before the expiration of sixty days from the date of such order:

Provided further that where a party, other than a party against whom the order has been passed ex-parte, had no previous notice of the date on which the order is passed, limitation under this section shall be computed from the date of the communication of such order.

48. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made unless the production of such copy is dispensed with.

49. (1) The appellate authority may either admit the appeal or, after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it:

Provided that the appellate authority shall not be bound to call for the record where the appeal is time-barred or does not lie.

(2) If the appeal is admitted, date shall be fixed for hearing and notice shall be served on the respondent.

(3) After hearing the parties, if they appear, the appellate authority may confirm, vary or reverse the order appealed against; or may direct such further investigation to be made, or such additional evidence to be taken, as it may think necessary; or may itself take such additional evidence; or may remand the case for disposal with such directions as it thinks fit.

50. (1) The Board or the Commissioner or the Settlement Commissioner or the Collector or the Settlement Officer may at any time on its/his motion or on the application made by any party for the purpose of satisfying itself/himself as to legality or propriety of any order passed by or as to the regularity of the proceedings of any Revenue Officer subordinate to it/him call for, and examine the record of any case pending before, or disposed of by such officer, and may pass such order in reference thereto as it/he thinks fit:

Provided that——

(i) no application for revision shall be entertained——

(a) against an order appealable under this Code;

(b) against an order of the Settlement Commissioner under section 210;

(ii) no such application shall be entertained unless presented within sixty days to the Commissioner or the Settlement Commissioner or the Collector or the Settlement Officer, as the case may be, or within ninety days to the Board of Revenue from the date of the order and in computing the period aforesaid, time requisite for obtaining a copy of the said order shall be excluded;

(iii) no order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard;

(2) Notwithstanding anything contained in sub-section (1)——

(i) where proceedings in respect of any case have been commenced by the Board under sub-section (1) no action shall be taken by the Commissioner or the Settlement Commissioner or the Collector or the Settlement Officer in respect thereof;
(ii) where proceedings in respect of any case have been commenced by the Commissioner or the Settlement Commissioner under sub-section (1), no action shall be taken by the Collector or Settlement Officer in respect thereof;

(iii) where proceedings in respect of any such case have been commenced by the Commissioner, Settlement Officer under sub-section (1), the Board may either refrain from taking any action under this section in respect of such case until the final disposal of such proceedings by the Commissioner or the Settlement Commissioner or Collector or the Settlement Officer, as the case may be, or may withdraw such proceedings and pass such order as it may deem fit;

(iv) where proceedings in respect of any such case have been commenced by the Collector or the Settlement Officer under sub-section (1), the Commissioner or the Settlement Commissioner may either refrain from taking any action under this section in respect of such case until the final disposal of such proceedings by the Collector or the Settlement Officer, as the case may be, or may withdraw such proceedings and pass such order as it may deem fit.

**Explanation.** For the purpose of this section all Revenue Officers shall be deemed to be subordinate to the Board.

51. (1) The Board and every Revenue Officer may, either on its/his own motion or on the application of any party interested review any order passed by itself/himself or by any of its/his predecessors in office and pass such order in reference thereto as it/he thinks fit;

Provided that -

(i) if the Commissioner, Settlement Commissioner, Collector or Settlement Officer thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the Board, and if an officer subordinate to a Collector or Settlement Officer proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction in writing of the authority to whom he is immediately subordinate;

(ii-a) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order;

(iii) no order from which an appeal has been made, or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending, be reviewed;

(iv) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings, and no application for the review of such order shall be entertained unless it is made within ninety days from the passing of the order.

(2) No order shall be reviewed except on the grounds provided for in the Code of Civil Procedure, 1908 (V of 1908).

(3) For the purposes of this section the Collector shall be deemed to be the successor in office of any Revenue Officer who has left the district or who has ceased to exercise powers as a Revenue Officer and to whom there is no successor in the district.

(4) An order which has been dealt with in appeal or on revision shall not be reviewed by any Revenue Officer subordinate to the appellate or revisional authority.

2. Ins. by S. 3, ibid.
Chapter VI

Land and Land Revenue

57. (1) All lands belong to the State Government and it is hereby declared that all such lands, including standing and flowing water, mines, quarries, minerals and forests reserved or not, and all rights in the sub-soil of any land are the property of the State Government:

[Provided that nothing in this section shall, save as otherwise provided in this Code, be deemed to affect any rights of any person subsisting at the coming into force of this Code in any such property.]

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1. New see the Limitation Act, 1963 (56 of 1963).
(2) where a dispute arises between the State Government and any person in respect of any right under sub-section (1), such dispute shall be decided by the (Sub-divisional Officer).

(3) Any person aggrieved by any order passed under sub-section (2) may institute a civil suit to contest the validity of the order within a period of one year from the date of such order.

(34) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908) no Civil Court shall, in a civil suit instituted under sub-section (3), on or after 24th October, 1983, by order of temporary injunction disturb the person to whom possession is restored under section 250 if such person furnishes a reliable security to recompense the aggrieved party against any loss in case the Civil Court grants a decree in favour of the aggrieved party:

Provided that no security shall be required to be furnished by a member of a tribe declared to be an aboriginal tribe under sub-section (6) of section 163;

(4) Where a Civil Court by an order of temporary injunction disturbed the person referred to in clause (a) on or after 24th October, 1983 but before the publication of Revenue Department's Notification No. 170-VII-N-2-83, dated 4th January, 1984 such order shall abate on such publication and the Talukdar shall restore possession to a person who is disturbed by such order.1

(4) Where a civil suit has been instituted under sub-section (3) against any order such order shall not be subject to appeal or revision.

Liability of land to payment of land revenue.

56. (1) All lands, to whatever purpose applied, and wherever situated, is liable to the payment of revenue to the State Government, except such land as has been wholly exempted from such liability by special grant of the contract with the State Government, or under the provisions of any law or rule for the time being in force.

(2) Such revenue is called “land revenue”, and that term includes all moneys payable to the State Government for land, notwithstanding that such moneys may be described as premium, rent, lease money, quit-rent or in any other manner, in any enactment, rule, contract or deed.

Certain land to be exempt from payment of land revenue.

2[56-A. Notwithstanding anything contained in this Code, the land revenue shall be payable in respect of an agricultural holding used exclusively for the purpose of agriculture.

Explanation I.—For the purpose of this section—

(a) “agricultural holding” shall mean a holding the extent of which is not more than five acres;2

(b) “holding” shall mean the entire land held by a person in the State, notwithstanding the fact that any portion thereof is separately assessed to land revenue; and

(c) “land revenue” shall not include moneys payable to the State Government for land by way of premium, rent or lease moneys in respect of land leased out for a period of less than five years or quit-rent.


2. Ins. in its application to the Scheduled Areas by Government of Madhya Pradesh, Revenue Department's Notification No. 170-VII-N-2-83, dated the 4th January 1984 issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the 14th Schedule to the Constitution of India, published in the Madhya Pradesh Kshetra Madhav Prabha dated the 6th January 1984, page 23-29.


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Explanation II.—For the purpose of clause (b) of Explanation I the entire land held by a person in the State shall mean—

(a) the entire land held by a person is the State individually and shall include—

(i) where land is held by such person jointly with one or more persons, so much portion of the land as falls to his share; and

(ii) land held by such person as Bhoodan holder under the Madhya Pradesh Bhoodan Yagna Act, 1968 (28 of 1968); and

(b) where land is held by a person jointly with one or more persons, the single holding so jointly held.

59. (1) The assessment of land revenue on any land shall be made with reference to the use of land—

(a) for the purpose of agriculture;

(b) as sites for dwelling houses;

(c) for purposes other than those specified in items (a), (b) or (d);

(d) for industrial or commercial purpose.

(2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed in accordance with the purpose to which it has been diverted.

(2-A) The alteration or assessment referred to in sub-section (2) shall be carried out by the Sub-Divisional Officer.

(3) Where the land held free from the payment of land revenue on condition of being used for any purpose is diverted to any other purpose it shall become liable to the payment of land revenue and assessed in accordance with the purpose to which it has been diverted.

(4) The assessment made under sub-sections (2) and (3) shall be in accordance with the rules made by the State Government in this behalf and such rules shall be in accordance with the principles contained in Chapter VII or VIII, as the case may be.

(5) Where land for use for any one purpose is diverted to any other purpose, and land revenue is assessed therein under the provisions of this section, the Sub-Divisional Officer shall also have power to impose a premium on the diversion in accordance with rules made under this Code;

Provided that no premium shall be imposed for the diversion of any land for charitable purposes.

(6) Notwithstanding any usage or grant or anything contained in any law, the right of all persons holding land, which immediately before the coming into force of the Madhya Pradesh Land Revenue Code, 1954 (II of 1955), was held in malki, mabruza right, to exemption from payment of premium on diversion of such land is hereby abolished; but every such person shall, on diversion of such land, be entitled in lieu of such right to a rebate equal to the land revenue for one year payable for such land from the amount of premium determined under sub-section (5).

1. Subs. by M. P. Act 25 of 1964, S. 4 (i), for "shall be made, or shall be deemed to have been made as the case may be".
2. Ins. by S. 4 (ii), ibid.
Assessment when to take effect.

Reassessment on diversion of land prior to coming into force of the Code.

Assessment by whom to be fixed.

[59-A. The alteration or assessment made under the provision of section 59 shall take effect from the date on which the diversion was made.

59-B. Where prior to the coming into force of this Code land in any area assessed for any one purpose was subsequently diverted for use to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed—

(1) in accordance with the purpose to which it has been diverted with effect from—

(a) the date on which such diversion was made if in the area concerned there was in force any enactment repealed under section 261 which contained provision for alteration or reassessment on such diversion;

(b) the date of coming into force of this Code in any other case; and

(2) in case of (a) above in accordance with the provisions of such repealed Act, and in the case of (b) above in accordance with the provisions of this Code.]"

60. On all lands on which the assessment has not been made the assessment of land revenue shall be made by the Collector in accordance with rules made under this Code.

[CHAPTER VII

Revenue Survey and Settlement in Non-Urban Areas

Application of Chapter and Officers to conduct Revenue Survey and/or Settlement

61. The provisions of this Chapter shall apply in respect of lands in non-urban areas.

62. The State Government may appoint a Settlement Commissioner who shall, subject to the control of the State Government, control the operations of the revenue survey and/or settlement.

63. (1) The State Government may appoint one or more Additional Settlement Commissioners.

(2) An Additional Settlement Commissioner shall exercise such powers and discharge such duties, conferred and imposed on a Settlement Commissioner by this Code or by any other enactment for the time being in force or by any rule made under this Code or any such other enactment in such cases or classes of cases, as the State Government or Settlement Commissioner may direct and while exercising such powers and discharging such duties, the Additional Settlement Commissioner shall be deemed to have been appointed as a Settlement Commissioner for the purposes of this Code or any other enactment or any rule made under this Code or such other enactment.

64. (1) The State Government may appoint an office hereinafter called the Settlement Officer to be in charge of a revenue survey, and/or Settlement and as many Deputy Settlement Officers and Assistant Settlement Officers as it thinks fit.

(2) All Settlement, Deputy Settlement and Assistant Settlement Officers shall be subordinate to the Settlement Commissioner and all Deputy Settlement and Assistant Settlement Officers in a local area shall be subordinate to the Settlement Officers.

65. (1) The State Government may invest any Settlement Officer or Deputy Settlement Officer or Assistant Settlement Officer with all or any of the powers of a Collector under this Code, to be exercised by him in such cases or classes of cases as the State Government may direct.

(2) The State Government may invest any Deputy Settlement Officer or Assistant Settlement Officer with all or any of the powers of a Settlement Officer under this Code or any other enactment for the time being in force.

B. Revenue Survey

66. The operations carried out in accordance with the provisions of this part, that is to say—

(1) all or any of the operations pertaining to the division of land into survey numbers and grouping them into villages, recognition of existing survey numbers, reconstitution thereof or forming new survey numbers and operations incidental thereto;

(2) soil classification;

(3) preparation or, as the case may be, revision or correction of field maps;

(4) preparation of record of rights, in order to bring the land records up to date in any local, over area are called a revenue survey.

67. (1) Whenever the State Government decides that a revenue survey should be made on any local area, it shall publish a notification to that effect, and each local area shall be held to be under such survey from the date of such notification until the issue of a notification declaring the operations to be closed.

(2) Such notification may extend to all lands generally in the local area or to such lands only as the State Government may direct.

68. Subject to rules made under this Code, the Settlement Officer may—

(a) take measurements of the land to which the revenue survey extends and construct such number of survey marks thereon as may be necessary;

(b) divide such lands into survey numbers and group the survey numbers into villages; and

(c) recognise existing survey numbers, reconstitute survey numbers, or form new survey numbers:

Provided that except as hereinafter provided, no survey numbers comprising land used for agricultural purposes shall henceforth be made of less extent than a minimum to be prescribed for the various classes of land: Provided further that the limit prescribed under the aforesaid proviso shall not apply in the case of survey numbers already existing immediately before the date of the notification under sub-section (1) of section 67.

69. Notwithstanding the provisions of section 68 when any portion of agricultural land is diverted under the provisions of section 172 to any non-agricultural purpose, or when any portion of land is specially assigned under section 237, or when any document is altered on any portion of land under sub-section (2) of section 59, the Settlement Officer may make such portion into a separate survey number or sub-division of a survey number.

70. (1) The Settlement Officer may either renumber or sub-divide survey numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.
(2) The division of survey numbers into sub-divisions and the apportionment of the assessment of the survey number amongst the sub-divisions shall be carried out in accordance with rules made under this Code and such rules may provide limits either of area or of land revenue or both, below which no sub-division shall be recognised.

Provided that the total amount of assessment of any survey number shall not be enhanced during the term of a settlement unless such assessment is liable to alteration under the provisions of this Code.

(3) Where a holding consists of several khasra numbers the Settlement Officer shall assess the land revenue payable for each khasra number and record them as separate survey numbers.

(4) Whenever the survey numbers are renumbered, the Settlement Officer shall correct the entries in all records prepared or maintained under Chapter IX.

Entry of survey numbers and sub-divisions in records. Determination of abadi of village. Power of Settlement Officer to divide or unite villages or exclude area therefrom. Grouping of villages. Definition of Settlement. Notification of proposed settlement. Fixation of assessment rates.

71. The area and assessment of survey numbers and sub-divisions of survey numbers shall be entered in such records as may be prescribed.

72. The Settlement Officer shall, in the case of every inhabited village, ascertain and determine, with due regard to rights in lands, the area to be reserved for the residence of the inhabitants or for purposes ancillary thereto, and such area shall be deemed to be the abadi of the village.

73. The Settlement Officer may divide a village to constitute two or more villages or may amalgamate two or more villages and constitute one village or may alter the limits of a village by including therein any area of a village in the vicinity thereof or by excluding any area comprised therein, in accordance with the rules made under this Code.

74. The villages of each district or tahsil or part of a district or tahsil comprised in the area under revenue survey shall be formed into groups, and informing such group regard shall be had to physical features, agricultural and economic conditions and trade facilities and communications.

G-Settlement of rent

75. The result of the operations carried out in accordance with this part in continuation of revenue survey in order to determine or revise the land revenue payable on lands in any local area are called “settlement” and the period during which the revised land revenue shall be in force is called the term of Settlement.

76. On issue of a notification declaring the operations of revenue survey to be closed under sub-section (1) of section 67, the State Government, if it decides that Settlement operations should be undertaken in the local area in which revenue survey is closed, shall publish a notification to that effect and such area shall be held to be under Settlement from the date of such notification until the announcement of Settlement under section 82 in respect of a land in the local area is complete:

Provided that if the notification is issued after expiration of a period of five years from the date of issue of notification declaring the operations of revenue survey to be closed under sub-section (1) of section 67, record of rights shall be prepared under section 108 before the Settlement operations are undertaken in accordance with the provisions contained in this part.

77. (1) On completing the necessary inquiries, as may be prescribed, the Settlement Officer shall forward to the State Government his proposals for assessment rates for different classes of land in such form and along with such other particulars as may be prescribed.
(2) The State Government may approve the assessment rates with such modifications as it may deem fit.

78. The maximum and minimum limits for the assessment rate shall respectively be one and quarter times and three-fourths of the assessment rate in force for the time being:

Provided that in the event it is considered desirable to alter the minimum or maximum limits, aforesaid, a proposal to that effect shall be laid on the table of the Legislative Assembly for its approval and the limits of assessment rate shall thereafter be altered in accordance with the proposals as approved.

79. The Settlement Officer shall fix the assessment on each holding in accordance with the assessment rates approved under section 77 and the provisions of the section 81 and such assessment shall be the fair assessment of such holding.

80. The Settlement Officer shall have the power to make fair assessment on all lands whatsoever to which the Settlement extends, whether such lands are liable to the payment of land revenue or not.

81. (1) The fair assessment of all lands shall be calculated in accordance with the principles and restrictions set forth in the section.

(2) No regard shall be had to any claim to hold land on privileged terms.

(3) Regard shall be had in the case of agricultural land to the profits of agriculture, to the consideration paid for leases to the sale prices of land and to the principal moneys on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.

(4) The fair assessment on land used for non-agricultural purposes shall not exceed thirty-three per centum of the estimated rental value of the land.

(5) Where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.

(6) Except for special reasons to be approved in each case by the State Government, no increase in the fair assessment of a holding for the purpose of agriculture shall exceed fifty per centum of the existing assessment.

82. (1) When the assessment of any land has been fixed in accordance with section 79, notice thereof shall be given in accordance with rules made under this Code, and such notice shall be called the announcement of the settlement.

(2) The assessment of any land, as announced under this section, shall be the land revenue payable annually on such land during the term of the settlement unless it is modified in accordance with the provisions of this Code, or any other law.

83. The term of a settlement shall commence from the beginning of the revenue year next following the date of announcement or from the expiry of the previous term of settlement, whichever is later.

84. During the first year of the term of settlement any Bhumiwami, who is dissatisfied with the new assessment shall, on relinquishing his rights in his holding in the manner prescribed by section 173 may, one month before the commencement of the agricultural year, receive a remission of any increase imposed thereby.
Provided that the relinquishment of only part of a holding or of a holding, which, or any part of which, is subject to an encumbrance or a charge shall not be permitted.

Term of Settlement.

85. (1) The term of settlement shall be fixed by the State Government and shall not be less than thirty years:

Provided that if, at any time, during the currency of the settlement, the State Government finds that having regard to changes in general conditions subsequent to the settlement, it is desirable that the assessment should be reduced, it may reduce such assessment for such period as it may deem fit.

(2) Notwithstanding anything contained in sub-section (1) in any area where there is ample scope for extension of cultivation or for agricultural development or where the pitch of rents is unduly low or where there has been a rapid development of resources owing to the construction of roads, railways or canals since the last settlement, the State Government may, for reasons to be recorded, fix a term which may be less than thirty years but which shall in no case be less than twenty years.

(3) Notwithstanding that the term of settlement fixed under sub-section (1) or sub-section (2) for any local area has expired, the term shall be deemed to have been extended till the commencement of the term of the subsequent settlement in that area.

86. Where the settlement operations are closed all applications and proceedings then pending before the Settlement Officer shall be transferred to the Collector who shall have the powers of a Settlement Officer for their disposal.

87. [1] With effect from the coming into force of this code the State Government may take steps to institute and may cause to be constantly maintained, in accordance with rules made under this Code, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.

(2) For the purpose of determining the profits of agriculture, the following elements shall be taken into account in estimating the cost of cultivation, namely:

(a) the depreciation of stock and buildings;
(b) the money equivalent to the cultivator's and his family's labour and supervision.
(c) all other expenses usually incurred in cultivation on the land which is under inquiry; and
(d) interest on the cost of buildings and stock and on expenditure for seed and manure, and on cost of agricultural operations paid for in cash.

(3) The Settlement Officer shall take into consideration the information collected in the course of this inquiry, when framing his proposals for assessment rates.

88. When a local area is under revenue survey, the duty of maintaining the maps and records may, under the orders of the State Government, be transferred from Collector to the Settlement Officer, who shall thereupon exercise all the powers conferred on the Collector in any of the provisions in Chapter IX and XVIII.

89. The Sub-Divisional Officer may, at any time after the closure of the revenue survey and during the term of settlement, correct any error in the area or assessment of any survey number or holding due to mistake of survey or arithmetical miscalculation.
Provided that no arrears of land revenue shall become payable by reason of such correction.

90. After the closure of the revenue survey and during the term of a settlement, the Collector, shall, when so directed by the State Government, exercise the powers of a Settlement Officer under sections 68, 69, 70, 72 and 73.

91. The State Government may, after the closure of the revenue survey and during the term of settlement, invest any Revenue Officer with all or any of the power of the Settlement Officer under this Chapter, within such area and subject to such restrictions and for such period as it may think fit.

91-A. The State Government may make rules for regulating generally the conduct of a revenue survey or settlement under this Chapter.

CHAPTER VIII
Assessment And Re-assessment Of Land
In Urban Areas

92. (1) The provisions of this Chapter shall apply to land held in urban area, whether for agricultural or non-agricultural purposes—

(i) by a Bhumiswami,

(ii) by a Government lessee under a lease granting a right of renewal, and

(iii) by a holder of service land.

(2) Whenever the land revenue or rent assessed on a plot-number falls due for revision the Collector shall assess the plot in accordance with the provisions of this Chapter.

Explanation.—For the purposes of this section, the land revenue or rent payable for a plot shall be deemed due for revision—

(i) if the plot is held on a lease when the lease becomes due for renewal; and

(ii) in the case of a plot held by a Bhumiswami on the expiry of the original term of settlement.

93. Subject to rules made under this Code, the Collector may—

(a) divide the lands in an urban area into plot numbers, and

(b) recognise existing survey numbers as plot numbers, reconstitute plot numbers or form new plot numbers.

94. (1) The Collector may either renumber or sub-divide plot numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

(2) The division of plot numbers into sub-divisions and the apportionment of the assessment of the plot-number amongst the sub-divisions shall be carried out in accordance with rules made under this Code and such rules may provide limits other of area or of land revenue or rent, as the case may be, both in any local area, below which no sub-division shall be recognised:

Provided that the total amount of assessment of any plot number shall not be enhanced during the term of settlement unless such assessment is liable to alteration under the provisions of this Code.

95. The area and assessment of plot numbers and sub-divisions of plot numbers shall be entered in such records as may be prescribed.

96. For the purposes of assessment, the area in a town shall be formed into blocks and in forming such blocks regard shall be had to use of land for industrial, commercial, residential or such other special purposes as may be prescribed.

97. (1) The Collector shall with the approval of the State Government, fix a rate of assessment per one hundred square feet of land in the case of non-agricultural land and per acre of land in the case of agricultural land, in each block in an urban area and such standard rates shall be published in such manner as may be prescribed.

(2) The rates published under sub-section (1) shall remain in force for ten years and shall thereafter be deemed to be in force until altered.

98. (1) The Collector shall keep a record in accordance with the provisions of section 99 of all registered sales and leases of lands in the different blocks in urban areas in respect of land held for each of the purpose mentioned in sub-section (1) of section 59.

(2) The average annual letting value of lands in each block in respect of land held for purposes mentioned in sub-section (1) of section 59 shall be determined separately in the prescribed manner on the basis of transactions of sales and leases in respect of the land held for each of the aforesaid purposes in such block during the period of five years immediately preceding the year in which the letting value is being determined, so far as the information about such transactions is available:

Provided that if the transactions which have taken place in any block in respect of any land held for any of the aforesaid purposes are not sufficiently representative transactions in respect of the land held for the corresponding purpose during the same period in adjacent block may be taken as basis for determining the letting value.

(3) The standard rate of assessment for lands held for purposes mentioned in clause (b) or (c) of sub-section (1) of section 59 shall be one-third of the average annual letting value determined or the block in respect of such land under sub-section (2) and for purposes mentioned in clause (b) of sub-section (1) of section 59 shall be one half of the average annual letting value determined for the block in respect of such land.

(4) The standard rates for lands held for agricultural purposes shall be fixed with due regard to soil and position of land and to the profits of agriculture, to the consideration paid for leases and to the sale prices of such lands.

99. The maximum and minimum limit for the rate of assessment shall respectively be one and quarter times and three-fourths of the standard rate in force for the time being.

100. The Collector shall assess the plot at a rate within the limits prescribed by section 99 regard being had to the use, situation and the other advantages or disadvantages attaching to such plot:

Provided that if, in the case of lands which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in the case of agricultural land one and half times the land revenue or rent and in the case of other lands six times the land revenue or rent payable immediately before the revision the assessment shall be fixed at one and half times such land revenue or rent in the case of agricultural land and at six times such land revenue or rent in the case of other lands:

Provided further, that where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made.

101. The assessment fixed under section 100 shall remain in force for a period of thirty years or for such longer period as may elapse before re-assessment after that period and such period shall be deemed to be the term of settlement for all purposes.

102. The assessment fixed under section 100 shall be the land revenue or rent payable annually on such plot number unless it is modified in accordance with the provisions of this Code or any other law.

103. The land revenue or rent fixed for any land in an urban area under a settlement or a lease from Government with rights of renewal made before the coming into force of this Code shall, notwithstanding the expiry of the term of such settlement or lease, continue in force until the assessment on such land is fixed in accordance with the provisions of this Chapter.

CHAPTER IX

Land Records

104. (1) The Collector shall from time to time arrange the villages of the tahsil in patwari circles and may, at any time, alter the limits of any existing circle and may create new circles or abolish existing ones.

(2) The Collector shall appoint one or more patwaris to each patwari circle for the maintenance and correction of land records and for such other duties as the State Government may prescribe.

(3) Notwithstanding any usage or anything contained in any treaty, grant, or other instrument, no person shall have any right or claim to continue or to be appointed as a patwari on the ground of right to succeed to such office by inheritance.

105. The Collector shall arrange the patwari circles in the tahsil into revenue inspectors' circles and may, at any time, alter the limits of any existing circle and may create new circles or abolish existing circles.

106. (1) The Collector may appoint to each district as many persons as he thinks fit to be revenue inspectors, town surveyors, assistant town surveyors and measurers to supervise the preparation and maintenance of land records and to perform such other duties as may be prescribed.

(2) The town surveyor and assistant town surveyor shall be deemed to be a patwari for the purposes of sections 28, 109, 110, 112, 118 and 120 in respect of the areas under their charge.

107. (1) There shall be prepared a map showing the boundaries of survey numbers or plot numbers and waste lands called the field map for every village except when otherwise directed by the State Government.

(2) There may be prepared for the abadi of each village a map showing the area occupied by private holders and the area not so occupied and such other particulars as may be prescribed.

(3) If the State Government considers that in the case of any village it is necessary to show separately in the map prepared under sub-section (2) the plots occupied by private holders, it may direct the Collector to get the map so prepared or revised.

(4) If any Gram Panchayat passes a resolution that a map of the village abadi should be prepared showing separately the plots occupied by private holders and is willing to contribute to the cost of survey operations in such proportion as may be prescribed, the State Government may undertake the preparation of such map.

1. Subs. by M. P. Act 24 of 1961, S. 5 for "Subject to rules made under section 238 the collector"
108. [(1)] A record-of-rights shall in accordance with rules made in this behalf be prepared and maintained for every village and such record shall include the following particulars:

(a) the names of all Bhumiwaris together with survey numbers or plot numbers held by them and their area, irrigated or unirrigated;

(b) the names of all occupancy tenants and Government lessees together with survey numbers or plot numbers held by them and their area, irrigated or unirrigated;

(c) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;

(d) the rent or land revenue, if any, payable by such persons; and

(e) such other particulars as may be prescribed.

[(2) The record-of-rights mentioned in sub-section (1) shall be prepared during a [revenue survey](3) or whenever the State Government may, by notification, so direct.]

109. (1) Any person lawfully acquiring any right or interest in land shall report orally or in writing his acquisition of such right to the patwari within six months from the date of such acquisition, and the patwari shall at once give a written acknowledgment for such report to the person making it in the prescribed form:

Provided that when the person acquiring the right is a minor or is otherwise disqualified, his guardian or other person having charge of his property shall make the report to the patwari.

[Explanation I.—The right mentioned above does 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 (IV of 1882).]

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

Explanation III. For the purpose of this chapter, the term “patwari” includes any person appointed to perform the duties of a Patwari under this Chapter.

Explanation IV.—Intimation in writing required to be given to the patwari under this section may be given either through a messenger or handed over in person or may be sent by registered post.

(2) Any such person as is referred to in sub-section (1) may also report in writing his acquisition of such rights to the Tahsildar within six months from the date of such acquisition.

2. Subs. by M. P. Act 16 of 1985, S. 3, for “Settlement”.
4. Ins. ibid.
5. Subs. by M. P. Act 16 of 1985, S. 4, for “Settlement”.
6. Words, required by or under section 100, to be entered in the record of rights; “omitted by M. P. Act 23 of 1984, S. 6 (a).
7. Subs. by S. 6 (b), ibid.”
[110. (1) The Patwari shall enter into a register prescribed for the purpose every acquisition of right reported to him under section 109 or which comes to his notice from intimation from Gram Panchayat or any other source.

(2) The Patwari shall intimate all the reports regarding acquisition of right received by him under sub-section (1) to the Tahsildar within thirty days of the receipt thereof by him.

(3) On receipt of the intimation from patwari under sub-section (2), the Tahsildar shall have it published in the village in the prescribed manner and shall also give written intimation thereof to all persons appearing to him to be interested in the mutation and also to such other person and authorities as may be prescribed.

(4) The Tahsildar shall after affording reasonable opportunity of being heard to the persons interested and after making such further inquiry, as he may deem necessary, make necessary entry in the Field Book and other relevant land records.

111. The Civil Courts shall have jurisdiction to decide any dispute to which the State Government is not a party relating to any right which is recorded in the record-of-rights.

[112. 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 field book has been prepared, is registered under the Indian Registration Act, 1908 (XVI of 1908), the Registering Officer shall send intimation to the Tahsildar having jurisdiction over the area in which the land is situated in such form and at such time as may be prescribed by rules under this Code.]

113. The Sub-Divisional Officer 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.

[114. In addition to the map and Bhoo Adhikar Pustikas, there shall be prepared for each village a khasra or field book and such other land records as may be prescribed.

114-A (1) It shall be obligatory upon every Bhumiswami, whose name is entered into the khasra or field book prepared under section 114, to maintain a Bhoo Adhikar Avam Rin Pustika in respect of his all holdings in a village which shall be provided to him on payment of such fee as may be prescribed.

(2) The Bhoo Adhikar Avam Rin Pustika shall be in two parts, namely Part I consisting of rights over holding and encumbrances on the holding and Part II consisting of rights over holding, recovery of land revenue in respect of the holding and encumbrances on the holding and shall contain

(i) such of the entries of khasra or field book pertaining to a holding of a Bhumiswami as may be prescribed;

(ii) particulars in respect of recovery of land revenue, Government loan and non-Government loan in respect of such holding;

(iii) such other particulars as may be prescribed.

(3) In case of any difference between the entries contained in the khasra or field book and the Bhoo Adhikar Avam Rin Pustika, the Tahsildar may, either on his own motion or on an application made to him in that behalf and after making such enquiry as he may deem fit, decide the same and the decision of the Tahsildar shall be final.]

2. Subs. by S. 8, ibid.
3. Subs. by S. 8, ibid., for "Tahsildar"
Chapter 6

**Correction of wrong entries in khasra and any other land records by superior officers.**

[115. If any Tahsildar finds that a wrong or incorrect entry has been made in the land records prepared under section 114 by an officer subordinate to him, he shall direct necessary changes to be made therein in red ink after making such enquiry from the person concerned as he may deem fit after due written notice.

116. (1) If any person is aggrieved by an entry made in the land records prepared under section 114 in respect of matters other than those referred to in section 108, he shall apply to the Tahsildar for its correction within one year of the date of such entry.

(2) The Tahsildar shall, after making such enquiry as he may deem fit, pass necessary orders in the matter.]²

**Disputes regarding entry in khasra or in any other land records.**

117. All entries made under this Chapter in the land records shall be presumed to be correct until the contrary is proved.

118. (1) Any person, whose rights, interest or liabilities are required to be or have been, entered in any record or register under this Chapter, shall be bound on the requisition in writing of any Revenue Officer, revenue inspector or patwari 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) The Revenue Officer, revenue inspector or patwari to whom any information is furnished, or before whom any document is produced under sub-section (1) shall at once give a written acknowledgment 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.

119. (1) Any person neglecting to make the report required by section 109, or furnish the information or produce the documents required by section 118, within the specified period shall be liable, at the discretion of the Tahsildar, to a penalty not exceeding twenty-five rupees, which shall be recoverable as an arrear of land revenue.

(2) Any report regarding the acquisition of any right [under section 109] received by the patwari after the specified period shall be dealt with in accordance with the provisions of section 110.²

**Presumption as to entries in land records.**

120. Subject to rules made under this Code, any Revenue Officer, revenue inspector, measurer or patwari 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, call upon any holder of land and any holder of plot in abadi to point out the boundaries of his land or plot.

121. The State Government may make rules for regulating the preparation, maintenance and revision of land records required for the purposes of this Code.

122. The State Government may, by notification, direct that this Chapter or any provisions thereof shall not apply to any specified local area or to any lands or any class of villages or lands.

**Obligation to furnish information as to title.**

123. (1) Until a record-of-rights for the villages in the Madhya Bharat, Bhopal, Vindhya Pradesh and Sironj regions is prepared in accordance

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2. Subs. by M. P. Act 24 of 1961, S.6, for "Collector".
4. Provision omitted by S.12(b), ibid.
with the provisions of section 108 the jamabandi or khatrauni of every such village for the agricultural year as the State Government may notify shall, so far as it contains the particulars specified in section 108, be deemed to be the record-of-rights, for that village.

(2) The jamabandi or khatrauni referred to in subsection (1) shall be published in the village in such manner as may be directed by the Collector.

(3) Objections may be filed to any entry in Jamabandi or Khatrauni which shall be disposed of by the Tahsildar in such manner as may be prescribed.

(4) The Jamabandi of the villages in the Mahakoshal region for the agricultural year [1954-55] shall continue to be deemed to be record-of-rights of such villages until a record-of-rights is prepared in accordance with the provisions of section 108.

CHAPTER X

Boundaries and Boundary Marks, Survey Marks

124. (1) Boundaries of all villages shall be fixed and demarcated by permanent boundary marks.

(2) The State Government may, in respect of any village by notification, order that the boundaries of all survey numbers or plot numbers shall also be fixed and demarcated by boundary marks.

(3) Such boundary marks shall, subject to the provisions hereinafter contained, be of such specification and shall be constructed and maintained in such manner as may be prescribed.

(4) Where the rules prescribed boundary marks of a specification different from that prevailing in any village, the new specification shall not be enforced in such village except upon application to a [Tahsildar] made by not less than half the number of holders of land in the village. When such application is made, the [Tahsildar] shall have new boundary marks constructed throughout the village and shall distribute the cost thereof proportionately among the holders of land in the village in accordance with rules made under this Code. The share of each holder shall be recoverable as an arrear of land revenue.

(5) Every holder of land shall be responsible for the maintenance and repair of the permanent boundary and survey marks erected thereon.

125. All disputes regarding boundaries of villages, survey numbers and plot numbers where such boundaries have been fixed under the provisions of section 124, shall be decided by the [Tahsildar] after local inquiry at which all persons interested shall have an opportunity of appearing and producing evidence.

126. (1) When a boundary has been fixed under the provisions of section 124, the Tahsildar may summarily eject any person who is wrongfully in possession of any land which has been found not to appertain to his holding or to the holding of any person through or under whom he claims.

(2) Where any person has been ejected from any land under the provisions of sub-section (1), he may, within the period of one year from the date of the ejectment, institute a civil suit to establish his title thereto:

Provided that the Tahsildar, or any Revenue Officer as such, shall not be made a party to such suit.

(3) The Tahsildar may at any time make an order for re-distribution of land revenue which, in his opinion, should be made as a result of the decree

2. Subs. by M. P. Act 24 of 1951, S. 8, for "1933-54."
3. Subs. by S. 7, ibid., for "Revenue officer."
4. Subs. by ibid., S. 6, for "Collector."
in a civil suit instituted under sub-section (2), and such re-distribution shall take effect from the beginning of the revenue year following the date of the order.

Demarcation and maintenance of boundary lines.

127. (1) Every holder of the land adjoining a village road, village waste or land reserved for communal purposes, shall at his own cost and in the manner prescribed-

(a) demarcate the boundary between his land and village road, village waste or land reserved for communal purposes adjoining it by boundary marks; and

(b) repair and renew such boundary marks from time-to-time.

(2) If the holder fails to demarcate the boundary or to repair or renew the boundary marks as required by sub-section (1), the Tahsildar may, after such notice as he deems fit, cause the boundary to be demarcated or the boundary marks to be repaired or renewed and may recover the cost incurred as an arrear of land revenue.

(3) In the event of any dispute regarding the demarcation of the boundary or the maintenance of the boundary marks in proper state of repair, the matter shall be decided by the Collector whose decision shall be final.

Explanation—Village road for the purposes of this section means a road which, bears an indicative survey number or plot number.

Reinforcement of repair of boundary or survey marks.

128. (1) After the end of November in each year the patel of the village shall give written notice to every holder on whose land the boundary or survey marks are defective calling upon him to put them into proper repair before the first day of March following.

(2) After the first day of March in any year, the Tahsildar or any other Revenue Officer empowered to act may cause any defective boundary or survey marks to be properly repaired and shall recover the cost of such repair from the holder or holders responsible for the maintenance of such boundary or survey marks, together with a penalty which may extend to one rupee for every boundary mark so repaired. Such cost and penalty shall be recoverable as an arrear of land revenue.

Demarcation of boundaries of survey number or sub-division or plot number.

129. (1) The Tahsildar or any other Revenue Officer empowered to act may, on the application of a party interested, demarcate the boundaries of a survey number or of a sub-division or of a plot number and construct boundary marks thereon.

(2) The State Government may make rules for regulating the procedure to be followed by the Tahsildar or any other Revenue Officer empowered to act in demarcating the boundaries of survey number or of a sub-division or of a plot number prescribing the nature of the boundary marks to be used, and authorising the levy of fees from the holders of land in a demarcated survey number or sub-division or plot number.

Penalty for destruction, injury or removal of boundary or survey marks.

130. If any person wilfully destroys or injures, or without lawful authority removes, a boundary or survey mark lawfully constructed, he may be ordered by the Tahsildar or any other Revenue officer empowered to act to pay such fine, not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of the Tahsildar or any other Revenue officer empowered to act be necessary to defray the expense of restoring the same and of rewarding the informant, if any.

Rights of way and other private easements.

131. (1) In the event of a dispute arising as to the route by which a cultivator shall have access to his fields or to the waste or pasture lands of the village, otherwise than by the recognised roads, paths or common land, including those road and paths recorded in the village Wajib-ul-Ars prepared under section 242, or as to the source from or course by which he may avail himself of water.
a Tahsildar may, after local enquiry, decide the matter with reference to the
previous custom in each case and with due regard to the conveniences of all the
parties concerned.

(2) No order passed under this section shall deprive any person from
establishing such rights of easement as he may a claim by a civil suit.

132. Any person who encroaches upon, or causes any obstruction to the
use of a recognised road, path or common land of a village including those roads
and paths recorded in the village Waajib-ul-urz or who disobeys the decision of
a Tahsildar passed under section 131, shall be liable, under the written order of a Tahsildar stating the facts and circumstances of the case, to a penalty which
may extend to one thousand rupees.

133. If a Tahsildar finds that any obstacle impedes the free use of a
recognised road, path or common land of a village or impedes the road or
water course or source of water which has been the subject of a decision under
section 131, he may order the person responsible for such obstacle to remove
it, and, if such person fails to comply with the order, may cause the obstacle
to be removed and may recover from such person the cost of removal thereof.

134. Any person who encroaches upon or causes any obstruction under
sections 131, 132 or 133 may be required by the Tahsildar to execute a personal
bond for such sum not exceeding five hundred rupees, as he may deem fit,
for abstaining from repetition of such act.

135. (1) If, on the application of the villagers or otherwise, the collector
is after enquiry satisfied that it is expedient to acquire any land
for the purpose of providing a road not exceeding ten feet in width cart
track or path for the use of the village community in such village he may call
upon the residents of the village to deposit the amount of compensation,
payable in respect of such land under sub-section (3) within a specified period.
On such deposit being made the Collector may, by order published in the
prescribed manner, acquire such land and upon the making of such order, such
land shall vest absolutely in the State Government.

(2) Any person claiming any interest in any such land may within
period of one year from the date of vesting under sub-section (1) make an
application to the Collector for compensation in respect of his interest.

(3) The compensation payable in respect of such land shall be fifteen
times the land revenue assessed or assessable thereon.

136. The State Government may, by notification, declare that any of
or all of the provisions of this Chapter shall not apply to any village or class
of villages.

CHAPTER XI

Realisation of Land Revenue

137. The land revenue assessed on any land shall be first charge on
that land and on the rents and profits thereof.

138. (1) The following person shall be primarily liable for the payment
of the land revenue assessed on a holding:

(a) in a Bhumiswami’s holding, the Bhumiswami;

(b) in a holding consisting of land leased by the State
Government the lessee thereof.

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139. In case of default by any person who is primarily liable under section 138, the land revenue, including arrears, shall be recoverable from any person in possession of the land:

Provided that such person shall be entitled to credit for the amount recovered from him in account with the person who is primarily liable.

140. (1) The land revenue payable on account of a revenue year shall fall due on the first day of that year.

(2) The State Government may make rules providing for the payment of land revenue in instalments and on dates (hereinafter referred to as prescribed dates) subsequent to the first day of the revenue year, and such rules may prescribe the persons to whom and the places where at such instalments shall be paid.

(3) The payment of land revenue to the person prescribed under sub-section (2) may be made in cash or may, at the cost of the remitter, be remitted by money order.

(4) Any period elapsing between the first day of the revenue year and any date fixed for the payment of land revenue by such rules shall be deemed to be a period of grace, and shall not affect the provisions of sub-section (1).

141. Any land revenue due and not paid on or before the prescribed date becomes therein an arrear, and the persons responsible for it, whether under the provisions of section 138 or section 139 become defaulters.

142. (1) Where a Patel, Patwari, Gram Sabha or Gram Panchayat receives a payment from any person on account of land revenue or on account of any sum of money recoverable as an arrear of land revenue he/she shall grant a receipt for such sum in the prescribed form.

(2) If any Patel, Patwari, Gram Sabha or Gram Panchayat fails to give a receipt as required by sub-section (1) such Patel, Patwari or in the case of Gram Sabha or Gram Panchayat the persons responsible for passing such receipt on behalf of such Gram Sabha or Gram Panchayat, as the case may be, shall, on application of the payer, be liable by an order of the Tahsildar to pay a penalty not exceeding double the amount paid.

143. If any instalment of land revenue or any part thereof is not paid within one month after the prescribed date the Sub-divisional Officer may in the case of a wilful defaulter, impose penalty not exceeding ten per cent of the amount not so paid:

Provided that no such penalty shall be imposed for the non-pavement of any instalment, the payment of which has been suspended by the order of Government, in respect of the period during which the payment remained suspended.

144. (1) The State Government may grant remission or suspension of land revenue in years in which crops have failed in any area or in which crops could not be grown in any area in consequence of any order made under any law by a competent authority, and such remission or suspension shall be determined in accordance with rules made under this Code.

(2) No appeal or revision shall lie against any order passed by a Revenue Officer under such rules and no suit shall lie in a Civil Court to contest any such order.
145. (1) A statement of account, certified by the Collector or by the Tahsildar shall, for the purposes of this Chapter, be presumed to be correct statement of the arrears payable to Government or its amount, and of the person who is the defaulter, until the contrary is proved.

(2) No notice to defaulter shall be necessary before drawing up the statement referred to in sub-section (1).

146. A Tahsildar or Naib-Tahsildar may cause a notice of demand to be served on any defaulter before the issue of any process under section 147 for the recovery of an arrear.

147. An arrear of land revenue payable to Government may be recovered by a Tahsildar by any one or more of the following processes:—

(a) by attachment and sale of movable property;

(b) by attachment and sale of the holding on which arrear is due and where such holding consist of more than one survey number or plot number by sale of one or more of such survey numbers, or plot numbers as may be considered necessary to recover the arrears;

(bb) by attachment of holding on which arrear is due and letting the same under section 154-A;

(bbb) by attachment of any other holding belonging to the defaulter which is used for the purposes of agriculture and letting the same under section 154-A; 1

(c) by attachment and sale of any other immovable property belonging to the defaulter;

Provided that the processes specified in clauses (a) and (c) shall not permit the attachment and sale of the following, namely:—

(i) the necessary wearing apparel, cooking vessels, beds, and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with the religious usage, cannot be parted with by any woman;

(ii) tools of artisans and, if the defaulter is an agriculturist, his implements of husbandry, except an implement driven by mechanical power and such cattle and seed as may, in the opinion of the Tahsildar, be necessary to enable him to earn his livelihood as such;

(iii) articles set aside exclusively for the use of religious endowments;

(iv) house and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for the enjoyment) belonging to an agriculturist and occupied by him:

[Provided further that the process specified in clause (b) shall not permit attachment and sale of holding where the defaulter holds,—

(f) six hectares or less than six hectares of land in the Scheduled Area; or

(ii) four hectares or less than four hectares of land in other area.]

Explanations.—For the purpose of this proviso, "Scheduled Area" means any area declared to be Scheduled Area within the State of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India. 1

148. The cost of serving a notice of demand under section 146 or of issuing and enforcing any process in section 147 shall be recoverable as part of the arrear in respect of which the notice was served or the process was issued.

Certified account to be evidence as to arrear and defaulter.

Notice of demand.

Process for recovery of arrear.

Costs recoverable as part of arrear.

149. The processes specified in clauses (a) and (c) of 
section 147 may be enforced either in the district in which the 
default has been made or in any other district.

150. (1) If proceedings are taken under this Chapter against any 
person for the recovery of an arrear of land revenue, he may, at any time before the 
property is knocked down at a sale, pay the amount claimed and may, at 
the same time, deliver a protest signed by himself or by his authorised agent 
to the Revenue Officer taking such proceedings, and thereupon they shall 
be stayed.

(2) Any person complying with the provisions of sub-section (1) may, 
notwithstanding anything contained in section 145, apply to the Sub-Divisional 
Officer that nothing was due or that the amount due was less than the amount 
for the recovery of which proceedings were taken and the Sub-Divisional-
Officer shall decide the objection so raised.

(3) No appeal shall lie against the order of the Sub-Divisional Officer 
passed under sub-section (2), but the person concerned may institute a civil 
suit for the recovery of the sum or part thereof paid under protest.

151. (1) The proceeds of every sale under this Chapter shall be applied, 
firstly, in satisfaction of the arrears on account of which the sale was held and 
of the expenses of such sale, secondly, to the payment of any arrears of cesses 
due by the defaulter under any law for the time being in force in the region 
concerned, thirdly, to the payment of any other arrears payable to the State 
Government by the defaulter, and fourthly to the payment of any arrears due 
by the defaulter to a Co-operative Society, and the surplus, if any, shall then 
be payable to him or where there are more defaulter than one, to such 
defaulters according to their respective shares in the property sold.

Provided that the surplus shall not be paid to the defaulter or defaulters 
until after the expiry of two months from the date of the sale in the case of 
movable property or from the date of the confirmation of sale in the case of 
immoveal property.

(2) Notwithstanding anything in sub-section (1), the proceeds of sale 
under clause (e) of section 147 shall be applied first to the payment of arrears 
of land revenue payable by the defaulter for the immoveal property sold up 
to the date of the sale, and the surplus, if any, shall be applied in accordance 
with sub-section (1).

152. (1) Unless the Sub-Divisional Officer in ordering the sale otherwise 
directs, purchaser of the land sold for arrears of land revenue due in respect 
thereof, shall acquire it free of all encumbrances imposed on it, and all grants 
and contracts made in respect of it, by any person other than the purchaser.

(2) Any transfer, grant or contract in respect of trees or the produce of 
trees which are or at any time have been the property of the Bhumiswami of 
the land in which they stand, shall be deemed to be a grant or contract made in 
respect of such land within the meaning of sub-section (1).

153. Where immoveal property is sold under the provisions of this 
Chapter and such sale has become absolute, the property shall be deemed to 
have vested in the purchaser from the time when the property is sold and not 
from the time when the sale becomes absolute.

154. Notwithstanding anything in section 138, or section 139, the person 
named in the certificate of purchase shall not be liable for land revenue pay-
able in respect of the land for any period previous to the date of the sale.

154. A. (1) Where the arrear of land revenue is due in respect of a holding 
or where any money is recoverable in the same manner as an arrear of land 
revenue under section 155, the Tahsildar may, notwithstanding anything con-
tained in this Code, after attachment of the holding under clause (12) or clause
(bbb) of section 147, as the case may be, let out the holding on which arrear is due or any other holding belonging to the defaulter which is used for the purpose of agriculture to any person other than the defaulter for a period not exceeding ten years commencing from the first day of agricultural year next following, upon such terms and conditions as the Collector may fix.

(2) Nothing in this section shall affect the liability of any person who may be liable under this Code for the payment of the arrears of land revenue or of any money recoverable in the same manner as an arrear of land revenue under section 155.

(3) Upon the expiry of the period of lease the holding shall be restored to the person concerned free of any claim on the part of the State Government for the arrears in respect of such holding or free of any claim on the part of the State Government or any other authority what sever for the money recoverable in the same manner as an arrear of land revenue under section 155 for the satisfaction whereof of the same was let out under sub-section (1).

155. The following moneys may be recovered, as far as may be, under the provisions of this Chapter in the same manner as an arrear of land revenue:

(a) except such charges as are included in the land revenue under sub-section (2) of section 58, all rents, royalties, water rates, cesses, fees, charges, premia, penalties, fines and cost payable or leviable under this Code or any other enactment for the time being in force;

(b) all moneys falling due to the State Government under any grant, lease or contract which provides that they shall be recoverable in the same manner as an arrear of land revenue;

[[(bb)] all moneys guaranteed by the State Government to the extent of amount guaranteed under a contract of guarantee which provides that they shall be recoverable in the same manner as an arrear of land revenue;]

(c) all sums declared by this Code, or any other enactment for the time being in force to be recoverable in the same manner as an arrear of land revenue;

(d) any sum ordered by a liquidator appointed under any law relating to Co-operative Societies in force for the time being in any region of the State to be recovered as a contribution to the assets of a society or as the cost of liquidation:

Provided that no action shall be taken on application for recovery of a sum specified in clause (d), unless such application is accompanied by a certificate signed by the Registrar appointed under such law that the sum should be recovered as an arrear of land revenue;

(e) all moneys becoming payable to the Madhya Pradesh State Agro-Industries Development Corporation, Limited-

(i) on account of penalty, cost of agricultural implements or other materials sold by the Corporation to agriculturists for the purpose of agriculture or improvement of land or otherwise, under any agreement of sale of such implements or materials by the said Corporation;

(ii) in repayment of any loan advanced by the said Corporation or of any amount due to the said Corporation under any lease, contract, or agreement with or any other dealing of the said Corporation:

1. Ins. by M. P. Act 1 of 1971, S. 3.
Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the Managing Director of the said Corporation that the sum should be recovered as an arrear of land revenue:]

(f) all moneys becoming payable to the Madhya Pradesh Laghu Udyog Nigam Limited and the Madhya Pradesh Andhyog Vikas Nigam Limited-

(i) on account of service charge, penalty, interest, cost of machinery or other materials sold by the said Nigams to enterprises for the purpose of establishing, expanding or running an industry or for any other purpose ancillary to an industry under any agreement of sale on hire purchase or otherwise of such machinery or materials by the said Nigams;

(ii) on account of rent or cost of building hired out or sold, as the case may be, by the said Nigams under any lease, contract or agreement;

(iii) in repayment of any loan advanced by the said Nigams, or of any amount due to the said Nigams under any lease, contract or agreement with or any other dealing of the said Nigams:

Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the Managing Director of the said Nigam that the said sum should be recovered as an arrear of land revenue:

(g) all moneys becoming payable to the Madhya Pradesh Lift Irrigation Corporation Limited on account of-

(i) construction charges of the tube-wells;

(ii) water rates for the water supplied for the purpose of irrigation from any Lift Irrigation Schemes;

(iii) any sum due to the said Corporation under any lease, agreement or contract executed with the said Corporation:

Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the Managing Director of the said Corporation that the said sum should be recovered as an arrear of land revenue:

156. Every person who may have become a surety under any of the provisions of this Code or under any other enactment or any grant, lease or contract whereunder the sum secured is recoverable from the principal as an arrear of land revenue shall, on failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against under the provisions of this Code in the same manner as for an arrear of land revenue.

CHAPTER XII

Tenure Holders

157. There shall be only one class of tenure-holders of lands held from the State to be known as Bhumiswami.

158. [1] Every person who at the time of coming into force of this Code belongs to any of the following classes shall be called a Bhumiswami and shall have all the rights and be subject to all the liabilities conferred or imposed upon a Bhumiswami by or under this Code, namely:

(a) every person in respect of land held by him in the Madhya Koshal region in Bhumiswami or Bhumidhari rights in accordance with the provisions of the Madhya Pradesh Land Revenue Code, 1954 (21 of 1955):

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(b) every person in respect of land held by him in the Madhya Bharat region as a Pakka tenant or as a Munshdar or Concessional holder, as defined in the Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007 (66 of 1950);

(c) every person in respect of land held by him in the Bhopal region as an occupant as defined in the Bhopal State Land Revenue Act, 1932 (IV of 1932);

(d) (i) every person in respect of land held by him in the Vindhya Pradesh region as a pachapan patta tenant, pattadar tenant, a grove holder or as a holder of tank as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955);

(ii) every person in respect of land (other than land which is a grove or tank or which has been acquired or which is required for Government or public purposes) held by him in the Vindhya Pradesh region as a gair haqdar tenant and in respect of which he is entitled to a patta in accordance with the provisions of sub-section (i) of section 57 of the Rewa State Land Revenue and Tenancy Code, 1955,

(iii) every person in respect of land held by him in the Vindhya Pradesh region as a tenant in the Vindhya Pradesh region and in respect of which he is entitled to a patta in accordance with the provisions of sub-sections (2) and (3) of section 151 of the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955), but has omitted to obtain such patta before the coming into force of this Code;

(e) every person in respect of land held by him in Siroji region as a khatedar tenant or as a grove holder as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955).

[(2) A Ruler of an Indian State forming part of the State of Madhya Pradesh who, at the time of coming into force of this Code, was holding land or was entitled to hold land as such Ruler by virtue of the covenant or agreement entered into by him before the commencement of the Constitution, shall, as from the date of coming into force of this Code, be a Bhumiswami of such land under the Code and shall be subject to all the rights and liabilities conferred and imposed upon a Bhumiswami by or under this Code.

Explanation.—In this section, the expressions “Ruler” and “Indian State” shall have the same meanings as are assigned to these expressions in clauses (22) and (15) respectively of article 366 of the Constitution of India.]}

159. Every person becoming a Bhumiswami under section 158 shall pay as land revenue—

(a) if he was paying land revenue in respect of the lands held by him—a like amount of land revenue; or

(b) if he was paying rent in respect of the lands held by him—an amount equal to such rent.

160. (1) Every Mutti or Inam land, wherever situate, which was heretofore exempted from payment of the whole or part of the land revenue by a special grant from the Government or under the provisions of any law for the time being in force or in pursuance of any other instrument shall, notwithstanding anything contained in any such grant, law or instrument be liable from the commencement of the revenue year next following the coming into force of this Code to the payment of full land revenue assessable thereon.

1. Ins. by M. P. Act 8 of 197
(2) Where any such Muafi or Inam land is held for the maintenance or upkeep of any public religious or charitable institution, the State Government may, on the application of such institution, in the prescribed form (and made within such time as may be prescribed) grant to it such annuity not exceeding the amount of the exemption from land revenue enjoyed by it, as may be considered reasonable for the proper maintenance or upkeep of such institution or for the continuance of service rendered by it.

(3) The annuity granted under sub-section (2) shall be subject to such conditions as may be prescribed and may from time to time be revised or withdrawn by the State Government.

(4) Where an application is made under sub-section (2), the recovery of land revenue from the institution concerned shall be stayed until the decision of the application.

161. (1) At any time during the currency of the settlement the Collector may, in accordance with such rules as may be made in this behalf, on the application of a Bhumiswami or of his own motion reduce the revenue in respect of any land on any of the following grounds, namely:

(i) that the land has been wholly or partially rendered unfit for cultivation in consequence of floods or other cause beyond the control of such Bhumiswami;

(ii) that any irrigation source, whether new or old, constructed and maintained at the cost of the State has fallen into disrepair and has ceased to irrigate the whole or any part of his holding to which an enhanced rate of revenue has been applied on account of irrigation;

(iii) that any private irrigation source has for any cause beyond the control of Bhumiswami, ceased to irrigate the whole or any part of the holding which has been assessed to enhanced land revenue on account of irrigation;

(iv) that the revenue payable by the Bhumiswami in respect of the land is more than the revenue calculated at the rate fixed at the last settlement or under any other law for such land;

(v) that the area of the holding of such Bhumiswami has decreased for any reason below the area on which the existing land revenue was assessed.

(2) Where any reduction is ordered under sub-section (1), such reduction shall take effect from the commencement of the revenue year next following the date of the order.

(3) If the cause for which revenue has been reduced under sub-section (1) subsequently ceases or is removed, the Collector may, after giving the Bhumiswami a reasonable opportunity of being heard, make an order directing that such reduction shall cease to be in force and on such order being passed, the reduction shall stand revoked from the commencement of the revenue year next following the date of the order.

163. All applications by Bhumidharis for conferral of Bhumiswami rights pending before any revenue court in the Mahakoshal region immediately before the coming into force of this Code whether in appeal, revision, review or otherwise, shall be filed and the amount, if any, deposited by such Bhumidharis shall be refunded to them.

164. Subject to his personal law the interest of Bhumiswami shall, on his death, pass by inheritance, survivorship or bequest, as the case may be.1

165. (1) Subject to the other provisions of this section and the provision of section 168 a Bhumiswami may transfer [27] any interest in his land.

(2) Notwithstanding anything contained in sub-section (1):

(a) no mortgage of any land by a Bhumiswami shall be valid unless at least five acres of irrigated or ten acres of unirrigated land is left with him free from any encumbrance or charge;

(b) subject to the provisions of clause (a), no usufructuary mortgage of any land by a Bhumiswami shall be valid if it is for a period exceeding six years and unless it is a condition of the mortgage that on the expiry of the period mentioned in the mortgage deed, the mortgage shall be deemed, without any payment whatsoever by the Bhumiswami to have been redeemed in full and the mortgagee shall forthwith re-deliver possession of the mortgaged land to the Bhumiswami;

(c) if any mortgagor in possession of the land mortgaged does not land over possession of land after the expiry of the period of the mortgage or six years whichever expires first the mortgagee shall be liable to ejectment by the orders of the Tahsildar as trespasser and the mortgagor shall be placed in possession of the land by the Tahsildar.

[Provided that nothing in this sub-section shall apply in the case of a mortgage of any land held by a Bhumiswami for non-agricultural purpose.2]

(3) Where a Bhumiswami effects a mortgage other than a usufructuary mortgage of his land in pursuance of the provisions of sub-section (2), then notwithstanding anything contained in the mortgage deed, the total amount of interest accruing under the mortgage shall not exceed half the sum of the principal amount advanced by the mortgagee.

(4) Notwithstanding anything contained in sub-section (1), no Bhumiswami shall have the right to transfer any land

(a) in favour of any person who shall as a result of the transfer become entitled to land which together with the land, if any, held by himself or by his family will in the aggregate exceed such ceiling limits as may be prescribed;

(b) [27] if any mortgagee in possession of the land mortgaged does not surrender possession of land after the expiry of the period of the mortgage or six years whichever expires first the mortgagee shall be liable to ejectment by the orders of the Tahsildar as trespasser and the mortgagor shall be placed in possession of the land by the Tahsildar;

[Provided that nothing in this sub-section shall apply in the case of a mortgage of any land held by a Bhumiswami for non-agricultural purpose.2]

(5) Where a Bhumiswami effects a mortgage other than a usufructuary mortgage of his land in pursuance of the provisions of sub-section (2), then notwithstanding anything contained in the mortgage deed, the total amount of interest accruing under the mortgage shall not exceed half the sum of the principal amount advanced by the mortgagee.

(6) Notwithstanding anything contained in sub-section (1), no Bhumiswami shall have the right to transfer any land

(a) in favour of any person who shall as a result of the transfer become entitled to land which together with the land, if any, held by himself or by his family will in the aggregate exceed such ceiling limits as may be prescribed;

(b) if any mortgagor in possession of the land mortgaged does not surrender possession of land after the expiry of the period of the mortgage or six years whichever expires first the mortgagee shall be liable to ejectment by the orders of the Tahsildar as trespasser and the mortgagor shall be placed in possession of the land by the Tahsildar;

[Provided that nothing in this sub-section shall apply in the case of a mortgage of any land held by a Bhumiswami for non-agricultural purpose.2]

2. Words "other wise than by will" omitted by S. 3(i). Reil.
Provided further that the transfer of land under sub-clause (g) of clause (i) of the preceding proviso for an industrial purpose shall be subject to the following conditions, namely:

(i) if such land is to be diverted to a non-agricultural purpose, the permission of the Sub-Divisional Officer under section 172 for such diversion is obtained prior to such transfer; and

(ii) the provisions of section 172 shall apply to such transfer with the modification that the period of three months and six months mentioned in the proviso to sub-section (1) thereof shall, for the purposes of an application for such diversion, be forty-five days and ninety days, respectively.

Explanation.—For the purposes of this sub-section, a person's family shall consist of the person himself, the minor children and the spouse of such person living jointly with him and if such person is a minor then his parents living jointly with him.

(5) Notwithstanding anything to the contrary in any other enactment for the time being in force, no land of a Bhumiswami shall, in execution of a decree or order of a court, be sold to any person who as a result of such sale shall become entitled to land which together with the land, if any, held by himself or by his family will in the aggregate exceed such ceiling limits as may be prescribed:

Provided that nothing in this sub-section shall apply in the case of a cooperative society where any land is put to sale in execution of a decree or order passed in favour of such society.

Explanation.—For the purposes of this sub-section, the expression "a person's family" shall have the same meaning as assigned to it in sub-section (4).

(6) Notwithstanding anything contained in sub-section (1), the right of Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe by the State Government by a notification in that behalf, whole for the or part of the area to which this Code applies shall—

(i) in such areas as are predominately inhabited by aboriginal tribes and from such date as the State Government may, by notification, specify, not be transferred or be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe in the area specified in the notification;

(ii) in areas other than those specified in the notification under clause (i), not be transferred or be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe without the permission of a Revenue Officer not below the rank of Collector, given for reasons to be recorded in writing.

Explanation.—For the purposes of this sub-section the expression "otherwise" shall not include lease.

[6-a] Notwithstanding anything contained in sub-section (1), the right of a Bhumiswami other than a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section

Provided that every such transfer effected prior to the 9th day of June, 1980 which is not in accordance with the provisions herein contained shall, unless such transfer is ratified by the Collector in accordance with the provisions herein contained, be void and shall be of no effect whatsoever, notwithstanding anything contained in this Code or any other law for the time being in force.

(6-b) Notwithstanding anything contained in the Limitation Act, 1963 (No. 36 of 1963), the Collector may on his own motion at any time or on an application made in this behalf within three years of such transaction in such form as may be prescribed, make an enquiry as he may deem fit, and may, after giving a reasonable opportunity of being heard to the persons affected by the transfer, pass an order ratifying the transfer or refusing to ratify the transfer.

(6-c) The Collector shall, in passing an order under sub-section (6-a) granting or refusing to grant permission or under sub-section (6-b) ratifying or refusing to ratify the transaction shall have due regard to the following:

(i) whether or not the person to whom land is being transferred is a resident of the Scheduled Area;

(ii) the purpose to which land shall be or is likely to be used after the transfer;

(iii) whether the transfer serves, or is likely to serve or prejudice the social, cultural and economic interest of the residents of the Scheduled Area;

(iv) whether the consideration paid is adequate;

(v) whether the transaction is spurious, fictitious or benami; and

(vi) such other matters as may be prescribed.

The decision of the Collector granting or refusing to grant the permission under sub-section (6-a) or ratifying or refusing to ratify the transaction of transfer under sub-section (6-b), shall be final, notwithstanding anything to the contrary contained in this Code.

Explanation.—For the purpose of this sub-section,—

(a) "Scheduled Area" means any area declared to be a Scheduled Area within the State of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India;

(b) the burden of proving that the transfer was not spurious, fictitious or benami shall lie on the person who claims such transfer to be valid.

(6-d) On refusal to grant the permission under sub-section (6-a) or ratification under sub-section (6-b), the transferee, if in possession of the land shall vacate the possession forthwith and restore the possession thereof to the original Bhumiswami.
(6-e) If the Bhumiswami for any reason whatsoever fails or is unable to take possession of the land of which the right of possession stands restored to him under sub-section (6-d), the Collector shall cause the possession of land to be taken and cause the land to be managed on behalf of the Bhumiswami subject to such terms and conditions as may be prescribed till such time as the original Bhumiswami enters upon his land:

Provided that if any resistance is offered in restoring possession, the Collector shall use or cause to be used such force as may be necessary.

(6-ee) The agricultural land transferred by the Bhumiswami other than a Bhumiswami belonging to an aboriginal tribe declared under sub-section (6) to a person not belonging to an aboriginal tribe shall not be diverted for any other purpose before the expiry of period of ten years from the date of transfer;¹

(6-f) The provisions of sub-section (6-a) to (6-ee)² shall have effect, notwithstanding anything to the contrary contained in this Code or any other law for the time being in force.

(7) Notwithstanding anything contained in sub-section (1) or in any other law for the time being in force—

[(a) where the area of land comprised in a holding or if there be more than one holding the aggregate area of all holdings of a Bhumiswami is in excess of five acres of irrigated or ten acres of unirrigated land, then only so much area of land in his holding or holdings shall be liable to attachment or sale in execution of any decree or order as is in excess of five acres of irrigated or ten acres of unirrigated land;]³

(b) no land comprised in a holding of a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) shall be liable to be attached or sold in execution of any decree or order;

(c) no receiver shall be appointed to manage the land of a Bhumiswami under section 51 of the Code of Civil Procedure, 1908 (V of 1908) nor shall any such land vest in the court or any receiver under the Provincial Insolvency Act, 1920 (V of 1920), contrary to the provisions of clause (c) or clause (b):

Provided that nothing in this sub-section shall apply where a charge has been created on the land by a mortgage.

[(7-a) Notwithstanding anything contained in sub-section (1), no Bhumiswami specified in section 33 of the Madhya Pradesh Bhoodan Yagna Adhiniyam, 1968 (No. 28 of 1968) shall have the right to transfer any interest in his land specified in the said section without the permission of the Madhya Pradesh Bhoodan Yagna Board.]⁴

[(7-b) Notwithstanding anything contained in sub-section (1), a person who holds land from the State Government or whom right to occupy land is granted by the State Government or the Collector as a Government lessee and who subsequently becomes Bhumiswami

1. Ins. in its application to Scheduled Areas, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 37-4-VII-N-II-84, dated the 4th June, 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of Paragraph 4 of the Fifth schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra dated the 7th June, 1984, page 1621.22.
2. Subs. ibid, (6-e)".
of such land, shall not transfer such land without the permission of a Revenue Officer, not below the rank of a Collector, given for reasons to be recorded in writing.]

(8) Nothing in this section shall prevent a Bhumiswami from transferring any right in his land to secure payment of, or shall affect the right of the State Government to sell such right for the recovery of, an advance made to him under the Land Improvement Loans Act, 1883 (XIX of 1883) or the Agriculturists Loans Act, 1884 (XI of 1884).

(9) Nothing in this section shall prevent Bhumiswami from transferring in any right in his land to secure payment of an advance made to him by a Cooperative Society or shall affect the right of any such society to sell such right for the recovery of such advance.

[(9-a) Nothing in this section shall prevent a Bhumiswami who is a displaced person from transferring any right in his land to secure payment of an advance made to him by the Daudakaranya Development Authority or shall affect the right of that Authority to sell such right for the recovery of such advance.

Explanation.—In this sub-section “displaced person” means a person displaced from the territories now comprised in East Pakistan who is resettled in Madhya Pradesh on or after the 1st day of April 1957, under any scheme of resettlement of displaced persons sanctioned by the Central Government or the State Government.]

[(9-b) Nothing in this section shall prevent a Bhumiswami from transferring any right in his land to secure payment of an advance made to him by a Commercial Bank for purpose of agriculture or improvement of holding or shall affect the right of any such Bank to sell such right for the recovery of such advance.]

(10) Notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908), no officer empowered to register documents thereunder shall admit to registration any document which purports to contravene the provisions of this section.

(11) Nothing in this section shall—

(a) invalidate any transfer which was validly made; or

(b) validate any transfer which was invalidly made; before the coming into force of this Code.

Explanation.—For purposes of this section, one acre of irrigated land shall be deemed to be equal to two acres of unirrigated land and vice-versa.

166. (1) If a transfer of land is made in contravention of the provision of clause (a) of sub-section (4) of section 165 so much of the land as is in excess of the prescribed ceiling limit with the transferee shall, after its selection by the transferee within the prescribed period and demarcation by a Sub-Divisional Officer in accordance with such rules as may be made in that behalf, stand forfeited to the State Government:

Provided that if the transferee fails to make the selection within the prescribed period such selection shall be made by the Sub-Divisional Officer.

[(2) — x — x — x — x — ]
(3) The Sub-Divisional Officer shall in the cases referred to in sub-section (1) and (2) fix the land revenue in the prescribed manner in respect of the land left with the transferee.

Exchange of land.

167. Subject to the provisions of section 165 Bhumiswamis may exchange with one another agreement the whole or any part of their holdings for purposes of consolidating holdings or securing greater convenience in cultivation.

Lease.

168. [(1) Except in cases provided for in sub-section (2), no Bhumiswami shall lease any land comprised in his holding for more than one year during any consecutive period of the three years.\(^1\)]

[Provided that nothing in this sub-section shall apply to the lease of any land—

(i) made by Bhumiswami who is a member of a registered Co-operative Farming Society to such Society;

(ii) held by a Bhumiswami for non-agricultural purposes.]\(^2\)

Explanation.—For the purposes of this section—

(a) “lease” means a transfer of a right to enjoy any land, made for a certain time, expressed or implied in consideration of a price paid or promised or of money or any other thing of value to be given periodically to the transferer by the transferee who accepts the transfer on such terms,

(b) any arrangement whereby a person cultivates any land of a Bhumiswami with bullocks belonging to or procured by such person (lessee) and on condition of his giving a specified-share of the produce of the land to the Bhumiswami shall be deemed to be a lease,

(c) the grant of a right merely to cut grass or to graze cattle or to grow ‘Singhara’ or to propagate or collect lac, pluck or collect tendu leaves shall not be deemed to be a lease of the land.

(2) A Bhumiswami who is—

(i) a widow; or

(ii) an unmarried woman; or

(iii) a married woman who has been deserted by her husband; or

(iv) a minor; or

(v) a person subject to physical or mental disability due to old age or otherwise; or

(vi) a person detained or imprisoned under any process of law; or

(vii) a person in the service of Armed Forces of the Union; or

(viii) a public, charitable or religious institution; or

(ix) a local authority or a Co-operative Society;

may lease the whole or any part of his holding:

Provided that where a holding is held jointly by more than one person the provisions of this sub-section shall not be applicable unless all such persons belong to any one or more of the classes aforesaid:

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Provided further that any lease made in pursuance of this sub-section shall cease to be in force after one year of the determination of the disability by death or otherwise.

[(3) — — — — — — — —] 1

(4) Where a lease is granted in pursuance of [Sub-section (2)] 2 the lessee shall hold the land on such terms and conditions as may be agreed upon between him and the Bhumiswami and may be ejected by an order of a Sub-Divisional Officer on the application of the Bhumiswami on the ground of contravention of any material term or condition of the lease or on the lease ceasing to be in force.

(5) Where on the coming into force of this Code any land is held on lease from a Bhumiswami who belongs to any one or more of the classes mentioned in sub-section (2), such lease shall, on the coming into force of this Code, be deemed to be a lease granted in pursuance of sub-section (2).

[169. If a Bhumiswami—

(i) leases out for any period any land comprised in his holding in contravention of section 168; or

(ii) by an arrangement which is not a lease under sub-section (1) of section 168 allows any person to cultivate any land comprised in his holding otherwise than as his hired labour and under that arrangement such person is allowed to be in possession of such land for a period exceeding two years without being evicted in accordance with section 250;

the rights of an occupancy tenant shall,—

(a) in the case of (i) above, thereupon accrue to the lessee in such land; and

(b) in the case of (ii) above, on the expiration of a period of two years from the date of possession, accrue to such person in that land:

Provided that nothing in this section shall apply to a land comprised in the holding of a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 and which is leased out by him or in respect of which he has made an arrangement as aforesaid, as the case may be.]

[170. (1) Where possession is transferred by a Bhumiswami in pursuance of a transfer which is in contravention of sub-section (6) of section 165 any person who, if he survived the Bhumiswami without nearer heirs would inherit the holding, may,—

(i) till the 31st December 1978, in the case of transfer of possession prior to the 1st July 1976; and

(ii) within five years of such transfer of possession, in subsequent cases,

apply to the Sub-Divisional Officer to be placed in possession, subject so far as the Sub-Divisional Officer may, in accordance with the rules made in this behalf, determine to his acceptance of the liabilities for arrears of land revenue or any other dues which form a charge on the holding, and the Sub-Divisional Officer shall dispose of such application in accordance with the procedure as may be prescribed.] 4

2. Subs. by S. 17(c), for "sub-section (2) or (3) ".
4. Subs. by M. P. Act 61 of 1976, S. 4
[170-A. (1) Notwithstanding anything contained in the Limitation Act, 1963 (No. 36 of 1963), the Sub-Divisional Officer may, on his own motion or on an application made by a transferee of agricultural land belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 on or before the 31st December 1978, enquire into a transfer effected by way of sale, or in pursuance of a decree of a court of such land to a person not belonging to such tribe or transfer effected by way of accrual of right of occupancy tenant under section 169 or of Bhumiwsami under sub-section (2-A) of section 190 at any time during the period commencing on the 2nd October, 1959 and ending on the date of commencement of the Madhya Pradesh Land Revenue Code (Third Amendment) Act, 1976 to satisfy himself as to the bonafide nature of such transfer.

(2) If the Sub-Divisional Officer on an enquiry and after giving reasonable opportunity to the persons owning any interest in such land, is satisfied that such transfer was not bona fide, he may notwithstanding anything contained in this Code or any other enactment for the time being in force,

(a) subject to the provisions of clause (b), set aside such transfer if made by a holder belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 and restore the land to the transferer; or

(a) subject to the provisions of clause (b), set aside such transfer if made by a holder belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 and [restore the land to the transferer by putting him in possession of the land forthwith].

(b) where such land has been diverted for non-agricultural purposes, he shall fix the price of such land which it would have fetched at the time of transfer and order the transferee to pay the difference, if any, between the price so fixed and the price actually paid to the transferer within a period of six months.]

(170-B. (1) Every person who on the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1980 (hereinafter referred to as the Amendment Act of 1980) is in possession of agricultural land which belonged to a member of a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 between the period commencing on the 2nd October, 1959 and ending on the date of commencement of Amendment Act of 1980 shall, within two years of such commencement, notify to the Sub-Divisional Officer in such form and in such manner as may be prescribed, all the information as to how he has come in possession of such land,


2. Subs. in its application to Scheduled Area, by Government of Madhya Pradesh, Revenue Department's Notification F.No.1-70-7-N-2-23, dated the 6th January, 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 2 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asahbaran), dated the 6th January 1984, pages 23-24. For "restore the land to the transferer".


4. Subs. by M. P. Act 19 of 1982, S. 2, for "one year".
(2) If any person fails to notify the information as required by sub-section (1) within the period specified therein, it shall be presumed that such person has been in possession of the agricultural land without any lawful authority and the agricultural land shall, on the expiration of the period aforesaid, revert to the person to whom it originally belonged and if that person be dead, to his legal heirs.

(3) On receipt of the information under sub-section (1), the Sub-Divisional Officer shall make such enquiry as may be deemed necessary about all such transactions of transfer and if he finds that the member of aboriginal tribe has been defrauded of his legitimate right, he shall declare the transaction null and void and pass an order re vesting the agricultural land in the transferer and, if he be dead, in his legal heirs.

(a) Where no building or structure has been erected on the agricultural land prior to such finding, pass an order re vesting the agricultural land in the transferer and if he be dead, in his legal heirs,

(b) Where any building or structure has been erected on the agricultural land prior to such finding, he shall fix the price of such land in accordance with the principles laid down for fixation of price of land in the Land Acquisition Act, 1894 (No. 1 of 1894) and order the person referred to in sub-section (1) to pay to the transferer the difference, if any, between the price so fixed and the price actually paid to the transferer.

Provided that where the building or structure has been erected after the 1st day of January, 1984 the provisions of clause (b) above shall not apply:

Provided further that fixation of price under clause (b) shall be with reference to the price on the date of registration of the case before the Sub-Divisional Officer.

[170-C. Notwithstanding anything contained in the Advocates Act, 1961 (No. 25 of 1961) no Advocate shall appear before a Revenue Officer under any proceeding under section 170-A or 170-B without the permission of such officer:

Provided that if permission is granted to one party not belonging to a member of a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165, similar assistance shall always be provided to the other party belonging to such tribe at the cost of and through legal aid agency.

170-D. Notwithstanding anything contained in this Code, no second appeal shall lie against the orders passed on or after the 24th October 1983 under section 170-A and section 170-B.

171. A Bhuiwasi of land held for the purpose of agriculture is entitled to make any improvement thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid.
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Diversion of Land.

172. (1) If a Bhumiswami of land held for any purpose in—

(i) urban area or within a radius of five miles from the outer limits of such area;

(ii) a village with a population of two thousand or above according to last census; or

(iii) in such other areas as the State Government may, by notification, specify,
wishes to divert his holding or any part thereof to any other purpose except agriculture, he shall apply for permission to the Sub-Divisional Officer who may, subject to the provisions of this section and to rules made under this Code, refuse permission or grant it on such conditions as he may think fit:

Provided that should the Sub-Divisional Officer neglect or omit for three months after the receipt of an application under sub-section (1) to make and deliver to the applicant an order of permission or refusal in respect thereof, and the applicant has by written communication called the attention of the Sub-Divisional Officer to the omission or neglect, and such omission or neglect continues for a further period of six months, the Sub-Divisional Officer shall be deemed to have granted the permission without any condition.

(2) Permission to divert may be refused by the Sub-Divisional Officer only on the ground that the diversion is likely to cause a public nuisance, or the Bhumiswami is unable or unwilling to comply with the conditions that may be imposed under sub-section (3).

(3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality.

(4) If any land has been diverted without permission by the Bhumiswami or by any other person with or without the consent of the Bhumiswami the Sub-Divisional Officer on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding two hundred rupees, and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert had been made.

(5) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the Sub-Divisional Officer may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. The Sub-Divisional Officer may also impose on such person a penalty not exceeding two hundred rupees for such contravention, and a further penalty not exceeding twenty rupees for each day during which such contravention is persisted in.

(6) If any person served with the notice under sub-section (5) fails within the period stated in the notice to take the steps ordered by the Sub-Divisional Officer under such sub-section, the Sub-Divisional Officer may himself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

Explanation—Diversion in this section means using land assessed to one purpose under section 59 to any other purpose mentioned therein but using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.

1. Subs. by M. P. Act 25 of 1964, s.18(i).
[(6-a) If any land has been diverted in contravention of sub-section (6-ee) of section 165, the Sub-Divisional Officer in addition to taking action laid down in sub-sections (5) and (6), shall also impose a penalty not exceeding five thousand rupees for such contravention and a further penalty not exceeding one hundred rupees for each day during which such contravention is persisted in.

[(7) Where after having been assessed for agriculture, any land situated in urban area is kept fallow for a continuous period of two years, it shall, notwithstanding anything contained in this Code, be deemed to have been diverted to a non-agricultural purpose and shall be reassessed accordingly:

Provided that no action shall be taken under this sub-section unless the person affected thereby is given a reasonable opportunity of being heard].

173. Subject to rules made under this Code, a Bhumiswami may relinquish his rights, that is, resign them in favour of the State Government, but subject to any rights, tenures, encumbrances or equities lawfully subsisting in favour of any person, other than the State Government or the Bhumiswami, by giving notice in writing to the Tahsildar not less than thirty days before the date of commencement of the agricultural year and thereupon he shall cease to be a Bhumiswami from the agricultural year next following such date of such order. In case of the relinquishment of only a part of the holding the Tahsildar shall apportion the assessment of the holding in accordance with the rules made under this Code:

Provided that the relinquishment of a holding or any part of a holding, which is subject to an encumbrance or a charge, shall not be valid.

174. If any sub-division of a survey number or plot number is relinquished under section 173, the Tahsildar shall offer the rights to occupy such sub-division at such premium as he thinks fit to the Bhumiswami of the other sub-divisions of the same survey number or plot number and if there be competition among such Bhumiswamis he shall sell such right to the highest bidder amongst them.

Abandonment of holding.

176. (1) If a Bhumiswami ceases to cultivate his holding for two years either by himself or by some other person, does not pay land revenue and has left the village in which he usually resides, the Tahsildar may, after such enquiry as he may deem necessary, take possession of the land comprising the holding and arrange for its cultivation by letting it out on behalf of the Bhumiswami for a period of one agricultural year at a time.

(2) Where the Bhumiswami or any other person lawfully entitled to the land claims it within a period of three years from the commencement of the agricultural year next following the date on which the Tahsildar took possession of the land, it shall be restored to him on payment of the dues, if any, and on such terms and conditions as the Tahsildar may think fit.

(3) Where no claim is preferred under sub-section (2) or if a claim is preferred and disallowed, the Tahsildar shall make an order declaring the holding abandoned and the holding shall vest absolutely in the State Government, from such date as may be specified in that behalf in the order.

(4) Where a holding is declared abandoned under sub-section (3), the liability of the Bhumiswami for the arrears of revenue due from him in respect thereof shall stand discharged.

1. Ins., in its application to Scheduled Areas, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 37-A-VII-N-11-84, dated the 4th June, 1984 issued by the Governor of Madhya Pradesh under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Andharam) dated the 7th June, 1984, page 621-22.
177. (1) If a Bhumiswami whose land has been assessed for the purpose of agriculture under section 59, or who holds land for dwelling purposes, dies, without known heirs, the [Tahsildar] shall take possession of his land and may lease it for a period of one year at a time.

(2) If within three years of the date on which the [Tahsildar] takes possession of the land any claimant applies for the holding being restored to him, the [Tahsildar] may, after such enquiry as he thinks fit, place such claimant in possession of the land or reject his claim.

(3) The order of the [Tahsildar] passed under sub-section (2) shall not be subject to appeal or revision but any person whose claim is rejected under sub-section (2) may, within one year from the date of the communication of the order of the [Tahsildar] file a civil suit to establish his title, and if such suit is filed, the [Tahsildar] shall continue to lease out the land as provided in sub-section (1) till the decision of the suit.

(4) If no claimant appears within three years from the date on which the [Tahsildar] took possession of the land or if a claimant whose claim has been rejected under sub-section (2) does not file a suit within one year as provided in sub-section (3), the [Tahsildar] may sell the deceased Bhumiswami's right in the holding by auction.

(5) Notwithstanding anything contained in any law or the time being in force a claimant who establishes his title in land which has been dealt with in accordance with the provisions of this section, shall be entitled only to the rents payable under sub-section (1) and the sale proceeds realized under sub-section (4) less all sums due on the holding on account of land revenue and the expenses of management and sale.

178. (1) If in any holding, which has been assessed for purpose of agriculture under section 59, there are more than one Bhumiswami any such Bhumiswami may apply to a Tahsildar for a partition of his share in the holding:

[Provided that if any question of title is raised the Tahsildar shall stay the proceeding before him for a period of three months to facilitate the institution of a civil suit for determination of the question of title.]

[(1-A) If a civil suit is filed within the period specified in the proviso to sub-section (1), and stay order is obtained from the civil court, the Tahsildar shall stay his proceedings pending the decision of the civil court. If no civil suit is filed within the said period, he shall vacate the stay order and proceed to partition the holding in accordance with the entries in the record of rights.]4

(2) The Tahsildar, may, after hearing the co-tenant holders, divide the holding and apportion the assessment of the holding in accordance with the rules made under this Code.

Explanation. For purposes of this section any co-sharer of the holding of a Bhumiswami who has obtained a declaration of his title in such holding from a competent Civil Court shall be deemed to be a co-tenant holder of such holding.

[Explanation. For purposes of this section any co-sharer of the holding of a Bhumiswami who has obtained a declaration of his title in such holding from a competent Civil Court shall be deemed to be a co-tenant holder of such holding.

1. Subs. by M. P. Act 24 of 1961, S. 12, for "Sub-Divisional Officer".
3. Ins. by S. 2(iii), ibid.
179. (1) Subject to the provisions of sections 240 and 241 all trees standing in the holding of a Bhumiwami shall belong to him.

(2) Nothing in sub-section (1) shall affect any right in trees in the holding of a Bhumiwami in favour of any person existing on the date of the coming into force of this Code, but the Bhumiwami may apply to the Tahsildar to fix the value of such right and purchase the right through the Tahsildar in such manner as may be prescribed.

180. (1) The transfer by a Bhumiwami of any trees standing in any land comprised in his holding except the produce of such trees shall be void unless the land itself is transferred.

(2) Trees standing in any land comprised in the holding of a Bhumiwami shall not be attached or sold in execution of a decree or order of a Civil Court or under an order of a Revenue Officer or under an order made unless in pursuance of any provisions of any law for the time being in force land itself is attached or sold.

CHAPTER XIII
Government Lessees and Service Land

181. (1) Every person who holds land from the State Government or to whom a right to occupy land is granted by the State Government or to Collector and who is not entitled to hold land as a Bhumiwami shall be called a Government lessee in respect of such land.

(2) Every person who at the coming into force of this Code—

(a) holds any land in the Madhya Bharat region as an ordinary tenant as defined in the Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007 (66 of 1950); or

(b) holds any land in the Vindhy Pradesh region as a special tenant as defined in the Vindhy Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955), or as a gair jagadar tenant any grove or rank or land which has been acquired or which is required for Government or public purposes; or

(c) holds any land from the State Government in the Sironj region as a gair khetedar tenant as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955);

shall be deemed to be a Government lessee in respect of such land.

182. (1) A Government lessee shall, subject to any express provisions in this Code, hold his land in accordance with the terms and conditions of the grant, which shall be deemed to be a grant within the meaning of the Government Grants Act, 1895 (XV of 1895).

(2) A Government lessee may be ejected from his land by order of a Revenue Officer on one or more of the following grounds, namely:

(i) that he has failed to pay the rent for a period of three months from the date on which it became due; or

(ii) that he has used such land for purposes other than for which it was granted; or

(iii) that the term of his lease has expired; or

(iv) that he has contravened any of the terms and conditions of the grant;

Rights to trees in holding.

Restriction on transfer of trees.

Government lessee.

Rights and liabilities of a Government lessee.
Provided that no order for ejectment of a Government lessee under this sub-section shall be passed without giving him an opportunity of being heard in his defence.

183. (1) Any person holding land on the condition of rendering service as village servant shall cease to be entitled to such land if he diverts such land to non-agricultural purpose.

(2) A transaction by which a village servant attempts to transfer his interest in his service land by sale, gift, mortgage, sub-lease or otherwise except by a sub-lease for a period not exceeding one year, shall be void.

(3) If the holder of such land dies, resigns or is lawfully dismissed, the land shall pass to his successor in office.

(4) The right of the holder in such land shall not be attached or sold in execution of a decree nor shall a receiver be appointed to manage such land under section 51 of the Code of Civil Procedure, 1908 (V of 1908).

184. If the Collector declares that the services rendered by a village servant in any village in the Sironj region are no longer required, such village servant shall become a Bhumiswami in respect of his service land and be liable to pay land revenue accordingly.

CHAPTER—XIV

Occupancy Tenants

185. (1) Every person who at the coming into force of this Code holds—

(i) in the Mahakoshal region—

(a) any land, which before the coming into force of the Madhya Pradesh Land-Revenue Code, 1954 (II of 1955), was malik-makbuza and of which such person had been recorded as an absolute occupancy tenant; or

(b) any land as an occupancy tenant as defined in the Madhya Pradesh Land Revenue Code, 1954 (II of 1955); or

(c) any land as an ordinary tenant as defined in the Madhya Pradesh Land Revenue Code, 1954 (II of 1955); or

(ii) in the Madhya Bharat region—

(a) any Inam land as a tenant, or as a sub-tenant or as an ordinary tenant; or

(b) any land as ryotwari sub-lessee as defined in the Madhya Bharat Ryotwari Sub-Lessees Protection Act, 1955 (29 of 1955); or

(c) any Jagir land as defined in the Madhya Bharat Abolition of Jagirs Act, 1951 (28 of 1951), as a sub-tenant or as a tenant of a sub-tenant; or

(d) any land of a proprietor as defined in the Madhya Bharat Zamindari Abolition Act, 1951 (13 of 1951), as a sub-tenant or as a tenant of a sub-tenant;

(iii) in the Vindhya Pradesh Region any land as a sub-tenant of a pachpan paintalik tenant, pattedar tenant, grove holder or holder of a tank as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1953); or

Explanation—The expression ‘Inam land’ shall have the same meaning as assigned to it in the Madhya Bharat Musfi and Inam Tenants and Sub-Tenants Protection Act, 1954 (32 of 1954).
(iv) in the Bhopal region—

(a) any land as a sub-tenant as defined in the Bhopal State Sub-tenants Protection Act, 1952 (VII of 1953); or

(b) any land as a shikumi from an occupant as defined in the Bhopal State Land Revenue Act, 1952 (IV of 1952); or

(v) in the Sironj region—

(a) any land as a sub-tenant of a khatedar tenant or grove holder as defined in the Rajasthan Tenancy Act, 1935 (3 of 1955); or

(b) any land as a sub-tenant or tenant of Khudkasht as defined in the Rajasthan Tenancy Act, 1935 (3 of 1955);

shall be called an occupancy tenant and shall have all the rights and be subject to all the liabilities conferred or imposed upon an occupancy tenant by or under this Code.

(2) Where any land referred to in items (c) or (d) of clause (ii) of sub-section (1) is at the time of coming into force of this Code, in actual possession of a tenant of a sub-tenant, then such tenant and not the sub-tenant shall be deemed to be the occupancy tenant of such land.

(3) Nothing in sub-section (1) shall apply to a person who at the coming into force of this Code, holds the land from a Bhumiswarri who belongs to any one or more of the classes mentioned in sub-section (2) of section 168.

(4) Nothing in this section shall affect the rights of a sub-tenant of tenant of a sub-tenant belonging to any of the categories specified in items (c) and (d) of clause (ii) of sub-section (1) to acquire the rights of a paka tenant in accordance with the provisions of the Madhya Bharat Abolition of Jagirs Act, 1951 (26 of 1951), or of the Madhya Bharat Zamindari Abolition Act, 1951 (13 of 1951), as the case may be.

1 85. Notwithstanding any agreement or usage or any decree or order of a court or any law to the contrary, the maximum rent payable by an occupancy tenant in respect of the land held by him shall not exceed—

(a) in the case of any class of irrigated land—four times the land revenue assessed on such land;

(b) in case of bundh land in the Vindhy Pradesh region—three times the land revenue assessed on such land; and

(c) in any other case—two times the land revenue assessed:

[Provided that where such land is exempt from payment of land revenue under section 58-A, the maximum rent asforesaid shall be reduced by the amount of land revenue so exempted under the said section.]

Explanation. Where any land has not been assessed to land revenue, the multiples asforesaid shall be calculated on the basis of the land revenue assessable on such land.

187. (1) Where an occupancy tenant pays his rent in kind, in terms of service, labour, crop share or a specified quantity of grain, he may apply to the Sub-Divisional Officer for communting the same into cash. 

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Rent.

188. (1) The rent payable by an occupancy tenant shall, as from the commencement of the agricultural year next following the date of the coming into force of this Code, be the maximum rent laid down in section 186 or in the rent agreed upon between the tenant and his Bhumiswami is less than the maximum rent, then such agreed rent:

[Provided that where the agreed rent is payable in kind, the tenant shall be liable to pay, until such rent is commuted into cash under section 187 the maximum rent laid down in section 186.]

(2) Every occupancy tenant shall pay the rent to his Bhumiswami on or before such date as may be prescribed in that behalf.

Resumption by Bhumiswami in certain cases.

189. (1) A Bhumiswami whose land is held by an occupancy tenant [belonging to any of the categories specified in sub-section (1) of section 185, except in items (a) and (b) of clause (i) thereof] may, if the area of land under his personal cultivation is below twenty-five acres of unirrigated land, within one year of the coming into force of this Code, make an application to the Sub-Divisional Officer for resumption of land held by his occupancy tenant for his personal cultivation.

(2) On receipt of the application, the Sub-Divisional Officer shall, after hearing the parties and making such further enquiry as may be necessary decide the application:

Provided that the right of resumption shall be limited to the area which together with the area already under the personal cultivation of the Bhumiswami shall not exceed twenty-five acres of unirrigated land:

Provided further that no resumption shall be allowed so as to reduce the total area of land in possession of the occupancy tenant below:

(i) twenty-five acres of unirrigated land if the occupancy tenant has been holding such land from a Bhumiswami not belonging to any of the classes mentioned in sub-section (2) of section 168, for more than five years prior to the coming into force of this Code:

(ii) ten acres in any other case.

(3) Where under an order passed under sub-section (2) the Bhumiswami is allowed to resume a part of the land held by the occupancy tenant from such Bhumiswami, the Sub-Divisional Officer shall select and demarcate the land allowed to be resumed in accordance with such rules as may be made in that behalf. The resumption shall be allowed only if the Bhumiswami agrees to pay the occupancy tenant such compensation as the Sub-Divisional Officer may, after hearing the parties, fix for the improvement effected by the occupancy tenant for the land allowed to be resumed by the Bhumiswami. The Sub-Divisional Officer shall also in such a case fix the rent in the prescribed manner in respect of the land left with the occupancy tenant.

(4) Every order allowing resumption shall take effect from the agricultural year next following the date of the order and the tenancy of the occupancy tenant in respect of the land resumed shall stand terminated.

2. Subs. by S. 15, ibid for "rather than an occupancy tenant belonging to any of the categories specified in items (a) and (b) of clause (i) of sub-section (1) of section 185".
Explanation. - For the purpose of this section

(1) the land under the personal cultivation of Bhumiswami shall include—

(a) any land transferred by him by sale or otherwise on or after the 1st January 1959; and

(b) any land allowed by him to lie follow.

(2) One acre of irrigated land shall be deemed to be equal to two acres of unirrigated land and vice versa.

190. [(1) Where a Bhumiswami whose land is held by an occupancy tenant belonging to any of the categories specified in sub-section (1) of section 185 except in items (a) and (b) of clause (i) thereof fails to make an application under sub-section (1) of section 189 within the period laid down therein, the rights of a Bhumiswami shall accrue to the occupancy tenant in respect of the land held by him from such Bhumiswami with effect from the commencement of the agricultural year next following the expiry of the aforesaid period.] 1

(2) Where an application is made by a Bhumiswami in accordance with the provisions of sub-section (1) of section 189, the rights of a Bhumiswami shall accrue to the occupancy tenant in respect of the land remaining with him after resumption if any allowed to the Bhumiswami with effect from the commencement of the agricultural year next following the date on which the application is finally disposed of.

[(2-A) Where the land of a Bhumiswami is held by an occupancy tenant other than an occupancy tenant referred to in sub-section (1), the rights of a Bhumiswami shall accrue to the occupancy tenant in respect of such land—

(a) in the case of occupancy tenants of the categories specified in items (a) and (b) of clause (i) of sub-section (1) of section 185, with effect from the commencement of the agricultural year next following the commencement of the Principal Act;

(b) in any other case, with effect from the commencement of the agricultural year next following the date on which the rights of an occupancy tenant accrue to such tenant.] 3

(3) Where the rights of a Bhumiswami accrue to an occupancy tenant under sub-section (1), [sub-section (2) or sub-section (2-A)] 3 such occupancy tenant shall be liable to pay to his Bhumiswami compensation equal to fifteen times the land revenue payable in respect of the land in five equal annual instalments, each instalment being payable on the date on which the rent payable under section 188 for the corresponding year falls due, and if default is made in payment, it shall be recoverable as an arrear of land revenue:

Provided that if from any cause the land revenue is suspended or remitted in whole or in part in any area in any year, the annual instalment of compensation payable by an occupancy tenant holding land in such area in respect of that year shall be suspended and shall become payable one year after the last of the remaining instalments.

(4) Any occupancy tenant may at his option pay the entire amount of compensation in a lump sum, and where an occupancy tenant exercise this option, he shall be entitled to a rebate at the rate of ten per cent.

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2. Added, by, S. 16 (ii) ibid.
3. Subs. by S. 16(ii), ibid for "or sub-section (2)".
(5) The amount of compensation, whether paid in lump sum or in annual instalments, shall be deposited in such manner and form as may be prescribed by the occupancy tenant with the [Tahsilari] for payment to the BhumiSwami.

(6) Where the rights of a BhumiSwami in any land accrue to an occupancy tenant under this section, he shall be liable to pay the land revenue payable by the BhumiSwami in respect of such land with effect from the date of accrual of such rights.

191. (1) If the BhumiSwami in whose favour an order of resumption is passed under sub-section (2) of section 189 fails to cultivate such land personally during the agricultural year next following the date on which the order is passed, the occupancy tenant may, within such time as may be prescribed, make an application to the Sub-Divisional Officer for restoration of such land to him:

Provided that the occupancy tenant shall not be entitled to make the application if he in any way obstructs the BhumiSwami in taking possession of or cultivating such land.

(2) On receipt of the application, the Sub-Divisional Officer may, alter giving, to the BhumiSwami an opportunity of being heard and making such further enquiry as may be deemed necessary, pass an order restoring possession of the land in question to the occupancy tenant, and where such order is passed, the occupancy tenant shall be placed in possession of the land at the commencement of the agricultural year next following the date of the order and the rights of BhumiSwami shall then accrue to him and the provisions of section 190 except sub-section (2) thereof shall apply accordingly.

(3) If there is any dispute regarding the rent payable for the land restored under sub-section (2), it shall be decided by the Sub-Divisional Officer.

(4) Where any land is restored to an occupancy tenant under sub-section (2), the BhumiSwami against whom resumption is ordered, shall for ever be debarred from claiming resumption of any land of such occupancy tenant under section 189.

192. (1) The tenancy of an occupancy tenant in his holding shall, on his death, pass by inheritance or survivorship in accordance with his personal law.

(2) No order for the termination of his rights in the land on the ground specified in clause (a) of sub-section (1) shall be passed unless the Sub-Divisional Officer has by notice called upon the occupancy tenant to tender the rent due together with cost of proceedings within such period as may be specified by the Sub-Divisional Officer in the notice and the tenant has failed to deposit the required amount within the said period.

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1. Subs. by M. P. Act 24 of 1961, S. 7, for "Revenue Officer".
2. Subs by S. 12, ibid.
(3) No proceedings on the ground specified in clause (b) of sub-section (1) shall lie unless the Bhumiswami of such land has served on the occupancy tenant a notice in writing specifying the act of destruction or injury complained of and the tenant has failed within a period of six months from the date of service of notice or within such further period as the Sub-Divisional Officer may grant to restore the land to the condition in which it was before such destruction or injury.

194. (1) The following provisions shall be applicable in the case of every occupancy tenant whose tenancy is terminated, namely:

(a) if the occupancy tenant has, before the date of termination, sown or planted crops in any land comprised in the holding he shall be entitled, at the option of the Bhumiswami of such land, either to retain possession of such land and to use it for the purpose of tending and gathering in the crops, or to receive from the Bhumiswami of such land, the value of the labour and capital expended by him in preparing such land and sowing, planting and tending such crops, together with reasonable interest thereon;

(b) if the occupancy tenant has, before the date of termination, prepared for sowing any land comprised in his holding, but has not sown or planted crops thereon, he shall be entitled to receive from the Bhumiswami of such land the value of the labour and capital expended by him in preparing such land together with reasonable interest thereon:

Provided that—

(i) an occupancy tenant shall not be entitled to retain his land or receive any sum in respect thereof under this section if, after the commencement of proceedings by the Bhumiswami of such land for termination, he has cultivated or prepared such land contrary to local usage;

(ii) the rent, if any, payable to the Bhumiswami of such land by the occupancy tenant at the time of termination may be set off against any sum payable to the occupancy tenant under this section;

(c) if the occupancy tenant has, before the date of termination, effected any improvement on any land comprised in his holding, he shall be entitled to receive from the Bhumiswami of such land such compensation for it as the Revenue Officer may, after hearing the parties, determine.

(2) The Revenue Officer terminating the tenancy shall determine the amount, if any, payable under sub-section (1).

195. (1) No occupancy tenant shall be entitled to transfer by way of sale, gift, mortgage, sub-lease or otherwise his right in the land or any portion thereof, and every such sale, gift, mortgage, sub-lease or other transfer shall be voidable, as provided in section 197.

Provided that a sub-lease may be granted by or on behalf of an occupancy tenant if such person belongs to any of the categories mentioned in sub-section (2) of section 168.

Explanation:—For the purposes of this section the expression 'sub-lease' shall be construed as having the same meaning as assigned to 'lease' in section 168.
Right of occupancy tenant to make improvement.

(2) Nothing in sub-section (1) shall prevent an occupancy tenant from transferring his holding or any part thereof by sale or gift to any co-tenant or any person who, if he survived the tenant without nearer heirs, would inherit the holding.

(3) Nothing in this section shall prevent an occupancy tenant from transferring any right in his land to secure payment of, or shall affect the right of the State Government to sell such right for the recovery of an advance made to him under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists, Loans Act, 1884 (XII of 1884).

(4) Nothing in this section shall prevent an occupancy tenant from transferring any right in his holding to secure payment of an advance made to him by a co-operative society or shall affect the right of such society to sell such right for the recovery of such advance.

(5) Except in pursuance of a transfer permitted under any of the foregoing provisions, or in the case of proceedings for recovery of arrears of any annual instalment of compensation, no decree or order shall be passed for the sale of the interest of an occupancy tenant in his holding nor shall such interest be attached or sold in execution of any decree or order nor shall a receiver be appointed to manage such holding under section 51 of the Code of Civil Procedure, 1908 (V of 1908), nor shall such interest vest in the Court or in a receiver under the Provincial Insolvency Act, 1920 (V of 1920).

Right of certain person to apply to set aside transfers by occupancy tenants.

196. An occupancy tenant of land held for the purpose of agriculture is entitled to make any improvement thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid.

197. (1) If an occupancy tenant transfers his rights in his holding or any portion thereof in contravention of section 195, any co-tenant or any person who, if he survived the tenant without nearer heirs, would inherit the holding or the Bhumiswami of whom such person holds the land, may apply to the Sub-Divisional Officer to be placed in possession and the Sub-Divisional Officer, may in accordance with the rules made under section 258 place the applicant in possession subject to his acceptance of the liabilities of the occupancy tenant for arrears of rent and for advance for necessary expenses of cultivation.

(2) Where more persons than one apply under sub-section (1), they shall be entitled to be placed in possession in the following order of priority:

(i) any person who if he survived the tenant would inherit the holding;

(ii) co-tenant; and

(iii) Bhumiswami of whom the occupancy tenant holds the land.

Surrender.

198. (1) Any occupancy tenant may, by executing in favour of the Bhumiswami not less than thirty days before the commencement of the agricultural year a registered document, surrender his rights and there upon he shall cease to be an occupancy tenant from the agricultural year next following such date. No surrender shall be valid unless effected by a registered instrument.

(2) Notwithstanding anything to the contrary in the Indian Stamps Act, 1899 (11 of 1899), or the Indian Registration Act, 1908 (XVI of 1908), instruments of surrender executed by occupancy tenants in pursuance of the provisions of this section, shall be exempted from payment of stamp duty and registration fee chargeable thereon.

(3) On a surrender being executed under sub-section (1), a Bhumiswami shall be entitled to take possession of land only to the extent of his right of resumption under section 189 and the excess land, if any, shall vest
in the State Government and the Bhumiswami shall be paid compensation for such excess land, which shall be equal to two times the rent payable thereunder section 188.

(4) Where any land vests in the State Government under sub-section (3), the Bhumiswami shall specify such land within the prescribed period and in the prescribed manner and on his failure to do so within such period, such land shall be specified by the Sub-Divisional Officer.

(5) After such land has been specified in accordance with the provisions of sub-section (4), the Sub-Divisional Officer shall demarcate it in accordance with such rules as may be made in that behalf and also fix the land revenue in respect of land resumed by the Bhumiswami.

199. Every Bhumiswami shall give a written receipt for the amount of rent at the time when such amount is received by him in respect of any land in such form and in such manner as may be prescribed.

200. If any Bhumiswami fails to give a receipt as required by section 189 or receives by way of rent any amount in excess of the rent payable under this Code, he shall, on the application of the occupancy tenant be liable by an order of the Tahsildar to refund the excess amount recovered and to pay as penalty a sum, not exceeding two hundred rupees, or, if double the amount of the total rent recovered exceeds two hundred rupees, not exceeding twice such amount and the Tahsildar may direct that the whole or part of such sum shall be adjusted towards the amount of compensation payable by the occupancy tenant.

201. (1) If from any cause the payment of the whole or any part of the land revenue payable in respect of any land is remitted or suspended, the Collector may, by general or special order, remit or suspend, as the case may be, the payment of the rent, of such land, in an amount which would bear the same proportion to the whole of the rent payable in respect of the land as the land revenue of which the payment has been remitted or suspended bears to the whole of the land revenue payable in respect thereof, and may distribute the amount so remitted or suspended amongst the occupancy tenants holding such land in such manner as may seem to him to be equitable having regard to the effect on their holdings of the cause which has led to the remission or suspension of the land revenue.

(2) If the payment of rent has been suspended, the period of suspension shall be excluded in the computation of the period of limitation prescribed for the recovery of such rent.

(3) The provisions of sub-sections (1) and (2) shall apply to land of which the land revenue has been wholly or in part released, compounded for or redeemed, in any case in which, if the land revenue in respect of the land had not been released, compounded for or redeemed, the whole or any part of it might in the opinion of the Collector, have been remitted or suspended.

202. (1) If any person who immediately before the coming into force of this Code held land in any region in any of the capacities mentioned in section 183, has been ejected or dispossessed of any land held by him during the three years immediately preceding the coming into force of this Code, otherwise than by process of law, may within two years from the date of coming into force of this Code, apply to the Tahsildar for his reinstatement in such land.

(2) If any person who on the coming into force of this Code, holds land as an occupancy tenant has been ejected from or dispossessed of any land held by him, after the coming into force of this Code in contravention of its provisions, may within two years from the date of such ejection or dispossession, apply to the Tahsildar for his reinstatement in such land.

(3) On receipt of an application under sub-section (1) or (2), the Tahsildar shall, after making an enquiry into the respective claims of the parties,
decide the application and when he orders the restoration of the possession to the occupancy tenant, put him in possession of the land.

(4) The Tahsildar may, at any stage of enquiry pass under sub-section (3) an interim order for handing over the possession of the land to the applicant, if he finds that he was ejected or dispossessed by the opposite party within six months prior to the submission of the application under sub-section (1) or (2), and the opposite party shall, if necessary, be ejected under his order.

(5) When an interim order has been passed under sub-section (4), the opposite party may be required by the Tahsildar, to execute a bond for such sum as he may deem fit for abstaining from taking possession of land until the final order is passed by him.

(6) If the person executing a bond is found to have entered into or taken possession of the land in contravention of the bond, the Tahsildar may forfeit the bond in whole or in part and may recover such amount as an arrear of land revenue.

(7) If the order passed under sub-section (3) is in favour of the applicant, the Tahsildar shall also award a reasonable compensation to be paid to the applicant by the opposite party:

Provided that the amount of compensation shall not exceed ten times the revenue of the land for each year's occupation.

(8) The compensation awarded under this section shall be recoverable as an arrear of land revenue.

(9) The Tahsildar shall have the power to review suo-moto cases of wrongful ejectment, or dispossession, whether by surrender or otherwise of occupancy tenants in any areas to be notified by the State Government in this behalf. Where action is taken under this sub-section, the provisions of the foregoing sub-sections shall, as far as may be, apply.

CHAPTER-XV

Alluvion and Diluvion

203. (1) Alluvial land formed on any bank shall vest in the State Government but the Bhumiswami, if any, of the land adjoining such bank shall be entitled to the use of the alluvial land so added to his holding free from the payment of land revenue during the current term of settlement, unless the area added to his holding exceeds one acre.

(2) When the area of the alluvial land added to a holding exceeds one acre and it appears to the Sub-Divisional Officer that such land may, with due regard to the interest of the public convenience and public revenue, be disposed of, he shall offer such land in Bhumiswami rights to the Bhumiswami of such holding at a premium which shall not exceed twenty times the fair assessment of the land so formed. If the said Bhumiswami shall refuse the offer, the Sub-Divisional Officer may dispose of the land [in the prescribed manner].

(3) Where any holding is diminished in area by diluvion to an extent greater than one acre, the land revenue payable on such holding shall be reduced.

204. (1) The Sub-Divisional Officer shall have power, subject to rules made under this Code, to assess all increase and reduction in land revenue which are required or permitted under this Chapter.

(2) The Sub-Divisional Officer shall also have power to decide any dispute which may arise relating to the distribution of alluvial land among the various Bhumiswamis claiming such land.

1. Subs. by M. P. Act 26 of 1964, s. 22 for "in accordance with section 162".
CHAPTER—XVI
Consolidation of Holdings

205. In this Chapter—

(i) "Consolidation of holdings" means the redistribution of all or any of the land in a village, so as to allot to the BhumiSwami contiguous plots of land for the convenience of cultivation;

(ii) "Consolidation Officer" means a Revenue Officer, not below the rank of a Tahsildar, appointed by the State Government for any district or districts to exercise the powers, and to perform the duties of a Consolidation Officer under this Code.

206. (1) Any two or more BhumiSwamis in a village holding together not less than the minimum area of land prescribed by rules made under section 221, may apply in writing stating such particulars as may be prescribed by rules made under section 221, to the Consolidation Officer for the consolidation of their holdings.

(2) The Collector may of his own motion direct the Consolidation Officer to make an enquiry into the feasibility of consolidation of holdings in any village.

(3) If two-thirds of the BhumiSwamis in a village apply for consolidation of their holdings or if in the course of an enquiry into an application made under sub-section (1) or sub-section (2) two-thirds of the BhumiSwamis of the village make an application agreeing to the consolidation of their holdings, such application shall be deemed to be the application on behalf of all the BhumiSwamis of the village.

(4) If in a case falling under sub-section (3), any scheme of consolidation of holdings is confirmed, it shall be binding on all the BhumiSwamis of the village, and on any persons who may subsequently be entitled to hold or occupy the land.

(5) In any other case, if any scheme of consolidation of holdings is confirmed, it shall be binding on the applicants and those who have agreed to the consolidation of their holdings and on any persons who may subsequently be entitled to hold or occupy the land affected by the scheme.

207. (1) If on receipt of any such application or at any stage of the proceedings thereon, there appears to be good and sufficient reason for disallowing the application or for excluding the case of any applicant from consideration, the Consolidation Officer may submit the application to the Collector with a recommendation that the application be rejected in whole or in part, or that the proceedings be quashed.

(2) The Collector, on receipt of the recommendation, may accept it and pass orders accordingly or may order further inquiry.

208. If the Consolidation Officer admits the application, he shall proceed to deal with the same in accordance with the procedure laid down by or under this Code.

209. (1) If the BhumiSwamis making the application under section 206 submit a scheme of consolidation of holdings mutually agreed to, the Consolidation Officer shall, in the manner laid down by rules made under section 221 examine it and, if necessary, modify it.

(2) If no scheme is submitted with the application, the Consolidation Officer shall prepare a scheme for the consolidation of holdings in the manner laid down by rules made under section 221.
(3) If the Consolidation Officer is of the opinion that the redistribution of land in accordance with a scheme of consolidation will have the result of allotting to any Bhumiswami a holding or land of a less market or productive value than that of his original holding or land, the scheme may provide for the payment of compensation to such Bhumiswami by such person or persons as the Consolidation Officer may direct.

(4) When the scheme of consolidation is complete, the Consolidation Officer, after considering and as far as possible removing the objections, if any, made to the scheme, shall submit it for confirmation to the Collector.

(5) When the scheme of consolidation is complete, and if all the Bhumiswamis affected by such scheme, agree to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow them to enter into such possession from a date to be mentioned in the scheme.

210. The Collector may either confirm the scheme with or without modifications or refuse to confirm it after considering the objection or objections, if any, to the scheme of consolidation and the recommendation of the Consolidation Officer. The decision of the Collector, subject to any order that may be passed in revision by the Settlement Commissioner under section 50, shall be final.

211. (1) Upon confirmation of the scheme of consolidation, the Consolidation Officer shall, if necessary, demarcate the boundaries of the holdings and shall proceed to announce the decisions finally made and cause to be prepared in accordance with the scheme, a new field map, record-of-rights, other records prescribed under section 114, Nistar Patrak and Wajib-ul-arz.

(2) The records prepared under sub-section (1) shall be deemed to have been prepared under Chapter IX or XVIII, as the case may be.

212. The Bhumiswami affected by the scheme of consolidation, if they have not entered into possession under sub-section (5) of section 209, shall be entitled to possession of the holdings allotted to them under the scheme, from the commencement of the agricultural year next following confirmation; and the Consolidation Officer shall, if necessary, put them, by warrant in possession of the holdings to which they are entitled:

Provided that if all the Bhumiswamis agree, they may, after confirmation, be put into possession of their holdings by the Consolidation Officer from any earlier date.

213. (1) Notwithstanding anything contained in this Code, the rights of Bhumiswamis in their holdings shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise and no person shall be entitled to object to or interfere with any transfer made for the said purpose.

(2) The Consolidation Officer may also transfer by exchange or otherwise any land belonging to the State Government where such transfer is necessary for the purpose of giving effect to any scheme of consolidation.

214. Notwithstanding anything contained in any law for the time being in force—

(a) no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings; and

(b) no such instrument, if executed, shall require registration.

215. (1) The Consolidation Officer shall, unless the State Government for sufficient reasons directs otherwise, recover from the Bhumiswamis whose
holdings are affected by the scheme for consolidation of holdings, the costs of carrying out the scheme, which shall be assessed in accordance with rules made under section 221.

(2) The Consolidation Officer shall apportion the costs among the BhumiSWamis liable to pay them according to occupied area of the holdings affected by the scheme.

216. Any amount payable as compensation under sub-section (3) of section 209, or as costs under section 215, may be recovered as an arrear of land revenue.

217. When an application for the consolidation of holdings has been admitted under section 208, no proceedings for partition of the holdings which will affect the scheme of consolidation shall be commenced and all such proceedings pending shall remain in abeyance during the continuation of the consolidation proceedings.

218. When an application for the consolidation of holdings has been admitted, no BhumiSWami upon whom the scheme will be binding shall have power, during the continuance of the consolidation proceedings, to transfer or otherwise deal with any part of his original holding or land so as to affect the rights of any other BhumiSWami thereto under the scheme of consolidation.

219. A BhumiSWami shall have the same rights in the holding or land allotted to him in pursuance of a scheme of consolidation as he had in his original holding.

220. (1) If the holding of any BhumiSWami brought under the scheme of consolidation is validly burdened with any lease, mortgage or other encumbrance, such lease, mortgage or other encumbrance, shall be transferred and shall attach to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer, subject to any rules that may be made under section 221, may have appointed in preparing the scheme; and thereupon, the lessee, mortgagee or other encumbrancer, as the case may be, shall cease to have any right in or against the land from which the lease, mortgage or other encumbrance has been transferred.

(2) Notwithstanding anything contained in sub-section (1) or any other enactment for the time being in force, the Consolidation Officer shall, if necessary, put any lessee or any mortgagee or other encumbrancer entitled to possession, by warrant, into possession of the holding or part of a holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

221. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

(a) prescribing the minimum area of land to be held by the persons making an application under sub-section (1) of section 206;

(b) providing for the particulars to be contained in any application made under section 206;

(c) providing for the procedure to be followed by the Consolidation Officer in dealing with applications for the consolidation of holdings and for the appointment and constitution of any Advisory Committee or Panchayat to assist the Consolidation Officer in the examination or preparation of the scheme;

(d) for determining the compensation to be paid in cases falling under sub-section (3) of section 209;

(e) for regulating the assessment of costs under section 215;
(f) for determining the market or productive value of the different holdings and lands brought under any scheme of consolidation;

(g) for the guidance of the Consolidation Officer in respect of the transfer of encumbrances and leases under section 220; and

(h) generally for the guidance of the Consolidation Officer and other Officers and persons in all proceedings under this Chapter.

CHAPTER—XVII

Village Officers

A.—PATELS

222. (1) Subject to rules made under section 258, the Collector may appoint for each village or group of villages one or more patels.

(2) When there are two or more patels in a village, the Collector may distribute, subject to rules made under section 258, duties of the office of Patel in such manner as he may think fit.

(3) Where in the Vindhya Pradesh region, a patwari has been performing the duties imposed on a Patel under this Code immediately before the commencement of this Code, he shall continue to perform such duties and shall be deemed to be Patel for purposes of this Code, until a Patel is appointed under sub-section (1). 1

223. The remuneration of patels shall be fixed by the Collector in accordance with rules made by the State Government.

224. It shall be the duty of every Patel—

(a) to collect and pay into the Government treasury land revenue and cesses payable through him and such other Government dues ordered to be collected by him;

(b) to furnish reports regarding the state of his village at such places and times as the Collector may fix in this behalf;

(c) as far as possible to prevent encroachments on waste land, public paths, and roadways in the villages;

(d) to preserve such stations and boundary marks erected in his village by surveyors in the service of Government as may be made over to his care and to report any damage caused to such marks;

(e) subject to rules made under section 258, to keep the village in good sanitary condition;

(f) to prevent unauthorized cutting of wood or unauthorized removal of any minerals or other properties belonging to the State Government;

(g) to control and superintend the kotwar, to report his death or absence from his duty and to take such steps as may be necessary to compel him to perform his duties;

(h) to perform such other duties as may be prescribed by rules made under section 258.

225. If by any enactment for the time being in force, any public duties are imposed on or public liabilities are declared to attach to landholders, their managers or agents, such duties shall be deemed to be imposed upon and such liabilities shall be held to attach to patels appointed under this Code:

Provided that nothing herein contained shall discharge the landholders, their managers or agents from any duties or liabilities otherwise imposed upon them by law.

226. Subject to rules made under section 258, the Collector may remove from office any pate!.

227. A Patel who is found negligent in the performance of any duty assigned to him under section 224 or 225, shall be liable under the order of the Tahsilder to a fine which may extend to twenty rupees.

228. Where a pate! is temporarily unable to perform his duties, the Sub-Divisional Officer may, on his application or otherwise, appoint a substitute for a period of not exceeding six months and the substitute so appointed shall, for all the purposes of this Code, be deemed to be a pate!.

229. Notwithstanding anything contained in this Code, the State Government may entrust the management of a village or the performance of the duties entrusted to a pate! to a Gram Panchayat or where a Gram Panchayat has not been constituted, to a Gram Sabha constituted in accordance with the provisions of section 232.

B—Kotwars

230. (1) For each village or group of villages, there shall be appointed, in accordance with rules made under section 258, one or more kotwars for the performance of such duties as may be prescribed:

Provided that in the Madhya Bharat region the duties of kotwars under this section shall be performed by the Police Chowkidars who shall, on the coming into force of this Code, be deemed to be kotwars under this section, and be subject in all respects to the control of Revenue Officers.

(2) Every person who at the coming into force of this Code holds the post of a village watchman in the Bhopal and Sironj region or of a Chowkidar in the Vindhya Pradesh region shall be deemed to be a kotwar under this section.

231. The State Government may, by general order, subject to such restrictions, terms and conditions as may be mentioned therein, fix the remuneration of Kotwars either prospectively or retrospectively but such retrospective effect shall not be from a date earlier to the 1st March, 1982.

C—Gram Sabha

232. (1) For the purpose of the management of a village, the State Government may establish a Gram Sabha for a village or a group of villages for which a Gram Panchayat has not been constituted under the law in force relating to panchayats.

(2) The Gram Sabha shall consist of one Chairman, one Secretary and not less than three other members who shall be elected in the prescribed manner by the adult residents of the village or group of villages for which the Gram Sabha is established.

(3) The term of the office of members shall be five years.

(4) Every Gram Sabha shall be a body corporate and shall have perpetual succession and common seal and shall, by its name, sue and be sued. Subject to any rules made in this behalf, it shall also have power to acquire, hold or transfer property movable and immovable, to enter into contracts and do all things necessary for the purposes of performing the duties entrusted to it.
(5) Every Gram Sabha shall establish and maintain a fund and into such fund shall be paid—

(i) all sums recovered as grazing fees and such other fees and income arising from the management of the village as the State Government may prescribe; and

(ii) all sums contributed by the State Government or any local body or any private person.

Such funds shall be applicable to the payment of charges and expenses incidental to the several matters under the control and administration of the Gram Sabha.

(6) The Collector shall exercise supervision over the working of the Gram Sabha and may for sufficient cause dissolve any Gram Sabha and appoint any person to perform its functions until it is reconstituted.

(7) In any village or group of villages for which a Gram Panchayat under the law in force relating to panchayats has been established, such Gram Panchayats shall perform the duties imposed upon and exercise the rights of a Gram Sabha under this Code, and the Gram Sabha shall cease to exist.

(8) The State Government may, by notification, delegate to the Gram Sabha such of the duties of the Patel or any other function in connection with agricultural or industrial development of a village as it may think fit.

CHAPTER—XVIII

Rights in abadi and unoccupied land and its produce

233. A record of all unoccupied land shall, in accordance with rules made in this behalf be prepared and maintained for every village showing separately—

(a) unoccupied land set apart for exercise of nistar rights under section 237; [xxx]

(b) *[ ]*

Preparation of Nistar Patrak.

234. (1) The [Sub-Divisional Officer] 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 matters specified in section 235.

(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 prescribed manner, it shall be finalised by the [Sub-Divisional Officer].

(3) On a request being made by the Gram Sabha, or where there is no Gram Sabha, on the application of not less than one-fourth of the adult residents of a village, or on his own motion the [Sub-Divisional Officer] may, at any time, modify any entry in the Nistar Patrak after such enquiry as he deems fit.

235. The matters which shall be provided for in the Nistar Patrak shall be as follows, namely:

(a) 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 may obtain—

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

2. Omitted by S. 23 (ii), ibid.
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(ii) mooram, kankar, sand, earth, clay, stones or any other minor mineral;

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

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

236. In preparing the Nistar Patrak as provided in section 235, the Collector shall, as far as possible, make provision for—

(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—
   (i) forest produce;
   (ii) minor minerals;

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

237. (1) Subject to the rules made under this Code, the Collector may set apart unoccupied land for the following purposes, namely—

(a) for timber or fuel reserve;

(b) for pasture, grass or fodder reserve;

(c) for burial ground and cremation ground;

(d) for gaothan;

(e) for encamping ground;

(f) for threshing floor;

(g) for bazar;

(h) for skinning ground;

(i) for manure pits;

(j) for public purposes such as schools, playgrounds, parks, road, lanes, drains and the like; and

(k) for any other purposes which may be prescribed for the exercise of right of Nistar.

(2) Lands set apart specially for any purpose mentioned in subsection (1), shall not otherwise be diverted without the sanction of the Collector.

238. (1) Where the Collector is of the opinion that the waste land of any village is insufficient and it is in 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.

(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 the Government forest, he shall pass an order declaring their right to such passage and shall state the conditions upon which it shall be exercised.
(4) The Collector shall further determine the route of passage, 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 villages 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 passage 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.

239. (1) Where, before the coming into force of this Code any fruit bearing tree was planted by any person in the unoccupied land of any village, and is so recorded, then notwithstanding that such land vests in the State Government, such person, and his successor in interest shall from generation to generation be entitled to possession and usufruct of such trees without payment of any royalty or other charge whatsoever therefor.

(2) Any person desiring to plant a fruit bearing tree in the unoccupied land of any village may do so with the previous permission of [Tahsildar], and the provisions of sub-section (1) shall, as far as may be, apply to the fruit bearing tree, planted in accordance with the permission obtained under this subsection.

(3) The right conferred under this section shall be transferable, but the person planting the fruit bearing tree or his successor in interest shall have no right to the corpus of such tree or the land on which it stands.

(4) If any dispute arises under this section it shall be decided by the [Tahsildar], whose decision shall be final.

(5) The State Government may make rules regulating the grant of permission and the exercise of the right conferred under this section.

240. (1) If the State Government is of the opinion that the cutting of any tree is detrimental to public interest or that it is necessary to prohibit or regulate the cutting of certain trees for preventing erosion of soil, it may, by rules made in this behalf, prohibit or regulate the cutting of such trees whether such trees stand on the land belonging to Bhumiswami or on land belonging to State Government.

(2) In framing rules under sub-section (1), the State Government may provide that all or any of the rules shall apply only to such area as the State Government may, by notification, specify.

(3) The State Government may make rules regulating the control, management, felling or removal of the forest growth on the lands belonging to the State Government.

241. (1) If the State Government is satisfied that in order to prevent the theft of timber from any Government forest it is necessary in the public interest to regulate the felling and removal of timber in the villages comprised in any area adjoining such forests, the State Government may, by an order published in the Gazette, declare such area to be a notified area for purposes of this section.

1. Subs. by M. P. Act 24 of 1961 S. 7, for "Revenue Officer".
(2) Every order published under sub-section (1) shall be proclaimed in the prescribed manner in all the villages comprised in the notified area.

(3) Notwithstanding anything contained in section 179 but subject to the provisions of sub-section (5), when an order has been proclaimed in any village under sub-section (2), no person shall in pursuance of a transaction of sale or for purposes of trade or business fell any timber tree in any holding or such village or remove the corpus of any such tree from any such holding except in accordance with such rules as may be made in that behalf.

(4) Any person who contravenes or attempts to contravene or abets the contravention of the provisions of sub-section (3) or of any rule made thereunder, shall, without prejudice to any other action that may be taken against him, be liable on the order in writing of the Collector, to pay a penalty not exceeding one thousand rupees as may be imposed by him and the Collector may, further order confiscation of any timber trees felled in contravention of the provisions of this sub-section.

(5) Nothing in sub-sections (3) and (4) shall apply to the felling or removal of timber trees by any person from his land for his bona-fide agricultural or domestic purposes, if such felling or removal is otherwise in accordance with the other provisions of this Code.

242. (1) As soon as may be after this Code comes into force, the Sub-Divisional Officer shall, in the prescribed manner, ascertain and record the customs in each village in regard to-

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

in any land or water not belonging to or controlled or managed by the State Government or a local authority and such record shall be known as the Wajib-ul-azr of the village.

(2) The record made in pursuance of sub-section (1), shall be published by the Sub-Divisional Officer in such manner as may be prescribed.

(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 record made under sub-section (1) shall, subject to the decision of the civil court in the suit instituted under sub-section (3), be final and conclusive.

(5) The Sub-Divisional Officer may, on the application of any person interested therein or on his own motion, modify an entry or insert any new entry in the Wajib-ul-azr 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.

1. Subs. by M. P. Act 24 of 1961 s. 4, for "Collector".
Abadi.

243. (1) Where the area reserved for abadi is in the opinion of the Collector insufficient, he may reserve such further area from the unoccupied land in the village as he may think fit.

(2) Where unoccupied land for purposes of abadi is not available, the State Government may acquire any land for the extension of abadi.

(3) The provisions of the Land Acquisition Act, 1894 (1 of 1894), shall apply to such acquisition and compensation shall be payable for the acquisition of such land in accordance with the provisions of that Act.

Disposal of abadi sites.

244. Subject to rules made in this behalf the Gram Panchayat or where a Gram Panchayat has not been constituted, the Tahsildar shall dispose of sites in the abadi area.

Rights to hold house site free of land revenue.

245. A building site of reasonable dimensions in the abadi shall not be liable to the payment of land revenue if such site is occupied by a kotwar or a person who holds land or works as an agricultural artisan or an agricultural labourer in such village or in a village usually cultivated from such village.

246. Subject to the provisions of section 244 every person who at the coming into force of this Code lawfully holds any land as a house site in the abadi or who may hereafter lawfully acquire such land shall be a Bhuminswami in respect of such land:

[Provided that the allotment of house site under Gramin Avas Yojna to a landless person on or after the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1973 shall be subject to the following conditions.

(i) that the allottee shall build a house on such land within a period of [five years] from the date of allotment;

(ii) that the allottee shall not transfer the land allotted to him or his interest therein during a period of [ten years] from the date of allotment;

(iii) that in case of breach of any of the above conditions the land shall vest in the State Government with effect from the date of breach.

Explanations.—For the purpose of this section “Gramin Avas Vikas Yojna” means the scheme sponsored by the Government of India for the provision for house sites in rural areas whereunder, on 100% grant assistance from the Government of India, the State Governments are to provide house sites free of cost to families of landless workers in rural areas who do not already own a house site or a built up house or a hut on land of their own.]

Right of persons holding house sites in abadi.

Government’s title to minerals.

247. (1) Unless it is otherwise expressly provided by the terms of a grant made by the Government, the right to all minerals, mines and quarries shall vest in the State Government which shall have all powers necessary for the proper enjoyment of such rights.

(2) The right to all minerals and quarries includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for purposes subsidiary thereto, including the erection of offices, workmen’s dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines, and any other purposes which the State Government may declare to be subsidiary to mining and quarrying.

(3) If the Government has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) should be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right has been assigned:

2. Subs. by M. P. Act 9 of 1975, S. 2(1), for “one year”.
3. Subs. by S.2(ii), ibid, for “five years”.
Provided that no such delegation shall be made until notice has been duly served on all persons having rights in the land affected, and their objections have been heard and considered.

(4) If, in the exercise of the right herein referred to over any land, the rights of any person are infringed by the occupation or disturbance of the surface of such land, the Government or its assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall be calculated by the Sub Divisional Officer, or, if his award is not accepted, by the Civil Court, as nearly as may be, in accordance with the provisions of the Land Acquisition Act, 1894 (1 of 1894).

(5) No assignee of the Government shall enter on or occupy the surface of any land without the previous sanction of the Collector, and unless the compensation has been determined and tendered to the persons whose rights are infringed.

(6) If an assignee of the Government fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue.

(7) Any person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in, and has not been assigned by, the Government shall, without prejudice to any other action that may be taken against him, be liable, on the order in writing of the Collector, to pay penalty not exceeding a sum calculated at double the market value of the minerals so extracted or removed:

Provided that if the sum so calculated is less than one thousand rupees, the penalty may be such larger sum not exceeding one thousand rupees as the Collector may impose.

(8) Without prejudice to the provisions in sub-section (7), the Collector may seize and confiscate any mineral extracted or removed from any mine or quarry the right to which vests in, and has not been assigned by the Government.

Explaination.—In this section, “minerals’ include any sand or clay which the State Government may declare to have a commercial value or to be required for any public purpose.

1[246. (1) Any person who unauthorisedly takes or remains in possession of any unoccupied land, adabi, service land or any other which has been set apart for any special purpose under section 237 or upon any land which is the property of Government, may be summarily ejected by order of the Tahsildar and any crop which may be standing on the land and any building or other work which he may have constructed thereon, if not removed by him within such time as the Tahsildar may fix shall be liable to forfeiture. Any property so forfeited shall be disposed of as the Tahsildar may direct and the cost of removal of any crop, building or other work and of all works necessary, to restore the land to its original condition shall be recoverable as an arrear of land revenue from him. Such person shall also be liable at the discretion of the Tahsildar to pay the rent of the land for the period of unauthorised occupation at twice the rate admissible for such land in locality and to a fine which may extend to [five thousand rupees] and to a further fine which may extend to twenty rupees for every day on which such unauthorised occupation or possession continues after the date of first ejectment. The Tahsildar may apply the whole or any part of the fine to compensate persons who may in his opinion have suffered loss or injury from the encroachment:

Provided that the Tahsildar shall not exercise the powers conferred by this sub-section in regard to encroachment made by buildings or works constructed—

(i) in the Mahakoshal region—

(a) in areas other than the merged States before the first day of September, 1947;


Penalty for unauthorisedly taking possession of land.
249. (1) The State Government may make rules for regulating—

(a) fishing in Government tanks;

(b) catching, hunting or shooting of animals in villages; and
(c) 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.

250. If a Bhumi swami is dispossessed of the land otherwise than in due course of law or if any person unauthorisedly continues in possession of any land of the Bhumiswami to the use of which such person has ceased to be entitled under any provision of this Code, the Bhumiswami or his successor in interest may apply to the Tahsildar for restoration of the possession—

(a) in case of a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165,—

(i) before the 1st July 1973 in cases of unauthorised dispossession prior to the 1st July, 1976; and

(ii) in any other cases within five years from the date of dispossession or from the date on which the possession of such person becomes unauthorised, as the case may be;

(b) in case of a Bhumiswami not covered by clause (a), within two years from the date of dispossession or from the date on which possession of such person becomes unauthorised, as the case may be;[1]

[(1) For the purposes of this section and section 250-A Bhumiswami shall include occupancy tenant and Government lessee.]2

[(1-a) If a Bhumiswami is dispossessed of the land otherwise than in due course of law or if any person unauthorisedly continues in possession of any land of the Bhumiswami to the use of which such person has ceased to be entitled under any provision of this Code the Bhumiswami or his successor in interest may apply to the Tahsildar for restoration of the possession—

(a) in case of Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165,

(i) before the 1st July 1978 in cases of unauthorised dispossession prior to the 1st July 1976; and

(ii) in any other cases within five years from the date of dispossession or from the date on which the possession of such person becomes unauthorised, as the case may be;

(b) in case of a Bhumiswami not covered by clause (a), within two years from the date of dispossession or from the date on which possession of such person becomes unauthorised, as the case may be;[3]


3. Existing sub-section (1) re-numbered as sub-section (1-a) in its application to the Scheduled Areas, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 1-70-VII-N-2-83, dated the 5th January, 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asadharan) dated the 6th January, 1984, Page 23-29.


Provided that it shall not be competent to the Tribunal to impose a fine of amount exceeding one thousand five hundred rupees but if in any case he considers that circumstances of the case warrant imposition of a higher fine he may refer the case to the Sub-Divisional Officer who shall, after giving the party concerned an opportunity of being heard, pass such order in respect of fine as he may deem fit.

[250-A (1)] If any person continues in unauthorised occupation of possession of land for more than seven days after the date of order for restoration of possession under section 250, then without prejudice to the compensation payable under sub-section (6) or the fine under sub-section (9) of the said section, the Sub-Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be confined in a civil prison for a period of fifteen days in case of first order for restoration of possession, and shall cause him to be apprehended and shall send him with a warrant to be confined in such prison for a period of three months in case of second or subsequent orders for restoration of the possession to such Bhumiwadi:

Provided that no action under this section shall be taken unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison:

Provided further that the Sub-Divisional Officer may order the release of such person from detention before the expiry of the period mentioned in the warrant if he is satisfied that the unauthorised possession has been vacated:

Provided also that no woman shall be arrested or detained under this section.

(2) The State Government may make rules for the purpose of carrying into effect the provisions of sub-section (1).

251. (1) All tanks situated on unoccupied land on or before the date of coming into force of the Act, providing for the abolition of the rights of intermediaries in the area concerned and over which members of the village community were, immediately before such date, exercising rights of irrigation or nistar, shall, if not already vested in the State Government, vest absolutely in the State Government with effect from the 6th April 1959:

Provided that nothing in this section shall be deemed to affect any right of a lessee in the tank under a lease subsisting on the date of vesting of the tank which shall be exercisable to the extent and subject to the terms and conditions specified in the lease:

Provided further that no tank shall vest in the State Government unless—

(i) after making such enquiry as he deems fit, the Collector is satisfied that the tank fulfils the conditions laid down in this sub-section; and

(ii) notice has been served on the parties interested, and opportunity given to them for being heard.

(2) Any person claiming in any such tank any interest other than the right of irrigation or nistar, may, within a period of [four years] from the date of vesting under sub-section (1), make an application in the prescribed form to the Collector for compensation in respect of his interest.

[250-A (a)] The provisions of section 239 shall apply to trees standing on the embankments of tank vested in the State Government under sub-section (1) as they apply to trees planted in an unoccupied land.

4. Subs. by S. 5(3), ibid. for "two years".
5. Ins. by S. 16 (11), Ibid.
(3) Such compensation shall be fifteen times the land revenue assessable on the land covered by the tank and for purposes of assessment such land shall be treated as irrigated land of the same quality as the adjoining land.

(4) The compensation as determined under sub-section (3) shall be paid by the Collector to the person or persons proved to his satisfaction to be owning interest in the tank concerned.

(5) The payment of compensation under sub-section (4) shall be a full discharge of the State Government from all liability for compensation in respect of the tank concerned, but shall not prejudice any right in respect of such tank to which any other person may be entitled by due process of law to enforce against the person or persons to whom compensation has been paid as aforesaid.

(6) The State Government may make rules providing for the regulation of the use of water from such tanks.

(7) The vesting of any tank under sub-section (1) shall not affect the rights of irrigation and nistar in such tank to which any person is entitled immediately before the date of vesting.

Explanations.-For the purposes of this section, tank includes the trees standing on the embankments of the tank but does not include buildings, temples or other constructions standing on the embankments thereof.

252. (1) It shall be the duty of the Gram Sabha to maintain and keep in proper repairs the works of public utility in the village.

(2) Subject to rules made under this Code, the Gram Sabha may, by order in writing, call upon adult males residing in the village (except those who are old and infirm or subject to any physical disability) to perform such labour as it may specify in the order for keeping in a proper state of repairs such works of public utility in the village as may be notified by the State Government in that behalf.

(3) No order under sub-section (2) shall be passed unless the works are of public utility and are likely to benefit generally the persons against whom the order is being passed.

(4) A person required to perform labour under the provisions of sub-section (2), may have it performed by another on his behalf or pay for its performance at such rate as may be determined by the Tahsildar.

(5) Any person who neglects or refuses to perform the labour referred to in sub-section (2) or fails to pay for the performance of labour as provided in sub-section (4) shall, on the order of the Tahsildar, be liable to pay an amount equal to the value of the labour at the rates determined by the Tahsildar under sub-section (4), and such amount shall be recoverable as an arrear of land revenue.

253. (1) Except as otherwise provided in this Code, any person who acts in contravention of the provisions of this Chapter or rules made thereunder or who contravenes or fails to observe any rules or custom entered in the Waqibal-azar or commits a breach of any entry entered in the Nistar Patrak shall be liable to such penalty not exceeding one thousand rupees as the Sub-Divisional Officer may, after giving such person an opportunity to be heard, deem fit and the Sub-Divisional Officer may further order confiscation of any timber, forest produce, or any other produce which such person may have appropriated or removed from lands belonging to the State Government.

(2) Where any contravention, breach or non-observance punishable under sub-section (1) has been committed by the Gram Sabha, every Officer

hearer of the Gram Sabha shall be liable under that sub-section unless he proves that the contravention, breach or non-observance took place without his knowledge or that he exercised all due diligence to prevent such contravention, breach or non-observance.

(3) Where the Sub-Divisional Officer 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 meet 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.

234. Any function assigned to a Gram Sabha under this Chapter shall be performed by the Patel until a Gram Sabha is duly constituted under section 232.

CHAPTER XIX

Miscellaneous

235. (1) With a view to bring agricultural economy to a higher level of efficiency, the Government may, by rules, regulate standards of efficient cultivation and management.

(2) Such rules may provide for the issue of directions as regards the methods of agriculture to be adopted, the use of improved seeds, conservation and proper utilisation of manure, sale of surplus foodgrains, and for ensuring proper wages and terms of employment of agricultural workers, and such other directions as may be necessary or desirable for the efficient utilisation of lands.

(3) Such rules shall apply to agriculturists who cultivate personally land in excess of such limits as may be prescribed.

(4) If an agriculturist to whom such rules apply under sub-section (3) fails to carry out the directions issued under sub-section (2), the State Government may have the directions carried out by any other agency in such manner as it deems fit and recover from him all such cost as may be incurred.

236. Subject to such conditions and to the payment of such fees as may be prescribed by rules made under this Code, all revenue records, maps and land records which have been prepared or are required to be prepared or kept under this Code or any other enactment for the time being in force, shall be open to the inspection of the public at reasonable hours, and certified extracts therefrom, or certified copies thereof, shall be given to all persons applying for the same.

237. Except as otherwise provided in this Code, or in any other enactment for the time being in force, no Civil Court shall entertain any suit instituted or application made to obtain a decision or order on any matter which the State Government, the Board, or any Revenue Officer under this Code, empowered to determine, decide or dispose of, and in particular and without prejudice to the generality of this provision, no Civil Court shall exercise jurisdiction over any of the following matters:

(a) any decision regarding the purpose to which land is appropriated under section 59;
(b) any question as to the validity or effect of the notification of a revenue survey or any question as to the term of a settlement;
(c) any claim to modify a decision determining abadi made by a Settlement Officer or Collector;
(d) any claim against the State Government to hold land free of land revenue, or at less than the fair assessment, or to be assigned in whole or in part the land revenue assessed on any land;
(c) the amount of land revenue assessed or reassessed under this Code or any other enactment for the time being in force;

(f) any claim against the State Government to have any entry made in any land records or to have any such entry omitted or amended.

(g) any question regarding the demarcation of boundaries or fixing of boundary marks under Chapter X;

(h) any claim against the State Government connected with or arising out of, the collection of land revenue or the recovery of any sum which is recoverable as land revenue under this Code or any other enactment;

(i) any claim against the State Government or against a Revenue Officer for remission or suspension of land revenue, or for a declaration that crops have failed in any year;

(j) any decision regarding forfeiture in cases of certain transfers under section 166;

(k) eviction of a lessee of a Bhumiswami under sub-section (4) of section 168;

(l) any claim to set aside transfer by a Bhumiswami under sub-section (1) of section 170 and clauses (a) and (b) of sub-section (2) of section 170-A;

(m) eviction of a Government lessee under section 182;

(n) resumption by a Bhumiswami of land held by an occupancy tenant under section 189 and the fixation of rent of land left, if any, with the occupancy tenant;

(o) claims by occupancy tenants for conferment of the rights of Bhumiswami under section 190;

(p) restoration of possession to an occupancy tenant under section 191;

(q) termination of tenancy of an occupancy tenant under section 193;

(r) any claim to set aside transfer by an occupancy tenant under section 197;

(s) the imposition of penalty on a Bhumiswami under section 200;

(t) suspension and remission of rent under section 201;

(u) any decision regarding reinstatement of a wrongfully ejected occupancy tenant under section 202;

(v) amount payable as compensation under sub-section (3) of section 209, confirmation of the scheme for consolidation of holdings under section 210, transfers of rights in carrying out the scheme under section 213 and assessment and apportionment of costs of consolidation of holdings under section 215;

(w) any claim to modify any entry in the Nistar Patrak;

(x) any decision regarding reinstatement of a Bhumiswami improperly dispossessed under section 230:

1. Sub, by M. P. Act 18 of 1984, s.2
(y) any decision regarding vesting of tanks in State Government under section 251 and any claim against the State Government arising thereunder;

(z) any claim against the State Government to set aside or modify any premium, penalty, cess or rate imposed or assessed under the provisions of this Code or any other enactment for the time being in force;

(z-1) any claim against the State Government arising under section 235 regarding prescription of standard of cultivation and management;

(z-2) any claim to compel the performance of any duty imposed by this Code on any Revenue Officer or other officer appointed under this Code.

257-A (1) In any proceedings under sub-section (6) of section 165, or under the proviso to section 169 or under sub-section (1) of section 170 or under section 170-A or under section 250 in which one of the parties is a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165, the burden of proving the validity of transfer thereunder shall, notwithstanding anything contained in this Code or in any other law for the time being in force, lie on the person who claims such transfer to be valid.

(2) No legal practitioner shall appear, plead or act on behalf of any party in any proceedings specified in sub-section (1) in which one of the parties is a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 except with the written permission of the Revenue Officer/Court before whom the case is pending.

258. (1) The State Government may make rules generally for the purpose of carrying into effect the provisions of this Code.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for-

(i) the terms and conditions of service of the President and members of the Board of Revenue constituted under section 5;

(ii) the prescription of the duties of Superintendents of Land Records and Assistant Superintendents of Land Records;

(iii) regulation of assessment of land revenue or diversion of land to other purposes and imposition of premium under section 59;

(iv) assessment on unassessed land under section 60;

(v) formation of survey numbers and villages under section 68 and the minimum extent of survey numbers comprising land used for agricultural purposes;

(vi) division of survey numbers into sub-divisions and apportionment of the assessment of survey numbers among the sub-divisions of a survey number under section 70;

(vii) prescription of records in which area and assessment of survey numbers and sub-divisions of survey numbers shall be entered under section 71;

(viii) the manner of dividing a village into two or more villages or uniting two or more villages into one or constituting village or altering the limits of a village under section 73;

(ix) the necessary inquiry which shall be completed and the form in
which and the particulars with which the proposals for assessment
rate shall be forwarded under section 77;

(x) the manner in which notice of assessment shall be given under
section 82;

(xi) the manner of inquiry into the profits of agriculture and into the
value of land used for agriculture and non-agricultural purposes
under section 87;

(xii) the regulation of the conduct of revenue survey or settlement under
section 91-A;3

(xiii) regulation of division of lands in urban areas into plot numbers,
recognition of existing survey numbers as plot numbers, reconstitution
of plot numbers or formation of new plot numbers under section
93;

(xiv) the manner of dividing plot numbers into sub-divisions and
apportioning the assessment of plot number among the sub-divisions;
and the limits either of area or of land revenue or both in any local
area for recognition of sub-divisions under section 94;

(xv) prescription of records under section 95;

(xvi) prescription of other special purposes under section 96;

(xvii) the manner of publishing the standard rates under section 97;

(xviii) (a) the manner of keeping record of all registered sales and leases
of lands under section 98(1), and
(b) determination of the average annual letting value of lands
under section 98(2);

(xix) prescription of other duties of patwaris under sub-section (2) of
section 104;3

(xx) prescription of other duties of Revenue Inspectors under section 105;

(xxi) prescription of other particulars under section 107(2);

(xxii) the prescription of the form of, and the additional particulars to be
entered in the papers to be included in the record of rights under
section 108;

(xxiii) form of acknowledgment to be given by patwari under section 109;

(xxiv) (a) prescription of register under section 110(1) for entering
acquisition of rights reported under section 109;
(b) prescription of other persons and authorities to whom written
intimation shall be given under section 110(3);

(xxv) (a) prescription of other land records under section 114(1),
(b) prescription of fee on the payment of which Rsad Bashi shall
be provided under section 114(2) and the prescription of
of entries which it shall contain;3

(xxvi) the regulation of requisition of assistance under section 120;

(xxvii) preparation, maintenance and revision of land records under
section 121;

manner in which objection shall be disposed of by Tahsildar under section 123(3);)

(a) specification of, and manner of construction and maintenance of, boundary marks of villages and survey numbers or plot numbers under section 124(3); and

(b) the manner of distribution of the cost of construction of new boundary marks among the holders of lands under section 124(4);

the manner of demarcating boundary marks between a village road, village waste or land reserved for communal purposes and the land adjoining it and the manner in which they shall be kept in repair and renewed;

the procedure of demarcating the boundaries of survey numbers, sub-divisions, or plot numbers, the nature of boundary marks and the levy of fees under section 129;

the dates on which and the instalments in which land revenue shall be payable and the persons to whom and the place whereat such instalments shall be paid under section 140;

the form in which receipt shall be given under section 142;

the regulation of remission or suspension of land revenue under section 144(1);

the guidance of Revenue Officers in issuing notices of demand under section 146 and executing the processes specified in section 147;

prescription of the form of application [for grant of annuity, the time within which such application shall be made] and the conditions of such grant under section 160;

the regulation of reduction of revenue during the currency of settlement under section 161;

precription of the ceiling limits of land under section 165;

prescription of the manner in which land forfeited under section 166 shall be selected and demarcated and land revenue fixed on land left with transferee;

regulation of the procedure in disposing of claims to be placed in possession of a holding under section 170;

the form and manner in which information shall be notified to sub-divisional Officer under sub-section (1) of section 170-B;

regulation of grant or refusal of permission to a Bhumiswami for diversion of his holding or any part thereof under section 172;

regulation of relinquishment of rights by a Bhumiswami under section 173;

prescription of the terms and conditions on which a person may be put in possession of an abandoned holding under section 176(2);

(xlv) (a) regulation of partition of holdings and apportionment of assessment, under section 178(2); and

(b) guidance of Revenue Officers with regard to applications for purchase of right in trees under section 179(2);

(xlvi) prescription of the manner of selection and demarcation of land allowed to be resumed by a Bhumiswami under section 189 and the fixation of land revenue on it and fixation of rent in respect of land left with the occupancy tenant;

(xlvii) prescription of the manner and the form in which amount of compensation shall be deposited by an occupancy tenant payable to his Bhumiswami under section 190(5);

(xlviii-A) prescription of time within which an application under sub-section (1) of section 191 shall be made;

(xlix) the regulation of the procedure in disposing of claims to be placed in possession of an occupancy holding which has been transferred under section 197;

(l) prescription of the manner of selection and demarcation of land vesting in the State Government and the fixation of land revenue on the land reserved by the Bhumiswami under section 198(4);

(li) the form and the manner in which the receipt for rent shall be given under section 199;

(lii) the regulation of assessment of increase and reduction in land revenue required or permitted under Chapter XV;

(liii) the regulation of appointment of patels under section 222(1), the manner of distribution of duties of the office of patel where there are two or more patels in a village, fixation of remuneration of a patel, and prescription of additional duties of a patel under section 224 and his removal from office under section 226 and the appointment of a substitute under section 228;

(lib) the regulation of the sanitation of villages, the burial of the corpses of animals, the protection and fencing of wells, the keeping of village roads and like matters of village self-government for villages not included within the area of a municipality or a municipal corporation, or a notified area committee or a Gram Panchayat;

[(lb) (a) the appointment, punishment, suspension and dismissal of Kotwars;

(b) the prescription of the duties and mode of supervision of Kotwars]4

(lle) (a) the regulation of procedure for the establishment of a Gram Sabha under section 232;

(b) the manner in which a Gram Sabha shall acquire, hold or transfer property movable and immovable, enter into contracts, etc., under section 232(4), and

(c) sums to be recovered as fees and other inccnts by a Gram Sabha;

2. Omitted, ibid.
(i) prescription of the record to be maintained under section 253;

(ii) the manner in which the wishes of the villagers shall be ascertained under section 234(2);

(iii) regulation of setting apart of unoccupied land for the exercise of nista:r rights under section 237(1); and

(iv) other purposes for the exercise of nistar rights under section 237(1) (k);

(v) the prescription of the record to be maintained under section 239.

(vi) the regulation of the cutting of trees under section 240(1), and

(vii) regulation of the cutting of trees under section 240(3)

(viii) prescription of the manner of proclaiming an order published under section 241 and regulation of the filling or removal of trees

(ix) the regulation of the grant of permission for the planting of fruit bearing trees and for exercise of rights under section 239;

(x) the regulation of the cutting of trees under section 240(1), and

(xi) the regulation of the cutting of trees under section 240(3)

(xii) prescription of the manner of proclaiming an order published under section 241 and regulation of the filling or removal of trees

(xiii) the regulation of the manner of ascertaining and recording the customs in regard to matters specified in section 242(1); and

(xiv) the manner of publication of record of customs under section 242(2);

(xv) prescription of the manner of disposal of sites in the abadi area under section 244;

(xvi) prescription of the form of application under section 251 (2); and

(xvii) the regulation of the use of water from tanks under section 251(6);

(xviii) the regulation of procedure of the Gram Panchayat in calling upon persons residing in the village to perform labour under section 252;

(xix) the regulation of procedure of the Gram Panchayat in calling upon persons residing in the village to perform labour under section 252;

(xx) prescription of standards of cultivation and management under section 255;

(xxii) prescription of conditions for inspection and grant of copies of records, maps and land records under section 256;

(xxiii) generally for the guidance of Revenue Officers and all other persons in proceedings under this Code;

(xxiv) any other matter which has to be or may be prescribed.

(3) All rules made under this section shall be subject to the condition of previous publication.

(4) All rules made under this Code shall be laid on the table of the Legislative Assembly and shall be subject to such modifications as the Legislative Assembly may make.

259. Any reference in any enactment to A Bhumiswami or a Bhumidhari in the Mahakoshal region.

Reference to certain tenures.

1. Ins. by M. P. Act 24 of 1961, s. 20.
260. Any reference in this Code to a Central Act which is not in force in any region of the State shall in relation to that region be construed as a reference to the corresponding law in force in that region.

Explanation.—For purposes of this section, the expression “Central Act” shall have the same meaning as assigned to it in section 3 (7) of the General Clauses Act, 1897 (X of 1897).

261. The enactments specified in Schedule II are hereby repealed to the extent mentioned in the 4th column thereof:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding proviso, anything done or any action taken (including any rules, assessments, appointments and transfers made, notifications, summons, notices, warrants and proclamations issued, authorities and powers conferred, forms and leases granted, record-of-rights, and other records framed or confirmed, rights acquired, liabilities incurred and times and places appointed, under any such enactment shall be deemed to have been done or taken under the corresponding provision of this Code and shall continue to be in force accordingly unless and until superseded by anything done or action taken under this Code.

262. (1) Save as otherwise expressly provided in this Code, all cases pending before the State Government or any Revenue Court in any region immediately before the coming into force of this Code, whether in appeal, revision, review or otherwise shall be decided in accordance with the provisions of the appropriate law, which would have been applicable to them had this Code not been passed.

(2) Any case pending in Civil Court at the coming into force of this Code, which would under this Code be exclusively triable by a Revenue Court, shall be disposed of by such Civil Court according to the law in force prior to the commencement of this Code.

(3) All proceedings under any of the laws described in Schedule III pending before the State Government immediately before the commencement of this Code shall, on such commencement, stand transferred to the Board, and shall thereafter be disposed of by the Board as if they were proceedings entertained by the Board under this Code.

Explanation.—For the purpose of this sub-section “State Government” shall include the Governor, Council of Ministers or a Minister.

263. (1) If any difficulty arises in giving effect in any region to the provisions of this Code, the State Government may, by order notified in the Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

(2) A copy of the order passed under sub-section (1) shall as soon as may be after it is passed be laid before the Legislative Assembly.

264. Nothing contained in this Code shall apply to a person who holds land from the Central Government.

SCHEDULE I

(See section 41)

RULES OF PROCEDURE OF REVENUE OFFICERS AND REVENUE COURTS

ISSUE OF SUMMONS

1. Every summons shall be in writing, in duplicate and shall be signed and sealed by the Officer issuing it or by such person as he empowers in his behalf, and it shall specify the time and place at which the person summoned is required to attend, and also whether he is required to give evidence or to produce a document.

2. Every summons to a party shall be accompanied by a concise statement about the subject-matter of the proceedings.

3. A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or power of the person summoned.

MODE OF SERVICE OF SUMMONS

4. Every summons shall be served by tendering or delivering a copy of it to the person summoned personally or to his recognised agent.

5. Where the person summoned cannot be found and has no recognised agent, service may be made on any adult male member of the family of the person summoned, who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this rule.

6. Where the serving officer delivers or tenders a copy of the summons to the person summoned personally or to his recognised agent or other person on his behalf, he shall require the signature of the person to whom the copy is delivered or tendered to an acknowledgment of service endorsed on the original summons.

7. If service of the summons cannot be effected in the manner provided in rules 4, 5 and 6, a copy thereof should be affixed at the last known place of residence of the person summoned or at some place of public resort in such village.
8. Where a copy of the summons is affixed as provided in rule 7, the serving officer shall return the original copy of the summons to the Court from which it was issued with a report endorsed thereto or annexed thereto stating that he has affixed the copy, the circumstances under which he did so and the name and the address of the person in whose presence the copy was affixed and where the copy is affixed at the last known place of residence of the person summoned the report shall also contain the name and address of the person, if any, by whom the house was identified.

9. If the person summoned resides in another district, the summons may be sent by post to the Collector of such district for service.

**MODE OF COMPLIANCE WITH SUMMONS**

10. Subject to the provisions of the Code whoever is summoned to appear before a Revenue Officer to give evidence shall attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document, shall either attend to produce it, or cause it to be produced, at such time and place.

**MODE OF SERVING NOTICE**

11. Every notice shall be served by tendering or delivering a copy of it to the person concerned personally or to his recognised agent:

Provided that, where the recognised agent of the person concerned is a pleader, the notice may be served by leaving a copy thereof at his office or at the place of his ordinary residence, and such service shall be deemed to be as effectual as service on the recognised agent personally.

12. Where the person concerned cannot be found and has no recognised agent, service may be made on any adult male member of the family of the person concerned, who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this rule.

13. Where the serving officer delivers or tenders a copy of the notice to the person concerned personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is delivered or tendered to an acknowledgment of service endorsed on the original notice.

14. If service of the notice cannot be effected in the manner provided in rules 11, 12 and 13 a copy thereof may be affixed at the last known place of residence of the person concerned or at some place of public resort in the village in which the land to which the notice relates is situate or from which the land is cultivated.

15. Where a copy of the notice is affixed as provided in rule 14, the serving officer shall return the original copy of the notice to the officer who issued it, with a report endorsed thereto or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, the name and address of the person in whose presence the copy was affixed and where the copy is affixed at the last known place of residence of the person noticed, the report shall also contain the name and address of the person by whom the house was identified.

16. If the person to whom a notice is to be served resides in another district, the notice may be sent by post to the Collector of such district for service.

**MODE OF ISSUING PROCLAMATIONS**

17. Whenever a proclamation is issued under this Code, copies thereof shall be posted on the notice board of the office of the Revenue Officer issuing
it, at the head quarters of the tahsil within which the land to which it refers is situate, and at some place of public resort on or adjacent to the land to which it refers, and unless the officer issuing it otherwise directs, the proclamation shall be further published by beat of drum on or near the land to which it refers.

ORDER

18. Every original order passed by a Revenue Officer in any proceedings shall contain a concise statement of the case, the points for decision, the decision thereon and the reasons for such decision.

ATTACHMENT

19. Attachment of movable property other than agricultural produce in possession of defaulter—(1) where the property to be attached is movable property other than agricultural produce, in the possession of the defaulter, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of any of his subordinates and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once:

Provided further that when the property attached consists of live-stock, agricultural implements or other articles which cannot be conveniently removed, and the attaching officer does not act under the first proviso to this rule, he may at the instance of the defaulter or any person claiming to be interested in such property, leave it in the village or at the place where it has been attached—

(a) in the charge of the defaulter, or of the station pound-keeper, if any; or

(b) in the charge of the person claiming to be interested in such property or of such respectable person as will undertake to keep such property, on his entering into a bond with one or more sureties in an amount not less than the value of the property, that he will take proper care of such property and produce it when called for.

(2) The attaching officer shall make a list of the property attached and shall obtain thereto the acknowledgment of the person in whose custody the property is left, and, if possible, of the defaulter and of at least one respectable person in attestation of the correctness of the list. If the property attached includes both live-stock and other articles a separate list of the live-stock shall similarly be prepared and attested.

20. (1) Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment—

(a) where such produce is a growing crop, on the land on which such crop has grown; or

(b) where such produce has been cut or gathered, on the threshing-floor or place for treading out grain or the like or fodder-stack on or in which it is deposited;

and another copy on the outer door or on some other conspicuous part of the house in which the defaulter ordinarily resides or if there is no such house, on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain or in which he is known to have last resided or carried on business or personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Court.
THE MADHYA PRADESH LAND REVENUE CODE, 1959

(2) The attaching officer shall make such arrangements for the custody of the agricultural produce as he may consider sufficient and also to tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it.

(3) The costs incurred under sub-rule (2) shall be borne by the defaulter.

21. (1) Where the live-stock attached is not left in the charge of the defaulter, the expenses for feeding and watering it shall be charged at such rate as the Collector may, by general or special order, fix.

(2) Where the property attached is movable property other than agricultural produce or live-stock, and is not left in the charge of the defaulter, the expenditure for its safe custody shall be charged at such rate as the Collector may, by general or special order, fix.

(3) The costs incurred under sub-rules (1) and (2) shall be first charge on the sale-proceeds of the property.

22. The provisions of Order XXI, Rules 46 to 53 of the Code of Civil Procedure, 1908 (V of 1908) regarding the attachment of the several classes of movable property dealt with in those rules shall, as far as may be, apply to the attachment made under this Code.

23. (1) Where the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

(2) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then on the notice board of the office of the Revenue Officer.

(3) The order shall take effect as against purchasers for value in good faith from the date when a copy of the order is affixed on the property and against all other transferees from the defaulter from the date on which such order is made.

24. (1) If any claim is set up by a third person to the property attached or proceeded against under the provisions of this Code, the Revenue Officer shall enquire into the claim and may admit or reject it.

(2) The person against whom an order is made under sub-rule (1) may, within one year from the date of the order, institute a suit to establish the right which he claims to the property attached or proceeded against, but subject to the result of such suit, if any, the order shall be conclusive.

SALE GENERALLY

25. Every sale shall be conducted by an officer or other person appointed by a general or special order in this behalf and shall be made by public auction.

26. (1) The Revenue Officer shall cause a proclamation of the intended sale to be made stating the time and place of sale and specifying as fairly and accurately as possible—

(a) the property to be sold;

(b) the land revenue assessed upon the land where the property to be sold is an interest in land paying revenue to the Government;

(c) the amount for the recovery of which the sale is ordered; and
(d) every other thing which the Revenue Officer considers material for a purchaser to know in order to judge of the nature and the value of the property.

(2) A copy of the proclamation issued under sub-rule (1) where it relates to the sale of any holding shall be sent to the Co-operative Bank and the Land Mortgage Bank operating within that area in which the holding is situate.

27. The Revenue Officer may, if he considers this necessary, summon the defaulter and examine him with respect to any matters to be included in the sale proclamation.

28. Save in the case of property of the kind described in the first proviso to rule 19, no sale hereunder shall, without the consent in writing of the defaulter, take place—

(i) on Sunday or on any authorised civil court holiday or on any day declared as a local holiday for the area in which the sale is to be held; and

(ii) until after the expiration of at least thirty days from the date on which the proclamation thereof was made.

29. (1) The Revenue Officer may, in his discretion, adjourn any sale hereunder to a specified day and hour and the officer conducting any such sale may, in his discretion, adjourn the sale recording his reasons for such adjournment:

Provided that where the order of the Revenue Officer can be obtained in time, no such adjournment shall be made without such order.

(2) Where a sale is adjourned under sub-rule (1) for a longer period than fifteen days, a fresh proclamation shall be made unless the defaulter consents to waive it.

(3) Every sale shall be stopped if, before the lot is knocked down, the amount due and costs are tendered to the officer conducting the sale, or proof is given to his satisfaction that the amount of such dues and costs have been paid to the Revenue Officer who ordered the sale.

30. Any deficiency of price which may happen on a resale by reason of the purchaser's default shall be recoverable from the defaulting purchaser as if it were an arrear of land revenue.

31. No officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

SALE OF MOVABLE PROPERTY

32. (1) Where the property to be sold is agricultural produce, the sale shall be held—

(a) if such produce is a growing crop, on or near the land on which such crop has grown; or

(b) if such produce has been cut or gathered, at or near the threshing floor or place for treading out grain or the like or fodder stack:

Provided that the Revenue Officer may direct the sale to be held at the nearest place of public resort, if he is of opinion that the produce is thereby likely to sell to greater advantage.
Where, on the produce being put up for sale—

(a) a fair price, in the estimation of the person holding the sale, is not offered for it; and

(b) the owner of the produce or a person authorised to act in his behalf applies to have the sale postponed till the next day or, if a market is held at the place of sale, the next market day,

The sale shall be postponed accordingly and shall be then completed, whatever price may be offered for the produce.

32. (1) Where the property to be sold is a growing crop and the crop from its nature admits of being stored but has not yet been stored, the day of the sale shall be so fixed as to admit of its being made ready for storing before the arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing.

(2) Where the crop from its nature does not admit of being stored, or where it appears to the Revenue Officer that the crop can be sold to greater advantage in an unripe state, it may be sold before it is cut and gathered; and the purchaser shall be entitled to enter on the land and to do all that is necessary for the purpose of tending and cutting or gathering it.

33. (1) Where movable property is sold by public auction, the price of each lot shall be paid at the time of sale or as soon after as the officer or other person holding the sale directs, and in default of payment the property shall forthwith be resold.

(2) On payment of the purchase money, the officer or other person holding the sale shall grant a receipt for the same, and the sale shall become absolute.

(3) Where the movable property to be sold is a share in goods belonging to the defaulter and a co-owner, and two or more persons, of whom one is such co-owner, respectively bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.

34. No irregularity in publishing or conducting the sale of movable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation or (if such other person is the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

35. (1) Where the property sold is movable property of which actual seizure has been made, it shall be delivered to the purchaser.

(2) In the case of any other movable property, the Revenue Officer may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

SALE OF IMMOVABLE PROPERTY

37. On every sale of immovable property the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per cent on the amount of his purchase money to the officer or other person conducting the sale, and in default of such deposit, the property shall forthwith be resold.

38. The full amount of purchase money payable shall be paid by the purchaser within fifteen days from the date of the sale of the property.

39. In default of payment within the period mentioned in rule 38, the deposit may, if the Revenue Officer thinks fit after defraying the expenses of the sale, be forfeited to the Government, and the property shall be resold and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.
40. (1) Where immovable property has been sold under this Code, any person, either owning such property or holding an interest therein by virtue of a title acquired before such sale may, at any time within thirty days from the date of sale, apply, to the Revenue Officer to have the sale set aside on his depositing—

(a) for payment to the purchaser, a sum equal to five percent of the purchase money;

(b) for payment on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered less any amount which may have been paid since the date of the sale on the account; and

(c) the cost of the sale.

(2) If such deposit is made within thirty days from the date of the sale the Revenue Officer shall pass an order setting aside the sale:

Provided that, if a person applies under rule 41 to have such sale set aside, he shall not be entitled to make an application under this rule.

41. At any time within thirty days from the date of sale, any person whose interests are affected by such sale may apply to the Revenue Officer to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it, and the Revenue Officer may, after giving notice to the persons affected thereby, pass an order setting aside the sale and may order resale; but no sale shall be set aside on such grounds unless the applicant proves to the satisfaction of the Revenue Officer that he has sustained substantial injury by such irregularity or mistake.

42. Except in a case where land has been sold for arrears, which form a charge on the land, the purchaser may, at any time within thirty days from the date of sale, apply to the Revenue Officer to set aside the sale on the ground that the defaulter had no saleable interest in the property sold and the Revenue Officer shall, after due inquiry, pass such orders on such application as he deems fit.

43. No resale under rule 41 shall be made until a fresh proclamation has been published as laid down in rule 26.

44. On the expiry of thirty days from the date of sale, if no application has been made under rule 40, 41 or 42 or if such application has been made and rejected, the Revenue Officer shall pass an order confirming the sale:

Provided that, if the Collector has reason to think that the sale ought to be set aside—

(i) notwithstanding that no such application has been made; or

(ii) on grounds other than those alleged in any application which has been made and rejected; or

(iii) notwithstanding that a period of thirty days from the date of sale has expired;

he may, after recording his reasons in writing, set aside the sale at any time before making an order confirming the sale.

45. (1) If no application under rule 41 is made within the time allowed therefor, all claims on the grounds of irregularity or mistake shall be barred.

(2) Nothing in sub-rule (1) shall bar the institution of a suit in the Civil Court to set aside a sale on the ground of fraud or on the ground that the arrear for which the property is sold is not due or on the ground that the defaulter had no saleable interest in the property sold.
46. If the sale of any property is set aside under rule 40, 41, 42, or 44, the amount of purchase money deposited by the purchaser shall be refunded to him.

CERTIFICATE OF PURCHASE AND DELIVERY OF POSSESSION

47. If the sale of any immovable property has been confirmed, the Revenue Officer shall grant a certificate to the purchaser specifying the date on which the sale is confirmed, the property sold, and the name of the purchaser and shall put the purchaser in possession of such property.

48. (1) Where the purchaser is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Revenue Officer complaining of such resistance or obstruction.

(2) The Revenue Officer shall fix a date for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

49. Where the Revenue Officer is satisfied that the resistance or obstruction was occasioned—

(a) by the defaulter or some other person at his instigation; or

(b) by any person in the case of a purchase of land sold for arrears of land revenue due in respect thereof;

he shall direct that the purchaser be put into possession of the property.

50. Where in any case to which rule 49 does not apply, the Revenue Officer is satisfied that the resistance or obstruction was caused by any person claiming in good faith to be in possession of the property on his own account or on account of some person other than the defaulter, the Revenue Officer shall make an order dismissing the application.

51. (1) Where any person other than the defaulter is dispossessed of immovable property by the purchaser of such property, he may make an application to the Revenue Officer complaining of such dispossession.

(2) The Revenue Officer shall fix a date for investigating the matter and shall summon the purchaser to appear and answer the same.

52. Where the Revenue Officer is satisfied that the applicant was in possession of the property on his own account, or on account of some person other than the defaulter, he shall direct that the applicant be put into possession of the property.

53. Any party not being a defaulter against whom an order is made under rule 49, 50 or 52 may institute a suit to establish the right which he claims to the present possession of the property but subject to the result of such suit, if any, the order shall be conclusive.

COMMISSIONS TO EXAMINE WITNESSES

54. Any Revenue Officer may in any proceedings issue a commission for the examination on interrogatories or otherwise of any person who is exempted from attending the court or who is from sickness or infirmity unable to attend it.

55. An order for the issue of a commission for the examination of a witness may be made by the Revenue Officer either of his own motion or on the application, supported by affidavit or otherwise, of any party to the proceedings or of the witness to be examined.
56. Any Revenue Officer may, in any proceedings, issue a commission for the examination of—

(a) any person resident beyond the local limits of his jurisdiction;
(b) any person who is about to leave such limits before the date on which he is required to be examined in court;
(c) any person in the service of the Central or the State Government who cannot, in the opinion of such Revenue Officer, attend without detriment to the public service.

57. (1) A commission for the examination of a person may be issued to any person whom the Court thinks fit to execute it, or to any other Revenue Officer who can conveniently examine such person.

(2) Every Revenue Officer receiving a commission for the examination of any person shall examine him or cause him to be examined pursuant thereto.

(3) The Revenue Officer or issuing any commission under this rule shall direct whether the commission shall be returned to himself or to any Revenue Officer subordinate to him.

58. Where a commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Revenue Officer by whom it was issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order; and the commission and the return thereon and the evidence taken under it shall (subject to the provisions of the next following rule) form part of the record of the proceedings.

59. Evidence taken under a commission shall not be read as evidence in the proceedings without consent of the party against whom the same is offered, unless—

(a) the person who gave the evidence is beyond the jurisdiction of the court, or dead or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or is a person in the service of the Central or the State Government who cannot, in the opinion of the Revenue Officer, attend without detriment to the public service; or

(b) the Revenue Officer in his discretion dispenses with the proof of any of the circumstances mentioned in clause (a) and authorises the evidence of any person being read as evidence in the proceedings, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

60. Before issuing any commission under these rules, the Revenue Officer may order such sum (if any) as he thinks reasonable for the expenses of the commission to be, within a time to be fixed, paid by the party at whose instance or for whose benefit the commission is issued.

61. (1) The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under these rules, and for the purposes of this rule the Commissioner shall be deemed to be a Revenue Court.

(2) A Commissioner may apply to any Revenue Officer within the local limits of whose jurisdiction a witness resides for the issue of any process which he may find it necessary to issue to, or against, such witness, and such Revenue Officer may, in his discretion, issue such process as he considers reasonable and proper.
62. (1) Where a commission is issued under these rules, the Revenue Officer shall direct that the parties to the proceedings shall appear before the Commissioner in person or by their agents or pleaders.

(2) Where all or any of the parties do not so appear, the Commissioner may proceed in their absence.

PROCEEDING BY, OR AGAINST MINORS AND PERSONS OF UNSOUND MIND

63. Every application by a minor shall be filed in his name by a person acting as the guardian of the minor.

64. Where the non-applicant is a minor the Revenue Officer, on being satisfied of the fact of his minority, shall appoint a proper person to be the guardian of such minor for the purpose of the proceedings.

65. Any person who is of sound mind and has attained majority and whose interest is not adverse to that of the minor may act as guardian for a minor party in the proceedings.

66. In the case where a non-applicant is a minor and the guardian appointed has no funds to meet the necessary expenses, the Revenue Officer may direct the applicant to deposit a sufficient sum for the purpose. The costs so incurred by the applicant shall be adjusted in accordance with the final order passed in respect of the costs.

67. (1) No guardian shall, without the leave of the Revenue Officer, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the proceedings in which he acts as his guardian.

(2) Any such agreement or compromise entered into without the leave of the Revenue Officer so recorded, shall be voidable against all parties other than the minor.

68. The provisions contained in rules 63 to 67, shall apply mutatis mutandis to persons of unsound mind.

SCHEDULE II

(See section 261)

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**SCHEDULE III**

[See section 262 (3)]

**NAME OF LAW**

1. The Indore Land Revenue and Tenancy Act.
3. Qawaid Jagirdaran, Gwalior.
4. Qawaid Munafidaran Jauzwe Arazi Riyasat, Gwalior.
8. Inam Rules of the Dewas (Senior).
छत्तीसगढ़ राजपत्र
(असाधारण)
प्रधिकार से प्रकाशित

क्रमांक 305] समापुर, रविवार, दिनांक 3 नवम्बर 2002—कालिक 12, शक 1924

विधि और विधायी कार्य विभाग
मंत्रिलय, दार्ज कल्याण सिंह भवन, समापुर

समापुर, दिनांक 7 नवम्बर 2002

क्रमांक 7017/21-30/प्राप्तथाप/2002,—छत्तीसगढ़ विधान सभा का निम्नलिखित अभिविनिमय, जिस पर दिनांक 3-11-2002 को राज्यपाल की अनुमति दिया गया सिर्फ 12 दिनों का है, एवं इस निम्नलिखित अभिविनिमय को जारी करने के लिए सम्मति किया गया है।

छत्तीसगढ़ के राज्यपाल के नाम हेतु अदेशानुसार,
प्रभात शास्त्री, उप-सचिव,
छत्रपति अधिनियम
(क्रमांक 3। सन् 2002)
छत्रपति भू-राजस्थ सहिता (संशोधन) अधिनियम, 2002
छत्रपति भू-राजस्थ सहिता, 1959 (क्रमांक 20 सन् 1959) में संशोधन हेतु अधिनियम.
भारत गणराज्य के 53वें वर्ष में छत्रपति भू-राजस्थ सहिता (संशोधन) अधिनियम (क्र. 3। सन् 2002) है।

संशोधन नाम तथा प्रारंभ.
1. (1) इस अधिनियम का संशोधन नाम छत्रपति भू-राजस्थ सहिता (संशोधन) अधिनियम (क्र. 3। सन् 2002) है।

(2) यह राजस्थ में इसके प्रकाशन की तारीख से प्रवृत्त हुआ।

धारा 2 (1) (व-1) में अन्तःसंशोधन.
2. छत्रपति भू-राजस्थ सहिता, 1959 (क्रमांक 20 सन् 1959) जो इसके प्रति युक्त अधिनियम के नाम से बिन्दुसार है की धारा-2 की उपधारा (1) के खण्ड (व-1) में प्रविष्ट (सत) के परमार्थ निम्नलिखित प्रतिबिंब अन्व: स्वाभाविक
को जाए, अर्थात: एकः एहादना कोर्टनेवोइया (हल्ला)
(तै) विभागांता पारंपरिकता (गुण्डी)
(उस) टूमिनेटिया अश्रुता (अवृजन)
(ग्याए) वायोस्कीस पेल्टेनेकाइसन (तेतू)
(ग्याए) मेलाड्या आरबोरीया (ख़रबां)

धारा 239 में संशोधन.
3. (एक) मूल अधिनियम की धारा 239 के पारदर्श श्रीकर्म "दक्षिण राहत भूमि में रोपित फलदर वृक्षों और अन्य
वृक्षों पर अधिकार" के स्थान पर नया पार्थ श्रीकर्म "दक्षिण राहत भूमि भारत भूमि तथा बड़े झाड़/ छोटे झाड़ के जंगल में रोपित फलदर वृक्षों और अन्य वृक्षों पर अधिकार" स्वाभाविक किया जाव।
(दो) धारा 239 की उपधारा (1) और (2) में दक्षिण राहत भूमि के पराभुत "भारत भूमि तथा बड़े झाड़/छोटे
झाड़ का जंगल" जोड़ा जाव।

धारा 239 की उपधारा (5) के पराभुत अन्व: स्वाभाविक.
4. मूल अधिनियम की धारा 239 की उपधारा (5) के पराभुत निम्नलिखित उपधारा अन्व: स्वाभाविक को जाव, अर्थातः

5. क उस भारत भूमि पर, जिस पर संसूचना अधिनियम, 1980 (1980 का संख्या 69) के उपबोध
लागू नहीं होते हैं, पुष्पाश्रय के लिए स्वाभाविक फॉर्म अनुपूर्ण किया जा स्वसंधी।
5. ख बड़े झाड़/छोटे झाड़ के जंगल पर पुष्पाश्रय हेतु करार निम्नलिखित किया जा सकता, कार्य भारक या उसके उद्देशस्तिकारियों को बड़े झाड़, छोटे झाड़ के जंगल की भूमि पर भण उस भूमि पर रोपित बुधि के कोई भूविकाद्वैत उद्धृत नहीं होगा, कार्य भारक या उसके उद्देशस्तिकारियों के योगदान के अवधारणात होगी।
5. (1) The Adhiniyam may be called the Chhattisgarh Land Revenue Code (Amendment) Adhiniyam, 2002.

(2) It shall come into force from the date of its publication in the Gazette.

2. After entry (vii) of clause (Z-1) of Sub-section (1) of Section 2 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (Here in after referred as the Principal Act) the following entries shall be inserted, namely:

(viii) Adina cardifolia (Haldoo)
(ix) Mitragyna parviflora (Mundi)
(x) Terminalia arjuna (Arjun)
(xi) Diospyros melanoxylon (Tendu)
(xii) Gmelina arborea (Khamhar)

3. (1) In Section 239 of the Principal Act, for the previous marginal heading "rights in fruit bearing trees planted in unoccupied land" the marginal heading "rights in fruit bearing trees and other trees planted in unoccupied land and Bhata Land and Bade Jhad/Chhote Jhad Ka Jungle" shall be substituted.

(2) In Sub-section (1) and (2) of Section 239 after the words "unoccupied Land" wherever it occurs the words "and Bhata Land and Bade Jhad/Chhote Jhad Ka Jungle" shall be added.
Insertion after Sub-section (5) in Section 239.

4. After Sub-section (5) of Section 239 of the Principal Act, the following Sub-section shall be inserted, namely:

"(5. A) Permanent lease for such Bhata Land, on which the provisions of the Forest, Conservation Act, 1980 (No. 69 of 1980) shall not apply may be granted.

(5. B) An agreement can be executed for plantation on Bade Jhad/Chhote Jhad Ka Jungle. No bhumiswami right shall accrue to the agreement holder or his/her heir of the Land of Bade Jhad/Chhote Jhad Ka Jungle and on the trees planted on the above land. The agreement holder or his/her heir shall be entitled to only usufruct of the trees."

Amendment in Section 241.

5. (1) In the Sub-section (4) of Section 241 of the Principal Act for the words "One thousand rupees" the words "Five thousand rupees" shall be substituted.

(2) At the end of Sub-section (5) of Section 241, of the Principal Act, the following words shall be added, namely:

"However such person shall be required to get his land demarcated by the competent authority and to inform in writing the Revenue Officer and Range Forest Officer having Jurisdiction atleast 10 days before felling or removal of such trees"
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 121] रायपुर, शुक्रवार, दिनांक 9 मई 2003—वैशाख 19, शक 1925

विधि और विधायी कार्य विभाग
मंत्रालय, दादो कल्याण सिंह भवन, रायपुर।

रायपुर, दिनांक 9 मई 2003

क्रमांक 3141/21-अ/प्राप्तना/03.—छत्तीसगढ़ विधान सभा का निर्देशित अधिनियम जिन पर दिनांक 3-5-2003 को राज्यपाल की अनुमति प्राप्त हो चुकी है, एल्दूरा सर्वसाधारण की जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सी. बी. बाबूपेट्री, उप-सचिव।
छतीसगढ़ अधिनियम
(कार्यक्रम 11 जनवरी 2003)
छतीसगढ़ भू-राजस्थ संहिता (संशोधन) अधिनियम, 2003
छतीसगढ़ भू-राजस्थ संहिता 1959 (कार्यक्रम 20 सन 1959) में आगे संशोधन हेतु अधिनियम.

भारत संविधान के जौनपुर वर्ष में छतीसगढ़ विधान मंडल द्वारा निर्माणित रूप में यह अधिनियमित हो:—

संहिता का नाम तथा प्रारंभ.
1. (1) इस अधिनियम का संबंध नाम छतीसगढ़ भू-राजस्थ संहिता (संशोधन) अधिनियम, 2003 है।
(2) यह 23 नवबर, 2002 (वर्ष नवम्बर दो हजार दो) दिन प्रस्तुत होगा।

धारा 2 में संशोधन.
2. छतीसगढ़ भू-राजस्थ संहिता, 1959 (क. 20 सन 1959), की इसमें इसके पश्चात् संहिता के नाम से निरदेश है, जो धारा 3 के स्थान पर निर्दिष्ठप्रतिस्पष्टित किया जायः—

(1) छतीसगढ़ के लिए एक राजस्थ मण्डल होगा, जिसका एक अध्यादेश होगा।
(2) राजनीतिक, अर्थव्यवस्था के अनुसार इन्हें सरकारों की नियुक्ति का एक अधीन करेंगे, जिन्हें कि वह ढील समझें।

धारा 10 का प्रतिस्पष्टित.
3. संहिता को धारा 10 के स्थान पर निम्नानुसार प्रतिस्पष्टित किया जायः—

"10 (1) प. प. राजनीति मण्डल के समस्त दिनांक 31 अक्टूबर, 2002 को संहिता के अंतर्गत विचारधारण छतीसगढ़ राज्य के राजस्थ संगठन अपने पुनर्विकलेत्त के समस्त आवेदन पत्र तथा अन्य समस्त कार्यवाहियाँ छतीसगढ़ राजस्थ मण्डल को अन्तरित मानी जाएँगी तथा सुनी एवं विभिन्न वाहिनी को जाएँगी।
(2) आयुक्तों एवं अपर आयुक्तों के समस्त दिनांक 23 नवम्बर, 2002 को संहिता के अंतर्गत विचारधारण समस्त अपने, पुनर्विकलेत्त के समस्त आवेदन पत्र तथा अन्य समस्त कार्यवाहियाँ छतीसगढ़ राजस्थ मण्डल को अन्तरित मानी जाएँगी तथा सुनी एवं विभिन्न वाहिनी को जाएँगी।

पन्तन्त संहिता के अंतर्गत नियुक्त आयुक्त या अपर आयुक्त द्वारा दिनांक 22 नवम्बर, 2002, के प्रवर्तक, उनके पास छोड़ने की कालाधीन में सत्ता समूह नियुक्त को गैस समस्त विनियमन, कार्यवाहियाँ तथा विभागीय वैध एवं विभिन्न मानी जाएँगी।"
10. (1) संहिता की भाषा 44 की उपधारा (1) के खंड (२) में प्रयुक्त "आपुक्" शब्द के स्थान पर स्वदृश "राजक गण्डस" प्रतिस्थापित किये जायें।

(2) संहिता की भाषा 44 की उपधारा (1) के खंड (३) में प्रयुक्त "आपुक् अवयव" शब्दों का लोप किया जाय।

(3) संहिता की भाषा 44 की उपधारा (2) के खंड (एक) में प्रयुक्त "आपुक्" राजक के स्थान पर स्वदृश "राजक गण्डस" किये जायें।

(4) संहिता की भाषा 44 की उपधारा (2) के खंड (दो) का लोप किया जाय।

11. संहिता की भाषा 47 में खंड (२) का लोप किया जाय।

12. संहिता की भाषा 49 की उपधारा (3) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाय:—

"(३) परम्पराओं को, यदि उपस्थित हो, सुनने के पश्चात्, अपोपित अधिकारी उस आदेश को जिसके कि निम्नलिखित अपोपि की गयी है, पुनः कर सकेंगे, उसमें नेरदश कर सकेंगे या उसे उल्ट सकेंगे; या वह स्वयं अधिकाराधीन स्त्री तो सकेंगा जो उस प्रकार के निर्देशों के संलेख में अच्छाध्यक्ष हो।

यथा अपोपि अधिकारकी किसी भी ऐसे मामले को निपटने के लिये किसी भी अधिकृत राजस्व अधिकारी को प्रतिपदित नहीं कर सकेंगा।"

13. (१) संहिता की भाषा ५० की उपधारा (१) में प्रयुक्त शब्द "या बंदोबस्त आपुक्" से पहले प्रयुक्त "या आपुक्" शब्दों का लोप किया जाय।

(२) संहिता की भाषा ५० की उपधारा (१) के परंतु के खंड (एक) के उपखंड (४) में प्रयुक्त शब्द "बंदोबस्त आपुक्" के पहले प्रयुक्त "आपुक् अवयव" शब्दों का लोप किया जाय।

(३) संहिता की भाषा ५० की उपधारा (१) के परंतु के खंड (दो) में प्रयुक्त शब्द "बंदोबस्त आपुक्" से पहले प्रयुक्त "आपुक् या" शब्दों का लोप किया जाय।

(४) इस संहिता की भाषा ५० की उपधारा (१) के परंतु के खंड (दो) में प्रयुक्त शब्द "बंदोबस्त आपुक्" से पहले प्रयुक्त "आपुक् या" शब्दों का लोप किया जाय।

(५) संहिता की भाषा ५० की उपधारा (२) के खंड (दो) में प्रयुक्त "बंदोबस्त आपुक्" शब्दों के पहले प्रयुक्त "आपुक् या" शब्दों का लोप किया जाय।

(६) संहिता की भाषा ५० की उपधारा (२) के खंड (तीन) में प्रयुक्त "बंदोबस्त आपुक्" शब्दों के पहले प्रयुक्त शब्द "आपुक्" और शब्द "बंदोबस्त आपुक्" के पहले प्रयुक्त "आपुक् या" शब्दों का लोप किया जाय।

(७) संहिता की भाषा ५० की उपधारा (२) के खंड (चौ) में प्रयुक्त "बंदोबस्त आपुक्" शब्दों के पहले प्रयुक्त "आपुक् या" शब्दों का लोप किया जाय।

14. संहिता की भाषा ५१ की उपधारा (१) के परंतु के खंड (एक) में प्रयुक्त "बंदोबस्त आपुक्" शब्दों से पहले प्रयुक्त "आपुक्" शब्द का लोप किया जाय।
CHHATTISGARH ACT
(No. 11 of 2003)

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2003

An Act to further amend the Chhattisgarh Land Revenue Code 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the fifty-fourth year of the Republic of India as follows:—

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2003.

(2) It shall come into force from 23rd November 2002 (Twenty third November Two Thousand Two).

Amendment in Section 3.

2. Section 3 of the Chhattisgarh Land Revenue Code 1959 (No. 20 of 1959) (Herein after referred to as the Code) shall be substituted by the following:—

(1) There shall be a Board of Revenue for Chhattisgarh having a President.

(2) In addition to the President, the State Government may appoint as many members as it may deem fit.

Substitution of Section 10.

3. Section 10 of the Code shall be substituted by the following:—

"10 (1) All appeals, applications for revision, review and other proceedings under the Code pending before the Board of Revenue of Madhya Pradesh, relating to the State of Chhattisgarh on 31st October 2002 shall stand transferred to and be heard and decided by the Board of Revenue of Chhattisgarh.

(2) All appeals, applications for revision, review and other proceedings under the Code pending as on 23rd November, 2002 before the Commissioners and Additional Commissioners, shall stand transferred to and be heard and decided by the Board of Revenue.

Provided that all bona fide decisions, proceedings and actions taken by the Commissioners or the Additional Commissioners appointed under the Code after the 22nd November, 2002 till they relinquished office, shall be deemed to be legal and valid.
4. The following words appearing in Section 11 of the Code shall be omitted:—

Commissioner (including Additional Commissioners);

5. Sub-section (2) of Section 12 of the Code shall be omitted.

6. Section 14 of the Code shall be omitted.

7. Section 15 of the Code shall be omitted.

8. Sub-section (2) of Section 29 of the Code shall be omitted.

9. The words "Commissioner, a" appearing in Sub-section (2) of Section 30 of the code shall be omitted.

10. (1) In clause (e) of Sub-section (1) of Section 44 of the Code, for the word "Commissioner" the words "Board of Revenue" shall be substituted.

(2) In clause (g) of Sub-section (1) of Section 44, of the Code the word "Commissioner or the" shall be omitted.

(3) In clause (i) of Sub-section (2) of Section 44, of the code for the word "Commissioner" the words "Board of Revenue" shall be substituted.

(4) clause (iii) of Sub-section (2) of Section 44 of the code shall be omitted.

11. Sub-section (b) of Section 47 of the Code shall be omitted.

12. Sub-section (3) of Section 49 of the Code shall be substituted by the following:—

"(3) After hearing the parties, the Appellate Authority may confirm, vary or reverse the order appealed against, or may take such additional evidence as it may consider necessary for passing its order.

Provided that the Appellate Authority shall not remand the case for disposal by any Revenue Officer subordinate to it."

13. (1) In Sub-section (1) of Section 50 of the Code the words "or Commissioner" appearing before the words "or the Settlement Commissioner" shall be omitted.

(2) In sub-clause (c) of clause (i) of the proviso to Sub-section (1) of Section 50 of the Code, the words "Commissioner or" appearing before the words "the Settlement Commissioner" shall be omitted.

(3) In clause (ii) of the proviso to Sub-section (1) of Section 50 of the Code, the words "Commissioner or" appearing before the words, "the Settlement Commissioner," shall be omitted.

(4) In clause (i) of Sub-section (2) of Section 50 of the Code, the words "the Commissioner or" appearing before the words "the Settlement Commissioner", shall be omitted.

(5) In clause (ii) of Sub-section (2) of Section 50 of the Code, the words "the Commissioner or" appearing before the words "the Settlement Commissioner," shall be omitted.

(6) In clause (iii) of Sub-section (2) of Section 50 of the Code the word "Commissioner" appearing before the words "Settlement Commissioner," and the words "the Commissioner or" appearing before the words "the Settlement Commissioner" shall be omitted.
Amendment to Section 50.

(7) In clause (iv) of Sub-section (2) of Section 50 of the Code, the words "the Commissioner or" appearing before the words "the Settlement Commissioner" shall be omitted.

Amendment to Section 51.

14. In clause (i) of the proviso of Sub-section (1) of the Section 51 of the Code the word "Commissioner" appearing before the words, "Settlement Commissioner" shall be omitted.

Amendment in Section 114-A.

15. (1) In Section 114-A of the Code, for the marginal heading "Bhoo Adhikar Avam Rin Pustika" the new marginal heading "Kisan Kitab" shall be substituted.

(2) In Sub-section (1), (2) and (3) of Section 114-A of the Code, for the words "Bhoo Adhikar Avam Rin Pustika", wherever it occurs the word "Kisan Kitab" shall be substituted.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 101]
रायपुर, शुक्रवार, दिनांक 20 मई 2005—वेषाख 30, शतक 1927

विधि और विधायी कार्य विभाग
मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 20 मई 2005

क्रमांक 4515/21-अ/प्रारम्भ/04—छत्तीसगढ़ विधान सभा का निवारणाधीन अधिनियम जिस पर दिनांक 11-5-2003 को सत्यपाल को अनुमोदन प्रदत्त हो चुकी है, यथायोग्य सर्वसाधारण की जानकारी के लिए प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशाद्वारे,
महेन्द्र शाहीर, उप-सचिव.

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छत्तीसगढ़ अधिनियम
(क्रमांक 6 सन् 2005)
छत्तीसगढ़ भू-राज्य संहिता (संशोधन) अधिनियम, 2005

छत्तीसगढ़ भू-राज्य संहिता, 1959 (क्रमांक 20 सन् 1959) को और संशोधित करने हेतु अधिनियम

1. (1) इस अधिनियम का संशोधित नाम छत्तीसगढ़ भू-राज्य संहिता (संशोधन) अधिनियम, 2005
(क्रमांक 6 सन् 2005) है।

(2) यह राजप्रान्त में इसके प्रकाशन की तारीख से प्रवृत्त होगा।

2. छत्तीसगढ़ भू-राज्य संहिता, 1959 (क्रमांक 20 सन् 1959) (जो इससे इसके परस्पर संबंध के नाम से निर्दिष्ट है) को धारा 44 की उपधारा (2) के स्थान पर निम्नलिखित उपभाषा प्रतिस्पर्धा किया जाय, अर्थात् —

"(2) अन्यथा उपभाषा के विवाद इस संहिता अथवा इसके अभाव मनाने एवं नियमों के अंतर्गत, प्रथम अधीन में पारित प्रस्ताव आदेश के विधि द्वितीय अधीन—

(एक) यदि ऐसा आदेश उपभाषा अधिकारी द्वारा पारित किया गया है—तो कलेक्टर को;

(दो) यदि ऐसा आदेश कलेक्टर द्वारा पारित किया गया है—तो मण्डल को;

(तीन) यदि ऐसा आदेश बांदीविश्वास अधिकारी द्वारा पारित किया गया है—तो बांदीविश्वास आयुक्त को; को जाएगी।"

3. संहिता की धारा 59 की उपधारा (2) के परस्पर निम्नलिखित परस्पर अनुशासन किया जाय, अर्थात् —

"परन्तु इस्तेमाल में कोण एक से अन्य हितों व्यक्ति किये जाने पर पुनर्मिलित धारा से छुट होगा।"

राजपुर, दिनांक 20 मई 2005

क्रमांक 4515/21—अ/प्राध्यापण/04.— भारत के संविधान के अनुसार 348 के खंड (3) के अनुसार में 3. ग. भू-राज्य संहिता (संशोधन) अधिनियम, 2005 (क्रमांक 6 सन् 2005) का अंतर्गत अनुसाद राज्यपाल के प्रभाव से एकमात्र संशोधित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशात्मक,
महेंद्र राठौर, उप-सचिव,
CHHATTISGARH ACT
(No. 6 of 2005)

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2005

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959)

Be it enacted by the Chhattisgarh Legislature in the fifty sixth year of the Republic of India as follows :-

1. (1) This Act may be called the Chhattisgarh Land Revenue Code, (Amendment) Act, 2005 (No. 6 of 2005).

(2) It shall come into force from the date of its publication in the Official Gazette.

2. For sub-section (2) of section 44 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the Code) the following sub-section shall be substituted, namely :

"(2) Save as otherwise provided a second appeal shall lie against every order passed in first appeal under this code or the rules made thereunder :-

(i) if such order is passed by the Sub-Divisional Officer—to the Collector;
(ii) if such order is passed by the Collector—to the Board;
(iii) if such order is passed by the Settlement Officer—to the Settlement Commissioner."

3. After sub-section (2) of section 59 of the code following proviso shall be inserted, namely :

"Provided that the small industries shall be exempted from the re-assessment of the land diverted not exceeding five acres."

Short title and commencement.
Amendment of Section 44.
Insertion in Section 59.
छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

कर्मकांक 29]

रायपुर, राजस्थान, दिनंक 25 जनवरी 2006—माघ 5, साल 1927

विधि और विधायी कार्य विभाग
मंत्रालय, दाक कल्यण सिंह भवन, रायपुर,

रायपुर, दिनंक 25 जनवरी 2006

कर्मकांक 731/21-8/प्राधिकार/06—छत्तीसगढ़ विधान सभा का निर्मलशिक्षित अधिनियम विषय पर दिनंक 19-1-2006 के बारे में यह अवधारणा अनुपस्थित था, ऐसा अंतर्गत सर्वसाधारण को जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,

विभाग सिंह रायपुर, उप-सचिव.
Chhattisgarh Land Revenue Code (Amendment) Act, 2005

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the fifty sixth year of the republic of India as follows:—

Short title and Com-
1. (1) The Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2005.

mencement.
(2) It shall come into force from the date of its publication in the official Gazette.

Amendment of Sec-
2. Sub-section (6-ee) of Section 165 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) shall be Omitted.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 98]
रायपुर, सनिवास, दिनांक 5 अप्रैल 2008—चैत्र 16, साल 1930

विधि और विधायी कार्य विभाग
मंत्रालय, दादू कल्याण सिंह भवन, रायपुर
रायपुर, दिनांक 5 अप्रैल 2008

क्रमांक 2915/बी. 1132/21-स/र/ल ग./08.—भारत के संविधान के अनुसार के 213 के अंतर्गत छत्तीसगढ़ के राज्यपाल द्वारा प्रकाशित किया गया निम्नलिखित (संशोधन) अध्यादेश, 2008 (क्रमांक 01 सन 2008) सर्वसाधारण की जानकारी हेतु प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
विभाग सिंह कपूर, अभियंतर सचिव.
छत्तीसगढ़ अध्यादेश
(क्रमांक 1 सन् 2008)
छत्तीसगढ़ भू-राजस्थ संहिता (संशोधन) अध्यादेश, 2008
छत्तीसगढ़ भू-राजस्थ संहिता, 1959 (क्रमांक 20 सन् 1959) के पुनः संशोधन करने हेतु अध्यादेश.
भारत गणराज्य के उनसी वर्ष में छत्तीसगढ़ के राज्यपाल द्वारा प्रकाशित किया गया।
यहां: राष्ट्र विधान मंडल का सच्चालन नहीं है और छत्तीसगढ़ के राज्यपाल को यह समाधान हो गया है
कि ऐसी परिस्थितियां विश्वास है जिनके कारण यह आवश्यक हो गया है कि तत्काल कार्यवाही करें।
अतः भारत के संविधान के अंतर्गत 213 के खण्ड (1) द्वारा प्रदत्त साक्षरों को प्रयोग में लाते हुए
छत्तीसगढ़ के राज्यपाल निर्देशित अध्यादेश प्रकाशित करते हैं।

संहिता नाम तथा प्रारंभ:
1. (1) इस अध्यादेश का संबंध नाम छत्तीसगढ़ भू-राजस्थ संहिता (संशोधन) अध्यादेश, 2008
(क्रमांक 1 सन् 2008) है।
(2) यह राजस्थ में इसके प्रकाशन की तारीख से प्रभावी होगा।

अध्यादेश 70 में संशोधन:
2. छत्तीसगढ़ भू-राजस्थ संहिता, 1959 (क्र. 20 सन् 1959) (जो इसमें इसके प्रकाश भूमध्य अधिनियम के
रूप में निखिल है), के भाग 10 की उपाधार (2) और परिवर्तक के स्थान पर निर्देशित अध्यादेश
प्रकाशित किया जाय, अतः:

“(2) (क) ऐसे सभी मामलों जो:

(एक) कलेक्टर द्वारा पारित आदेश वहह यह बंदोबस्त चलू रहने की अवधि में
बंदोबस्त अधिकारी को हैप्रक्षिप के पारित हों, के किसी प्रमुख अधिकारी जो
बोर्ड के समय बुने व विनियम किये जाने हेतु लंबित हों;

(दो) कलेक्टर के समय बुने अधिकारी द्वारा पारित आदेश के विशेष
दिनांकित अधीन जो बोर्ड के समय सुने व विनियम किये जाने हेतु लंबित हों;

(तीन) तम बुना अधिकारी के पारित आदेश के विशेष दिनांकित अधीन जो
कलेक्टर के समय सुने व विनियम किये जाने हेतु लंबित हों;

आमुक को अंकापित माने जायें तथा सुने व विनियम किये
जायें।”

(ख) ऐसे मामले समस्त प्रदेश, पुनितलिखित एवं अन्य कार्यालयों जो 23 नवंबर,
2002 के पर्यावरण आयुक्त कार्यालय से बोर्ड को अंकापित हो गये थे और बोर्ड के
समय लंबित हों, तब आमुक को अंकापित माने जायें तथा सुने व विनियम किये
जायें;

(ग) किसी भी पक्षकर के आবादन पर 23 नवंबर 2002 के अधिनियम राजस्थ मंडल के
समय प्रस्तुत व विनियम हेतु लंबित पुननियम प्रकार के संबंध में संबंधित
पक्षकर ने स्नातित किए हेतु आवेदन दिये जाने पर ऐसे प्रकार के बोर्ड के कारण
अवधु को इसता कर दिये जायें।
3. मूल अभिविन्यस की धारा 11 में शब्द "बाहरी स्वास्थ्य आयुक्त" के पहले शब्द "आयुक्तों (जिनसे अपर आयुक्त समय में अभिविनय किया गया है)" अन्तःस्थापित किया जाए।

4. मूल अभिविन्यस की धारा 12 की उपधारा (1) के पर्यंत निम्नलिखित उपधारा अन्तःस्थापित किया जाए, अथवा न—

"(2) ख़री के समय अवस्था अधिकारी संबंधित आयुक्त के अधीन रहेंगे।" धारा 12 में संशोधन।

5. मूल अभिविन्यस की धारा 13 की उपधारा (2) के पर्यंत परस्तुक में शब्द "ख़री" एवं शब्द "समयानां," जहां कहीं भी हों को विलोपित किया जाए।

6. मूल अभिविन्यस की धारा 13 के पर्यंत निम्नलिखित धारा अन्तःस्थापित किया जाये, अथवा न—

"14. समयानां के आयुक्तों को नियुक्त करने की शक्ति—

(1) राज्य सरकार, अथवा किसी संबंध में एक आयुक्त को नियुक्त करेगा, जो उसमें इस संधित द्वारा या उसके अथवा या तत्काल प्रवृत्त किसी भी अभिविन्यसित द्वारा या उसके अथवा आयुक्त को प्रदत्त साक्ष्यों के प्रयोग में लाए या उसे अंतःस्थापित करने को निर्देशित करेगा।

(2) राज्य सरकार, ऐसी अथवा के अथवा कर्मवाद रहते हुए, जिनके अभिविन्यसित होने वाले तकलीफ़ों, अधिकारियों द्वारा, आयुक्तों को कोई भी ऐसी शक्तियाँ या कार्य तीर्थ सकेगाँ जो तत्काल प्रवृत्त किसी भी अभिविन्यसित द्वारा या उसके अथवा राज्य सरकार की सीमा गये हों।"

7. अन्तः आयुक्त नियुक्त करने की शक्ति—

(1) राज्य सरकार किसी एक संस्थान या दो अथवा दो से अधिक संस्थानों में एक अपर आयुक्त की नियुक्ति कर सकेगा।

(2) अपर आयुक्त, ऐसे मामलों या मामलों के वर्ग में, जिन्हें राज्य सरकार समयाना आदेश कर अवधिपूर्वक करे या जिनौं संबंधों का आयुक्त राज्य शासन द्वारा अवधिपूर्वक संबंधयों के अथवा कर्मवाद रहते हुए, लिखित आदेश, द्वारा निर्देशित करे, ऐसी शक्तियाँ जो प्रयोग में लाए या उसे कार्यान्वयन के निर्देश देते हों। यह संधित द्वारा या उसके अथवा या तत्काल प्रवृत्त किसी अथवा अवधिपूर्वक में अथवा अर्थविन्यासित द्वारा आयुक्त को प्रदत्त कर गये हों। उस प्रारंभिक अथवा मामलों को निर्देशित कर रहे हों।

(3) वह संधित या तत्काल प्रवृत्त प्रवृत्त अथवा अथवा अवधिपूर्वक अथवा अर्थ अवधिपूर्वक अथवा अथवा अर्थविन्यासित के अथवा अथवा अर्थविन्यासित के अथवा अर्थविन्यासित के अथवा अथवा संधित द्वारा संविधान द्वारा निर्देशित किया गया हो, अपर आयुक्त को, जबकि वह उपधारा (2) के अथवा किसी-ही साक्ष्यों का प्रयोग अथवा जिनकी भी कार्यान्वयन का निर्देशित कर रहे हों। उस प्रारंभिक अथवा मामलों को निर्देशित कर रहे हों।

8. मूल अभिविन्यस की धारा 29 की उपधारा (1) के पर्यंत निम्नलिखित उपधारा अंतःस्थापित किया जाए, अथवा न—

"(2) आयुक्त इस संबंध में उसकी किसी एवं आदेश पर यदि उसकी यह राज से हो कि व्यवस्था के उद्देश्यों के पूर्ति के लिए यह संधितीय है, यह आदेश दे सकेगा कि कोई विशेष मामला एक राज्य के अधिकारी के पास से उससे फिरे के या उससे संबंध के किसी अथवा जिनके संबंध के विशेष पद वेतन के किसी अथवा राज्य के अधिकार को अंतःस्थापित कर दिया जाए।"
धारा 30 में संशोधन: 6. अधिनियम की धारा 30 की उपधारा (2) में प्रयुक्त शब्द "कलंकित" के पहले शब्द "आमुक" अन्तःस्थापित किया जाए।

धारा 44 में संशोधन: 9. मूल अधिनियम की धारा 44 में —

(1) उपधारा (1) के खंड (४) में शब्द "उज्ज्वल मण्डल" के स्थान पर शब्द "आमुक" प्रतिस्थापित किया जाए।

(2) उपधारा (1) के खंड (४) में शब्द "बंदोबस्त आमुक" के पहले शब्द "आमुक" प्रतिस्थापित किया जाए।

(3) मूल अधिनियम की धारा 44 की उपधारा (2) के स्थान पर निम्नलिखित प्रतिस्थापित किया जारी है —

“(२) अन्य उपभोगकर्ता के कानूनार्थ इस संक्षिप्त व्यवस्था इसके उपरांत बनाये गये कानूनों के अधिक अधिकार अंशों में पारित प्रतिलिपि आदेश के तिलक दींगा (अंश) —

(एक) यदि ऐसा आदेश त्योष्क्षय अधिकारी अभियंता कलंकित्वरुता द्वारा पारित किया गया है तो-आमुक को;

(दो) यदि ऐसा आदेश बंदोबस्त अधिकारी द्वारा पारित किया गया है तो-बंदोबस्त आमुक को;

(तीन) यदि ऐसा आदेश आमुक द्वारा पारित किया गया है तो मंदल को—

(क) उस दस्तावेज में होनी चाहिए कि मूल आदेश की प्रमाण अंशों में खर्च के मामले में के अन्तिम अन्य मामले में परिवर्तित किया गया हो उसका दिया गया हो, या

(ख) निम्नलिखित आधारों में से किसी भी आधार पर होगी, न कि किसी अन्य आधार पर, अर्थात—

(एक) यह कि आदेश विधि या विधि का प्रभाव रखने का कारण प्राप्त है, या

(दो) यह कि आदेश द्वारा विधि का प्रभाव रखने का कारण प्राप्त है, या

(तीन) यह कि इस क्रेडिट द्वारा प्राप्त होने वाली प्राप्ति के संबंध में संबंधी सरकार के संबंध में का अवधारणा अन्य अन्य रूप से स्थापित है, या

धारा 47 में संशोधन: 10. मूल अधिनियम की धारा 47 के खंड (क) के पश्चात निम्नलिखित खंड अन्तःस्थापित किया जाए, अर्थात—

“(ख) ऐसी तारीख से सात दिन का अवधारण हो जाने के पश्चात आमुक को कोई अपील नहीं होगी;
11. (1) मूल अधिनियम की धारा 50 की उपधारा (1) में शब्द "मंडल" के पश्चात शब्द "या आयुक" अन-स्थापित किया जाए।

(2) मूल अधिनियम की धारा 50 की उपधारा (1) के परंपरक के खण्ड (एक) के उप-खण्ड (ए) में शब्द "बंदियाबंद आयुक" के पहले शब्द "आयुक अथवा" अन-स्थापित किया जाए।

(3) मूल अधिनियम की धारा 50 की उपधारा (1) के परंपरक के उप-खण्ड (दो) में शब्द "बंदियाबंद आयुक" के पहले शब्द "आयुक या" अन-स्थापित किया जाए।

(4) मूल अधिनियम की धारा 50 की उपधारा (2) के उप-खण्ड (एक) में शब्द "सौजन्य" के पहले शब्द "आयुक या" अन-स्थापित किया जाए।

(5) मूल अधिनियम की धारा 50 की उपधारा (2) के उप-खण्ड (दो) में शब्द "बंदियाबंद आयुक" के पहले शब्द "आयुक या" अन-स्थापित किया जाए।

(6) मूल अधिनियम की धारा 50 की उपधारा (2) के उप-खण्ड (तीन) में जहाँ-जहाँ शब्द "बंदियाबंद आयुक" का प्रयोग हुआ है उसके पूर्व शब्द "आयुक" अन-स्थापित किया जाए।

(7) मूल अधिनियम की धारा 50 की उपधारा (2) के उप-खण्ड (चार) में प्रयुक्त शब्द "बंदियाबंद आयुक" के पहले शब्द "आयुक या" अन-स्थापित किया जाए।

12. मूल अधिनियम की धारा 51 की उपधारा (1) के परंपरक के उप-खण्ड (एक) में शब्द "या" के पश्चात शब्द "आयुक" अन-स्थापित किया जाय।

बरपा, दिनांक 5 अप्रैल 2008

क़र्मकांक 29/15/डी. 113/21-अ/पा/ख. ग./08.—भारत के संविधान के अनुसारंत 348 के खण्ड (3) के अनुसार में छत्तीसगढ़ पु-राजस्थान सहित (संलेख) अध्यक्ष, 2008 (क़र्मकांक 01 सन् 2008) का अंतर्गत अनुसूचित राज्यपाल के प्राधिकार से पाठित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशनुसार,

विमला सिंह कपुर, अतिरिक्त सचिव.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

विभिन्न और विभिन्न स्थल विभाग
मंत्रालय, दाता कल्याण सिंह भवन, रायपुर
रायपुर, दिनांक 25 अगस्त 2008

कृ. 8180/दी. 233/21-अ/प्र. /6. न. /08. — छत्तीसगढ़ विधान सभा का निर्णयकारिणी अधिनियम विज्ञापन पर दिनांक 14-08-2008 के राज्यपाल की अनुमति प्राप्त हो सकती है, इसके अनुसार सर्वसाधारण को जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशस्वरूप,
उमेश कुमार काटिया, उप-सचित्र ।

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छत्तीसगढ़ अधिनियम
(अर्थमं 17 सन् 2008)
छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2008
छत्तीसगढ़ भू-राजस्व संहिता, 1959 (अर्थमं 20 सन् 1959) के अनुसार संशोधन हेतु अधिनियम ।
भारत गणराज्य के उनमें से छत्तीसगढ़ विभाग मांडल द्वारा निर्माणित रूप में यह अधिनियम न होगा ।

| प्रारंभिक नाम, विवरण तथा प्रारंभ। | 1. (1) इस अधिनियम का संक्षेप नाम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2008 है।
| | (2) इसका विवरण सम्पूर्ण छत्तीसगढ़ गाँव पर होगा।
| | (3) यह भारत में उचित शर्तावली को समस्त से प्रवृत्त होगा।

धारा 10 में संशोधन।

2. छत्तीसगढ़ भू-राजस्व संहिता, 1959 (म. 30 सन् 1959) (जो इसमें सम्पूर्ण परिवर्तन अधिनियम के रूप में निर्दिष्ट है), की धारा 10 की उपधारा (2) और परिवर्तन के स्थान पर निर्माणित अधिनियम ।

प्रतिस्पर्धित किया जाय, अथवा ।

"(2) (क) ऐसे यथा मान्य हो जायेंगे।"

(एक) कलेक्टर द्वारा परित आदेश जहाँ वह बंदोबस्त चालू रहने की अवस्था में बंदोबस्त अधिकारी को है तीतौर भर, जो विभाग प्रभारी अपील के समस्त सुने व विनिर्देश किये जाने हेतु संबंधित हो।

(दो) कलेक्टर अपील उप क्षेत्र अधिकारी द्वारा परित आदेश के लिए ही द्वितीय अपील जो बोर्ड के समस्त सुने व विनिर्देश किये जाने हेतु लिखित हो।

(तीन) उप खान अधिकारी के परित आदेश के लिए द्वितीय अपील ही कलेक्टर के समस्त सुने व विनिर्देश किये जाने हेतु संबंधित हो।

आयुक्त को अंतर्गत अन्य जानेंगे।

(ख) ऐसे समय पुरुषिकृत, पुरुषकृत के अन्य कार्यवाहियाँ जो 23 नवम्बर, 2002 के परिवर्तन आयुक्त कार्यालय से बोर्ड को अंतर्गत हो गये थे और बोर्ड के समस्त लिखित हैं, जब आयुक्त को अंतर्गत माने जायेंगे व सुने व विनिर्देश किये जायेंगे।

(ठ) बस्दे में भी परिस्थितियों के अनुसार 23 नवम्बर, 2002 के परिवर्तन राजवि मंडल के समस्त प्रस्तुत व विनिर्देश हेतु शक्तिपूर्वक प्रक्रिया के संबंध में संबंधित त परिस्थितियों द्वारा स्थायीता हेतु अवलोकित किये जाने पर ऐसे प्रक्रिया बोर्ड को आयुक्त को हवाला दिया जायेंगे।

धारा 11 में संशोधन।

3. पूर्व अधिनियम को धारा 11 में हिस्से बंदोबस्त आयुक्त "क पहले हिस्से "आयुक्त" (जिसमें अपर आयुक्त भी सम्मिलित है)" अन्य स्थानित किया जाए।
4. मुख्य अभिव्यक्तियों की भाषा 12 की उपधारा (1) के पश्चात् निम्नलिखित उपधारा अनुसार प्रकाशित किया जायेगा;

भाषा 12 में संपूर्णः

"(2) खान के समाप्त उद्देश्य अभिव्यक्ति संबंधित आदेश के अभीत प्रेमः"

5. मुख्य अभिव्यक्ति की भाषा 13 के पश्चात् निम्नलिखित भाषा अनुसार प्रकाशित किया जायेगा, अभीतः

गम्भीरता के आदेश के निरुक्त कारण को संक्षिप्त

"14. गम्भीरता के आदेश के निरुक्त कारण को संक्षिप्त

(1) राज्य सरकार, प्रत्येक संधि में एक आदेश को निरुक्त करनी, जो उसमें दो संबद्ध

(2) राज्य सरकार, ऐसे सर्वोत्तम के अभिव्यक्ति रहें हुए, जिन्हें अभिव्यक्ति करना उचित

अभिव्यक्ति के अभीत राज्य सरकार का अभिव्यक्ति प्रकाशित कर्दा ऐसे संवेदनों के किन्हीं को प्राप्त राज्य सरकार का संक्षिप्त

अभिव्यक्ति के अभीत राज्य सरकार का संक्षिप्त

(1) राज्य सरकार, जिसमें एक संधि में एक अभिव्यक्ति की निरुक्त कर लेंगें.

अभिव्यक्ति के अभीत राज्य सरकार का अभिव्यक्ति प्रकाशित कर्दा ऐसे संवेदनों के किन्हीं को प्राप्त राज्य सरकार का संक्षिप्त

अभिव्यक्ति के अभीत राज्य सरकार का संक्षिप्त

(2) अभिव्यक्ति के अभीत राज्य सरकार का अभिव्यक्ति प्रकाशित कर्दा ऐसे संवेदनों के किन्हीं को प्राप्त राज्य सरकार का संक्षिप्त

(3) पर राज्य सरकार यह प्रकाशित कर्दा अभिव्यक्ति के किन्हीं को प्राप्त राज्य सरकार का संक्षिप्त

(4) अभिव्यक्ति के किन्हीं को प्राप्त राज्य सरकार का संक्षिप्त

(5) अभिव्यक्ति के किन्हीं को प्राप्त राज्य सरकार का संक्षिप्त

6. पुनः अभिव्यक्ति की भाषा 28 की उपधारा (1) के पश्चात् निम्नलिखित उपधारा अनुसार प्रकाशित किया जायेगा, अभीतः

भाषा 28 में संपूर्णः

"(2) आदेश के पश्चात् निम्नलिखित उपधारा अनुसार प्रकाशित किया जायेगा, अभीतः

7. पुनः अभिव्यक्ति की भाषा 30 की उपधारा 2 के पश्चात् उपधारा "आदेश" (1) के पश्चात् निम्नलिखित उपधारा अनुसार प्रकाशित किया जायेगा, अभीतः

भाषा 30 में संपूर्णः

8. पुनः अभिव्यक्ति की भाषा 44 विं

(1) उपधारा (1) के पश्चात् (क) में राज्य सरकार के अधीन उपधारा "आदेश" (1) के पश्चात् निम्नलिखित उपधारा अनुसार प्रकाशित किया जायेगा, अभीतः

भाषा 44 में संपूर्णः
(2) उपयोग (1) के खण्ड (3) में कहा "बंदोबस्त आयुक्त" के पहले शब्द "आयुक्त अधिकारियों" अनुस्मरित किया जाए।

(3) मूल अधिनियम की धारा 44 को उपयोग (2) के रूप से निर्देशित प्रतिवधान किया जायः

"(2) अन्यथा उपक्रम के विषय इस संदर्भ अथवा हमें, अगर एक या दो विवरणों को अधिनियम प्रमाणित में पश्चात प्रविष्ट आदेश के विरुद्ध विरोध अर्पित करेंगे।

(एक) यदि ऐसा आदेश उपयोग (2) के अधिकारी आयुक्त कलेक्टर द्वारा पालिका दिया गया है तो आयुक्त को;

(दो) यदि ऐसा आदेश बंदोबस्त अधिकारी द्वारा पालिका दिया गया है तो बंदोबस्त आयुक्त को;

(तीन) यदि ऐसा आदेश आयुक्त द्वारा पालिका दिया गया है तो मंडल को।

(क) यदि ऐसा आदेश द्वारा पालिका दिया गया है तो एक अधिनियम अथवा हमें, अगर ऐसा द्वारा, के अधिकार अथवा प्रमाणित में पश्चात न किया गया हो उसका उपयोग करेंगे।

(छ) निर्देशित प्रावधानों में से किसी भी आपात पर होने, नहीं किसी अन्य अवसर पर, आपात।

(एक) यह घट किसी दिन द्वारा विभागित प्रावधान में से हो सरकारी वाहन या जनवरी है जिसका कुछ गुण या के आपात या मामले के हितों में नहीं हो जुड़े नप हो।

धारा 47 में संशोधन।

9. मूल अधिनियम की धारा 47 के खण्ड (क) के पर्याय, निर्देशित खण्ड अनुस्मरित किया जाए।

(छ) ऐसे तरीके से सात दिन का अवसर को अपेक्षा को कोई भी अवसर नहीं होगा।

धारा 50 में संशोधन।

10. (1) मूल अधिनियम की धारा 50 की उपधारा (1) में कहा "मंडल" के पश्चात "शोध अथवा आयुक्त" अनुस्मरित किया जाए।

(2) मूल अधिनियम की धारा 50 की उपधारा (1) के पर्याय के खण्ड (एक) के उपरांत (1) में कहा "बंदोबस्त आयुक्त" के पहले शब्द "आयुक्त अधिकारि" अनुस्मरित किया जाए।

(3) मूल अधिनियम की धारा 50 की उपधारा (1) के पर्याय के उपरांत (2) में कहा "बंदोबस्त आयुक्त" के पहले शब्द "आयुक्त अधिकारि" अनुस्मरित किया जाए।
(4) मूल अधिनियम की धारा 50 की उपधारा (2) के उपक्षेप (एक) में शब्द "कलेक्टर" से पहले शब्द "अयुक्त या" अन्तःस्थापित किया जाएँ और।

(5) मूल अधिनियम की धारा 50 की उपधारा (2) के उपक्षेप (दो) में शब्द "बन्दोबस्त आयुक्त" के पहले शब्द "अयुक्त या" अन्तःस्थापित किया जाएँ।

(6) मूल अधिनियम की धारा 50 की उपधारा (2) के उपक्षेप (तीन) में जहाँ-जहाँ शब्द "बन्दोबस्त आयुक्त" का प्रयोग हुआ है उसके पूर्व शब्द "आयुक्त" अन्तःस्थापित किया जाएँ।

(7) मूल अधिनियम की धारा 50 की उपधारा (2) के उपक्षेप (चार) में प्रयुक्त शब्द "बन्दोबस्त आयुक्त" के पहले शब्द "अयुक्त या" अन्तःस्थापित किया जाएँ।

11. मूल अधिनियम की धारा 51 की उपधारा (1) के पर्युक्त के उपक्षेप (एक) में शब्द "मदि" के परिवर्तन, शब्द "अयुक्त" अन्तःस्थापित किया जाएँ।

12. चत्तिसगढ़ पूर्व राज्य संहिता (संशोधन) अधिनियम 2008 (क्रमांक 1 सन् 2008) एवंदूरा निरस्त किया जाता है।

पर्युक्त निरस्त, पूर्व राज्य अधिनियम पर भ्रष्ट नहीं दालेगा मानो कि यह अधिनियम के अमर हो।

चत्तिसगढ़ राज्य अधिकारक द्वारा निरस्त किया जाता है।

चत्तिसगढ़ के राष्ट्रपति के नाम से तथा अदेशानुसार,

उपेश कुमार कातिया, उप-राष्ट्रपति।

CHHATTISGARH ACT
(No. 17 of 2008)

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2008

An Act further to amend the Chhattisgarh Land Revenue Code 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Fifty Ninth year of the Republic of India, as follows :-

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2008. Short title, extent and commencement.

(2) It extends to the whole State of Chhattisgarh.

(3) It shall come into force from the date of its publication in the "Official Gazette".
Amendment in Section 10.

2. For Sub-section (2) and proviso of Section 10 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) (Hereinafter referred to as the Principal Act) the following shall be substituted, namely:

"(2) (a) All cases of:
(i) First appeal against the order of the Collector whether exercising the powers of Collector or Settlement Officer during the currency of settlement, pending before the Board;
(ii) Second appeal against the order of the Sub-Divisional Officer or the Collector pending before the Board;
(iii) Second appeal against the order of the Sub-Divisional Officer pending before the Collector:
shall stand transferred to the Commissioner.

(b) All cases of revision, review and other proceedings which stood transferred to the Board from the Commissioner after 23rd November, 2002 and pending before the Board, shall stand transferred to the Commissioner;

(c) In the case of revision instituted on an application made by any party after 23rd November, 2002 and pending before the Board the party may make an application for transfer of such case to the Commissioner and if such an application is made, the Board shall transfer the case to the Commissioner.

Amendment in Section 11.

3. In Section 11 of the Principal Code, the words "Commissioners (including Additional Commissioners)" shall be inserted before the words "Settlement Commissioners."

Amendment in Section 12.

4. After Sub-section (1) of Section 12 of the Principal Act, the following sub-section shall be inserted namely,

"(2) All Revenue Officers in a Division shall be subordinate to the Commissioner.

Insertion of Section 14 and 15.

5. After Section 13 of the Principal Act, the following Sections shall be inserted, namely:

"14. Power to appoint Commissioners of divisions,—

(1) The State Government shall appoint in each division a Commissioner who shall exercise therein the powers and discharge the duties conferred and imposed on a Commissioner by or under this Code or under any other enactment for the time being in force.

(2) The State Government may, subject to such conditions as it may deem fit to impose, by notification, confer upon the Commissioner any of the powers or functions assigned to the State Government by or under any enactment for the time being in force in such cases or class of cases as the State Government may, by

15. Power to appoint Additional Commissioner,—

(1) The State Government may appoint an Additional Commissioner in a division or in two or more divisions.

(2) An Additional Commissioner shall exercise such powers and discharge such duties conferred and imposed on a Commissioner by or under this Code or by or under any other enactment for the time being in force in such cases or class of cases as the State Government may, by
a general order, notify or as the Commissioner of the division may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct.

This Code and every other enactment for the time being in force and any rule made under this Code or any such other enactment shall, except where expressly directed otherwise, apply to the Additional Commissioner when exercising any powers or discharging any duties under sub-section (2) as if he were the Commissioner of the division.

6. After Sub-section (1) of Section 29 of the Principal Act, the following sub-section shall be inserted, namely, ...

7. In Sub-section (2) of Section 30 of the Principal Act, before the word “Collector” the words and comma “Commissioner” shall be inserted.

8. In Section 44 of the Principal Act:

(1) In clause (c) of Sub-section (1) for the words “Board of Revenue” the word “Commissioner” shall be substituted.

(2) In clause (g) of Sub-section (1) before the words “Settlement Commissioner” the words “Commissioner or the” shall be inserted.

(3) For Sub-section (2) the Section 44 of the Principal Act, following shall be substituted, namely, :

“Save as otherwise provided a second appeal shall lie against every order passed in first appeal under this Code or the rules made thereunder—

(i) by the Sub-Divisional Officer or the Collector to the Commissioner;

(ii) by the Settlement Officer to the Settlement Commissioner;

(iii) by the Commissioner to the Board—

(a) if the original order has in the first appeal been varied or reversed otherwise than in a matter of cost;

(b) on any of the following grounds and no other, namely :—

(i) that the order is contrary to law or usage having the force of law; or

(ii) that the order has failed to determine some material issue of law or usage having force of law; or

(iii) that there has been a substantial error or defect in the procedure as prescribed by this Code, which may have produced error or defect in the decision of the case upon merits.”
Amendment in  
Section 47.  
9. After clause (a) of Section 47 of the Principal Act, the following clause shall be inserted, namely.—

"(b) to the Commissioner after the expiration of sixty days from such date: or."

Amendment in  
Section 50.  
10. (1) In Sub-section (1) of Section 50 of the Principal Act, after the words "The Board" the words "or the Commissioner" shall be inserted.

(2) In Sub-clause (c) of clause (i) of the proviso to Sub-section (1) of Section 50 of the Principal Act, before the words "the Settlement Commissioner" the words "Commissioner or" shall be inserted.

(3) In clause (ii) of the proviso to Sub-section (1) of Section 50 of the Principal Act, before the words "the Settlement Commissioner", the words "Commissioner or" shall be inserted.

(4) In clause (i) of Sub-section (2) of Section 50 of the Principal Act, before the words "the Settlement Commissioner" the words "Commissioner or" shall be inserted.

(5) In clause (ii) of Sub-section (2) of Section 50 of the Principal Act, before the words "the Settlement Commissioner" the words "Commissioner or" shall be inserted.

(6) In clause (iii) of Sub-section (2) of Section 50 of the Principal Act, before the words "Settlement Commissioner" wherever they occur the word "Commissioner." shall be inserted.

(7) In clause (iv) of Sub-section (2) of Section 50 of the Principal Act, before the words "the Settlement Commissioner" the words "the Commissioner or" shall be inserted.

Amendment in  
Section 51.  
11. In clause (i) of the proviso to Sub-section (1) of Section 51 of the Principal Act, after the words "If the" the word "Commissioner," shall be inserted.

Repeal and  
Savings.  
12. The Chhattisgarh Land Revenue Code (Amendment) Ordinance, 2008 (No. 1 of 2008), is hereby repealed.

Provided that the repeal shall not affect the previous operation of the Ordinance so repealed as if this Act had not been passed.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 174 ]
रायपुर, नूथवार, दिनांक 11 मई 2011—वैशाख 21, शक 1933

विधि और विधायी कार्य विभाग
पंजाब, दाक कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 11 मई 2011

क्रमांक 3379/डे. 119/21—वै.प्रा./ख. ग./11.—छत्तीसगढ़ विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 03-05-2011 को राज्यपाल की अनुममत प्राप्त हो चुकी है, एतद्वरुप सर्वसाधारण को जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशदाता,
डी. पी. रायकर, उप-सचिव.
छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2011

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (कार्यक्रम 20 सन् 1959) में और संशोधन कार्य हेतु अधिनियम.

भारत गणराज्य के बादशाही वर्ष में छत्तीसगढ़ विधान मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

अधिनियम नाम तथा प्रारंभ । 1. (1) यह अधिनियम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2011 कहलाएँगा।

(2) ये राजस्थान में इसके प्रकाशन की कवीर्षे से प्रवुष समेत होगा।

खाता 59 का संशोधन। 2. (1) छत्तीसगढ़ भू-राजस्व संहिता, 1959 (कार्यक्रम 20 सन् 1959) (जो इसमें इसके पश्चात, पूरे अधिनियम के रूप में निर्दिष्ट है), को खाता 59 की उपाधि (1) के खण्ड (क) के पश्चात, निम्नलिखित खण्ड अन्वेषणित किए जाएँ। अन्वेषण :-

“(ब), (छ) तथा (ज)।”

(2) खाता 59 की उपाधि (1) के खण्ड (क) के पश्चात, निम्नलिखित खण्ड अन्वेषणित किए जाएँ, अन्वेषण :-

“(ब) आचारीय कालेनी/परिवेशन,
(छ) संबंधित/संशोधन प्रबंधन,
(ज) विभिन्न पुस्तिका केन्द्र।”

(3) खाता 59 की उपाधि (2) के पश्चात के पश्चात, निम्नलिखित पश्चात अन्वेषणित किया जाएँ, अन्वेषण :-

“पश्चात् यह और कि तथा राज्यपाल विकास अन्वेषण की धूर्प को ध्वंस के व्यापक हेतु पुनः निर्धारण से चूत होगी।”

(4) मूल अधिनियम की खाता 59 की उपाधि (5) में सब “उपचार अपवादक” के स्थान पर, सब्ज “स्थान अपवादक” प्रतिस्थापित किया जाएँ।

खाता 172 का संशोधन। 3. (1) मूल अधिनियम की खाता 172 में, जहां कहीं तथा “उपचार अपवादक” आया हो, के स्थान पर, सब्ज “स्थान अपवादक” प्रतिस्थापित किया जाएँ।

(2) मूल अधिनियम की खाता 172 की उपाधि (4) में, सब्ज “दो सी रुपये” के स्थान पर, सब्ज “एक हजार रुपये” प्रतिस्थापित किया जाएँ।

(3) मूल अधिनियम की खाता 172 की उपाधि (5) में, सब्ज “दो सी रुपये” तथा “बीस रुपये” के स्थान पर, सब्ज “एक हजार रुपये” तथा “एक सी रुपये” प्रतिस्थापित किए जाएँ।

(4) मूल अधिनियम की खाता 172 की उपाधि (6-क) में, सब्ज “एक सी रुपये” के स्थान पर, सब्ज “पांच सी रुपये” प्रतिस्थापित किया जाएँ।

खाता 171 का संशोधन। 4. मूल अधिनियम की खाता 171 की उपाधि (4) में, सब्ज “पच्चीस हजार रुपये” के स्थान पर, सब्ज “पच्चीस हजार रुपये” प्रतिस्थापित किया जाएँ।
5. मूल अधिनियम की धारा 247 को उपधारा (7) के परावर्तक में, जहां कहीं सब्द “एक हजार रुपये” आया हो, के स्थान पर, सब्द “पच्छीस हजार रुपये” प्रतिस्थापित किया जाए।

6. (1) मूल अधिनियम की धारा 248 की उपधारा (1) में, सब्द “पंच हजार रुपये” तथा “बीस हजार” के स्थान पर, सब्द “पच्छीस हजार रुपये” तथा “दो सौ रुपये” प्रतिस्थापित किए जाएँ।

(2) मूल अधिनियम की धारा 248 की उपधारा (2) में, सब्द “एक हजार पंच हजार रुपये” के स्थान पर, सब्द “दस हजार रुपये” प्रतिस्थापित किया जाएँ।

7. (1) मूल अधिनियम की धारा 250 की उपधारा (6) में, सब्द “दो सौ पच्छीस हजार रुपये” के स्थान पर, सब्द “एक हजार रुपये” प्रतिस्थापित किया जाएँ।

(2) मूल अधिनियम की धारा 250 की उपधारा (9) में, सब्द “पंच हजार रुपये” के स्थान पर, सब्द “सत्रह हजार रुपये” प्रतिस्थापित किया जाएँ।

8. मूल अधिनियम की धारा 253 की उपधारा (1) में, सब्द “एक हजार रुपये” के स्थान पर, सब्द “पच्छीस हजार रुपये” प्रतिस्थापित किया जाएँ।

राजपूर, दिनांक 11 मई 2011

क्रमध्य 3379/डी. 119/21-4/आ. 8/11. - भारत के संविधान के अनुसार 348 के खंड (3) के अनुसार में छत्तीसगढ़ पुलिस रोजगार संस्था (संस्थांतर) अधिनियम, 2011 (क्रमध्य 14 सन् 2011) का अंतर्गत अनुपाल राज्यपाल के प्राधिकार में एकदम अपेक्षाकृत दिया जाता है।

छत्तीसगढ़ के राज्यपाल द्वारा नवम्बर वार्षिक अन्तर्गत

डी. ची. प्रसाद, उ.च. सारकार.
CHHATTISGARH ACT
(No. 14 of 2011)

THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2011

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-second year of the Republic of India, as follows:—

Short title and Commencement.

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2011.

(2) It shall come into force from the date of its publication in the Official Gazette.

Amendment of Section 59.

2. (1) After clause (e) of sub-section (1) of Section 59 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act), the following clauses shall be inserted, namely:

“(f), (g) and (h).”

(2) After clause (e) of sub-section (1) of Section 59, the following clauses shall be inserted, namely:

“(f) Residential Colony/Project;
(g) Public/Institutional Purpose;
(h) Medical Facilities Center.”

(3) After proviso to sub-section (2) of Section 59 the following proviso shall be inserted, namely:

“Provided further that the Naya Raipur Development Authority shall be exempted from re-assessment for the diversion of land.”

(4) In sub-section (5) of Section 59 of the Principal Act, for the words “Sub-Divisional Officer” the words “Competent Authority” shall be substituted.

Amendment of Section 172.

3. (1) In Section 172 of the Principal Act, for the words “Sub-Divisional Officer” wherever they occur the words “Competent Authority” shall be substituted.

(2) In sub-section (4) of Section 172 of the Principal Act, for the words “two hundred rupees” the words “one thousand rupees” shall be substituted.

(3) In sub-section (5) of Section 172 of the Principal Act, for the words “two hundred rupees” and “twenty rupees” the words “one thousand rupees” and “one hundred rupees” shall be substituted.

(4) In sub-section (6-a) of Section 172 of the Principal Act, for the words “one hundred rupees” the words “five hundred rupees” shall be substituted.

Amendment of Section 241.

4. In sub-section (4) of Section 241 of the Principal Act, for the words “five thousand rupees” the words “twenty five thousand rupees” shall be substituted.

Amendment of Section 247.

5. In proviso to sub-section (7) of Section 247 of the Principal Act, for the words “one thousand rupees” wherever they occur the words “twenty five thousand rupees” shall be substituted.

Amendment of Section 248.

6. (1) In sub-section (1) of Section 248 of the Principal Act, for the words “five thousand rupees” and “twenty rupees” the words “twenty five thousand rupees” and “two hundred rupees” shall be substituted.
(2) In sub-section (2) of Section 248 of the Principal Act, for the words "one thousand five hundred rupees" the words "ten thousand rupees" shall be substituted.

7. (1) In sub-section (6) of Section 250 of the Principal Act, for the words "two hundred fifty rupees" the words "one thousand rupees" shall be substituted.

(2) In sub-section (9) of Section 250 of the Principal Act, for the words "five thousand rupees" the words "ten thousand rupees" shall be substituted.

(3) In proviso to sub-section (9) of Section 250 of the Principal Act, for the words "one thousand five hundred rupees" the words "five thousand rupees" shall be substituted.

(4) In sub-section (4) of Section 250-B of the Principal Act, for the words "one hundred rupees" the words "five hundred rupees" shall be substituted.

8. In sub-section (1) of Section 253 of the Principal Act, for the words "one thousand rupees" the words "twenty five thousand rupees" shall be substituted.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 8 ]
रायपुर, सोमवार, दिनांक 16 जनवरी 2012—पृष्ठ 26, शह 1933

विधि और विधायी कार्य विभाग
मंत्रालय, दाक कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 17 जनवरी 2012

क्रमांक 314/दी. 16/21—3USL/ब. ग. /12—छत्तीसगढ़ विभाग सरकार का सिन्हासनीक्षित अभिनयय पियर दिनांक 09-01-2012 को राजपत्र का अनुरोधि प्राप्त हो चुकी है, एवं उससे स्वस्थानीकरण की जानकारी के लिए प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशपत्र,
मे. पुल. सरायाथी, अतिरिक्त शंभव.
छत्तीसगढ़ भू-राजस्व संस्थिता (संशोधन) अधिनियम, 2011

छत्तीसगढ़ भू-राजस्व संस्थिता, 1959 (क्रमांक 20 रज. 1959) में और संशोधन करने हेतु अधिनियम।

भारत संविधान के बास्तर्व वां में छत्तीसगढ़ विधान परिषद द्वारा नियमालिकार रूप में यह अधिनियमशिक्षा हो जाता है:---

विशेष नाम तथा प्रारंभ: 1. (1) यह अधिनियम छत्तीसगढ़ भू-राजस्व संस्थिता (संशोधन) अधिनियम, 2011 कहलाएगा।

(2) यह राजस्व में इसके प्रकाश की तरीका से प्रतिष्ठा होगा।

वारा 237 का संशोधन: 2. (1) छत्तीसगढ़ भू-राजस्व संस्थिता, 1959 (क्रमांक 20 रज. 1959) (जो इसमें इसके पहले मूल अधिनियम के रूप में निर्दिष्ट है), को वारा 237 को उपाध्या (2) का लोप किया जा रहा, बालाएँ:---

(2) मूल अधिनियम की धारा 237 को उप-धारा (3) के रूप में नियमालिकार प्रतिष्ठापित किया जाए, अवश्यक:---

(3) इस संस्थिता के अंतर्गत कानून गाल निर्माण के अध्यक्ष द्वारा (3) के खंड (३) में संशोधित भूमि को उस्तिकित रूप में पक्का उप-धारा (१) के खंड (२) में संशोधित उस प्रमाण को मूल भूमि के न्यूनतम दो प्रतिवर्त के अन्य संपत्ति की भूमि को अन्य प्रेमियों के कारण, जन भूमि, आन्तरिक, तलक निर्माण, नल, तलाब, अस्वास्थ, शाळा, कागज, मिलिटर केंद्र, गाँव, पहाड़ी (कुल्लू) द्वारा पिटरों का अखंड या अन्य किसी सार्वजनिक उपयोग की परियोजनाओं जैसा कि राज्य सरकार द्वारा अपनाया जा रहा, के लिए व्यवस्थित कर सकेगा।

(3) मूल अधिनियम की धारा 237 को उप-धारा (३) के पहले मूल अधिनियम का लोप जोडा, अवश्यक:---

(4) जब उप-धारा (१) में उल्लिखित प्रेमियों के लिए पक्का रखी गई भूमि का व्यवस्था, राज्य सरकार की अत्याचार राज्य सरकार द्वारा अनुपालित परियोजनाओं के लिए अवधारणा के लिए जारी हो, जिन्हें जो उप-धारा (३) में संशोधित यह है, तब कलेक्टर, रज्य को संतुष्ट कर लेने के मार्गत ये निर्देशों अधिकारों की पूर्ण हेतु समन्वय का जैसा कि कैडेट भूमि उल्लेख दर्ज कर दी गई है, भूमि के इसे प्रेमियों के लिए व्यवस्था का अवधारणा या उद्योग खाता चाहिये कर सकेगा।

राजपुर, दिनांक 17 जनवरी 2012

ज्योति 314/0.1, 16/21-31/प्र, 24, न/12.—भारत के संविधान के अनुसार 348 के खंड (३) के अनुसार में छत्तीसगढ़ भू-राजस्व संस्थिता (संशोधन) अधिनियम, 2011 (क्रमांक 4 रज. 2012) का अंशों में अनुवाद राजस्वाले के प्रभाव से एकत्रित प्रकाशित किया जाता है॥

छत्तीसगढ़ राजस्वाले के नाम से तथा आदेशातुरुपः के, ऐश. चारमणी, अतिशार सचिव।
CHHATTISGARH ACT
(No. 4 of 2012)

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2011

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-second Year of the Republic of India, as follows:

1. This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2011.

2. It shall come into force from the date of its publication in the Official Gazette.

Sub-section (2) of Section 237 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the Principal Act), shall be omitted.

For sub-section (3) of Section 237 of the Principal Act, the following shall be substituted, namely:

"(3) Subject to the rules made under this Code, the Collector after seeming the land mentioned in clause (b) or sub-section (1) to minimum two percent of the total agriculture land of that village, may divert such excess land as mentioned in clause (b) of sub-section (1) into any other purposes as agriculture, abadi, construction of roads, canals, tanks, hospitals, schools, colleges, power station, gushals, excavation of clay by potters (kumhars) or any other public utility projects as may be determined, by the State Government."

After sub-section (3) of Section 237 of the Principal Act, the following shall be added, namely:

"(4) When it becomes indispensable to divert the land set apart for the purposes mentioned in sub-section (1) for such projects which are owned or approved by the State Government, but not covered under sub-section (3), the Collector, after satisfying himself that alternative land of equivalent area has been made available for fulfilling the same Nistar Rights, may divert the land for such purposes by passing a reasoned order to this effect."
छत्तीसगढ़ राजपत्र
(असाधारण)
प्रधिकार से प्रकाशित

क्रमांक 8 ]
रायपुर, सोमवार, दिनांक 16 जनवरी 2012—पृष्ठ 26, वर्ष 1933

विधि और विधायी कार्य विभाग
मंत्रालय, राजकल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 17 जनवरी 2012

क्रमांक 314/डी, 16/21—3USL/ब. ६०/12.—छत्तीसगढ़ विधान सभा का समन्वित अधिनियम विलेप पर दिनांक 09-01-2012 को राज्यपाल की अनुमति प्राप्त हो चुकी है, एवं उसका सन्यासाधन को जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशपत्रा,
के. एव. चरणांकी, अतिरिक्त शब्दांक.
छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2011

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (कर्मचारी 20 सन् 1959) में और संशोधन करने हेतु अधिनियम.

भारत मुखराज जैसे वर्ष में छत्तीसगढ़ विधान परिषद द्वारा निम्नलिखित रूप में यह अधिनियमविनिर्देश होना चाहिए—

विशेष नाम तथा प्रारंभ:
1. (1) यह अधिनियम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2011 कहलाएगा।

2. (2) यह राजपत्र में इसके प्रकाशन की चर्चा से पहले होगा।

पाठ 237 का संशोधन:
2. (1) छत्तीसगढ़ भू-राजस्व संहिता, 1959 (कर्मचारी 20 सन् 1959) (जो इसमें इसके पहलाई मूल अधिनियम के रूप में विनिर्देश है), को पाठ 237 की उपाधि (2) का लोप किया जाए।

2. (2) मूल अधिनियम को पाठ 237 की उप-थाया (3) के स्थान पर निम्नलिखित प्रतिविद्यमान किया जाए, अर्थात् —

"(3) इस संहिता के अंतर्गत बनाए गये नियमों के अर्थातीन (हटते हुए), कलेक्टर उप-थाया (1) के खंड (3) में उल्लिखित भूमि को सुरक्षित रखने के परम्परा उप-थाया (1) के खंड (3) में वर्णित उस प्राम की पूल कृषि गृहिणी के न्यूनतम दो प्रतिपादक के अधिकार की भूमि की अधि प्रवेशनी के लिए, यथा कृषि, उद्यान, तहस, निर्माण, नहर, तलाश, अधि वास, शास्त्र, कॉलेज, विपुल केंद्र, गैरस्थान, पत्रकार (फुकुर्तडर) द्वारा पिटची का उशालाल व अन्य फ्लो राष्ट्रीय उपयोग को पारंपरिकताओं में ऐतिहासिक सम्बंध द्वारा अन्वेषित किया जाए, लिए व्यक्ति का संबंध राज्य समेत कर सकेगा।"

(3) मूल अधिनियम की धारा 237 की उप-थाया (3) के परम्परा निम्नलिखित जोड़ा जाए, अर्थात् —

"(4) अब उप-थाया (1) में उल्लिखित प्रवेशनी के लिए पूरक रूप में भूमि का स्वायत्त, राज्य शासन की अधि राज्य शासन द्वारा अनुमतिदाय परिक्रमाओं के लिए अधि विराजमान हो जाए, विनियम को पाठ 237 द्वारा मान्यता देता है, तब कलेक्टर, स्वायत्त कर लेने के अनुसार ऐसे प्रवेशनी अधिकार की पूर्व हेतु समान को वैकल्पिक भूमि उपमय कर यह गई है, भूमि के ऐसे प्रवेशनी के लिए व्यक्ति का युक्ति-पूर्व आदेश चर्चा कर सकेगा।"

राजपत्र, दिनांक 17 जनवरी 2012

कर्मचारी 374/वि., 16/21—31/प्र.24, ग.12—राष्ट्र के संशोधन के अनुसार का 48 के मूल अधिनियम भू-राजस्व संहिता (संशोधन) अधिनियम, 2011 (कर्मचारी 4 सन् 2012) का अंग्रेजी अनुवाद राष्ट्रपति के प्रभाव में एक्टकृत किया जाता है।

छत्तीसगढ़ के राष्ट्रपति के नाम से तथा आदेशस्वरूप,

प्रव. भूमि का, अधिकार संचय।
CHHATTISGARH ACT
(No. 4 of 2012)

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2011

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-second Year of the Republic of India, as follows:—

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2011.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. (1) Sub-section (2) of Section 237 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the Principal Act), shall be omitted.

(2) For sub-section (1) of Section 237 of the Principal Act, the following shall be substituted, namely:

"(3) Subject to the rules made under this Code, the Collector after seeming the land mentioned in clause (b) or sub-section (1) to minimum two percent of the total agriculture land of that village, may divert such excess land as mentioned in clause (b) of sub-section (1) into any other purposes as agriculture, abadi, construction of roads, canals, tanks, hospitals, schools, colleges, power station, gausbalas, excavation of clay by potters (kumhars) or any other public utility projects as may be determined by the State Government."

After sub-section (3) of Section 237 of the Principal Act, the following shall be added, namely:

"(4) When it becomes indispensable to divert the land set apart for the purposes mentioned in sub-section (1) for such projects which are owned or approved by the State Government, but not covered under sub-section (3), the Collector, after satisfying himself that alternative land of equivalent area has been made available for fulfilling the same Nistar Rights, may divert the land for such purposes by passing a reasoned order to this effect."
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

रायपुर, 4 मई 2012

न्यायिकी और विधायी कार्य विभाग
मंत्रालय, दांत फल्क्षण सिंह भवन, रायपुर

रायपुर, दिनांक 4 मई 2012

क्रमांक 3717/डी. 130/21-अ/प्रकृति/अ.7./12.—छत्तीसगढ़ विधान सभा का निर्मिति प्रिपार अधिनियम जिस पर रायपुर 16-04-2012 को राज्यपाल की अनुमति प्राप्त हो पुका है, एवं इसके अनुसार राज्यपाल की जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
के. एल. चरणानन्द, अधिरक सचिव.
छत्तीसगढ़ अधिनियम (क्रमांक 13 सन् 2012)

छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2012

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959) को और संशोधित करने हेतु अधिनियम

भारत गणराज्य के स्वतंत्र वर्ष में छत्तीसगढ़ विधान मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित है :—

संशिक्षण नाम तथा प्रारंभ ।
1. (1) यह अधिनियम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2012 कहलायेगा।

(2) यह राजभवन में इसके प्रकाशन को तारीख से प्रगत होगा।

धारा 59 का संशोधन।
2. छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959) (जो इसमें इसके परावर्ती मूल अधिनियम के रूप में निर्दिष्ट है) को धारा 59 की उप-धारा (2) के द्वितीय परावर्ती के स्थान पर, निम्नलिखित परावर्ती प्रतिस्थापित किया जाए, अर्थात् :—

"परन्तु यह और इस संहिता को अनुसूची-४ में निर्दिष्ट किये अनुपाद धारा 59 को उप-धारा (1) के खण्ड (B) के प्रणयन के लिए एवं शासन द्वारा स्पष्टीकृत प्राधिकरण अथवा निर्माण निकाय द्वारा निर्माणित पृष्ठभूमि को अवस्थान हेतु पुनः निर्धारित के लिए दो जांचकी जाएगी।"

3. मूल अधिनियम की अनुसूची-४ के परावर्ती निर्माणित अनुसूची-४ जोड़ी जाए, अर्थात् :—

"अनुसूची-४
[ देखिये धारा 59(2) ]

<table>
<thead>
<tr>
<th>सं. क्र.</th>
<th>प्राधिकरण का नाम/निर्माणित निकाय</th>
<th>सं. क्र.</th>
<th>योजना का नाम</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>अ</td>
<td>नया रामपुर विकास प्राधिकरण</td>
<td>1</td>
<td>नया रामपुर</td>
</tr>
<tr>
<td>ब</td>
<td>रामपुर विकास प्राधिकरण</td>
<td>1</td>
<td>कमल विहार इंटरप्रेटेड टाउनशिप योजना।</td>
</tr>
<tr>
<td>ग</td>
<td>छत्तीसगढ़ गृह निर्माण मण्डल</td>
<td>1</td>
<td>अटल विहार योजना।</td>
</tr>
</tbody>
</table>

रामपुर, दिनांक 4 मई 2012

उपर्युक्त अधिनियम के अनुसार छत्तीसगढ़ के राज्यवास के नाम से तथा आदेशानुसार, भवन, वंशाधीकृत, अधिकार संचित।
CHHATTISGARH ACT
(No. 13 of 2012)

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2012

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-third Year of the Republic of India, as follows:—

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2012.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. For second proviso of sub-section (2) of Section 59 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act), the following proviso shall be substituted, namely:—

Provided further that the land developed by an authority or body corporate established by State Government for the purpose of clause (f) of sub-section (1) of Section 59 as specified in Schedule-IV of this Code, shall be exempted from re-assessment for the diversion of land.

3. After Schedule-III of the Principal Act, the following Schedule-IV shall be added, namely:—

"SCHEDULE-IV
[ See Section 59 (2) ]

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Authority/Corporate Body</th>
<th>S. No.</th>
<th>Name of Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>A.</td>
<td>Naya Raipur Development Authority</td>
<td>B.</td>
<td>Raipur Development Authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.</td>
<td>Atal Vihar Planning.&quot;</td>
</tr>
</tbody>
</table>

Short title and commencement.
Amendment of Section 59.

छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमक: 41
रायपुर, शुक्रवार, जिनव 4 जनवरी 2013—पाँच 14, राष्ट्र 1934

विधि और विधायी कार्य विभाग
पंजाब, महानदी भवन, नवो रायपुर

रायपुर, दिनाक 4 जनवरी 2013.

क्रमक 117/प्रो. 4/21--स्वास्थ्य/अ. प. 7/13—छत्तीसगढ़ विधान सभा का नियुक्तिकृत अधिनियम विभाग पर दिनाक 27-12-2012 को राष्ट्रपति ने अनुमति दान की बुकी है, यहथा सर्वसाधारण को जानकारी के लिए प्रकाशित किया जाता है।
छत्तीसगढ़ अधिनियम
(क्रमांक 1 सन् 2013)

छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2012

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959) को और संशोधित करने हेतु अधिनियम,

भारत गणराज्य के तिरस्करण वर्ष में छत्तीसगढ़ विधान-परिषद् द्वारा निर्णयलिखित रूप में यह अधिनियमित हो :-

1. यह अधिनियम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2012 कहलायेगा।

2. यह राज्य में इसके प्रकाशन की तारीख से प्रविष्ट होगा।

भाग 237 का संशोधन.

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्र. 20 सन् 1959) को शाखा 237 की उप-शाखा (3) में, शाखा 'वाणिज्य कृषि, आयादि, सड़क निर्माण, नहर, तालाब, अस्पताल, शाला, कोलेज, विद्युत केन्द्र, गैसिस्ट, बंदरगाह भौगोलिक व्यवस्थाएँ, क्रांति, आदि द्वारा उसका प्रमाणित करना गणितीय अथवा अन्य सार्वजनिक उपयोगों की निवेशित संस्थानों में सबकुछ कृषि, आयादि, आयुर्विज्ञानीय परिक्रमाएं, सहक निर्माण, नहर, तालाब, अस्पताल, विद्युत केन्द्र, शाला, कोलेज, विद्युत राज्य, तालाब, बंदरगाह द्वारा उसका उपयोग करने के अंतर्गत, 'वाणिज्य कृषि, आयादि, आयुर्विज्ञानीय परिक्रमाएं, सहक निर्माण, नहर, तालाब, अस्पताल, विद्युत केन्द्र, शाला, कोलेज, विद्युत राज्य, तालाब, बंदरगाह' विभागों द्वारा उसका उपयोग करने के अंतर्गत, गैसिस्ट या किसी अन्य सार्वजनिक उपयोग को पूर्व-विषयक अंतर्गत अथवा अन्य सार्वजनिक उपयोग की पूर्व-विषयक अंतर्गत जैसा कि राज्य समझन द्वारा अवधारित किया जाएगा के स्वरूप पर संयुक्त 'वाणिज्य कृषि, आयादि, आयुर्विज्ञानीय परिक्रमाएं, सहक निर्माण, नहर, तालाब, अस्पताल, विद्युत केन्द्र, शाला, कोलेज, विद्युत राज्य, तालाब, बंदरगाह' द्वारा उसका उपयोग करने के अंतर्गत, गैसिस्ट या किसी अन्य सार्वजनिक उपयोग की पूर्व-विषयक अंतर्गत अथवा अन्य सार्वजनिक उपयोग की पूर्व-विषयक अंतर्गत जैसा कि राज्य समझन द्वारा अवधारित किया जाएगा' प्रतिस्थापित किए जाएगे।

लखनऊ, दिनांक 4 जनवरी 2015
CHHATTISGARH ACT
(No. 1 of 2013)

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2012

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-third Year of the Republic of India, as follows—

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2012.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. In sub-section (3) of Section 237 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) for the words “as agriculture, abadi, construction of roads, canals, tanks, hospitals, schools, colleges, power station, gaushalas, excavation of clay by potters (kumhars) or any other public utility projects as may be determined by the State Government”, the words “as agriculture, abadi, residential projects, construction of roads, canals, tanks, hospitals, schools, colleges, Government offices, public godowns, power system, gaushalas, excavation of clay by potters, minor minerals or any other public utility projects as may be determined by the State Government.” shall be substituted.
फलीसागर शासन
भारतीय अपना प्रथम विभाग
नवाबदी भवन, मंदिरलाल, नगर रायपुर

कमांड एक 4-45 । साल- 2/2006

नवपुर, डिसेम्बर 12/3/2013

जवाब कारकर,
फलीसागर

विवेक–
रीति वारिका वर्ष 817 / 2006 एवं राजस्थान एवं अमृत सिंह फलीसागर शासन में निर्धारित डिसेबर 5.11.2012 के संग्रहालय नामक।

उपन्यास–
उस विभाग का ज्ञान कमांड 1372 / एक 4-15 / साल- 2006 नवपुर, डिसेम्बर 21.7.2006

संबंधित राय का कृपया अदेशालाप करने का जवाब करें। फलीसागर भू-राजस्थान सहित (राजस्थान) अधिनियम, 2005(क) 8 नवंबर 2005) के विभागालय पर नामांक उच्च न्यायालय विलासपुर के समक्ष द्वारा रिट पटरिका कमांड 817/2006 द्वारा डिसेम्बर 9.5.2006 को तथा अनुसंधान निर्देश करने हेतु तैयारित किया गया था। यहां पश्चिम नामांक उच्च न्यायालय विलासपुर द्वारा डिसेम्बर 5.11.2012 को उक्त रिट पटरिका निर्देश की जा चुकी है तथा स्थान आदेश भी समाप्त हो चुका है जिसकी सलाह सख्त है।

2– अन्य आदेशपुस्तक से यह है कि फलीसागर भू-राजस्थान सहित (राजस्थान) अधिनियम, 2005(क) 8 नवंबर 2005) के प्राधिकारिक उच्च न्यायालय विलासपुर के समक्ष द्वारा रिट पटरिका कमांड 817/2006 द्वारा डिसेम्बर 9.5.2006 को तथा अनुसंधान निर्देश करने हेतु तैयारित किया गया था। यहां पश्चिम नामांक उच्च न्यायालय विलासपुर द्वारा डिसेम्बर 5.11.2012 को उक्त रिट पटरिका निर्देश की जा चुकी है तथा स्थान आदेश भी समाप्त हो चुका है।

3– अन्य आदेशपुस्तक से यह है कि फलीसागर भू-राजस्थान सहित (राजस्थान) अधिनियम, 2005(क) 8 नवंबर 2005) के प्राधिकारिक उच्च न्यायालय विलासपुर के समक्ष द्वारा रिट पटरिका कमांड 817/2006 द्वारा डिसेम्बर 9.5.2006 को तथा अनुसंधान निर्देश करने हेतु तैयारित किया गया था। यहां पश्चिम नामांक उच्च न्यायालय विलासपुर द्वारा डिसेम्बर 5.11.2012 को उक्त रिट पटरिका निर्देश की जा चुकी है तथा स्थान आदेश भी समाप्त हो चुका है।

(पी विधासचारी)
उप सचिव
फलीसागर शासन,
भारतीय अपना प्रथम विभाग

नवपुर, डिसेम्बर 12/3/2013

विवेक–
1– विविध स्थितियों में जैसे 2008-2009 राजस्थान एवं अमृत सिंह कमांड, 2006 में सत्तानिर्मा, नामांक
2– अन्य विविध स्थितियों में फलीसागर, नवाबदी भवन,
3– अन्य विविध स्थितियों में फलीसागर, राजस्थान बैंक, नवाबदी भवन,
4– अन्य विविध स्थितियों में फलीसागर, रायपुर शिविर, नवाबदी भवन,
5– अन्य विविध स्थितियों में फलीसागर, नवपुर, नवाबदी भवन,
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

विधि और विधायी कार्य विभाग
मंजालय, महानदी भवन, नवा रायपुर

रायपुर, दिनांक 19 अगस्त 2013

क्रमांक 7881/डी, 254/21-अ/प्रा०/ढ़. ग/13,—छत्तीसगढ़ विधान सभा का निर्मलिखित अधिनियम जिस पर दिनांक 16-08-2013 को राज्यपाल की अनुमति प्राप्त हो चुकी है, एवं इसके सर्वाधिकार की जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुधीर मांत्र, अतिरिक्त मांचव.
छत्तीसगढ़ आधिनियम (क्रमांक 32 सन् 2013)

छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) आधिनियम, 2013

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959) में और संशोधन करने हेतु आधिनियम.

भारत गणराज्य के चौथे वर्ष में छत्तीसगढ़ विधान मण्डल द्वारा निर्माणित रूप में यह आधिनियमांकन हो सकता है।

अभ्याय एक प्रारंभिक

1. (1) यह आधिनियम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) आधिनियम, 2013 कहलाएगा।

(2) यह राजस्थान में इसके प्रभाव को तारीख से प्रभावित होगा।

पालन 2 का संशोधन: 2. छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959), (आंशिक रूप से इसके पश्चात मूल आधिनियम के रूप में निर्देश है) की धारा 2 की उप-धारा (1) के खंड (ए) के पश्चात, निम्नलिखित अन्त:स्थापित किया जाए, अवशेषः

"(ए-क) "जहां निर्देश है, भारतीय स्वरूप आधिनियम, 1899 (1899 का सं. 2) के अभिनन्दन करने गए छत्तीसगढ़ भू-राजस्व आयुक्त की रूप में इसका पुरोहित निर्माण, 2000 के अभिनन्दन कलेक्टर द्वारा जारी किये गए दिशानिरीक्षक के असुरक्षा निर्धारित भूमि का मुद्रण।"

पालन 30 का संशोधन: 3. मूल आधिनियम की धारा 30 की उप-धारा (1) में, शब्द "तहसीलदार" का लोप किया जाये।

पालन 34 का संशोधन: 4. मूल आधिनियम की धारा 34 के खंड (ग) में, शब्द "पत्रांक" के स्थान पर, शब्द "एक हजार" प्रतिस्थापित किया जाये।

पालन 35 का संशोधन: 5. मूल आधिनियम की धारा 35 की उप-धारा (3) में, शब्द "आवेदन" के स्थान पर, शब्द "राष्ट्रपति सहित आवेदन" प्रतिस्थापित किया जाये।

पालन 36 का संशोधन: 6. (1) मूल आधिनियम की धारा 36 की उप-धारा (1) में, पूर्ण विराम चिन्ह ""।"" के स्थान पर, कोलन चिन्ह ""।"" प्रतिस्थापित किया जाये।

(2) मूल आधिनियम की धारा 36 की उप-धारा (1) में, निम्नलिखित अन्त:स्थापित किया जाये, अवशेषः

"पर्याप्त प्राप्त पत्र को, कार्यालयों के दौरान अधिकारियों की स्थान पर दी जाने वाली और प्राप्त पत्र के संबंध में दिने वाले पत्र के संबंध में दिने वाले पत्र के संबंध में दिने वाले वर्तमान दिने वाले।"

पालन 46 का संशोधन: 7. मूल आधिनियम की धारा 46 के खंड (क) में, शब्द, अंक तथा विचार "इंडियन लिमिटेड एक्सट, 1908 (1908 का संशोधन 9)" के स्थान पर, शब्द, अंक तथा विचार "परिसोमा आधिनियम, 1963 (1963 का सं. 36)।" प्रतिस्थापित किया जाये।

पालन 52 का संशोधन: 8. (1) मूल आधिनियम की धारा 52 की उप-धारा (2) में, पूर्ण विराम चिन्ह ""।"" के स्थान पर, कोलन चिन्ह ""।"" प्रतिस्थापित किया जाये।
(2) मुख अधिनियम को धारा 52 को उप-धारा (2) में, निम्नलिखित अन्तःस्थापित किया जाये —

“परतु आदेश का नियामक, एक बार में, तीन मह हो से अधिक या अगली सुनवाई की कार्रवाई, जो भी पहले हो, तक ने लिए ग्राहक नहीं किया जायेगा।”

(3) मुख अधिनियम को धारा 52 को उप-धारा (3) में, पूर्व विवाद चिन्ह “३” के समान पर, कोमान चिन्ह “५” प्रस्तुतिगत किया जाये।

(4) मुख अधिनियम को धारा 52 को उप-धारा (3) में, निम्नलिखित अन्तःस्थापित किया जाये —

“परतु आदेश का नियामक, एक बार में, तीन मह से अधिक या अगली सुनवाई की कार्रवाई, जो भी पहले हो, तक ने लिए ग्राहक नहीं किया जायेगा।”

मुख अधिनियम को धारा 74 के समान अवस्था, अंक तथा चिन्ह “डीप्लेयर नियंत्रण स्थापन २००९ (२००९ का संविधान ५)” हो और “पूर्ववादन” के समान पर, उद्धव: श्रेय, अंक तथा चिन्ह “अधिनियम अधिनियम, २००९ (२००९ का अधिनियम ५) और नियंत्रण पर पूर्ववादन” प्रस्तुतिगत किया जाये।

मुख अधिनियम को धारा 52 को उप-धारा (3) तथा (4) का लोप किया जाये।

मुख अधिनियम को धारा 59 को उप-धारा (2-क) में, शब्द “उपलब्ध अधिकारी” के स्थान पर, शब्द “सम्मत प्राधिकारी” प्रस्तुतिगत किया जाये।

मुख अधिनियम को धारा 78 का लोप किया जाये।

मुख अधिनियम को धारा 81 को उप-धारा (4) के समान पर, निम्नलिखित अन्तःस्थापित किया जाये —

“(४) गैर कृति प्रथम से फिर उपलब्ध को जा रही भूमि का उद्धव नियंत्रण, धारा ५९ के अधीन बाधे गये नियमों के अनुसार नियंत्रण किया जायेगा।”

मुख अधिनियम को धारा 81 का उप-धारा (6) का लोप किया जाये।

मुख अधिनियम को धारा 87 का लोप किया जाये।

मुख अधिनियम को धारा 98 के स्थान पर, निम्नलिखित अन्तःस्थापित किया जाये, अर्थात् —

“३६: गैर कृति प्रथम से फिर उपलब्ध को जा रही भूमि का उद्धव नियंत्रण, धारा ५९ (५९) विधी में दिए गये सिद्धांतों और नियमों के अनुसार, संबंधित तथा नियंत्रण किया जायेगा और गैर-कृति प्रथम से फिर उपलब्ध को जा रही भूमि का उद्धव नियंत्रण, धारा ५९ के अधीन बाधे गये नियमों के अनुसार नियंत्रण किया जायेगा।”
भाषा 99 का मतभेदन
17. मूल अभिव्यक्ति की भाषा 99 का लोप किया जाये।

भाषा 100 का मतभेदन
18. मूल अभिव्यक्ति की भाषा 100 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अथवा।

"100. पुत्रोस्कन के समर उद्धरण निर्देशान्न का नियम किया गया है, जिसके निर्देशान्न पुत्रोस्कन के द्वीप पुरुष किया जा चुका था, यह निर्देशान्न जो कि इस प्रकार संगीतित किया गया है, कृति भूमि की दशा में, उस भू-राजस्थान या लगान के, जो पुत्रोस्कन के द्वीप पुरुष देख हो, द्वीप गुंगे से अभिव्यक्त होता है; तथा अन्य भूमियों की दशा में, उस भू-राजस्थान या लगान के, जो पुत्रोस्कन के द्वीप पुरुष देख हो, छ: गुंगे से अभिव्यक्त होता है, तो निर्देशान्न कृति भूमि की दशा में, ऐसे भू-राजस्थान या लगान के द्वीप गुंगे के हिसाब से तथा अन्य भूमियों की दशा में, ऐसे भू-राजस्थान या लगान के। छ: गुंगे के हिसाब से नियत किया जायेगा।

पारसे वहां कृति के प्रयोजन के लिए भाषित किसी खाने में उसके भाषक द्वारा या उसके भाषक के उपक्रम पर किसी भी सरस माई मूल निर्देश फिक्स किया गया हो, तो ऐसे भाषें का निर्देशान्न इस प्रकार नियत किया जायेगा मानी कि वह मूल नहीं किया गया था।"

भाषा 119 का मतभेदन
19. (1) मूल अभिव्यक्ति की भाषा 119 की उप भाषा (1) में, शब्द “चन्द्रीस्वर” के स्थान पर, शब्द “एक हजार” प्रतिस्थापित किया जाये।

(2) मूल अभिव्यक्ति की भाषा 119 की उप भाषा (1) के पश्चात्, निम्नलिखित अन्तर्निष्ठमापित किया जाये, अथवा।

"(1 के) भाषा 112 के अभिव्यक्ति किसे गया अनुसार, यदि रचनात्मक अन्तर्निष्ठमापित भाषा 110 के अभिव्यक्ति किसे गये नियामक के अभिव्यक्ति किसे मुहावरा एक गह होता नहीं देता है, तो उसलंगिक चंद्रीस्वर हजार के से अभिव्यक्ति अन्तर्निष्ठमापित का संकेत मानते, जो भू-राजस्थान के काम के रूप में वस्तुति योग्य होगा।"

भाषा 128 का मतभेदन
20. मूल अभिव्यक्ति की भाषा 128 के उप-भाषा (2) में, शब्द “एक सौ” के स्थान पर, शब्द “एक सौ रूपये” प्रतिस्थापित किया जाये।

भाषा 130 का मतभेदन
21. मूल अभिव्यक्ति की भाषा 130 में, शब्द “चन्द्रीस्वर” के स्थान पर, शब्द “चंद्री हजार” प्रतिस्थापित किया जाये।

भाषा 132 का मतभेदन
22. मूल अभिव्यक्ति की भाषा 132 में, शब्द “एक हजार” के स्थान पर, शब्द “इस हजार” प्रतिस्थापित किया जाये।

भाषा 133 का प्रतिस्थापन
23. मूल अभिव्यक्ति की भाषा 133 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अथवा।

"133. बादश का हटायिता जाना।— यदि किसी तहसीलदार की यह वशिता हो कि कोई बादश किसी ग्राम का किसी मानव बाधा सहकार, यथा या वर्तमान कृति भूमि के अवध उपयोग में अन्वय दासती है या जिससे किसी ऐसी दडिका या जल बलों में, जो भाषा 131 के अधीन किसी विविध नक्सल का नियम रहा है, अवशोष होने है, तो वह ऐसा शब्द के लिए उपर्युक्त के अवध हनाने का आदेश दें सकेगा और वह ऐसा बाधा उस आदेश का अनुपालन करेंगे मा विश्वास रहता है, तो वह इस बाधा का हटायिता करेंगे और उसके आदेश जाने का खरे ऐसी व्यवहार से शस्त्र कर सकेगा तथा ऐसा व्यवहार, तहसीलदार के ऐसे विवहार आदेश के अधीन, जिसमें मामले के तथ्यों और परिस्थितियों का काम किया गया हो, ऐसा शास्त्र के लिए दायी होगा, जो दस हजार रूपया तक का हो सकेगा।"

भाषा 143 का मतभेदन
24. मूल अभिव्यक्ति की भाषा 143 में, शब्द “रकम के” के स्थान पर, शब्द “रकम से” प्रतिस्थापित किया जाये और शब्द “इस प्रतिशिष्ट में” को स्थापित किया जाये।
25. मूल अधिनियम को धारा 165 की उप-धारा (4) के पराभव, निम्नलिखित अनुमयित किया जाये, अथवा —

“(4-क) (एक). उप-धारा (1) में अन्तर्विक्षित किसी व्यक्ति के होते हुए भी, कोई भूमिष्ठतावस्ती अपनी कृप्षि हेतु प्राप्त भूमि का अन्तरण ऐसे व्यक्ति को नहीं करेगा, जो वास्तवमधुःक कृप्षि नहीं है।

स्पष्टाक्षर—इस उप-धारा के प्रयोजन के लिए, "अन्तरण" की अधिवक्ता में, निम्नलिखित अनुमयित नहीं होगा, अथवा —

(क) उत्तराधिकार द्वारा अन्तरण;
(ख) विपक्ष वास्तव को वसिष्ट के द्वारा अन्तरण;
(ग) लोकान्तर में किया गया भू-अर्जन;
(घ) किसी भाषात्मक या पूर्व (नोटिस) प्रयोजन हेतु, न्याय, स्वाध्याय, सांस्कृतिक प्रयोजन, शैक्षणिक संस्थाओं को या उनके लिए अन्तरण;
(ड) राज्य सरकार और केंद्र सरकार के विभागों, कोटाइंडी, निगमों एवं बंदीपीठों को जो शासन के उपरांत है, अन्तरण;
(च) ऐसे व्यक्ति द्वारा क्रय का गई भूमि, जो लोकान्तर में किये गये भू-अर्जन के फलस्वरूप भूमि स्वरूप हो गये हों;
(छ) कलेक्टर का अनुमति से, ऐसे अन्य व्यक्तियों और ऐसे सीमा तक अन्तरण, जैसा कि राज्य सरकार द्वारा इस संबंध में विशिष्ट किया जाए।

(दो) राज्य सरकार, इस उप-धारा के उपयोग को किया जाने के लिए, अभीपुन्य द्वारा, निम्न रूप सक्षम।"

26. (1) मूल अधिनियम को धारा 172 की उप-धारा (1) के द्वितीय परंपरक के स्थान पर, निम्नलिखित प्रतिस्पर्धात्मक किया जाये, अथवा —

"यदि यह और कि यदि किसी ऐसी भूमि, जो विक्रास योजना में कृप्षि से भिन्न प्रयोजन के लिये आरामित की गई है किन्तु उसका उपयोग कृप्षि के लिए किया जाता है, का भूमिष्ठतावस्ती, अपनी भूमि या उसके किसी भाग को ऐसे प्रयोजनों, जिसके लिये वह भूमि विक्रास योजना में आरामित है, के लिए, अथवा ऐसी भूमि या उसका कोई भाग जिसका नियंत्रण अन्तरण हेतु किया गया है तथा जो विक्रास योजना के अंतरांत आने वाले क्षेत्र से भिन्न किसी क्षेत्र में स्थित है, औपचारिक प्रश्न के लिये व्यवस्थित करना चाहिये है, तो भूमिष्ठतावस्ती द्वारा अपने आशय की स्थान प्रार्थनारु को दी गई संख्याक जानकारी परिवर्तन होगी तथा ऐसे व्यवस्थित के लिए कोई अनुमति अपरिशिष्ट नहीं होगी।"

(2) मूल अधिनियम को धारा 172 की उप-धारा (6-क) का लोप किया जाये।

27. मूल अधिनियम को धारा 200 में, शब्द "दो सी" के स्थान पर, शब्द "दो हजारां" प्रतिस्पर्धात्मक किया जाये।

28. मूल अधिनियम को धारा 227 में, शब्द "बीस" के स्थान पर, शब्द "एक हजारां" प्रतिस्पर्धात्मक किया जाये।

29. (1) मूल अधिनियम को धारा 234 की उप-धारा (2) के स्थान पर, निम्नलिखित प्रतिस्पर्धात्मक किया जाये, अथवा —

“(2) निर्माता पक्ष का प्रस्ताव, प्रामाण्य में प्रकाशित किया जायेगा और प्रामाण्य रूप से किया जायेगा को विविध रूप से अधिनियम करने के पश्चात, उसे उप-उपरोक्त अधिकारों द्वारा एक अंतिम रूप दिया जायेगा।"

(2) मूल अधिनियम को धारा 234 की उप-धारा (3) के स्थान पर, निम्नलिखित प्रतिस्पर्धात्मक किया जाये, अथवा —

“(3) इस प्रकार अंतिम किये गये निर्माता पक्ष की एक प्रतिबन्ध, प्रामाण्यपत्र के कारणे में, रखी जायेगी।"
(3) मूल अधिनियम को धारा 234 की उप-धारा (3) के परिचालक निम्नलिखित जोड़ा जाये, अर्थात्—
“(4) ग्राम सभा को भैजूक में उपस्थित एवं मदद करने वाले दो विहार से अनुमूल संदर्भों
के बहुमत से चार्ज पासिया संकल्प पर, कोलेक्टर के पूर्व अनुमोदन से तथा ऐसी जांच
करने के परिचालक उप-खानड अधिकारी, निस्तर पटक में संस्करण कर सकेगा.”

धारा 257 का संशोधन 30. (1) मूल अधिनियम की धारा 257 में खानड (क) को खानड (क-1) के रूप में पढ़ा जाये.

(2) मूल अधिनियम की धारा 257 में, खानड (क-1) के पूर्व, निम्नलिखित नया खानड अन्त:प्रधापित

किया जाये, अर्थात्—
“(क) राज्य सरकार और किसी व्यक्ति के बीच, धारा 57 की उप-धारा (1) के अधीन
किसी अभिलक्ष के संबंध में कोई विविधता.”

लागपुर, दिनंक 19 अगस्त 2013

अभा. 7881/डी. 254/21-अ/सदत/उ. ग/13.—भारत के संविधान के अनुसार में 348 के खानड (3) के अनुसार में छँतीसगढ़
भु राजन य संसद (संसोधन) अधिनियम, 2013 (क्रमांक 32 सन् 2013) का अंशों को अनुवाद राज्यपाल के प्रभावीलक्षण से एकदम्या प्रकृति किया
जाता है।

छँतीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुधा साधव, अतिरिक्त संचाल.

(5)
THE CHHATTISGARH LAND REVENUE (AMENDMENT) ACT, 2013

An Act Bill further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-fourth Year of the Republic of India, as follows:—

CHAPTER-I
PRELIMINARY

1. (1) This Act may be called the Chhattisgarh Land Revenue (Amendment) Act, 2013.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. After clause (a) of sub-section (1) of Section 2 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the Principal Act), the following shall be inserted, namely:

“(o) “Market Value” means the value of land assessed according to the guidelines issued by the Collector under the Chhattisgarh Bajar Mulya Margdarshak Siddhanton Ka Banaya Jana Tatha Unka Punrikshan Niyam, 2000 made under the Indian Stamp Act, 1899 (No. 2 of 1899).”

3. In sub-section (1) of Section 30 of the Principal Act, the words “a Tahisildar” shall be omitted.

4. In clause (c) of Section 34 of the Principal Act, for the word “fifty” the words “one thousand” shall be substituted.

5. In sub-section (3) of Section 35 of the Principal Act, for the word “apply”, the words “apply along with affidavit” shall be substituted.

6. (1) In sub-section (1) of Section 36 of the Principal Act, for punctuation full stop “.”, the punctuation colon “:” shall be substituted.

(2) In sub-section (1) of Section 36 of the Principal Act, the following shall be inserted, namely:

“Provided that during the proceedings, maximum four adjournments may be granted to each party and each adjournment shall be granted only with costs.”

7. In clause (a) of Section 46 of the Principal Act, for the words, figures and symbols “the Indian Limitation Act, 1908 (IX of 1908)”, the words, figures and symbols “the Limitation Act, 1963 (36 of 1963)” shall be substituted.

8. (1) In sub-section (2) of Section 52 of the Principal Act, for the punctuation full stop “.”, the punctuation colon “:” shall be substituted.

(2) In sub-section (2) of Section 52 of the Principal Act, the following shall be inserted, namely:

“Provided that the execution of the order shall not be stayed for more than three months at a time or until the date of next hearing, whichever is earlier.”
(3) In sub-section (3) of Section 52 of the Principal Act, for the punctuation full stop ",", the punctuation colon ";" shall be substituted.

(4) In sub-section (3) of Section 52 of the Principal Act, the following shall be inserted, namely:

"Provided that execution of the order shall not be stayed for more than three months at a time or until the date of next hearing, whichever is earlier."

Amendment of Section 53.

In Section 53 of the Principal Act, for the words, figures and symbols "the Indian Limitation Act, 1908 (IX of 1908)" and "review", the words, figures and symbols "the Limitation Act, 1963 (36 of 1963)" and "review and revision" shall be substituted respectively.

Amendment of Section 54.

For Section 54 of the Principal Act, the following shall be substituted, namely:

"54. Pending revision. — Notwithstanding anything contained in this chapter, all revisions pending before any Revenue Officer immediately before the coming into force of the Chhattisgarh Land Revenue (Amendment) Act, 2013, shall be heard and decided by such Revenue Officer as if this Act had not been enacted."

Amendment of Section 57.

In sub-section (2) of Section 57 of the Principal Act, for the words "Sub-Divisional Officer", the word "Collector" shall be substituted.

(2) Sub-section (3) and (4) of Section 57 of the Principal Act, shall be deleted.

Amendment of Section 59.

In sub-section (2-a) of Section 59 of the Principal Act, for the words "Sub-Divisional Officer", the words "Competent Authority" shall be substituted.

Amendment of Section 78.

Section 78 of the Principal Act, shall be deleted.

Amendment of Section 81.

For sub-section (4) of Section 81 of the Principal Act, the following shall be substituted, namely:

"(4) The fair assessment on the land used for non-agricultural purposes shall be fixed in accordance with the rules made under Section 59."

(2) Sub-section (6) of Section 81 of the Principal Act, shall be deleted.

Amendment of Section 97.

Section 97 of the Principal Act, shall be deleted.

Amendment of Section 98.

For Section 98 of the Principal Act, the following shall be substituted, namely:

"98. Fair assessment. — The fair assessment of land used for agricultural purposes shall be calculated and fixed in accordance with the principles and restrictions set forth in Section 81 and land used for non-agricultural purposes shall be fixed in accordance with the rules made under Section 59."

Amendment of Section 99.

Section 99 of the Principal Act, shall be deleted.

Amendment of Section 100.

For Section 100 of the Principal Act, the following shall be substituted, namely:

"100. Fixation of fair assessment at the time of revision. — In case of lands, which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in case of agricultural land one and half times the land revenue or rent and in the case of other lands six times the land revenue or rent payable immediately before the revision the assessment shall be fixed at one and a half times such land revenue or rent in the case of agricultural land and at six times such land revenue or rent in the case of other lands:
Provided that, where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made.

19. (1) In sub-section (1) of Section 119 of the Principal Act, for the word "twenty-five", the words "one thousand rupees" shall be substituted.

(2) After sub-section (1) of Section 119 of the Principal Act, the following shall be inserted, namely:

"(1-A) As required under Section 112, if Registering Officer does not provide the information prescribed under rules made under Section 110 within one month then Tahsildar may impose fine not exceeding five thousand rupees, which shall be recoverable as arrears of land revenue."

20. In sub-section (2) of Section 128 of the Principal Act, for the words "one rupee", the words "one hundred rupees" shall be substituted.

21. In section 130 of the Principal Act, for the word "fifty", the words "five thousand" shall be substituted.

22. In Section 132 of the Principal Act, for the word "one thousand", the words "ten thousand" shall be substituted.

23. For Section 133 of the Principal Act, the following shall be substituted, namely:

"133. Removal of obstruction.— If a Tahsildar finds that any obstacle impedes the free use of a recognized road, path or common land of a village or impedes the road or source of water which has been the subject of a decision under Section 131, he may order the person responsible for such obstacle to remove it and if such person fails to comply with the order, he may cause the obstacle to be removed and may recover from such person the cost of removal thereof and such person shall be liable, under the written order of Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to ten thousand rupees."

24. In Section 143 of the Principal Act, the word "ten percent" shall be omitted.

25. After sub-section (4) of Section 165 of the Principal Act, the following shall be inserted, namely:

"(4-A). (i) Notwithstanding anything contained in sub-section (1), Bhumiswami shall not transfer his land held for agriculture to any person who is not a bonafide agriculturist.

Explanation— For the purpose of this sub-section, the expression "transfer" shall not include the following, namely:

(a) transfer by way of inheritance;

(b) transfer to legal heirs by way of will;

(c) land acquisition in public interest;

(d) transfer to or for any religious or charitable purpose, for trust, health, culture purpose, educational institutions;

(e) transfer to department of State Government and Central Government, Units, Corporations and Companies, which are undertaking of the Government;"
(f) land purchased by such person, who became landless due to land acquisition in public interest; or

(g) with the permission of the collector, for any person and to the extent as may be prescribed by the Government in this behalf.

(ii) The State Government may, by notification, makes rules for carrying out the provisions of this sub-section.”

(1) For second proviso to sub-section (1) of Section 172 of the Principal Act, the following shall be substituted, namely:—

“Provided further that if a Bhumiswami of a land, which is reserved for a purpose other than agriculture in the development plan but is used for agriculture, wishes to divert his land or any part thereof to the purpose for which it is reserved in the development plan, or land or any part thereof which is assessed for agricultural purpose and situated in any area other than an area covered by development plan to the purpose of industry, a written information of his intention, given by Bhumiswami to the Competent Authority shall be sufficient and no permission is required for such diversion.”

(2) Sub-section (6-a) of Section 172 of the Principal Act shall be deleted.

(1) In Section 200 of the Principal Act, for the words “two hundred” the words “two thousand” shall be substituted.

(2) In section 227 of the Principal Act, for the word “twenty”, the words “one thousand” shall be substituted.

(1) For sub-section (2) of Section 234 of the Principal Act, the following shall be substituted, namely:—

“(2) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the Gram Sabha, as prescribed, it shall be finalised by the Sub-Divisional Officer.”

(2) For sub-section (3) of Section 234 of the Principal Act, the following shall be substituted, namely:—

“(3) A copy of the Nistar Patrak so finalised shall be kept in the office of the Gram Panchayat.”

(3) After sub-section (3) of Section 234 of the Principal Act, the following shall be added, namely:—

“(4) On a resolution passed by the Gram Sabha by a majority of not less than two third of members present and voting, the Sub-Divisional Officer with the prior sanction of the Collector and after making such enquiry, may amend the Nistar Patrak.”

(1) In Section 257 of the Principal Act, clause (a) shall be read as clause (a-1).

(2) In Section 257 of the Principal Act, before clause (a-1), the following new clause shall be inserted, namely:—

“(a) any decision regarding any right under sub-section (1) of Section 57 between the State Government and any person”. 

संकेतक, गुहानुद तथा बिलास गांधी, करगिलगढ़ द्वारा राजस्थानी मुख्य मुख्यमंत्री, राजनीतिदर्शन के संबंध तथा प्रकाशित—2013.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

भ्रामक 464]
रायपुर, जिनियार, दिनांक 23 अगस्त 2014 — माह 1, वर्ष 1936

बिधि और विधायी कार्य विभाग
मंत्रालय, महानवी भवन, नवा रायपुर

रायपुर, दिनांक 23 अगस्त 2014

भ्रामक 7370/डी. 141/21-अ/प्राल./ड. ग./14. — छत्तीसगढ़ विधान सभा का संस्थापित अधिनियम जिस पर दिनांक 21-08-2014 को राज्यपाल की अनुमति प्राप्त हो चुकी है, एवं दूरदर्शन सर्वसाथीय की जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा अधिकारिक सचिव,
शुष्का साबां, अधिकारिक सचिव
छत्तीसगढ़ अधिनियम
(ब्राम्हक 15 सन् 2014)

छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2014

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्र. 20 सन् 1959) में और संशोधन करने हेतु अधिनियम.

भारत गणराज्य के पैदलवर्ष में छत्तीसगढ़ विधानमण्डल द्वारा निम्नलिखित रूप में वह अधिनियमित हो,-

संहिता नाम तथा प्रारंभ। 1. (1) यह अधिनियम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2014 कहलाएगा।

(2) यह राजनय में इसके प्रकाशन की तारीख से प्रभावित होगा।

पाथा 165 का संशोधन। 2. छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्र. 20 सन् 1959) (जो इसे इसके प्रकाशन, मूल अधिनियम के रूप में निर्देश है) की पाथा 165 में,-

(ए) उप-पाथा (6) के खंड (दो) में, पूरे विराम चिन्ह "।।" के स्थान पर, कोलन चिन्ह "।।" प्रस्तुतायत होगा।

(ब) उप-पाथा (6) के खंड (दो) में, स्थानांतर, निम्नलिखित अन्त:स्थापित किया जायेगा, अर्थातः- "पाण्ता इस उप-पाथा के प्रारंभभाग, मूल अर्थल, पुनर्व्यवस्थन और पुनर्व्यवस्थन में उचित प्रतिका और पारदर्शिता का अधिकार अधिनियम, 2013 (2013 का सं. 30) के अन्तर्गत अर्थल मूल्य की लागू नहीं होगी।" अर्थातः:-

पाथा 234 का संशोधन। 3. मूल अधिनियम की पाथा 234 में,-

(1) उप-पाथा (3) में, पूरे विराम चिन्ह "।।" के स्थान पर, कोलन चिन्ह "।।" प्रस्तुतायत होगा।

(2) उप-पाथा (3) के फलस्वरूप, निर्देशित जोड़ा जायेगा, अर्थातः:- "पाण्ता इस पाथा के प्रारंभभाग, विशेष रूप से राजस्व का नाम नामक्रम के रूप में अधिकृत नहीं किया जाने तथा विकास योजना हेतु अग्रिम नहीं किया जाने की दशा में, लागू नहीं होगा।"

पाथा 247 का संशोधन। 4. मूल अधिनियम की पाथा 247 की उप-पाथा (4) में, शब्द, अंक एवं कोशिक "भू-अर्थल अधिनियम, 1894 (1894 का सं. 1) के स्थान पर, शब्द, अंक एवं कोशिक "भूमि अर्थल, पुनर्व्यवस्थन और पुनर्व्यवस्थन में उचित प्रतिका और पारदर्शिता का अधिकार अधिनियम, 2013 (2013 का सं. 30)" प्रस्तुतायत होगा।

रायपुर, ब्राम्हक 23 अगस्त 2014

क्रमांक 7370/डी. 141/21-ए/प्रशुत. /33. ग. /13. --- भारत के संविधान के अनुसार 348 के खंड (3) के अनुसार में छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2014 (क्रमांक 15 सन् 2014) का अंधकार अनुसार राजपाल के प्रधान कर से एवंद्वारा प्रकाशित-किया जाता है।

छत्तीसगढ़ के राजपाल के नाम से लघु अदेशानुसार,
सुभाष साहेब, अतिरिक्त सचिव
CHHATTISGARH ACT  
(No. 15 of 2014)  

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2014  

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-fifth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2014.
   
(2) It shall come into force from the date of its publication in the Official Gazette.

2. In Section of 165 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act),—
   
(I) In clause (ii) of sub-section (6), for the punctuation full stop “.”, the punctuation colon “:” shall be substituted.
   
(II) After clause (ii) of sub-section (6), the following shall be inserted, namely:—
   
“Provided that the provision of this sub-section shall not be applicable to the land acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013).”

3. In Section 234 of the Principal Act,—

(1) In sub-section (3), for the punctuation full stop “.”, the punctuation colon “:” shall be substituted.

(2) After sub-section (3), the following shall be added, namely:—

“Provided that the provision of this section shall not apply in case of notification of any revenue village as an urban area and adoption of a development scheme.”

4. In sub-section (4) of Section 247 of the Principal Act, for the words, figures and parentheses “Land Acquisition Act, 1894 (1 of 1894)”, the words, figures and parentheses “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)” shall be substituted.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 265]
रायपुर, डुप्पाटा, दिनंक 29 अप्रैल 2015— नेतांक 9, चक 1937

विधि और विधायी कार्य विभाग
मंज़िला, महानदी भवन, नवा रायपुर
रायपुर, दिनंक 30 अप्रैल 2015

क्रमांक 3964/दि. 144/21—(भ.) नगरीक्षण /स. न. /15—छत्तीसगढ़ विधान सभा का मिलनेवाले अधिवेशन जिस पर क्रमांक 24-04-2015 को राजपत्र की अनुमति प्राप्त हो चुकी है, एलटीसी सर्वसाधारण की जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राजपत्र के नाम से तथा अनुसंधान अधिशिष्ट,
अधिनीत सचिव,
छत्तीसगढ़ अधिनियम
(कार्यक्रम 18 रज. 2015)

छत्तीसगढ़ भू-राजस्व (संसोधन) अधिनियम, 2015

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क. 20 जून, 1959) में और संसोधन करने हेतु अधिनियम.

भारत गणराज्य के बिधायतबंधन वर्ष में छत्तीसगढ़ विधानसभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो, अथवां:

1. यह अधिनियम छत्तीसगढ़ भू-राजस्व (संसोधन) अधिनियम, 2015 कहलावेगा।

2. यह राजस्व में इसके प्रकाशन की तारीख से प्रभावित होगा।

पारा 2 का संसोधन. 2. छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क. 20 जून, 1959) (जो हराम इसके प्रस्ताव मूल अधिनियम के रूप में निर्देश है) की पारा 2 की उप-पारा (1) के खण्ड (ए-र) के प्रस्ताव निम्नलिखित अत्यधिकता किया जाये:

"(ए) "भूगती हूँ।"") अधिकता है, नफरत हेतु में मार्ग पत्ता/विवादी योजना में कृषि के

अत्यधिकता अन्य उपयोग हेतु अत्यधिकता हूँ।"

पारा 165 का संसोधन. 3. मूल अधिनियम की पारा 165 की उप-पारा (4) के दिल्ली पर उप-उपारा के खण्ड (दो) के प्रस्ताव, निम्नलिखित अत्यधिकारित किया जायेगा,

"(सी) अधिनियम भू-राजस्व का अन्य अधिकता का अन्य अधिकता की जायेगा।"

पारा 172 का संसोधन. 4. मूल अधिनियम की पारा 172 की उप-पारा (1) के दिल्ली पर उप-उपारा के प्रस्ताव, निम्नलिखित अत्यधिकता किया जायेगा।

"पर्यावरण यह अन्तरित अधिनियम भू-राजस्व की गृह मूल के विपरीत नतीजों देवने के ताकत से, शुभ्र (अकालों), शृंगार तथा सम्प्रभु उपारुपो की तीन द्वितीय की तत्त्वावधि के भीतर अथवा तात्विक उपारूपो की का तत्त्वावधि के भीतर, उपारुप नुस्खा किया जाता है, तो प्रबंधन स्वतंत्र समय समय दोहरा हो जायेगा:

पर्यावरण तथा वे कि राज्य शासन, निम्नलिखित में तंगवार दिये जाने वाले विविध कारणों से, उत्तर कालावधि दौर रखेगा।"

पारा 173 का संसोधन. 5. मूल अधिनियम की पारा 173 में-

एक) पर्यावरण "स्वरुप " पर योजना एवं शासन "यह संहिता के अधिनी" के पूर्व, अंक तथा कोएक "(1) "

अत्यधिकता किया जाये।

दो) उप-पारा (1) के प्रस्ताव, निम्नलिखित जोड़ा जायेगा, अथवां:

"(2) संहिता की पारा 172 के अधिकार विपरीत व्यवस्थान की गृह भूसाधन का व्यवहार, उप-पारा (1) के अनुसार उप-उपारा अधिकारी को लिखित सुनवा के हेतु, किया जा सकेगा।"
CHHATTISGARH ACT
(No. 18 of 2015)

CHHATTISGARH LAND REVENUE (AMENDMENT) ACT, 2015

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-sixth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Chhattisgarh Land Revenue (Amendment) Act, 2015.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. After clause (o-a) of sub-section (1) of Section 2 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act), the following shall be inserted, namely:-

“(o-b) “Urban land” means land adopted for other use except agriculture in master plan/development policy of the urban areas.”

3. After clause (ii) of second proviso to sub-section (4) of Section 165 of the Principal Act, the following shall be inserted, namely :-

“(iii) There shall not be further transfer of land transferred for industrial purpose.”

4. After second proviso to sub-section (1) of Section 172 of the Principal Act, the following shall be inserted, namely :-

“Provided further that it shall be compulsory to establish micro, small and medium industries within a period of three years and within a period of five years in case of major industries, from the date of notice of diversion of land diverted for industrial purposes. If production after establishment of industry does not start within a abovementioned specified period then diversion shall automatically be deemed to have become void:

Provided also further that the State Government may, for special reasons to be recorded in writing, extend the said period.”
Amendment of Section 173.

5. In Section 173 of the Principal Act-

(i) After word and symbol “Relinquishments…” and before the words “subject to the rules”, the figure and parentheses “(1)” shall be inserted.

(ii) After sub-section (1), the following shall be added, namely:-

“(2) Relinquishment of diverted land under Section 172 of the Code may be made in accordance with sub-section (1) by giving written information to Sub-divisional Officer.”
“बिज़नेस पोस्ट के अन्तर्गत डाक पूक्कल के नगद पुनरावृत्ति (विषय डाक पत्र) के प्रश्न हेतु अनुमति। क्रमांक जो. 2-22-छत्तीसगढ़ गवर्नर/38 सित. से. फिलाई, दिनांक 30-5-2001।”

छत्तीसगढ़ राजपत्र
(असाधारण)
प्रधिकार से प्रकाशित

क्रमांक 305]
रायपुर, रविवार, दिनांक 3 नवम्बर 2002—कालिका 12, तार 1924

विधि और विधायी कार्य विभाग
मंत्रालय, दान कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 7 नवम्बर 2002

क्रमांक 7017/21-3/प्राधिकार/2002.—छत्तीसगढ़ विधान सभा का निम्नलिखित अधिनियम, जिस पर दिनांक 3-11-2002 को राज्यपाल की अनुमति प्राप्त हो चुकी है, एवं द्वारा सर्वसाधारण को जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशाद्वारा,
प्रभात शास्त्री, उप-सचिव.
विभिन्न अधिकार के अन्तर्गत डाक डिपलम के नगद भुगतान (किन्हीं डाक डिपलम) के प्रमाण हेतु अनुमति, क्रमांक जी.2-22-छत्तीसगढ़ गवर्नमेंट / 38 सितंबर, विनांक 30-05-2001।

छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 189]
रायपुर, मुन्ना, विनांक 5 मई 2016 — बैंकदू 15, क्रक 1938

विभिन्न और विभिन्न कार्य विभाग
मंत्रालय, महानंदी भवन, नया रायपुर

रायपुर, विनांक 5 मई 2016

क्रमांक: 4432/डी. 148/21-अ/प्राई. /छ. ग. /16 — छत्तीसगढ़ विधान सभा का निम्नलिखित अधिनियम जिस पर विनांक 25-04-2016 को राजपत्र के अनुसार प्रस्तुत हो चुकी है, एवं दूरदर्शन समाचार पत्र की जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राजपत्र के नाम से लिखा अविश्वासपत्तार,
बी. के. होता, अविश्वसनीय सचिव।
छत्तीसगढ़ अधिनियम (क्रमांक 18 तन 2016)

छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2016

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्र. 20 तन 1959) को ओर संशोधित करने हेतु अधिनियम.

भारत गणराज्य के संविधानवर्धन वर्ष में छत्तीसगढ़ दलित भू-राजस्व संहिता (संशोधन) अधिनियम, 2016 कहतात एवं

विधियों का नाम तथा प्रारम्भ.
1. (1) यह अधिनियम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2016 कहता एवं

(2) यह राजस्व में इसके प्रकार की तात्पर्य से प्रदूषित नहीं.

धारा 237 का 2. छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्र. 20 तन 1959) की धारा 237 में,

(क) उप-धारा (3) के पश्चात, निम्नलिखित अंतर्गत लिखित किया जाये, अर्थात्:-

"(3-क) जहाँ उप-धारा (1) के बाद (ब) के अर्थन उल्लिखित प्रायोजनों के लिये रखी गई भूमि, जिसी
सी वाणिज्यिक, वाणिज्यिक या यातायात या तरह या बैरों के लिये विश्वसनीय क्षेत्र के मौलिक प्रयोजन 
के आदेशक या उप-धारा (1) के बाद (ब) के प्रायोजन के लिये उल्लिखित क्षेत्र के मौलिक प्रयोजन के
के के आदेशक या उप-धारा (1) के बाद (ब) के प्रायोजन के लिये समाना भूमि उपयोग करा दी जाये.

(ब) उप-धारा (4) में, सब "समान क्षेत्र की वेंकुलिक भूमि" के पश्चात शब्द "उसी प्रार में" अंतःथापित किया जाये.

रायपुर, विचारक 5 मई 2016

क्रमांक 4432/डी. 148/21-अ/प्रार-ह. ग. 16 – भारत के संविधान अनुसार 348 के खण्ड (3) के अनुसरण में, इस विभाग की
संसद, अधिनियम विचारक 05-05-2016 का अंतोर्जी अनुवाद राज्यपाल के प्रारंभिक से एवंद्वारा प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,

ही, के, होड़ा, अधिनियम सहिच.
CHHATTISGARH ACT  
(No. 18 of 2016)

THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2016

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-seventh Year of the Republic of India, as follows:—

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2016.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. In Section 237 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959),—

(a) after sub-section (3), the following shall be inserted, namely:—

“(3-a) Where the land kept for the purposes mentioned under clause (b) of sub-section (1) is found within the area identified for any industrial, commercial or mining project, then the collector may divert such land for the above mentioned purposes, but such diversion can be made only when equivalent land is provided for the purpose of clause (b) of sub-section (1) within the same village.”

(b) in sub-section (4), after the words “alternative land of equivalent area”, the words “in the same village” shall be inserted.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 301 ] रायपुर, शनिवार, दिनांक 18 अगस्त 2018 — आवारण 27, भाग 1940

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 14 अगस्त 2018

क्रमांक 8212/डी. 152/21-प्राज्ञ. /ख. ग. /18. — छत्तीसगढ़ विधान सभा का निम्नलिखित अधिनियम विधि पर दिनांक 02-08-2018 को राज्यपाल की अनुमति प्राप्त हो सकती है, एनढ़ा राज्यसचिव की जानकारी के लिए प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
मनीष कुमार ढाकूर, अतिरिक्त सचिव.

601
CHHATTISGARH ACT
(No. 18 of 2018)

THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT)
ACT, 2018

An Act further to amend the Chhattisgarh Land Revenue Code, 1959
(No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the Sixty-ninth Year of the Republic of
India, as follows :-

Short title and commencement.
1. (1) This Act may be called the Chhattisgarh Land Revenue Code
(Amendment) Act, 2018. .

(2) It shall come into force from the date of its publication in the Official Gazette.

Amendment of Section 237.
2. In Section 237 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of
1959), in sub-section (1), in clause (d), after the words “for gaothan”, the words “and establishment of Gowshala and animal holding premises ” shall be inserted.
CHHATTISGARH ACT
(No. 6 of 2022)

THE CHHATTISGARH LAND REVENUE CODE
(AMENDMENT) ACT, 2022

An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959)

Be it enacted by the Chhattisgarh Legislature in the Seventy-Third Year of the Republic of India, as follows :-

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2022.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. In Section 2 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act),

(i) in sub-clause (iii) of clause (b) of the sub-section (1), before the word "orchards", the words and symbol "commercial plantations," shall be inserted.

(ii) in sub-clause (i) of clause (t) of sub-section (1), the words and figure "by an occupancy tenant to his Bhumiswami in according to the
provisions of Section 188 or" shall be omitted.

(iii) for clause (u) of sub-section (1), the following shall be substituted, namely:

"(u) Revenue Officer" means the Revenue Officer mentioned in Section 11;

(iv) clause (y) of sub-section (1) shall be omitted.

(v) after clause (z-5) of sub-section (1), the following shall be inserted, namely:

"(z-6) Development Plan shall have the same meaning as defined in the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973)."

Amendment of Section 11.

For Section 11 of the Principal Act, the following shall be substituted, namely:

"11. Revenue Officers.- There shall be the following classes of Revenue Officers, namely:

(1) Commissioner, Land Records;

(2) Additional Commissioner, Land Records;"
(3) Commissioner;

(4) Additional Commissioner;

(5) Collector and District Survey Officer;

(6) Additional Collector;

(7) Sub-Divisional Officer (Sub Divisional Officer (Revenue)) and Deputy Survey Officer;

(8) Assistant Collector;

(9) Joint Collector;

(10) Deputy Collector;

(11) Tahsildar and Assistant Survey Officer;

(12) Additional Tahsildar (Additional Tahsildar);

(13) Superintendent of Land Record;

(14) Naib Tahsildar; and

(15) Assistant Superintendent of Land Records."

4. Sub-section (3) of Section 13 of the Principal Act shall be omitted. Amendment of Section 13.

5. For Section 22 of the Principal Act, the following shall be substituted, namely:- Amendment of Section 22.
"22. Sub-Divisional Officer. - The Collector may make any one or more Assistant Collectors or Joint Collectors or Deputy Collectors in charge of one or more Sub-Divisions of the district who shall exercise such powers and perform such duties as may be prescribed by this Code or conferred or imposed on a Sub-Divisional Officer under the Code or any other enactment for the time being in force."

Amendment of Section 33.

6. In sub-section (1) of Section 33 of the Principal Act, for the figure "41", the figure "258" shall be substituted.

Amendment of Section 40.

7. In Section 40 of the Principal Act, the words "in accordance with the provisions of this Chapter" shall be omitted.

Amendment of Section 41.

8. Section 41 of the Principal Act shall be omitted.

Amendment of Section 44.

9. For Section 44 of the Principal Act, the following shall be substituted, namely:

"44. Appeal and Appellate Authority. - (1) Save as otherwise provided, an appeal shall lie from every original order passed under this Code or rules made thereunder—"
(a) if such order is passed by a Revenue Officer sub-ordinate to the Sub-Divisional Officer, to the Sub-Divisional Officer;

(b) if such order is passed by a Revenue Officer sub-ordinate to the Deputy Survey Officer, to the Deputy Survey Officer;

(c) if such order is passed by the Sub-Divisional Officer to the Collector;

(d) if such order is passed by the Deputy Survey Officer to the District Survey Officer;

(e) if such order is passed by any Revenue Officer in respect of whom a direction has been made under sub-section (3) of Section 12 or Section 21 to such Revenue Officer as the State Government may direct;

(f) if such order is passed by the Collector to the Commissioner;

(g) if such order is passed by the District Survey Officer to the Commissioner, Land Records;
(h) if such order is passed by the Commissioner or the Commissioner, Land Records to the Board of Revenue.

(2) Save as otherwise provided, under this Code or the rules made thereunder, second appeal against every order passed in first appeal shall lie-

(a) if such order has been passed by the Sub-divisional Officer or the Deputy Survey Officer or the Collector or the District Survey Officer, to the Commissioner;

(b) if such order has been passed by the Commissioner or the Commissioner, Land Records, to the Board of Revenue.

(3) A second appeal shall lie on the following grounds, namely:

(a) if the original order has in the first appeal been varied or reversed, otherwise than in a matter of cost; or
(b) if the order is contrary to law or usage having the force of law; or

(c) if the order has failed to determine some material issue of law or usage having force of law; or

(d) if there has been a substantial error or defect in the procedure as prescribed by this Code, which may have produced error or defect in the decision of the case upon merits.

(4) An order passed in review varying or reversing shall be appealable in like manner as the original order."

10. Section 45 of the Principal Act shall be omitted.

11. In sub-section (1) of Section 50 of the Principal Act,-

(1) for the words "Settlement Commissioner", wherever they occur, the words "Commissioner, Land Record" shall be substituted.

(2) for the words "Settlement Officer" wherever they occur, the words
Amendment of Section 51.

12. In clause (i) of proviso of sub-section (1) of Section 51 of the Principal Act,-

   (1) for the words "Settlement Commissioner", wherever they occur, the words "Commissioner, Land Record" shall be substituted.

   (2) for the words "Settlement Officer" wherever they occur, the words "District Survey Officer" shall be substituted.

Amendment of Section 59.

13. For the first proviso of sub-section (2) of Section 59 of the Principal Act, the following shall be substituted, namely :-

   "Provided that, the State Government, may give exemption, on mentioned conditions, upto the limits specified by Notification, to new micro and small industries."

Amendment of Heading and Sub-heading 'A' of Chapter VII.

14. In Chapter VII of the Principal Act,-

   (1) for the Heading "Revenue Survey and Settlement in Non-Urban Areas", the words "Land Survey and Land Revenue Assessment" shall be substituted.
for the sub-heading, "A.- Application of Chapter and Officers to conduct Revenue Survey and/or Settlement", the words "A-Officer" shall be substituted.

15. Section 61 of the Principal Act shall be omitted.

16. For Section 62 of the Principal Act, the following shall be substituted, namely:

"62. Appointment of Commissioner of Land Records.- The State Government may, appoint a Commissioner of Land Records, who shall, subject to the directions issued by the State Government in this regard, manage and control the land survey and land records."

17. In Section 63 of the Principal Act,-

(1) for the words "Additional Settlement Commissioner", wherever they occur, the words "Additional Commissioner, Land Records" shall be substituted.

(2) for the words "Settlement Commissioner", wherever they occur, the words "and "Commissioner, Land Records." shall be substituted.
For Section 64 of the Principal Act, the following shall be substituted, namely:

"64. Appointment of District Survey Officer, Deputy Survey Officer and Assistant Survey Officer. (1) In respect of lands which are subject to land survey:-

(a) the Collector of the district shall be the District Survey Officer;

(b) the Additional Collector of the district, on written order of the Collector, may act as District Survey Officer for the allocated area;

(c) the Sub-divisional Officer of the sub-division shall be Deputy Survey Officer;

(d) Tahsildar, Additional Tahsildar or Naib Tahsildar shall be Assistant Survey Officer within their respective jurisdiction.

(2) All District Survey Officers shall be sub-ordinate to the Commissioner of Land Records."
(3) All the Deputy Survey Officers and Assistant Survey Officers in the district shall be sub-ordinate to the District Survey Officer.

(4) All the Assistant Survey Officers in the sub-division shall be sub-ordinate to the Deputy Survey Officer."

19. For Section 65 of the Principal Act, the following shall be substituted, namely:-(

"65. Powers of District Survey Officer, Deputy Survey Officer and Assistant Survey Officer.- (1) The Power of the Collector, Subdivisional Officer or Tahsildar under this code in respect of the land subjected to land survey shall vest in District Survey Officer, Deputy Survey Officer or Assistant Survey Officer respectively.

(2) The State Government may vest, in the Deputy Survey Officer or Assistant Survey Officer, all or any of the powers of the District survey Officer under this Code."
Amendment of Sub-heading 'B' of Chapter VII.

20. In Chapter VII of the Principal Act, for the sub-heading, "B.- Revenue Survey", the words "B-Land Survey" shall be substituted.

Amendment of Section 66.

21. For Section 66 of the Principal Act, the following shall be substituted, namely:

"66. Definition of Land Survey.- "Land survey" means any or more or all of the following activities, namely:

(1) The division of land into survey numbers/plot numbers, validation and re-organization of the existing survey numbers/plot numbers, or creation of new survey numbers/plot numbers;

(2) Preparation of a map of the land or to revise or improve it, as the case may be;

(3) Preparation of record of rights;

(4) Preparation of field book containing each survey number/plot number, as the case may be;

(5) Preparation of any other record, as may be prescribed."

Amendment of Section 67.

22. For Section 67 of the Principal Act, the following shall be substituted, namely:
67. Notification of proposed land survey.- (1) The District Survey Officer may commence land survey in the whole or any area of his charge by publishing a notification to that effect in the Official Gazette.

(2) The lands notified under subsection (1) shall, from the date of the said notification, be deemed to be subject to land survey until a notification declaring the termination of such land survey is issued by the District Survey Officer.

(3) There shall be a land survey by the District Survey Officer in the following circumstances:-

(a) on the direction of the State Government;

(b) on the completion of 30 years of the previous survey;

(c) if the reference map is dilapidated or unavailable;

(d) such other circumstances as the District Survey Officer may deem fit."
Amendment of Section 68.

In Section 68 of the Principal Act,—

(1) for the words "Settlement Officer", the words "District Survey Officer" shall be substituted.

(2) for the words "revenue survey", the words "land survey" shall be substituted.

Amendment of Section 69.

In Section 69 of the Principal Act, for the words "Settlement Officer", the words "District Survey Officer" shall be substituted.

Amendment of Section 70.

For Section 70 of the Principal Act, the following shall be substituted, namely:-

"70. Power to re-number or sub-divide or amalgamate survey numbers.—

(1) The District Survey Officer may, with a view to acquisition of rights in the land or for any other reason, renumber the survey numbers and divide them into as many parts, as may be required, and amalgamate more than one survey number into a single survey number.

(2) Division of any survey number or amalgamation of survey numbers shall be done in
ac accordance with the rules made under this Code.

(3) Whenever the survey numbers are renumbered, the District Survey Officer shall rectify the entries in all the records prepared or maintained under this Code."

26. In Section 72 of the Principal Act, for the words "Settlement Officer", the words "District Survey Officer" shall be substituted. Amendment of Section 72.

27. In Section 73 of the Principal Act, for the words "Settlement Officer" wherever they occur, the words "District Survey Officer" shall be substituted. Amendment of Section 73.

28. In Section 74 of the Principal Act, for the words "revenue survey", the words "land survey" shall be substituted. Amendment of Section 74.

29. In Chapter VII of the Principal Act, for the sub-heading, "C.- Settlement of rent", the words "C-Land Revenue Assessment" shall be substituted. Amendment of Sub-heading 'C' of Chapter VII.

30. Section 76 of the Principal Act shall be omitted. Amendment of Section 76.
Amendment of Section 77. 31. For sub-section (1) and (2) of Section 77 of the Principal Act, the following shall be substituted, namely:

"77. Fixation of assessment rates.- (1) The District Survey Officer shall assess the land revenue for each survey number/plot number or their parts as per the rate fixed by the State Government.

(2) Where a holding is made up of many survey numbers/plot numbers, District Survey Officer shall fix applicable land revenue separately for each survey number/plot number."

Amendment of Section 79. 32. Section 79 of the Principal Act shall be omitted.

Amendment of Section 80. 33. In Section 80 of the Principal Act,-

(1) for the words "Settlement Officer", the words "District Survey Officer" shall be substituted.

(2) for the words "Settlement", the words "land revenue assessment" shall be substituted.

Amendment of Section 82. 34. For Section 82 of the Principal Act, the following shall be substituted, namely:-
"82. Land revenue assessment to be effective.- When the assessment of land revenue of any land is done in accordance with Section 77 and 81, such assessment shall take effect from the next revenue year, and the assessment so made, until it is changed in accordance with this Code or any other law, shall remain effective."

35. Section 83 of the Principal Act shall be omitted.

36. In Section 84 of the Principal Act, for the word "settlement", the words "land revenue assessment" shall be substituted.

37. For Section 85 of the Principal Act, the following shall be substituted, namely:

"85. Term of assessment of land revenue.- (1) The term of assessment made by the District Survey Officer shall, ordinarily, be of 30 years.

(2) In special circumstances, specifying the reason, the State Government, may give directions to the District Survey Officer to change the assessment of land revenue for the whole area or for a
particular area even before 30 years, but such instructions cannot be given before 15 years of assessment of land revenue.

(3) After the expiry of the term of assessment made on any land, the sub-divisional officer shall have the jurisdiction to revise the land revenue of that land.

(4) Notwithstanding that the term of assessment of land revenue in a particular area has expired, if a new assessment has not been made in respect of that, it shall be deemed that the rate of land revenue shall remain the same till the upcoming land revenue assessment."

38. Section 86 and 87 of the Principal Act shall be omitted.

39. In Section 88 of the Principal Act,-

(1) for the words "Settlement Officer" wherever they occur, the word "District Survey Officer" shall be substituted.

(2) for the words "revenue survey", the words "land survey" shall be substituted.
40. In Section 89 of the Principal Act,—
(1) for the words "revenue survey", the words "land survey" shall be substituted.
(2) for the word "settlement", the words "land revenue assessment" shall be substituted.

41. For Section 90 of the Principal Act, the following shall be substituted, namely:

"90. Powers of the Collector after the completion of the land survey.—
The powers of the District Survey Officer under Section 68, 72, 73, and 77 shall be with the Collector, after the completion of the land survey."

42. For Section 91 and 91-A of the Principal Act, the following shall be substituted, namely:

"91. Powers of Tahsildar after the land survey is over.— After the land survey is over, the powers of the District Survey Officer under Section 69 and 70 shall be with the Tahsildar.

91-A. Power to make rules.— The State Government may make rules to regulate generally the conduct of a
land survey or land revenue assessment under this Code."

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<thead>
<tr>
<th>Amendment of Section 92.</th>
<th>43.</th>
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<tbody>
<tr>
<td>In clause (ii) of the Explanation to sub-section (2) of Section 92 of the Principal Act, for the word &quot;settlement&quot;, the words &quot;land revenue assessment&quot; shall be substituted.</td>
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<tr>
<th>Amendment of Section 94.</th>
<th>44.</th>
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<tbody>
<tr>
<td>In proviso of sub-section (2) of Section 94 of the Principal Act, for the word &quot;settlement&quot;, the words &quot;land revenue assessment&quot; shall be substituted.</td>
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<tr>
<th>Amendment of Section 101.</th>
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<tr>
<td>In Section 101 of the Principal Act, for the word “settlement” wherever they occur, the words “land revenue assessment” shall be substituted.</td>
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<tr>
<th>Amendment of Section 107.</th>
<th>46.</th>
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| In Section 107 of the Principal Act,-  
  (1) for the words “field map”, wherever they occur, the words “map of the land” shall be substituted.  
  (2) in sub-section (5), for the words “Settlement Officer”, the words “District Survey Officer” shall be substituted.  
  (3) in sub-section (5), for the words “revenue survey”, the words "land survey" shall be substituted. |
47. In Section 108 of the Principal Act,—

(1) in sub-section (1), after the word "village", the words "and urban area" shall be inserted.

(2) in clause (b) of sub-section (1), the words "occupancy tenants and" shall be omitted.

(3) in sub-section (2), for the words "revenue survey", the words "land survey" shall be substituted.

48. For Section 110 of the Principal Act, the following shall be substituted, namely:

"110. Mutation of acquisition of right in land records.- (1) The Patwari shall record every acquisition of right which has been reported to him under Section 109 or which comes to his notice on information received through online medium or any other source, in the online e-Namantaran portal prescribed for the purpose.

(2) All such reports relating to the acquisition of right, as the case may be, received by the Patwari under sub-section (1), shall be sent to the Tahsildar within
prescribed time period by the State Government in such manner and in such form as may be prescribed.

(3) On receipt of intimation under Section 109 or on receipt of intimation of acquisition of such rights through online medium or from any other source, the Tahsildar within prescribed time period, shall,-

(a) initiate the process of mutation in the online e-Namantaran portal,

(b) issue notice to all the interested parties,

(c) publish the public notice or advertisement on the official notice board, at the designated place in the concerned village/city and on the departmental web portal.

(4) On receipt of objection in any case or if the Tahsildar finds the matter to be disputed for any reason, he shall register the case by transferring it to his e-revenue court from the online e-
Namantaran portal, otherwise all the proceedings in the case will be done through the online e-Namantaran portal.

(5) The Tahsildar shall, after giving the interested persons a reasonable opportunity of being heard and after making such further inquiry as he may deem necessary, pass orders relating to the mutation and shall make necessary entries in such other relevant land records including the khasra and map of the village, as the case may be. The patwari shall verify the records by correcting them within prescribed time period, after which the Tahsildar shall file the case.

(6) Notwithstanding anything contained in Section 35, no case under this Section shall be dismissed in the absence of any party and shall be disposed of in order of merit.

(7) On the basis of registered document, after publication of advertisement and service of information to the concerned
interested parties regarding the mutation on any land, appropriate orders will be passed on the basis of the document in case of any objection are not received or absence of the parties.

(8) All proceedings under this Section, shall be completed within prescribed time period. In the case, where the cases are not disposed of within the specified period, the Tahsildar shall report the information of pending cases to the Collector in such form and manner as may be prescribed."

For Section 114 of the Principal Act, the following shall be substituted, namely:

"114. Land Records.- The following land records shall be prepared for each village and urban areas, namely:-

(a) the map of the village/ urban area, the map of the Abadi and the map of the land under Section 107,

(b) record of rights under Section 108,
(c) B-I, khasra/nazul maintenance
khasra or field book in such
form as may be prescribed,
(d) Kisan Kitab under Section 114-
A,
(e) the details of all unoccupied
land under Section 233,
(f) Nistar Patrak under Section
234,
(g) Wajib-ul-Arz, if any, under
Section 242,
(h) register related to boundary
and boundary marks,
(i) the details of the diverted land,
(j) the Encroachment Register,
(k) any other record as may be
prescribed.”

50. For Section 115 of the Principal Act, the
following shall be substituted, namely :-

“115. Correction of wrong or incorrect
entry in land record.- (1) Sub-
divisional Officer may, on his own
motion or on application of an
aggrieved person, after making
such enquiry as he deems fit,
correct any wrong or incorrect
entry including an un-authorised
entry in the land records prepared under Section 114 other than Kisan Kitab and record of rights, and such corrections shall be authenticated by him:

Provided that no action shall be initiated for correction of any entry pertaining to a period prior to five years without the sanction in writing of the Collector.

(2) No order shall be passed under sub-section (1) without,-

(a) getting a written report from the Tahsildar concerned; and

(b) giving an opportunity of hearing to all parties interested:

Provided that where interest of Government is involved, the Sub-Divisional Officer shall submit the case to the Collector.

(3) On receipt of a case under sub-section (2), the Collector shall make such enquiry and pass such order as the deems fit."

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<th>Amendment of Section 116.</th>
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<th>Section 116 of the Principal Act shall be omitted.</th>
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<tr>
<td>Amendment of Section 124.</td>
<td>52.</td>
<td>For Section 124 of the Principal Act, the following shall be substituted, namely:-</td>
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"124. Construction of boundary marks.-(1) The boundaries of all villages and urban areas shall be fixed and demarcated by permanent boundary marks.

(2) The State Government may, by notification, order that the boundaries of all survey numbers or plot numbers should also be fixed and demarcated by boundary marks."

53. In Section 125 of the Principal Act, after the words "villages," wherever they occur, the words "urban areas," shall be inserted.

54. In Section 134 of the Principal Act, for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

55. For sub-section (3) of Section 135 of the Principal Act, the following shall be substituted, namely:-

"(3) The compensation payable in respect of such land shall be in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013)."
Amendment of Section 161. In Section 161 of the Principal Act, for the words "settlement", wherever they occur, the words "land revenue assessment" shall be substituted.

Amendment of Section 165. In Section 165 of the Principal Act,-
(1) In sub-section (1), before the word and figure "Section 168", the words and figures "Section 158 and" shall be inserted.
(2) Sub-section (4-A) shall be omitted.

Amendment of Section 168. After sub-section (5) of Section 168 of the Principal Act, the following shall be added, namely:-

"(6) Against persons found guilty of contravention of Section 168, the Sub-Divisional Officer, as he thinks fit, may impose a fine not exceeding Twenty Five Thousand rupees per person."

Amendment of Section 170-B. In clause (b) of sub-section (3) of Section 170-B of the Principal Act, for the words and figures "Land Acquisition Act, 1894 (No. 1 of 1894)", the words and figures "Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)" shall be substituted.
60. In sub-section (4) of Section 172 of the Principal Act, for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

61. After Section 178-A of the Principal Act, the following shall be inserted, namely:

"178-B. Disposal of applications received for partition of holding.- (1) The Tahsildar shall issue notice to the interested parties and publish public notice or advertisement by first entering the applications received for partition in the e-Namantaran portal.

(2) On receipt of objection in any case or if the Tahsildar finds the matter to be disputed for any reason, he shall register the case by transferring it to his e-revenue court from the online e-Namantaran portal, otherwise all the proceedings in the case will be done through the online e-Namantaran portal.

(3) On receipt of an application under this Section by any means, the Tahsildar shall, within prescribed time period,-

(a) initiate the process of
mutation in the online e-Namantan portal,
(b) issue notice to all the interested parties,
(c) publish the public notice or advertisement on the official notice board, at the designated place in the concerned village/city and on the departmental web portal.

(4) The Tahsildar shall, after giving the interested persons a reasonable opportunity of being heard and after making such further inquiry as he may deem necessary, pass orders relating to the partition and shall make necessary entries in such other relevant land records including the khasra and map of the village, as the case may be. The patwari shall verify the records by correcting them within prescribed time period, after which the Tahsildar shall file the case.

(5) All proceedings under this Section, shall be completed
within prescribed time period.
In the case, where the cases are not disposed off within the specified period, the Tahsildar shall report the information of pending cases to the Collector in such form and manner as may be prescribed."

62. Section 184 of the Principal Act shall be omitted.

Amendment of Section 184.

63. In the Principal Act, "Chapter XIV : Occupancy Tenants" and Sections relating thereto 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201 and 202 shall be omitted.

Amendment of "Chapter XIV: Occupancy Tenants".

64. In Section 203 of the Principal Act, for the words "settlement", the words "land revenue assessment" shall be substituted.

Amendment of Section 203.

65. In Section 210 of the Principal Act, for the words "Settlement Commissioner", the words "Commissioner, Land Records" shall be substituted.

Amendment of Section 210.

66. Sub-section (3) of Section 222 of the Principal Act, shall be omitted.

Amendment of Section 222.
Amendment of Section 229. 67. In Section 229 of the Principal Act, for the words "a Gram Panchayat or where a Gram Panchayat has not been constituted, to a Gram Sabha constituted in accordance with the provisions of section 232", the word "other" shall be substituted.

Amendment of Section 232. 68. Section 232 of the Principal Act shall be omitted.

Amendment of Section 233. 69. In Section 233 of the Principal Act,-
(1) after the word "village", the words "and urban area" shall be inserted.
(2) after clause (a), the following shall be added, namely:-

"(b) it shall not make any entry inconsistent with the purposes prescribed in the notified development plan, if any."

Amendment of Section 234. 70. For sub-section (4) of Section 234 of the Principal Act, the following shall the substituted, namely:-

“(4) On a resolution passed by the Gram Sabha, as provisioned in the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the Sub-divisional Officer with the prior sanction of the Collector and after making necessary enquiry may amend the Nistar Patrak.”
71. In Section 241 of the Principal Act,-

(1) in sub-section (4), for the word "Collector", wherever they occur, the words "Sub-Divisional Officer (Revenue)" shall be substituted.

(2) in sub-section (5), after the words "or domestic purposes", the words and figures "up to a maximum limit of 02 cubic meters in a calendar year" shall be inserted.

72. In Section 243 of the Principal Act, for the words and figures "the Land Acquisition Act, 1894 (1 of 1894)", the words and figures "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)" shall be substituted.

73. For Section 246 of the Principal Act, the following shall be substituted, namely:-

"246. Right of persons holding house site in Abadi.- Every person who, immediately before the coming into force of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), lawfully holds any land under Abadi or hereafter lawfully acquire such land shall be the Bhumiswami
in respect of such land. The occupier shall be the Bhumiswami in respect of land mentioned in land ownership certificate given under any law/rule by the State Government to the occupier of the land as a house site in abadi or in unoccupied land."

Amendment of Section 250.

74. In Section 250 of the Principal Act,-
(1) in sub-section (1), the words "occupancy tenant and" shall be omitted.
(2) clause (a) and (b) of sub-section (1-a) shall be omitted.
(3) in sub-section (3), the words "occupancy tenant or" shall be omitted.

Amendment of Section 252, 254 and 255.

75. Section 252, 254 and 255 of the Principal Act shall be omitted.

Amendment of Section 257.

76. In Section 257 of the Principal Act,-
(1) for clause (b), the following shall be substituted, namely:
   "(b) any question as to the validity or effect of a notification of land survey or to the term of land revenue assessment."
(2) in clause (c), for the words "Settlement Officer", the "District Survey Officer" shall be substituted.

(3) clause (n), (o), (p), (q), (r), (s), (t), (u) and (z-1) shall be omitted.

77. In sub-section (2) of Section 258 of the Principal Act,-

(1) after clause (i), the following shall be inserted, namely:-

"(i-a) prescribing the form for the proposal under Section 13;"

(2) after clause (iv), the following shall be inserted, namely,-

"(iv-a) prescribing the powers and duties to be exercised under sub-section (2) of Section 63;"

(3) in clause (vi), before the words "division of survey numbers", the words "amalgamation and" shall be inserted.

(4) clause (xi) shall be omitted.

(5) in clause (xii), for the words "revenue survey or settlement", the words "land survey or land revenue assessment" shall be substituted.

(6) after sub-clause (b) of clause (xxiv), the following shall be inserted, namely:-
'(c) regulation of procedure and form report of acquisition of rights, intimation, sketch prior to mutation, receipt, notice, copy, fees, information of pending cases and other related documents, for the purpose of Section 109 and 110;"

(7) after clause (xxviii), the following shall be inserted, namely:-

"(xxviii-a) the manner of summarily ejectment under Section 126;"

(8) in clause (xxxvi), for the words "settlement", the words "land revenue assessment" shall be substituted.

(9) after clause (xxxvi), the following shall be inserted, namely:-

"(xxxvii) Procedure to be followed in e-Namantaran Portal and e-Revenue Court Portal;"

(10) after clause (xliv), the following shall be inserted, namely:-

"(xliv-a) regulation of the partition of land during the lifetime of a Bhumiswami under Section 178-A;"
(11) after clause (xlv), the following shall be inserted, namely:

"(xlv)(a) the service of summons, notices and other processes by post or in any other manner either generally or in any specified areas and proof of such service;

(b) the regulation of the power of revenue officers to summon parties and witnesses and the grant of expenses to witnesses;

(c) the regulation of recognized agents with regard to appearances, applications and acts done by them in proceedings under this Code;

(d) the procedure to be observed in effecting attachment of movable and immovable properties;

(e) the procedure for publishing, conducting, setting aside and confirming sales and all ancillary matters connected with such proceedings;
(f) the maintenance and custody, while under attachment, of livestock and other movable property, the fees payable for such maintenance and custody, the sale of such livestock and property and the proceeds of such sale;

(g) the consolidation of appeals and other proceedings;

(h) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Revenue Courts;

(i) the time within which, in the absence of any express provision, appeals or applications for revision may be filed;

(j) the costs of, and incidental to, any proceedings;

(k) the examination of witnesses on commission and payment of expenses
incidental to such examination;

(1) the licensing of petition writers and the regulation of their conduct."

(12) clause (xlvi), (xlvii), (xlviii), (xlviii-A), (xlix), (l), (li) and (lvi) shall be omitted.

(13) after clause (lxv), the following shall be inserted, namely:-

"(lxv-a) regulation to give effect to the provisions of Section 250;"

(14) clause (lxvii) and (lxviii) shall be omitted.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

प्रमाण 601] रायपुर, शुक्लवार, विंकल 7 अक्टूबर 2022 — अधिनियम 15, शाखा 1944

विभिन्न और विभिन्नता कार्य विभाग
मंत्रालय, महानिदी नवन, नया रायपुर अद्यतन नगर

अद्यतन नगर, विंकल 7 अक्टूबर 2022

क्र. 10831/प्रो. 68/21-अ/प्रारूप/छ.न./22. — छत्तीसगढ़ विधान सभा का निम्नलिखित अधिनियम, जिस पर दिनांक 02-09-2022 को राज्यपत्र की अनुमति प्राप्त हो चुकी है, नकददारा सर्वसाकारण की जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपत्र के नाम हेतु कांड आदेशमुखी,
मोहन प्रसाद गुप्ता, अधिकारिक सचिव

1201
छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2022

छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्र. 20 सन् 1959) को और संशोधित करने हेतु अधिनियम।

भारत गणराज्य के लिए दसवें वर्ष में छत्तीसगढ़ विधानमण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित होंगे:

संशोधन नाव, 1. (1) यह अधिनियम छत्तीसगढ़ भू-राजस्व संहिता (संशोधन) अधिनियम, 2022 कहलायेगा।

(2) यह राजपत्र में इसके प्रकाशन की तारीख से प्रवृत्त होगा।

धारा 158 2. छत्तीसगढ़ भू-राजस्व संहिता, 1959 (क्र. 20 सन् 1959) (जो इसमें इसके पश्चात् मूल अधिनियम के रूप में निर्दिष्ट हैं) को धारा 158 की उप-धारा (3) के पश्चात्, निम्नलिखित जोड़ा जाये, अर्थात् —

"(4) प्रत्येक व्यक्ति, जो राज्य सरकार या कलेक्टर या आरंभन अधिकारी द्वारा उसे संज्ञूत किए गये किसी पदें के आधार पर भूमि धारण किया हुआ है, ऐसे आरंभन तारीख से 20 वर्ष पूर्ण होने की तारीख पर, ऐसी भूमि के संबंध में भूमिस्वामी समझा जाएगा और उन सभी अधिकारों तथा भार्यों के अध्यक्ष होगा, जो इस संहिता द्वारा उसके संरक्षण के भूमिस्वामी को प्रदाता और उस पर अधिकृत किये गये हैं।"
CHHATTISGARH ACT
(No. 15 of 2022)

THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT)
ACT, 2022

An Act further to amend the Chhattisgarh Land Revenue
Code, 1959 (No. 20 of 1959):

Be it enacted by the Chhattisgarh Legislature in the Seventy-
Third Year of the Republic of India, as follows:

1. (1) This Act may be called the Chhattisgarh

(2) It shall come into force from the date of its
publication in the Official Gazette.

2. After sub-section (3) of Section 158 of the
Chhattisgarh Land Revenue Code, 1959
(No. 20 of 1959), (hereinafter referred to as
the Principal Act), the following shall be
added, namely:

“(4) Every person, who is holding land
by virtue of a lease granted to him
by the State Government or the
Collector or the Allotment Officer,
on the date of completion of 20
years since the date of such
allotment, shall be deemed to be a
Bhoomiswami in respect of such
land and shall be subject to all the rights and liabilities conferred and imposed upon a Bhoomiswami by or under this Code.”