The Madhya Pradesh Land Revenue Code Act, 1959

Act 20 of 1959

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THE M. P. LAND REVENUE CODE, 1959

(M. P. Act No. 20 of 1959)

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THE MADHYA PRADESHA& CHHATISGARH

LAND REVENUE CODE, 1959

(M.P. Act No. 20 of 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. **Short title, extent and commencement.— (1)** This Act may be called **The Madhya Pradesh Land Revenue Code, 1959.**

(2) It extends to the whole of Madhya Pradesh but nothing contained in this Code except the provisions relating to liability of land for payment of land revenue, the assessment of land revenue with reference to the use of land, realisation of land revenue and all provisions ancillary thereto shall apply to such areas as may, from time to time, be constituted as reserved or protected forest under the Indian Forest Act, 1927 (XVI of 1927)

Provided that the aforesaid provisions of the Code shall apply with reference to the use of land in such areas for one or more of the purposes specified in Section 59.]

(3) This Code shall come into force on such date3 as the State Government may, by notification, appoint.

2. Definitions.— (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 water nuts (*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;

(v) the use of land for poultry, fisheries or animal husbandry in an area situated more than five kilometres away from the periphery of urban areas;]

(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; .

(e) *"bonafide 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 reserve 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 bhumiswami 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 includes —

(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 bhumiswami 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 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 practice in any of the Courts in Madhya Pradesh under the Legal Practitioners Act, 1879 (XVIII of 1879)1, 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;

(oa) *"market Value"* means the value of land assessed according to guidelines issued by the Collector under the Madhya Pradesh Bajar Mulya Margdarshak Siddhanton ka Banaya Jana Tatha. Unka Punrikshan Niyam, 2000 made under the Indian Stamp Act, 1899 (No. 2 of 1899);]

(p)"orchard" means fruit trees planted in such numbers than 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 Sironj 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;

(u) *"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;

(v) *"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;

(w) *"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;

(x) *"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;

(y) *"tenant"* means a person holding land from a bhumiswami as, an occupancy tenant under Chapter XIV;

(z) *"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;

(z-1) *"timber trees"* means trees of the following species, namely : --

(i) Tectona grandis (sagwan);

(ii) Pterocarpus Marsumpium (bija);

(iii) Dalberia latifolia (shisham);

(iv) Shorea robusta (sal);

(v) tinsa;

(vi) Terminalia tomentosa (ain or saj);

(vii) Santalumalbam (Chandan);

[(viii) Adina Cordifolia (Haldu);

(ix) Mitragyna Parviflora (Mundi);

(x) Terminalia Arjuna (Arjun);

(xi) Diaspyrous melaxylon (Tendu);

(xii) Gmelina arborea (khamhar).]

(z-2) *"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;

(z-3) *"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;

(z-4) *"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;

(z-5) "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 a reference to the date appointed by notification under sub-section (3) of Section 1.

CHAPTER II

BOARD OF REVENUE

3. Constitution of Board of Revenue.— (1) There shall be a Board of Revenue for Madhya Pradesh consisting of a President and two or more other members as the State 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. Principal seat and other places of sittings of Board of Revenue.— (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 a the Board may with the approval of the State Government, appoint.

5. Conditions of service of members of Board.— (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. Salaries and allowances.—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. Jurisdiction of Board. — (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 deeinfit 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.

8. Powers of Superintendence of Board.—The Board shall, in respect of all matters subject to its appellate or revisional jurisdiction, have superinten- dence over all authorities in so far as such authorities deal with such matters and may call for returns.

9. Exercise of jurisdiction by single members and benches.— 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. Cases pending at commencement of Code.—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.

(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 Boand, 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.]

CHAPTER III

REVENUE OFFICERS, THEIR CLASSES AND POWERS

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

Commissioners (including Additional Commissioners);

Settlement Commissioner (including Additional Settlement Commissioners);

Collectors (including Additional Collectors); Settlement Officers;

Sub-Divisional Officers;,

Assistant Collectors;

Joint Collectors (including Deputy Collectors);

Deputy Settlement Officers;

Assistant Settlement Officers;

Tahsildars (including Additional Tahsildars);

Superintendents of Land Records;

Naib Tahsildars;

Assistant Superintendents of Lands Records.

12. Control over Revenue Officers.— (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 td the Collector.

13. Power to alter, create or abolish divisions, districts, sub-divisions and tahsils.— (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.

(2) The State Government may alter the limits of any district or tahsil and may create new, or abolish existing districts or tahsils, and may divide any district into sub-divisions and may alter the limits of or abolish, any sub- division

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 tahsil or to create new or abolish existing divisions, districts or tahsils, 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 tahsil shall be deemed to be a sub-division of a district.

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 by or under any other enactment for the time being in force.

(2) The State Government may, subject to such condition 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. 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 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. Power to appoint Collector.— 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. Power to appoint Additional Collectors.—(1) The State Government may appoint one or more Additional Collector 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. Appointment and powers of Assistant Collectors, Joint Collectors and Deputy Collectors.— The State Government may appoint for each district as many persons as it thinks fit to be —

(i) Assistant Collectors of the first and second grades;

(ii) Joint Collectors; and

(iii) Deputy Collectors,

who shall exercise such powers as the State Government may, by notification, direct.

19. Appointment of Tahsildars, Additional Tahsildars and Naib Tahsildars.— (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 Taksildars in a tahsil. An Additional Tahsildar shall exercise such power 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. Appointment of Superintendents of Land Records and Assistant Superintendents of Land Records.— (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 and imposed on them by or under this Code or any other enactment for the time being in force.

21. Other Officers.— (1) The State Government may appoint such other officers and invest them with such power 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. Sub-Divisional Officers.-(1) The Collector may place one or more Assistant Collectors or 3[Joint Collector or Deputy Collector] 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 1[Joint 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. Subordination of Revenue Officers.—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. Conferral by State Government of powers of Revenue Officers on Officials and other persons.— (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. Powers exercisable on transfer.—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. Collector in case of temporary vacancy.— 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. Place of holding enquiries.— Except for reasons to be recorded in writing, no Revenue Officer shall enquire into, or hear, any ease 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. Power to enter upon and survey land.—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. Power to transfer cases.--:(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. Power to transfer cases to and from subordinates- (1) 2A Collector or a Sub-Divisional Officer], 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. Conferral of Status of Courts on Board and Revenue Officers.-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. Inherent power of Revenue Courts.- 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. Powers of Revenue Officers to require attendance of persons and production of documents and to receive evidence.- (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 Officer 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 commission 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. Compelling attendance of witness.— If any person on whom a summons to attend as witness or to produce any document has been served falls to comply with the summons, the officer by whom the st1111111011s has been issued under Section 33 may —

(a) Issue available warrant of arrest;

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

(c) Impose upon him a fine not exceeding rupees [one thousand].

35. Hearing in absence of party.— (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 dismissed in default, as the case may be.

(3) The party against whom any order is passed under sub-section (1) or (2) may apply along with his affidavit] 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 proceeding before any Revenue Officer has been decided on merits, no appeal shall lie from an order passed under this section.

36. Adjournment of hearing.— (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 proceeding before him :

Provided that each party may be granted not more than three adjournments during the entire hearing of the case and each such adjournment should be granted only with cost.]

(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.Power to award costs —A Revenue Officer may award costs incurred in any case or proceeding 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. Manner of executing order to deliver possession of immovable property. — 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. Persons by whom appearances and applications may be made before and to Revenue Officers. — 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, 1908 (V of 1908), 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 (r) of sub-section (1) of Section 2.

40. Effect of rules in Schedule I.— 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. Power of Board to make rules. — (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;

(1) 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. Orders of Revenue Officer when reversible by reason of error or irregularity. — 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 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. Code of Civil Procedure to apply when no express provision made in this Code.— 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.

CHAPTER V

APPEAL, REVISION AND REVIEW

44. Appeal and appellate authorities.— (1) Save where it has been otherwise provided, an appeal shall lie from every original order under this Code or the rules made there under—

(a) If such order is passed by any Revenue Officer subordinate to the Sub-Divisional Officer, whether or not the officer passing the order is invested with the powers of the Collector—to the Sub-Divisional Officer;

(b) If such order is passed by the Sub-Divisional Officer, whether or not invested with the powers of the Collector—to the Collector;

(c) If such order is passed by any Revenue Officer subordinate to the Settlement Officer — to the Settlement Officer;

(d) If such order is passed by any Revenue Officer in respect of whom a direction has been issued under sub-section (3) of Section 12 or sub-section (2) of Section 21— to such Revenue Officer as the State Government may direct;

(e) If such order is passed by a Collector whether exercising the powers of Collector or Settlement Officer, during the currency of the term of settlement — to the Commissioner;

(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 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. Transfer of certain pending proceedings to Settlement Commissioner. — 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 against certain orders.—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 2[the Limitation Act, 1963 (36 of 1963)1; 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 106.1

47. Limitation of appeals.— No appeal shall lie —

(a) to the Sub-Divisional Officer or Collector or Settlement Officer or Settlement Commissioner, after the expiration of 3[thirty days] from the date of the order to which objection is made; or

(b) to the Commissioner after the expiration of 4[forty-five days] from such date; or

(c) to the Board, after the expiration of Isixty days] from such date

Provided that where the order, against which the appeal is being preferred, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case appeal shall be entertained within the time limit provided in the Code prior to this said Amendment Act:]

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. Copy of order objected to accompany petition.— 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. Power of appellate authority.— (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, 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 :

Provided further that all such cases which have been remanded to the Sub-ordinate Revenue Officers by the Appellate or Revisional Authorities before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011 shall be heard and decided by such Revenue Officer.

50. Revision.— (1) The Board may, at any time on its motion or on the application made by any party or the Collector or the Settlement Officer may, at any time on his motion, call for the record of any case which has been ,decided or proceeding in which an order has been passed by any Revenue Officer subordinate to it or him and in which no appeal lies thereto, and if it appears that such subordinate Revenue Officer,—

(a) has exercised a jurisdiction not vested in him by this Code, or

(b) has failed to exercise a jurisdiction so vested, or

(c) has acted in the exercise of his jurisdiction illegally or with material irregularity

the Board or the Collector or the Settlement Officer may make such order in the case as it or him thinks fit

Provided that the Board or the Collector or the Settlement Officer shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of the proceeding, except where,—

(a) The order, if it had been made in favour of the party applying for revision to the Board, would have finally disposed of the proceedings, or

(b) The order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

(2) The Board or Collector or the Settlement Officer shall not, under this section vary or reverse any order against which an appeal lies either to the Board or to any Revenue Officer subordinate thereto.

(3) A revision, shall not operate as a stay of proceeding before the Revenue Officer except where such proceeding is stayed by the Board or the Collector or the Settlement Officer, as the case may be.

(4) No application for revision shall be entertained, —

(a) against an order appealable under this Code;

(b) against an order to the Settlement Commissioner under Section 210;

(c) unless presented within sixty days to the Board :

Provided that where the order, against which the application for revision is being presented, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case revision shall be entertained within ninety days from the date of order.

(5) 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.

(6) 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 Collector or the Settlement Officer in respect thereof;

(ii) where proceeding in respect of any such case have been commenced by the Collector or the 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 Collector or the Settlement Officer, as the case may be, or may withdraw such proceedings and pass such order as it may deem fit.

51. Review of orders.— (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 —

- 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;]

(i-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;

(ii) 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;

(iii) 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 3[sixty days] from the passing of the order :

Provided that where the order, against which the application for review is being presented, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case review shall be entertained within ninety days from the date of 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.

52. Stay of execution of orders.- (1) A Revenue Officer who has passed any order or his successor in office may, at any time before the expiry of the period prescribed for appeal or revision, direct the execution of such order to be stayed for such time as may be requisite for filing an appeal or revision and obtaining a stay order from the appellate or revisional authority.

(2) The appellate or revisional authority may, at any time direct the execution of the order appealed from or against which a revision is made to be stayed for such time as it may think fit:

Provided that the execution of order shall not be stayed for more than three months at a time or until the date of next hearing, whichever is earlier.]

(3) The authority exercising the powers conferred by Section 50 or Section 51 may direct the execution of the order under revision or review to be stayed for such time as it may think fit :

Provided that the execution of order shall not be stayed for more than three months at a time or until the date of next hearing, whichever is earlier.]

(4) The Revenue Officer or the authority directing the execution of an order to be stayed may impose such conditions or order such security to be furnished as he or it thinks fit.

(5) No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section.

53. Application of limitation Act.- Subject to any express provision contained in this Code, the provision of [the Limitation Act, 1963 (36 of 1963) shall apply to all appeals and applications for [review and revision] under this code.

54. Pending revisions- Notwithstanding anything contained in this chapter, all proceeding pending in revision before any Revenue Officer immediately before the coming into force of the Madhya Pradesh Land Revenue code (Amendment) Act,2011 shall be heard and decided by such Revenue Officer as if this Amendment Act had not been passed.]

55. Application of Chapter.—For avoidance of doubt, it is hereby declared that save as otherwise expressly provided in this Code, the provisions of this Chapter shall apply to —

(a) all orders passed by any Revenue Officer before the date of coming into force of this Code and against which no appeal or revision proceedings are pending before such date; and

(b) all proceedings before Revenue Officers, notwithstanding that they were instituted or commenced or arose out of proceedings instituted or commenced before the coming into force of this Code.

56. Construction of order.— In this Chapter, unless the context otherwise requires, expression "order" means the formal expression of the decision given by the Board or a Revenue Officer in respect of any matter in exercise of its/his powers under this Code or any other enactment for the time being in force, as the case may be.

CHAPTER VI

LAND AND LAND REVENUE

57. State ownership in all lands.— (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 : z

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.]

(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 4[State Government.]

(3) Omitted.

(3-a) Omitted.

(4) Omitted

58. Liability of land to payment of land revenue.— (1) All land, to whatever purpose applied and wherever situate, 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 or contract with the State Government or under the provisions of any law or rule for the time being in force

Provided that the abadi land, subject to the provisions of Section 245, and the land which is situated in non-urban areas and used for agricultural purposes and not exempted from such liability, is liable to payment of revenue to the Gram Sabha.]

(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.

58-A. Certain land to be exempted from payment of land revenue,— Notwithstanding anything contained in this Code, no land revenue shall be payable

in respect of an uneconomic holding used exclusively for the purpose of agriculture.

Explanation I. —For the purpose of this section, —

- *'uneconomic holding'* shall mean a holding the extent of which is

  not more than 5 acres;]

(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.

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

(a)the entire land held by a person in 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.]

58-B. Half of the assessed land revenue shall be payable for holding used exclusively for the purpose of a project of micro and small enterprise.— (1) Notwithstanding anything contained in this Code, only half of the assessed land revenue shall be payable in respect of a holding upto two hectares used exclusively for the purpose of a project of micro and small enterprise.

(2) For the purpose of sub-section (1), the Collector shall, after affording reasonable opportunity of being heard to the persons interested and after making such enquiry as he may deem necessary, decide that the concerning holding is of project of micro and small enterprise.

Explanation. —For the purpose of this Section, the micro enterprise and small enterprise shall have the same meaning as assigned to them in sub-clauses (i) and (ii) of clause (a) of sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006 (No. 27 of 2006)1

59. Variation of land revenue according to purpose for which land is used.— (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 of such farm house which is situated on holding of one acre or more;

(b) as sites for dwelling houses;

(c) for educational purpose;

(d) for industrial purpose;

(e) for commercial purpose;

(f) for the purpose of mining under a mining lease within the meaning of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

(g) for purpose other than those specified in items (a) to (f) above: Provided that the assessment of land revenue on any land situated in the areas which are constituted as reserved or protected forests under the Indian Forest Act, 1927 (16 of 1927), with reference to use of land for any of the purposes aforesaid shall not be proceeded with or any procedure relating to the assessment to be followed under the relevant provisions of the Code shall not be commenced except on a certificate permitting the use of land issued by an officer of the Forest Department duly authorised by the State Government in this behalf.]

Explanation. —For the purpose of clause (a) "Farm House" means such building or construction which is any improvement as defined in clause (j) of sub-section (1) of Section 2, the plinth area of which shall not exceed one hundred square metre and the built up area shall not exceed one hundred fifty square metre.

(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 is has been diverted.

(4) The assessment made under sub-sections (2) and (3) shall be in accordance with the rules made by 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 there on 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) Not with standing 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 malik makbuza 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).

59-A. Assessment when to take effect.- 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. Reassessment on diversion of land prior to coming into force of the code- 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. Assessment by whom to be fixed.— 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

A-Application of Chapter and Officers to conduct Revenue

Survey and/or Settlement

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

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

63. Appointment of Additional Settlement Commissioners and their powers and duties. — (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. Appointment of Settlement, Deputy Settlement and Assistant Settlement Officers.— (1) The State Government may appoint an officer 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. Powers of Settlement, Deputy Settlement and Assistant Settlement Officers. — (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. Definition of Revenue Survey.—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 map;

(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. Notification of proposed revenue survey.- (1) Whenever the State Government decides that a revenue survey should be made of any local area, it shall publish a notification to that effect, and such local area shall be held to be under such survey from the date of such notification until the issue of a notification declaring the operation 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. Formation of survey numbers and villages. —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) Recognize 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. Separate demarcation of land diverted or specially assigned. — 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 assessment 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. Power to re-number or sub-divide survey numbers.— (1) The Settlement Officer may either re-number 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 re-numbered, the Settlement Officer shall correct the entries in all records prepared or maintained under Chapter IX.

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

72. Determination of abadi of village.— 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. Power of Settlement Officer to divide or unite villages or exclude area there from.—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. Grouping of villages.— 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 in forming such group regard shall be had to physical features, agricultural and economic conditions and trade facilities and communications.

C-Settlement of rent

75. Definition of Settlement-, — 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 called "settlement" and the period during which the revised land revenue be in force is called the term of settlement.

76. Notification of proposed settlement.-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 is 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. Fixation of assessment rates.-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 from 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**. Omitted]

79. Fixation of fair assessment.-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 such assessment shall be the fair assessment of such holding.

80. All lands liable to assessment.-The settlement officer shall have the power to make fair assessment on all lands what-so-ever to which the settlement extends, whether such lands are liable to the payment of land revenue or not.

81. Principles of assessment.-(1) The fair settlement 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 agriculture 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 purpose shall be fixed in accordance with the rules made under section59.

(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) Omitted.

82. Announcement of settlement.-(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. Introduction of Settlement. – 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. Remission of enhancement of bhumiswami who relinquishes – During the first year of the term of settlement any bhumiswami 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.

85. Term of settlement.— (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. Power of Collector to complete •unfinished proceedings.— 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.

D-General

87. Inquiry into profits of agriculture and value of land.— (1) With effect from the coming in 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 in consideration the information collected in the course of this inquiry, when framing his proposals for assessment rates.

88. Power to transfer, duty of maintaining maps and records to Settlement Officer. — 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 Chapters IX and XVIII.

89. Power of Sub-Divisional Officer to correct errors.— The Sub-Divisional Officer may, at any time after the closure of the revenue surveys and during the term - of settlement, correct any error in the area or assessment of any survey number of 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. Power of Collector during term of Settlement etc.— 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. Power to grant power of Settlement Officer during term of Settlement. — 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. Power to make rules.—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. Provisions of Chapter to apply to land in urban areas. — (1) The provisions of this Chapter shall apply to land held in urban area, whether for agricultural or non-agricultural purposes. —

(1) by a bhumiswami;

(2) by a Government lessee under a lease granting a right of renewal; and

(3) 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. Powers of Collector to divide lands into plot numbers. — Subject to rules made under this Code, the Collector may —

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

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

94. Powers of Collector to re-number or sub-divide plot numbers. — (1) The Collector may either re-number 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 apportion- ment 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 either of area or of land revenue or rent, as the case may be, or 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. Area and assessment of plot numbers and sub-divisions to be entered in records. — The area and assessment of plot number and sub-divisions of plot numbers shall be entered in such records as may be prescribed.

96. Area in town formed into blocks for assessment.— 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. Omitted.

98. Fair assessment.—The fair assessment of lands used for agricultural purpose shall be calculated and fixed in accordance with the principles and restrictions set forth in Section 81 and lands used for non-agricultural purpose shall be fixed in accordance with the rules made under Section 59.1

(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 purpose 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 equal to 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. Omitted.

100. Fixation of fair assessment at the time of revision.—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 a 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.

101. Term of settlement. —The assessment fixed under Section 10 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. Assessment fixed shall be land revenue or rent. —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. Land revenue or rent fixed under previous settlement or leases to continue. 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. Formation of patwaris' circles and appointment of patwaris thereto.— (1) The Collector shall from time to time arrange the villages of the tahsil in patwari circle and may, at any time, alter the limits of any existing circle and may create new circles Of abolish existing ones.

(2) 1[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. Formation of Revenue Inspectors' circles.—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. Appointment of Revenue Inspectors, etc.— (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. Field map.—(l) 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.

[(5) Such map shall be prepared or revised, as the case may be, by the Settlement Officer at [revenue survey] and by the Collector at all other times and in all other circumstances.]

108. Record of rights.-3[(1)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 following particulars : —

(a) the names of all bhumiswamis 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] or whenever the State Government may, by notification, so direct.]

109. Acquisition of rights to be reported.— (1) Any person lawfully acquiring any right or interest in land 6[x x x] 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 acknowledgement 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 in 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. ,

[110. Mutation of acquisition of right in Field Book and other relevant land records.— (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 persons 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 enquiry, as he may deem necessary, make necessary entry in the Field Book and other relevant lands records.]

111. Jurisdiction of Civil Courts. — 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. Intimation of transfers by Registering Officers.—When any document purporting to create, assign or extinguish any title to or any charge on land used for agricultural purposes, or in re-spect 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 situate in such form and at such times as may be prescribed by rules under this Code.]

113. Correction of clerical errors.— The 1[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 Land records**.— 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. Bhoo Adhikar Avam Rin Pustika.— (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 the 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.]

[**115. Correction of wrong entry in khasra and any other land records by superior officers**.— 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. Disputes regarding entry in khasra or in any ether land records**.— (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.]

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

118. Obligation to furnish information as to title.— (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 acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date the receipt of.

119. Penalty for neglect to furnish information.— (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 4[Tahsildar], to a penalty not exceeding lone thousand 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.

[Provison Omitted.]

120. Requisition of assistance in preparation of maps and record of rights. — 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. Power to make rules for land records.— The State Government may make rules for regulating the preparation, maintenance and revision of land records required for the purposes of this Code.

122. Exemption from provisions of this Chapter.— 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.

123. Record-of-rights at commencement of Code.— (1) Until record of rights for the villages in the Madhya Bharat, Bhopal, Vindhya Pradesh and Sironj regions is prepared in accordance with the provisions of Section 108 the jamabandi or khatauni 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 khatauni referred to in sub-section (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 khatauni 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 4[1954-55] shall continue to be deemed to be record-of-rights of such village until a record-of-rights is prepared in accordance with the provisions of Section 108.

CHAPTER X

BOUNDARIES AND BOUNDARY MARKS, SURVEY MARKS

124. Construction of boundary marks of villages and survey numbers or plot numbers.— (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 1[Tahsildar] Made by not less than half of the number of holders of land in the village. When such application is made, the 2[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. Disputes regarding boundaries between villages, survey numbers and plot numbers.—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 3[Tahsildar] after local inquiry at which all persons interested shall have an opportunity of appearing and producing evidence.

126. Ejectment of persons wrongfully in possession.— (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 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.

127. Demarcation and maintenance of boundary lines.— (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 for 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 (I), 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 purpose of this section means a road which, bears an indicative survey number or plot number.

128. Enforcement of repair of boundary or survey marks.— (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 thousand rupees] for every boundary marks so repaired. Such cost and penalty shall be recoverable as an arrear of land revenue.

129. Demarcation of boundaries of survey number or sub-division or plot number.— (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 boundry 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 suryey 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:

130. Penalty for destruction, injury or removal of boundary or survey marks.— 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 i[one thousand 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.

131. Rights of way and other private easements.— (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-arz 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 debar any person from establishing such rights of easement as he may claim by a civil suit.

[132. Penalty for obstruction of way, etc.—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 Wajib-ul-arz 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 3[ten thousand rupees]

[133. Removal of obstruction.—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 and such person shall be liable, under the written order of a Tahsildar stating the facts and circumstances of the case, to a penalty with may extend to ten thousand rupees.]

134. Execution of bond for abstaining from repetition of certain acts.— Any person who encroaches upon or causes any obstruction under Section 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. Acquisition of land for road, paths, etc.— (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. Power to exempt from operation of this Chapter.—The State Government may, by notification, declare that any of or all of the provisions of this Chapter shall not apply in any village or class of villages.

CHAPTER XI

REALISATION OF LAND REVENUE

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

138. Responsibility for payment of land revenue.— (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.

(2) When there are more than one bhumiswami or lessee in a holding, all such bhumiswarnis or lessees, as the case may be, shall be jointly and severally liable to the payment of the land revenue on such holding

139. Land revenue recoverable from any person, in possession.—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. Dates on which land revenue falls due and is payable. — (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. Definitions of "arrear" and "defaulter".—Any land revenue due and not paid on or before the prescribed date becomes therefrom an arrear, and the persons responsible for it, whether under the provisions of Section 138 or Section 139 become defaulters.

142. Patel, Patwari, Gram Sabha or Gram Panchayat bound to give receipt.— (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/it 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. Penalty for default of payment of land revenue.—If any instalment of land revenue or any part thereof is not paid within one month after the prescribed date th Sub-Divisional Officer may in the case of a wilful defaulter, impose penalty not exceeding l[hundred] per cent of the amount not so paid

Provided that no such penalty shall be imposed for the non-payment of an 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. Remission or suspension of land reveuue on failure of crops.— (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. Certified account to be evidence as to arrear and defaulter.—(1) A statement of account, certified by the Collector or by the Tahsildar shall, for the purpose 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. Notice of demand.— 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. Process for recovery of arrear. —An arrear of land revenue payable to Government [or Gram Sabha] may be recovered by a Tahsildar by anyone 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 :

[Provided that no holding shall be sold for the recovery of any dues of a co-operative society without first exhausting the procedure prescribed in Section 154-A]

[(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 l54-A;]

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

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

- 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;
- Tools of artisans and, if the defaulter is an agriculturist, his imple- ments 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, —

- six hectares or less than six hectares of land in the Scheduled Area; or
- four hectares or less than four hectares of land in other areas.

Explanation.— 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.]

148. Costs recoverable as part of arrear —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.

149. Enforcement of processes in other districts. — The processes specified in clauses (a) and (e) of Section 147 may be enforced either in the district in which the default has been made or in any other district.

150. Payment under protest and suit for recovery.— (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. Application of proceeds of sale.— (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 defaulters 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 from the date of the confirmation of sale in the case of immovable property.

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

152. Land sold for arrears to be free from encumbrances.— (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 (I).

153. Purchaser's title.— Where immovable 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. Purchaser not liable for land revenue due prior to sale.— Notwithstanding anything in Section 138, or Section 139, the person named in the certificate of purchase shall not be liable for land revenue payable in respect of the land for any period previous to the date of the sale.

[154-A. Powers of the Tahsildar to let out the holding in respect of which arrear is due or any other holding of the defaulter. —[(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 Tabsildar may, notwithstanding anything, contained in this Code, after attachment of holding under clause (b) for the recovery of dues of a Co-operative Society, or clause (bb) 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

Provided that the holding attached for the recovery of the dues of a Co-operative Society shall be let out for a period not exceeding ten years :]

[Provided further that any land of a holding of a bhumiswami belonging to a member of a tribe which has been declared to be an aboriginal tribe under sub-

section (6) of Section 165, shall not be let out to any person other than a member of such tribe.]

(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 whatsoever for the moneys recoverable in the same manner as an arrear of land revenue under Section 155 for the satisfaction whereof the same was let out under sub-section (1) :]

[Provided that nothing in this sub-section shall apply to the holding attached and let out for the recovery of the dues of a Co-operative Society where the dues for the satisfaction were of the same was let out under sub-section (1) are not fully satisfied on the expiry of the period of lease.]

155. Moneys recoverable as an arrear of land revenue.— 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;1

(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; and

(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

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 ar rear of land revenue;]

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

(i) on account of service charge, penalty, interest, cost of machinery or other materials sold by the said Nigams to entrepreneurs 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. Recovery of moneys from surety—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 where under 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. Class of tenure .- There shall be only one class of tenure- holders of land held from the state to be known as bhumiswami

158. Bhumiswami.— [(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 Mahakoshal region in bhumiswami or bhumidhari rights in accordance with the provisions of the Madhya Pradesh Land Revenue Code, 1954 (II of 1955);

(b) every person in respect of land held by him in the Madhya Bharat region as a Pakka tenant or as a Muafidar, Inamdar 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 paintalis tenant, pattedar 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 grover 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 (4) of Section 57 of the Rewa State Land Revenue and Tenancy Code, 1935;]

(iii) every person in respect of land held by him 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 Sironj 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 expression "Ruler" and "Indian State" shall have the same meanings as are assigned to these expressions in clauses (22) and (15) respectively by Article 366 of the Constitution of India.]

[(3) Every person--

(i) who is holding land in bhumiswami right by virtue of a lease granted to him by the State Government or the Collector or the Allotment Officer on or before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1992 from the date of such commencement, and

(ii) to whom land is allotted in bhumiswami right by the State Government or the Collector or the Allotment Officer after the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1992 from the date of such allotment,

shall be deemed to be a bhumiswami in respect of such land and shall be subject to all the rights and liabilities conferred and imposed upon a bhumiswami by or under this Code

Provided that no such person shall transfer such land within a period of ten years from the date of lease or allotment.]

159. Land revenue payable by bhumiswamis. — 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 — such land revenue; or

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

160. Revocation of exemption from liability for land revenue.— (1) Every Muafi 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,

(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 land 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. Reduction of revenue during the currency of settlement. — (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.

[162. x x x]

163. Pending applications for conferral of bhumiswami rights.—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 Devolution**.— Subject to his personal law the interest of bhumiswami shall, on his death, pass by inheritance, survivorship or bequest, as the case may be.]

165. Rights of transfer.— (1) Subject to the other provisions of this section and the provision of Section 168 a bhumiswarni may transfer i[x x x] any interest in his land.

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

(a) no mortgage of any land by a bhumiswarni shall hereafter be valid unless atleast 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 hereafter 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 mortgagee in possession of the land mortgaged does not hand 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]

(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) x x x]

[Provided that

(i) nothing in this sub-section shall apply—

(a) (i) in the case of transfer in favour of an institution established for a public, religious or charitable purpose or a transfer for industrial purpose or a transfer by way of mortgage;

(ii) in the case of transfer in favour of Co-operative Society for industrial purpose or a transfer by way of mortgage subject, however, to the condition that no mortgage for agricultural purposes shall authorise sale for recovery oi an advance in contravention of clause (b) of Section 147;

(b) in the case of a transfer of land held for non-agricultural purposes]

Provided further that the transfer of land under sub-clause (a) 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 I [one month] 2[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 3[one month] Ininety 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 co-operative society where any land is to be sold in execution of a decree or order passed in favour of such society after exhausting the procedure prescribed in Section 154-Al

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, for the whole 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 nor it shall be transfe,rable.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 to 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), 2[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 (6), in the land excluding the agricultural land] shall 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 aboriginal tribe without the permission of the Collector given for reasons to be recorded in writing

Provided that every such transfer effected 3[after the 9th day of June, 1980 but before the 20th April, 1981] which is not in accordance with the provisions herein contained shall, unless such transfer if ratified by the Collector in accordance with the provisions hereinafter 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 consideratio.n paid is adequate;

(v) whether the transaction is spurious 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 Scheduled 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;]

(6-f) The provisions of •sub-section (6-a) to 2[(6-ee)] 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;]

(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 (a) 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 Adhiniyarn, 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 2[Collector].]

[(7-b) Notwithstanding anything contained in sub-section (1), 4[a person who holds land from the State Government or a person who holds land in bhumiswami rights under sub-section (3) of Section 158] or whom right to occupy land is granted by the State'Government or the Collector as a Government lessee and who subsequently becomes bhumiswami 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 Agriculturist Loans Act, 1884 (XII of 1884).

[(9) Nothing in this section shall —

(i) prevent a bhumiswami from transferring any right in his land by way of mortgage to secure payment of an advance made to him by co-operative society subject to the condition that the land shall not be sold to secure recovery, without exhausting the procedure prescribed in Section 154-A; or

(ii) affect the right of any such society to secure recovery or an advance made to him, in accordance with the provisions of Section 154-Al

[(9-a) Nothing in this section shall prevent a bhumiswami who is a dis-placed person from transferring any right in his land to secure payment of an advance made to him by the Dandakaranya 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. Forfeiture in cases of certain transfers.— (1) If a transfer of land is made in contravention of the provisions 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]

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

167. Exchange of land.—Subject to the provisions of Section 165 bhumiswami may exchange by mutual agreement the whole or any part of their holding for purposes of consolidation of holdings or securing greater convenience in cultivation.

168. Leases.— (1) 3[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 three years :1

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

- made by bhumiswami who is a member of a registered co-operative farming society to such society;
- held by a bhumiswami for non-agricultural purposes.]

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 transferor 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

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) x x x]

(4) Where a lease is granted is pursuance of 2[sub-section (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. Unauthorised lease etc.—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. Avoidance of transfer in contravention of Section 165._[(i) 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 bhurniswami 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 [twelve 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.]

(2) Where any land of a bhumiswami is sold in contravention of sub- section (3) of Section 165, the Court by which such sale is ordered shall, on the application of the bhumiswami or any person who, if he survived the bhumiswami without nearer heirs would inherit the holding made within two years of such sale, set aside the sale and Place the applicant in possession of the land subject to his accepting the liability for arrears of land revenue or any other dues which form a charge on the land.

[170-A. Certain transfers to be set aside.— (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 transferer 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 bhumiswami 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 a reasonable opportunity to the persons owning any interest in such land, is satisfied that such transfer was not bonafide, 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 transferor; 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 4[restore the land to the transferor by putting him in possession of the land forthwith]; or

(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. Reversion of land of members of aboriginal tribe which was transferred by fraud**.— (1) Every person who on the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment), 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 the commencement of Amendment Act, 1980 shall, within 6]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) 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.

[(2-A) If a Gram Sabha in the Scheduled area referred to in clause (1) of Article 244 of the Constitution finds that any person, other than a member of an aboriginal tribe, is in possession of any land of a bhumiswami belonging to an aboriginal tribe, without any lawful authority, it shall restore the possession of such land to that person to whom it originally belonged and if that person is dead to his legal heirs

Provided that if the Gram Sabha fails to restore the possession of such land, it shall refer the matter to the Sub-Divisional Officer, who shall restore the possession of such land within three months from the date of receipt of the reference.]

(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 revesting the agricultural land in the transferor and, if he is dead, in his legal heirs.]

[(3) On receipt of the information under sub-section (1) the Sub-Divisional Officer shall make such enquiry as may be 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 —

(a) Where no building or structure has been erected on the agricultural land prior to such finding pass an order revesting 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 transferor the difference, if any, between the price so fixed and the price actually paid to the transferor:

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. Advocate not to appear in proceedings under Section 170-A or 170-B without permission.— 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. Second appeal barred.— 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. Right to make improvements. —A bhumiswami 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.

172. Diversion of land.— (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 agricul¬ture,] 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 4[one month], the Sub-Divisional Officer shall be deemed to have granted the permission without any condition :

[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, a written information of his intention given by bhumiswami to the Sub-Divisional Officer shall be sufficient and no permission is required for such diversion

Provided also that if a bhumiswami of a land wishes to divert his land or any part thereof which is assessed for agriculture 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 Sub-Divisional Officer shall be sufficient and no permission is required for such diversion.]

[Provided also that if a competent authority undertakes the work of regularisation of the illegal colony, the land of which is not diverted, then the land, subject'to the provisions of development plan, shall be deemed to have been

diverted and such land shall be liable for premium and revised land revenue under Section 59.

Explanation.— For the purpose of this section the competent authority shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Palika (Registration of Coloniser, Terms and Conditions) Rules, 1998 made under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).]

(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 2[twenty per centum of the market value of such diverted land] 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 [twenty per centum of the market value of such diverted land] for such contravention, and a further penalty

not exceeding 2[one thousand 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 that 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.

[(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) x x x]

[*Explanation I.*]—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.

[Explanation II.] — For the purposes of this section, the words 'development plan' shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973).]

173. Relinquishments.—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 bhumiswami 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. Disposal of relinquished sub-division.— 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 bhumiswami he shall sell such right to the highest bidder amongst them.

175. Right of way to relinquished land.— If any person relinquishes his right to land, the way which lies through other land retained by him any, future holder of the land relinquished shall be entitled to a right of way through the land retained.

176. Abandonment of holding.— (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 1[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 4[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.

177. Disposal of holdings.— (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 1[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 2[Tahsildar] takes possession of the land any claimant applies for the holding being restored to him, the 3[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 4[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 5[Tahsildar] file a civil suit to establish his title, and if such suit is filed, the 6[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 have been rejected under sub-section (2) does not file a suit within one year as provided in sub-section (3), the [Tahsildarl may sell the deceased bhumiswami's right in the holding by auction.

(5) Notwithstanding anything contained in any law for 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. Partition of holding.— (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.]

10[(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 Talisildar 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 I

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

[(3) x x x]

[(4) x x x]

[(5) x x x]

Explanation I.—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-tenure holder of such holding.

[*Explanation II*.— x x x]

[178-A. Partition of land in life time of bhumiswami.— (1) Whenever a bhumiswami wishes to partition his agricultural land amongst the legal heirs during his life time, he may apply for partition to the Tahsildar.

(2) The Tahsildar may, after hearing the legal heirs, divide the holding and apportion the assessment of holding in accordance with the rules made under this Code.]

179. Rights to trees in holding.— (1) Subject to the provisions of Sections 240 and 241 all trees standing in the holding of a bhumiswami shall belong to him.

(2) Nothing in sub-section (1) shall affect any right in trees in the holding of a bhumiswami in favour of any person existing on the date of the coming into force of this Code, but the bhumiswami 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. Restriction on transfer of trees.— (1) The transfer by a bhumiswami 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 bhumiswami 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 in pursuance of any

provisions of any law for the time being in force unless the land itself is attached or sold.

CHAPTER XIII

GOVERNMENT LESSEES AND SERVICE LAND

181. Government Lessees.—(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 bhumiswami 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 Vindhya Pradesh region as a special tenant as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955), or as a gair haqdar tenant any grove or tank 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 haqdar 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.

[(3) x x x]

[181-A. Conversion of lease hold right into free hold right— Notwithstanding anything contained in Chapter VI and this Chapter of the Code, the State Government or any officer authorised by the State Government may convert various leases granted for residental and commercial purposes in urban areas into free hold in such manner as may be prescribed.

Explanation. —For the purpose of this Section "free hold" means a right in land which is free from encumbrances under the Code except of payment of such land revenue as may be prescribed.]

182. Rights and liabilities of a Government lessee.— (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

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. Service land.— (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 purposes.

(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. Disposal of service land in Sironj Region when services no longer required.— 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. Occupancy tenants.— (1) Every person who at the coming into force of this Code holds —

(i) in the Mah-akoshal 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

Explanation.—The expression "Inam Land" shall have the same meaning as assigned to it in the Madhya Bharat Muafi and Inam Tenants and Sub-Tenants Protection Act, 1954 (32 of 1954).

(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 paintalis tenant, pattedar tenant, grove holder or holder of a tank as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955); or

(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 shikmi from an occupant as defined in the Bhopal State Land Revenue Act, 1932 (IV of 1932); 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, 1955 (3 of 1955); or

(b) any land as a sub-tenant or tenant of Khudkasht as defmed in the Rajasthan Tenancy Act, 1955 (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 item (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 bhumiswami 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 pakka tenant in accordance with the provisions of the Madhya Bharat Abolition of Jagirs Act, 1951 (28 of 1951), or of the Madhya Bharat Zamindari Abolition Act, 1951 (13 of 1951), as the case may be.

[186. Maximum rent—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 bandh land in the Vindhya 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 aforesaid 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 aforesaid shall be calculated on the basis of the land revenue assessable on such land.]

187. Commutation. —1[(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 commuting the same into cash.]

(2) On receipt of an application under sub-section (1), the Sub-Divisional Officer shall 'after holding an enquiry commute by an order in writing such rent into cash, which shall not exceed the maximum rent laid down in Section 186.

188. Rent.— (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 if 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 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.

189: Resumption by bhumiswaini in certain cases.— (1)- A bhumiswami whose land is held by an occupancy tenant 3[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 to 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.

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 fallow.

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

190. Conferral of bhumiswami rights on occupancy tenants. —[(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.]

(2) Where an application is made by a bhumiswami in accordance with the provision 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) Where the rights of a bhumiswami accrue to an occupancy tenant under sub-section (1), l[sub-section (2) or sub-section (2-A)] 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.

(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 [Tahsildar], 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 he 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. Restoration of occupancy tenant.-[(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, after 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 dub-section (2), the bhumiswami against whom restoration is ordered, shall for ever be debarred from claiming resumption, of any land of such occupancy tenant under Section 189.

192. Devolution of rights of occupancy tenants. —11The interest of an occupancy tenant in his holding shall, on his death, pass by inheritance or survivorship in accordance with his personal law.I

193. Termination of tenancy.— (1) The tenancy of an occupancy tenant in his holding shall be liable to terminate by an order of the Sub-Divisional Officer made on any of the following grounds, namely,—

(a) he has failed to pay on or before the due date in any agricultural year the rent of such land for that year; or

(b) he has done any act which is destructive or permanently injurious to the land; or

(c) he has used such land for a purpose other than agriculture; or

(d) he has transferred his interest in the land in contravention of Section 195.

(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.

(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. Provisions applicable to occupancy tenant whose tenancy is terminated.— (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 of any land comprised in his holding, he shall be entitled to receive from the bhumiswami of such land 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. Occupancy tenant's rights of transfer.— (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.

(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 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).

196. Right of occupancy tenant to make improvement.—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. Right of certain persons to apply to set aside transfers by occupancy tenants.—.(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.

198. Surrender.— (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 thereupon 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 (II 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 therefor under 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. Receipt.— 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. Penalty for failure to give receipt or for excess recovery—If any bhumiswami fails to give a receipt as required by Section 199 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 l[two

thousand 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. Remission and suspension of rent consequent on like treatment of land revenue.— (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, to 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. Reinstatement of wrongfully ejected occupancy tenant.— (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 185, 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 ejectment 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 motu 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. Alluvion and diluvion.- (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 i[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. Power to make assessment and decide disputes.— (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.

CHAPTER XVI

CONSOLIDATION OF HOLDINGS

205. Definitions.— In this Chapter —

(i) "Consolidation of holding" means the redistribution of all or any of the land in a village, so as to allot to the bhumiswami continuous 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. Initiation of consolidation proceedings.— (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 person 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 person who may subsequently be entitled to hold or occupy the land affected by the scheme.

207. Rejection of application.—(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 consolidation, 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. Admission of application.—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. Preparation of scheme for consolidation of holdings.—(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 re-distribution 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) Where 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 bhurniswamis affected by such scheme, agreed 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. Confirmation of scheme,—The Collector may either confirm the scheme with or without modification 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. Procedure on confirmation. — (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 new records prepared under sub-section (1) shall be deemed to have been prepared under Chapter IX or XVII, as the case may be.

212. Right of bhumiswamis to possession of holdings.- 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. Transfer of rights of bhumiswamis in holdings.— (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. No instrument necessary to effect transfer.— 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. Costs of carrying out scheme.— (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 cost 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. Recovery of compensation and cost.—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. Suspension of partition proceedings during currency of consolidation proceedings.—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. Transfer of property during proceedings.— 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. Rights of bhumiswamis after consolidation same as before. —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. Encumbrances of bliumiswamis.— (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. Power to make rules.— (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. Appointment of 'patels.— (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, patwari has been performing the duties imposed on a 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).]

223. Remuneration of patels.— The remuneration of patels shall be fixed by the Collector in accordance with rules made by the State Government.

224. Duties of patels. — It shall be the duty of every patel¬

[(a) to collect and pay into the —

[(i) 'Gram Kash' the collection of land revenue and other related taxes and cesses payable through him after deducting the collection charges as may be determined by the State Government from time to time.]

(ii) Government Treasury the collection charges under sub-clause (i) 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 unauthorised cutting of wood or unauthorised 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.

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225. Duties imposed under any law upon land holders deemed to be imposed on patels.-11 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 land-holders, their managers or agents from any duties or liabilities otherwise imposed upon them by law.

226. Removal of patels.— Subject to rules made under Section 258, the Collector may remove from office any patel.

227. Punishment of patets.—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 Tahsildar to a fine which may extend to [one thousand rupees].

228. Appointment of substitute patel.— Where a patel 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 patel.

229. Entrustment of village management.— Notwithstanding anything contained in this Code, the State Government may entrust the management of a village or th performance of the duties entrusted to a pate!, to a Gram Panchayat or where a Gram Panchayat has not been consitituted, to a Gram Sabha constituted in accordance with the provisions of Section 232.

B-Kotwars

230. Appointment of kotwars and their duties.— (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 village. watchman in the Bhopal and Sironj regions or of a chowkidar in the Vindhya Pradesh region shall be deemed to be a kotwar under this section.

231. Remuneration of kotwars.— 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, 19821

C-Gram Sabha

232. Gram Sabha. —'Grain Sabha' means the body constituted under Sectior 5-A or Section 129-A, as the case may be, of the Madhya Pradesh Panchayat Raj Avarr Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994) and the 'Gram Kosh' means the fund established under sub-section (1) of Section 7-J of the said Act.]

(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 thing necessary for the purpose 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. Record of unoccupied land.— A record of 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;

[x x x].

[(b) Omitted.]

234. Preparation of Nistar Patrak.— (1) The 3[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 Gram Sabha, it shall be finalised by Sub-Divisional Officer]

(3) A_ copy of the Nistar Patrak so finalised shall be kept in the office of the Gram Panchayat];

(4) On a resolution passed by the Gram Sabha. by a majority of not less than two-thirds of the members present and voting, the Sub-Divisional Officer with the prior sanction of the Collector and also after making any such inquiry as he deems fit, may, —

(a) inter se change the entire in the Nistar Patrak;

(b) record additional unoccupied land under any entry in the Nistar patrak for fulfillment of further Nistar rights of villagers.]

235. Matters to be provided for in Nistar Patrak.— The matter 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;

(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. Provision in Nistar Patrak for certain matters.— 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. Collector to set apart land for exercise of Nistar rights.— (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 bir 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, play grounds, 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) Omitted.]

[(3) Subject to the rules made under this Code, the Collector after securing the land mentioned in clause (b) of sub-section (1) to minimum two percent of the total agriculture land of that village, may divert such unoccupied land as mentioned in sub-section (1) into abadi or for construction of roads, state highways, national highways, canals, tanks; hospitals, schools, colleges, Goshalas and any other public utility projects as may be determined by the State Government :

Provided that the land set apart for the purposes mentioned in sub-section (1) shall not be diverted and allotted to any person for agriculture purpose.]

[(4) When it becomes indispensable to divert the land set apart for the purposes mentioned in sub-section (1) for such development and infrastructural projects which are owned or approved by the State Government but not covered under sub-section (3), the Collector, after satisfying himself on alternatives available and also on obtaining land of equivalent area for fulfilling the same nistar rights from the concerned project, may divert the land for such purposes by passing a reasoned order to this effect.]

238. Rights in waste land of another village.— (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 gazing 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. [Rights in fruit bearing trees and other trees planted in unoccupied land.— (1) Where, before 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) The State Government or any Revenue Officer not below the rank of Tahsildar as may be authorised by the State Government in this behalf, may permit any person or persons to plant and grow fruit bearing or other species of trees as may be specified in this behalf on unoccupied land of a village that may be earmarked for the purpose and grant tree planting permit and tree pattas to such person or persons in accordance with the provisions of this section and the rules made thereunder.

(3) The tree planting permit and the tree patta granted under this section shall be, in such form and subject to such terms and conditions as may be prescribed.

(4) The right conferred under this section shall be transferable but permit or patta holder or his successor-in-interest shall have no right to the land on which such tree stands except the right to grow trees on such land and enjoy the usufructuary rights on such trees including the right in corpus of the tree subject to the terms and conditions of the permit and patta

Provided that no transfer by sale or by lease shall be made except with the previous permission in writing of the officer authorised by the State Government under sub-section (2).

(5) if any of the terms and conditions of tree planting permit or tree patta are breached, the permit or patta shall be liable to be cancelled after affording a reasonable opportunity of being heard to the holder thereof.

(6) the State Government may make rules for carrying out the purposes of this section.]

240. Prohibition of cutting of certain trees.— (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. Measures to prevent theft of timber from Government forest— (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 notified area for the purposes of this section.

(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 in 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 Sub-Divisional Officer, to pay a penalty not exceeding [fifty thousand rupees] as may be imposed by him and the Sub-Divisional Officer shall 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 up to two cubic metres of timber from trees by any person from his land during a period of one year 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. Wajid-ul-arz.- (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 of 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 Wajid-ul-arz 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-arz on any of the following grounds : —

(a) that all persons interested in such entry wish to have it modified; or

(b) that by a decree in a civil suit it has been declared to be erroneous; or

(c) that being founded on a decree or order of a Civil Court or on the order of a Revenue Officer it is not in accordance with such decree or order; or

(d) that being so founded, such decree or order has subsequently been varied on appeal, revision or review; or

(e) that the Civil Court has by a decree determined any custom existing in the village.

243. Abadi.— (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.

244. Disposal of abadi sites.—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.

245. Rights to hold house site free of land revenue.— 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. Right of persons holding house sites in abadi. —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 bhumiswami 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 l[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 2[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.

Explanation.— 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 Government 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.]

247. Government's title to minerals.— (1) Unless it is otherwise expressly provided by the terms of a grant made by the Government, the right to all minerals, mines and quarters shall vest in the State Government which shall have all powers necessary for the proper enjoyment of such rights.

(2) The right to all mines 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 purpose 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, and 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

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 (I 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 [four times] the market value of the minerals so extracted or removed.

[Proviso Omitted.]

(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.

Explanation.— 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.

248. Penalty for unauthorisedly taking possession of land.— (1) Any person who unauthorisedly takes or remains in possession of any unoccupied land,

abadi, 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, or any authority, body corporate, or institution constituted or established under any State enactment,] 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 5[.twenty per centum of the market value of such encroached land] and to a further fine which may extend to 6[five hundred rupees in non-urban area and two thousand rupees in urban-area] 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, 1917;

(b) in the merged States, before the third day of April, 1950;

(ii) in the Madhya Bharat region, before the fifteenth day of August, 1950;

(iii) in the Vindhya Pradesh region, before the first day of April, 1955;

(iv) in the Bhopal region, before the eighth day of November, 1933; and

(v) in the Sironj region, before the first day of July, 1958.

Explanation. — For the purposes of this sub-section "Merged States" shall have the meaning assigned to it in the Madhya Pradesh Merged States Laws (State) Act, 1950 (XII of 1950).

[(1-A) On a resolution duly passed by the Gram Panchayat in respect of any unauthorised possession, the Tahsildar shall start and complete the proceedings under this section within thirty days from the date of receipt of the information of such resolution and shall communicate the action taken by him to the Gram Panchayat.]

[(2) Omitted.]

[(2-A) If any person continues in unauthorised occupation or possession of land for more than seven days after the date of order of ejectment under sub-section (1), then without prejudice to the fine that may be imposed thereunder 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 ejectment and Isix months] in case of second or subsequent ejectment

Provided that no action under this sub-section shall be taken—

(i) 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;

(ii) in respect of encroachments on Government and Nazul lands for the settlement of which the Government have issued orders from time-to-time

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 sub-section.

(2-B) The State Government may make rules for the purpose of carrying into effect the provisions of sub-section (2-A).]

[(3) x x x]

[(4)x x x]

249. Regulation of fishing, hunting etc.- (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 permites, the conditions attaching to such permits and the impositions of fees therefor and other incidental matters.

250. Reinstatement of bhumiswami improperly dispossessed.- (1) For the purpose of this section and section 250-A bhumiswami shall include occupancy tenant and Government lessee.]

[(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.

[(1-b) The Tahsildar shall on coming to know that a bhumiswami has been dispossessed of his land otherwise than in due course of law, *suo motu* start proceedings under this section.]

(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 bhumiswami, put him in possession of the land.

[2-a) The proceedings started under this section shall after receipt of reply from the other party, continue from day to day unless for reasons to be recorded in writing a longer adjournment is considered necessary and in that case a copy of the order sheet containing the reasons for such adjournment shall be sent to the Collector.]

[(3) The Tahsildar may at any stage of the enquiry pass an interim order for handing over the possession of the land to the bhumiswami, occupancy tenant or Government lessee, as the case may be, if he finds that he was dispossessed by the opposite party within six months prior to the submission of the application or commencement of *suo motu* proceedings under this section. In such case the opposite party shall, if necessary, be ejected under orders of the Tahsildar.]

(4) When an interim order has been passed under sub-section (3) the opposite party may be required by the Tahsildar to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of land until the final order is passed by the Tahsildar.

(5) 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.

[(6) If the order passed under sub-section (2) is in favour of the applicant the Tahsildar shall also award compensation to be paid to the applicant by the opposite party which shall be at the prorata rate of [two thousand rupees] per hectare per year.]

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

[(8) when an order has been passed under sub-section (2) for the restoration of the possession to the bhumiswami the tahsildar may require the opposite. Party to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of the land and contravention of the order.]

[(9) Where an order has been passed under sub-section (2) for the restoration of the possession of the bhmiswami, the opposite party shall also be liable to fine which may extend to [twenty per centum of the market value of such land] :

[Proviso Omitted]

250-A. Confinement in civil prison on failure to restore possession under section 250.- (1) If any person continues in unauthorised occupation or 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 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 bhumiswami :

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).

250-B. Failure to vacate land in favour of allottee of land to be an offence.—(1) If a person to whom land has been allotted in bhumiswami rights or

as a Government lessee under a Patta granted to him in accordance with a scheme of distribution or disposal or allotment of land under executive powers of the State Government as may from time to time be adopted or sponsored by the State Government or any such scheme under any enactment for the time being in force and such person has not been able to take actual possession of the land so allotted to him, he may apply to the Tahsildar for putting him in actual possession of the land allotted to him under the Patta granted to him.

(2) On receipt of the application, the Tahsildar shall by an order in writing, issue a direction

(i) to the person in possession of the land to vacate the same forthwith; or

(ii) in the event of any person obstructing the taking over of possession or delivery of possession, to such person to remove such obstruction to enable delivery of possession,

and on his vacating the land or removing the obstruction, deliver actual possession thereof to the bhumiswami or the Government lessee, as the case may be, entitled to hold the land under the Patta.

(3) The Tahsildar may, if necessary, use such force including Police force as may be necessary to put the allottee in actual possession of the land.

(4) If the person to whom direction is issued under sub-section (2) fails to comply with the direction, he shall be punishable with imprisonment for a term which may extend to three years and with fine or with both, and such non-compliance of direction is a continuing one, with further fine which may extend to one hundred rupees for everyday after the first during which the non-compliance is proved to have been persisted in.

(5) The offence under this section shall be cognizable and non-bail able.]

251. Vesting of tanks in State Government.-[(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.

[(2-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.]

(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.

[*Explanation*.—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. Maintenance of works of public utility.—(I) 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 the 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. Punishment for contravention of provisions.— (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 Wajib-ul-arz or commits a breach of any

entry entered in the Nistar Patrak shall be liable to such penalty not exceeding [fifty 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 office bearer of the Gram Sabha shall be liable under that sub-section unless he proves that the contravention, breach of 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.

254. Performance of duties of Gram Sabha by Patel.—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

255. Prescription of standards of cultivation and management.— (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 food grains, 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 any 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.

256. Inspection and copies of maps and land records. —Subject to such conditions and to the payment of such fees as may be prescribed by rules made under this Code, all revenue record, 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.

257. Exclusive jurisdiction of revenue authorities.— 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 is by 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 any right under sub-section (1) of Section 57 between the State Government and any person;!

[(a-1)] 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;

(e) 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) ejectment of a lesser of a bhumiswami under sub-section (4) of Section 168;

[(1) any claim to set aside transfer by a bhumiswarni under sub- section (1) of Section 170 and clauses (a) and (b) of sub-section (2) of Section 170-A;]

[(1-1) any matter covered under Section 170-B.]

(m) ejectment 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 conferral 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 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;

[(w-i) any decision regarding penalty under Section 248, for unauthorisedly taking possession of land.]

(x) any decision regarding reinstatement of a bhumiswami improperly dispossessed under Section 250;

[(x-i) any decision regarding confinement in civil prison under Section 250-A;

(x-ii) any decision regarding delivery of actual possession of land to the bhumiswami or the Government Lessee under Section 250-B.]

(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 255 regarding prescription of standard 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. Burden of proof and bar of legal practitioners in certain proceedings.—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. General rule making power.- (1) The State Government may make rules generally for the purpose of carrying into effect the provisions of this Code.

(2) In particulars 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 3 ;

(ii) the prescription of the duties of Superintendents of Land Records and Assistant Superintendents of Land Records;

(iii) regulation of assessment of land revenue on 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 number 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-division of survey numbers shall be entered under section 71;

(viii) the manner of dividing a village into two or more village 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-agriculture purposes under Section 87;

(xii) the regulation of the conduct of revenue survey or settlement under Section 91-A;]

(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 number 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;]

(xx) prescription of other duties of Revenue Inspectors under Section 106;

(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 acknowledgement 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 Rasid Bahi shall be provided under Section 114 (2) and the prescription of entries which it shall contain;]

(xxvi) the regulation of requisition of assistance under Section 120;

(xxvii) preparation, maintenance and revision of land records under Section 121;

[(xxvii-a) manner in which objection shall be disposed of by Tahsildar under Section 123 (3);]

(xxviii) (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);

(xxix) 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;

(xxx) 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;

(xxxi) the dates on which and the instalments in which land revenue shall be payable and the persons to whom and the places where at such instalments shall be paid under Section 140;

(xxxii) the form in which receipt shall be given under Section 142;

(xxxiii) the regulation of remission or suspension of land revenue under Section 144 (1);

(xxxiv) the guidance of Revenue Officers in issuing notices of demand under Section 146 and executing the processes specified in Section 147;

(xxxv) prescription of the form of application l[for grant of annuity, the time within which such application shall be made] and the conditions of such grant under Section 160;

(xxxvi) the regulation of reduction of revenue during the currency of settlement under Section 161;

[(xxxvii) x x x]

(xxxviii) prescription of the ceiling limits of land under Section 165;

(xxxix) 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;

(xl) regulation of the procedure in disposing of claims to be placed in possession of a holding under Section 170;

[(xl-a) the form and manner in which information shall be notified to Sub-Divisional Officer under sub-section (1) of Section 170-B;]

(xli) regulation of grant or refusal of permission to a bhumiswami for diversion of his holding or any part thereof under Section 172;

(xlii) regulation of relinquishment of rights by a bhumiswami under Section 173;

(xliii) prescription of the terms and conditions on which a person may be put in possession of an abandoned holding under Section 176 (2);

(xliv) (a) regulation of partition of holdings sand apportionment of assessment, under Section 178 (2); and

[(b) x x x]

(xlv) guidance of Revenue Officers with regard to applications for purchase of right in trees under Section 179 (2);

[(xlv-a) the manner of conversion of various leases granted for residential and commercial purpose in urban areas into free hold under Section 181-Al

(xlvi) x x x

(xlvii) 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;

(xlviii) 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;

(I) 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);

(1i) 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 patel under Section 224 and his removal from office under Section 226 and the appointment of a substitute under Section 228;

(liv) the regulation of the sanitation of villages, the burial of the carcasses of animals, the protection and fencing of wells, the upkeep 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;

(1v) (a) the appointment punishment, suspension and dismissal of Kotwars,

(b) the prescription of the duties and mode of supervision of Kotwars;]

(lvi) (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 incomes by a Gram Sabha;

(lvii) prescription of the record to be maintained under Section 233;

(lviii) the manner in which the wishes of the villagers shall be ascertained under Section 234 (2);

(lix) (a) regulation of setting apart of unoccupied land for the exercise of nistar rights under Section 237 (1); and

(b) other purposes for the exercise of nistar rights under Section 237 (1)(k);

[(c) regulation of diversion of unoccupied land under Section 237 (3).]

[(1x) (i) The categories of persons for whom priority will be given for granting of tree planting and tree pattas;

(ii) the manner of selection of such persons to whom tree planting permit and tree pattas to be granted;

(iii) the extent of land to be earmarked;

(iv) the terms and conditions for granting of tree planting permit and tree pattas;

(v) the form of the tree planting and the tree patta;

(vi) the extent of usufructuary rights under the tree planting permit and the tree patta.]

(lxi) the regulation of the cutting of trees under Section 240 (1), and of control, management, felling or removal of the forest growth under Section 240 (3);

(lxii) prescription of the manner of proclaiming an order published under Section 241 and regulation of the felling or removal of trees thereunder;

(lxiii) (a) the manner of ascertaining and recording the customs in regard to matters specified in Section 242 (1); and

(b) the manner of publication of record of customs under Section 242 (2);

(lxiv) prescription of the manner of disposal of sites in the abadi area under Section 244;

(lxv) regulation of fishing, catching hunting or shooting of animals in villages and removal of any materials from land belonging to the State Government under Section 249;

(1xvi) (a) Prescription of the form of application under Section 251 (2); and

- (b) the regulation of the use of water from tanks under Section 251 (6);

- (1xvii) the regulation of procedure of the Gram Sabha in calling upon persons residing in the village to perform labour under Section 252;

(1xviii) prescription of standards of cultivation and management under Section 255;

(1xix) prescription of conditions for inspection and grant of copies of records, maps and land records under Section 256;

(1xx) generally for the guidance of Revenue Officer and all other persons in proceeding under this code;

(1xxi) 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 this Legislative Assembly and shall be subject to such modifications as the Legislative Assembly may make.

259. Reference to certain tenures.— Any reference in any enactment to,—

(a) A bhumiswami or a bhumidhari in the Mahakoshal region;

(a-i)] a pakka tenant, muafidar, inamdar or a concessional holder in the Madhya Bharat region;

(b) a pachpan paintalis tenant, pattedar, grove holder or a holder of a tank in the Vidhaya Pradesh region;

(c) a Khatedar tenant or a grove holder in the Sironj region; and

(d) an occupant in the Bhopal region; Shall be deemed to be reference to a bhumiswami.

260. Reference to laws not in force in any region.— Any reference this Code to a Central Act which is not in any region of the State shall in relation to that region be constructed as..... 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. Repeal and saving.— 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 office 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, constituted 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, assessment, appointments and transfers made, notifications and powers conferred, forms and leases granted, record-of-rights, and other records framed or confirmed, rights acquired, liabilities incurred and times and place 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. Transitory provisions.— (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 proceeding under any of the laws described in Scheduled III pending before the State Government immediately before the commencement of this Code shall, on such commencement, stand transferred to the Board, and shall thereupon be disposed of by the Board as if they were proceeding entertained by the Board under this Code.

Explanation.— For the purpose of this sub-section “State Government “ shall include Government, Council of Ministers or a Minister.

263. Power to remove difficulties.— (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. Code not to apply in certain cases.— 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 acknowledgement 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 thereon 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 acknowledgement 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 thereon 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 headquarters 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 acknowledgement 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 gain 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.

(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 materials for a purchaser to know in order to judge 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 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 holidays 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.

(2) 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 he postponed accordingly and shall be then completed, whatever price may be offered for the produce.

33. (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.

34. (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.

35. 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.

36. (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 per cent 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 this 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 therefore, 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 is 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, 50or 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 on 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 thereto 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 proceeding 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.

(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 witness, 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 proceeding, 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.

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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 34] भोपाल, गुरुवार, दिनांक 18 जनवरी 2018—पौष 28, शक 1939

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 18 जनवरी 2018

क्र. 1097-19-इक्कीस-अ-(प्रा.)अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 4 जनवरी, 2018 को राज्यपाल महोदय की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक ५ सन् २०१८

मध्यप्रदेश भू-राजस्व संहिता (संशोधन एवं विधिमान्यकरण) अधिनियम, २०१७

[दिनांक ४ जनवरी २०१८ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक १८ जनवरी २०१८ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश भू-राजस्व संहिता, १९५९ को और संशोधित करने तथा भूतलक्षी प्रभाव से इसका विधिमान्यकरण करने हेतु अधिनियम.

भारत गणराज्य के अड़सठवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम. १. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता (संशोधन एवं विधिमान्यकरण) अधिनियम, २०१७ है.

धारा १५ का संशोधन. २. मध्यप्रदेश भू-राजस्व संहिता, १९५९ (क्रमांक २० सन् १९५९) (जो इसमें इसके पश्चात् मूल अधिनियम के नाम से निर्दिष्ट है), की धारा १५ में, उपधारा (१) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात् :—

"(१) राज्य सरकार एक संभाग में एक या अधिक अपर आयुक्त नियुक्त कर सकेगी.".

विधिमान्यकरण. ३. धारा २ द्वारा मूल अधिनियम में किए गए संशोधन १ जुलाई, २०१७ से किए गए समझे जाएंगे और तद्नुसार उक्त तारीख को या उसके पश्चात् और इस अधिनियम के प्रारम्भ के पूर्व मूल अधिनियम के अधीन की गई या की जाने के लिए तात्पर्यित कार्रवाई या बात किसी न्यायालय, अधिकरण या अन्य प्राधिकारी के किसी निर्णय, डिक्री या आदेश में किसी बात के होते हुए भी, सभी प्रयोजनों के लिये उतनी ही विधिमान्य और प्रभावी रूप से की गई और सदैव की गई समझी जाएगी मानो उक्त संशोधन सभी तात्विक समयों पर प्रवृत्त रहे हों.

भोपाल, दिनांक 18 जनवरी 2018

क्र. 1097-19-इक्कीस-अ (प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (संशोधन एवं विधिमान्यकरण) अधिनियम, 2017 (क्रमांक 5 सन् 2018) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH ACT

NO. 5 OF 2018

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT AND VALIDATION) ACT, 2017

[Received the assent of the Governor on the 4th January, 2018 assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 18th January 2018].

A Act further to amend the Madhya Pradesh Land Revenue Code, 1959 and its validation with retrospective effect.

Be it enacted by the Madhya Pradesh Legislature in the sixty-eighth year of the Republic of India as follows :-

Short title

1. This Act may be called the Madhya Pradesh Land Revenue Code, (Amendment and Validation) Act, 2017.

Amendment of Section 15.

2. In section 15 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Government may appoint one or more Additional Commissioner in a division.".

Validation.

3. The amendment made in the principal Act by section 2 shall be deemed to have been made with effect from the 1st day of July, 2017, and accordingly any action or thing taken or done or purporting to have been taken or done under the principal Act on or after the said date and before the commencement of this Act, shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the said amendment had been in force at all material times.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2018.

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से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 406] भोपाल, शुक्रवार, दिनांक 27 जुलाई 2018—श्रावण 5, शक 1940

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 27 जुलाई 2018

क्र. 12425-250-इक्कीस-अ(प्रा.)अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 23 जुलाई 2018 को राज्यपाल महोदया की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २३ सन् २०१८

मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८

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८७. धारा १७४ का लोप.
८८. धारा १७६ का लोप.
८९. धारा १७८-क का स्थापन.
९०. धारा १८१-क का स्थापन.
९१. धारा १८२ का संशोधन.
९२. धारा १८३ का स्थापन.
९३. धारा १८४ का लोप.
९४. अध्याय चौदह का लोप तथा व्यावृत्ति.
९५. धारा २०३ का स्थापन.
९६. धारा २१० का संशोधन.
९७. धारा २२४ का संशोधन.
९८. धारा २२५ का लोप.
९९. धारा २२७ का संशोधन.
१००. धारा २२९ का संशोधन.
१०१. धारा २३० का संशोधन.
१०२. धारा २३१ का स्थापन.
१०३. धारा २३२ का लोप.
१०४. धारा २३३ का स्थापन.
१०५. धारा २३३-क का अन्त: स्थापन.
१०६. धारा २३४ का स्थापन.
१०७. धारा २३९ का संशोधन.
१०८. धारा २४० का संशोधन.
१०९. धारा २४३ का संशोधन.
११०. धारा २४४ का स्थापन.
१११. धारा २४५ का स्थापन.
११२. धारा २४६ का संशोधन.
११३. धारा २४८ का संशोधन.
११४. धारा २५० का स्थापन.
११५. धारा २५०-क का लोप.
११६. धारा २५२ का लोप.
११७. धारा २५३ का संशोधन.
११८. धारा २५४ का लोप.
११९. धारा २५५ का लोप.
१२०. धारा २५७ का संशोधन.
१२१. धारा २५८ का संशोधन.
१२२. अनुसूची एक का संशोधन.

मध्यप्रदेश अधिनियम

क्रमांक २३ सन् २०१८

मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८

[दिनांक २३ जुलाई, २०१८ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति ''मध्यप्रदेश राजपत्र (असाधारण)'' में दिनांक २७ जुलाई, २०१८ को प्रथमबार प्रकाशित की गई.]

मध्यप्रदेश भू-राजस्व संहिता, १९५९ को और संशोधित करने लिए अधिनियम.

भारत गणराज्य के उनहत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम तथा प्रारम्भ.

१. (१) इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ है.

(२) यह ऐसी तारीख को प्रवृत्त होगा जैसी कि राज्य सरकार, अधिसूचना द्वारा, नियत करे.

धारा २ का संशोधन

२. मध्यप्रदेश भू-राजस्व संहिता, १९५९ (क्रमांक २० सन् १९५९) (जो इसमें इसके पश्चात् मूल अधिनियम के नाम से निर्दिष्ट है) की धारा २ की उप-धारा (१) में,—

(एक) खण्ड (क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(क) ''आबादी'' से अभिप्रेत है, किसी ग्राम में उसके निवासियों के निवास के लिए या उसके आनुषंगिक प्रयोजनों के लिए, समय-समय पर, आरक्षित क्षेत्र और इस अभिव्यक्ति के किसी अन्य सजातीय रूप भेद, जैसे 'ग्राम स्थल' या 'गांव स्थान' का अर्थ भी तद्नुसार लगाया जाएगा;'';

(दो) खण्ड (च) के पश्चात्, निम्नलिखित खण्ड अन्त: स्थापित किया जाए, अर्थात्:—

''(च-१) ''विकास योजना'' का वही अर्थ होगा, जो कि मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) में उसके लिए दिया गया है;'';

(तीन) खण्ड (झ) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(झ) ''खाता'' से अभिप्रेत है, ऐसा भू-खण्ड जिस पर भू-राजस्व पृथक् रूप से निर्धारित किया गया है और जो एक ही भू-धृति के अधीन धारित है;'';

(चार) खण्ड (ड) के पश्चात्, निम्नलिखित खण्ड अन्त: स्थापित किया जाए, अर्थात्:—

''(ड-१) ''भू-राजस्व'' से अभिप्रेत है, धारित भूमि के लिए, राज्य सरकार को देय समस्त धन और इसमें सम्मिलित हैं प्रीमियम, लगान, पट्टाधन, प्रमुक्ति भाटक या इन अभिव्यक्तियों के कोई अन्य सजातीय रूप;'';

(पांच) खण्ड (थ) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(थ) ''भू-खण्ड संख्याक'' से अभिप्रेत है, इस संहिता के अधीन भू-खण्ड संख्यांक के रूप में विरचित किए गए या उस रूप में मान्य किए गए भूमि के किसी प्रभाग को समनुदेशित संख्यांक;'';

(छह) खण्ड (न) में, उपखण्ड (एक) में, शब्द ''धारा १८८ के उपबंधों के अनुसार, मौरूसी कृषक द्वारा अपने भूमिस्वामी को, या'' लोप किया जाए;

(सात) खण्ड (फ) के पश्चात्, निम्नलिखित खण्ड अन्त: स्थापित किया जाए, अर्थात्:—

''(फ-१)''सेक्टर'' से अभिप्रेत है, नगरीय क्षेत्र में भूमि का कोई भू-भाग जो इस संहिता के उपबंधों के अधीन सेक्टर के रूप में विरचित या मान्य किया गया है;

(फ-२) "सेवा भूमि" से अभिप्रेत है, नगरेतर क्षेत्र में की ऐसी भूमि जो किसी कोटवार को उसकी पदावधि के दौरान कृषि प्रयोजन के लिए दी गयी हो ;";

(आठ) खण्ड (भ) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(भ) "सर्वेक्षण संख्यांक" से अभिप्रेत है, इस संहिता के अधीन सर्वेक्षण संख्यांक के रूप में विरचित किए गए या उस रूप में मान्य किए गए भूमि के ऐसे प्रभाग को दिया गया संख्यांक और जिसकी प्रविष्टि भू-अभिलेखों में, खसरा क्रमांक नामक सूचक संख्यांक के अधीन की गयी है;";

(नौ) खण्ड (म) का लोप किया जाए;

(दस) खण्ड (य-३) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(य-३) "दखलरहित भूमि" से अभिप्रेत है, ऐसी भूमि जो आबादी या सेवाभूमि से या किसी भूमिस्वामी या सरकारी पट्टेदार द्वारा धारित भूमि से भिन्न है;";

(ग्यारह) खण्ड (य-५) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(य-५) "ग्राम" से अभिप्रेत है, नगरेतर क्षेत्र में का कोई ऐसा भू-भाग जिसे संहिता के प्रवृत्त होने के पूर्व, तत्समय प्रवृत्त किसी ऐसी विधि के उपबंधों के अधीन ग्राम के रूप में मान्य किया गया था या उस रूप में घोषित किया गया था तथा नगरेतर क्षेत्र में का कोई ऐसा अन्य भू-भाग जिसे किसी भू-सर्वेक्षण में ग्राम के रूप में मान्य किया गया या जिसे राज्य सरकार, अधिसूचना द्वारा, ग्राम के रूप में घोषित करे.".

धारा ४ का संशोधन

३. मूल अधिनियम की धारा ४ में, उपधारा (२) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(२) उपधारा (१) में किसी बात के होते हुए भी, मण्डल का अध्यक्ष तथा उसके सदस्य ऐसे अन्य स्थान या स्थानों पर भी बैठक करेंगे जैसा कि राज्य सरकार, मंडल के अध्यक्ष से परामर्श करने के पश्चात् अधिसूचित करे.".

धारा ७ का संशोधन

४. मूल अधिनियम की धारा ७ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

"७. मण्डल की अधिकारिता-मण्डल ऐसी शक्तियों का प्रयोग करेगा और ऐसे कृत्यों का निर्वहन करेगा जो इस संहिता द्वारा या इस संहिता के अधीन उसे प्रदत्त की गई हैं अथवा ऐसे अन्य कृत्यों का निर्वहन करेगा जो किसी अधिनियमिति के अधीन अथवा उसके द्वारा उसे प्रदत्त किए गए हों या राज्य सरकार या केन्द्रीय सरकार, अधिसूचना द्वारा, इस निमित्त विनिर्दिष्ट करे.

धारा ११ का स्थापन

५. मूल अधिनियम की धारा ११ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

"**११. राजस्व अधिकारी.**—राजस्व अधिकारियों के निम्नलिखित वर्ग होंगे, अर्थात्:—

प्रमुख राजस्व आयुक्त;
आयुक्त;
अपर आयुक्त;
आयुक्त भू-अभिलेख;
अपर आयुक्त भू-अभिलेख
कलेक्टर;
अपर कलेक्टर;
जिला सर्वेक्षण अधिकारी;
उप-खण्ड अधिकारी;
उप-सर्वेक्षण अधिकारी;
सहायक कलेक्टर;
संयुक्त कलेक्टर;

डिप्टी कलेक्टर;
तहसीलदार;
अपर तहसीलदार;
सहायक सर्वेक्षण अधिकारी;
भू-अभिलेख अधीक्षक;
नायब तहसीलदार;
सहायक भू-अभिलेख अधीक्षक.''.

६. मूल अधिनियम की धारा १३ में,— **धारा १३ का संशोधन**

(एक) उपधारा (२) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

''(२) राज्य सरकार, किसी भी जिले या उपखण्ड या तहसील की सीमाओं में परिवर्तन कर सकेगी और नवीन जिले या उपखण्ड या तहसील का सृजन कर सकेगी या विद्यमान जिलों या उपखण्डों या तहसीलों को समाप्त कर सकेगी :

परन्तु राज्य सरकार, ऐसी प्रस्थापनाओं के लिए, विहित प्ररूप में आपत्तियां आमंत्रित करेगी और प्राप्त की गई आपत्तियों पर, यदि कोई हों, विचार करेगी.'';

(दो) उपधारा (३) का लोप किया जाए.

७. मूल अधिनियम की धारा १३ के पश्चात्, निम्नलिखित धारा अन्त:स्थापित की जाए, अर्थात्:— **धारा १३-क का अन्त:स्थापन.**

''**१३-क. प्रमुख राजस्व आयुक्त की नियुक्ति तथा उसकी शक्तियां एवं कर्तव्य.**—राज्य सरकार, अधिसूचना द्वारा, एक प्रमुख राजस्व आयुक्त की नियुक्ति करेगी जो ऐसी शक्तियों का प्रयोग करेगा जो राज्य सरकार द्वारा उसे प्रदत्त की जाएं तथा ऐसे कर्तव्यों का पालन करेगा जो उस पर अधिरोपित किए जाएं.''.

८. मूल अधिनियम की धारा १९ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा १९ का स्थापन.**

''१९. तहसीलदार, अपर तहसीलदार तथा नायब तहसीलदार की नियुक्ति.—

(१) राज्य सरकार, प्रत्येक जिले के लिए उतने व्यक्तियों को, जितने कि वह ठीक समझे—

(क) तहसीलदार;
(ख) अपर तहसीलदार ; तथा
(ग) नायब तहसीलदार;

नियुक्त कर सकेगी जो ऐसी शक्तियों का प्रयोग करेंगे जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा या उसके अधीन उन्हें प्रदत्त की गई हैं तथा ऐसे कर्तव्यों का पालन करेंगे, जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा या उसके अधीन उन पर अधिरोपित किए गए हैं.

(२) कलेक्टर, किसी तहसीलदार को तहसील का भारसाधक बना सकेगा जो ऐसी शक्तियों का प्रयोग करेगा जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अधिनियमिति द्वारा या उसके अधीन उसे प्रदत्त की गयी हों, तथा ऐसे कर्तव्यों का पालन करेगा जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा अधिरोपित किए गये हैं.

(३) कलेक्टर, किसी तहसील में एक या एक से अधिक अपर तहसीलदार तथा नायब तहसीलदार नियुक्त कर सकेगा जो उसमें ऐसी शक्तियों का प्रयोग करेंगे जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा या उसके अधीन तहसीलदार को प्रदत्त की गयी हैं तथा ऐसे कर्तव्यों का पालन करेगा, जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा या उसके अधीन अधिरोपित किये गये हैं जैसा कि कलेक्टर, लिखित आदेश द्वारा निदेशित करे.''.

धारा २१ का लोप.

९. मूल अधिनियम की धारा २१ का लोप किया जाए.

धारा २२ का स्थापन.

१०. मूल अधिनियम की धारा २२ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**२२. उपखण्ड अधिकारी.**—कलेक्टर, किसी सहायक कलेक्टर या संयुक्त कलेक्टर या डिप्टी कलेक्टर को जिले के एक या एक से अधिक उपखण्डों का भार-साधक बना सकेगा जो ऐसी शक्तियों का प्रयोग करेंगे तथा ऐसे कर्तव्यों का पालन करेंगे जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अधिनियमिति द्वारा या उसके अधीन उपखण्ड अधिकारी को प्रदत्त की गयी हैं या अधिरोपित किए गये हैं.''.

धारा २४ का स्थापन.

११. मूल अधिनियम की धारा २४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**२४. राज्य सरकार द्वारा राजस्व अधिकारियों की शक्तियाँ किसी लोक सेवक या स्थानीय निकाय को प्रदत्त की जाना.**—राज्य सरकार वे शक्तियां, जो इस संहिता द्वारा या इस संहिता के अधीन किसी राजस्व अधिकारी को प्रदत्त की गई हैं, किसी लोक सेवक या स्थानीय निकाय को प्रदत्त कर सकेगी :

परन्तु—

(क) धारा ७२, ११३, १३५, १६५, २३७, २३८, २४३ एवं २५१ के अधीन कलेक्टर की शक्तियाँ;

(ख) धारा ५९, ११५, १७०, १७०क, १७०ख, २३४, २४१, २४२, २४८(२-क) एवं २५३ के अधीन उपखण्ड अधिकारी की शक्तियाँ;

(ग) धारा ४४ के अधीन अपील प्राधिकारी की शक्तियाँ, तथा

(घ) धारा ५० के अधीन पुनरीक्षण प्राधिकारी की शक्तियाँ;

किसी लोक सेवक या स्थानीय निकाय को प्रदत्त नहीं की जाएंगी.

स्पष्टीकरण.—इस धारा के प्रयोजन के लिये ''लोक सेवक'' से अभिप्रेत है, कोई व्यक्ति जो राज्य सरकार में या किसी शासी निकाय में या राज्य सरकार द्वारा स्थापित और नियंत्रित संस्था में पद धारण करता हो.''.

धारा २७ का संशोधन.

१२. मूल अधिनियम की धारा २७ में, परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात् :—

''परंतु उपखण्ड अधिकारी किसी मामले की जांच या सुनवाई जिले के भीतर किसी भी स्थान पर कर सकेगा.''.

१३. मूल अधिनियम की धारा २८ में, शब्द ''समस्त राजस्व अधिकारी, राजस्व निरीक्षक, भू-मापक तथा पटवारी'' के स्थान पर, शब्द ''किसी राजस्व अधिकारी, राजस्व निरीक्षक, नगर सर्वेक्षक तथा पटवारी'' स्थापित किए जाएं. **धारा २८ का संशोधन.**

१४. मूल अधिनियम की धारा २९ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा २९ का स्थापन.**

''**२९. मामलों को अंतरित करने की शक्ति.**—(१) जब कभी यह प्रतीत हो कि न्याय के उद्देश्यों की पूर्ति के लिये आदेश देना समीचीन है, तो मण्डल निदेश दे सकेगा कि कोई विशिष्ट मामला एक राजस्व अधिकारी के पास से समान पद श्रेणी के किसी अन्य राजस्व अधिकारी को अंतरित कर दिया जाए.

(२) आयुक्त, यदि उसकी राय हो कि न्याय के उद्देश्यों की पूर्ति के लिये यह समीचीन है, तो यह आदेश दे सकेगा कि कोई विशिष्ट मामला एक राजस्व अधिकारी के पास से उसी जिले के या उसी संभाग के किसी अन्य जिले के समान पद श्रेणी के किसी अन्य राजस्व अधिकारी को अंतरित कर दिया जाए.''.

१५. मूल अधिनियम की धारा ३५ में,— **धारा ३५ का संशोधन.**

(एक) उपधारा (१) का लोप किया जाए;

(दो) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात् :—

''(३) वह पक्षकार, जिसके विरुद्ध उपधारा (२) के अधीन कोई आदेश पारित किया गया है, ऐसे आदेश की तारीख से या उस दशा में जब कि सूचना या समन की सम्यक् रूप से तामील न की गई हो, उस आदेश के जानकारी में आने की तारीख से तीस दिन के भीतर उसे अपास्त कराने के लिये आवेदन इस आधार पर कर सकेगा कि सुनवाई में उपसंजात होने से किसी पर्याप्त हेतुक से निवारित रहा था और राजस्व अधिकारी, उस विरोधी पक्षकार को, जो उस तारीख को उपस्थित था जिसको कि ऐसा आदेश पारित किया गया था, सूचना देने के पश्चात् तथा ऐसी जांच करने के पश्चात्, जैसी कि वह आवश्यक समझे, पारित किए गए आदेश को अपास्त कर सकेगा.''.

१६. मूल अधिनियम की धारा ४१ का लोप किया जाए. **धारा ४१ का लोप.**

१७. मूल अधिनियम की धारा ४४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा ४४ का स्थापन.**

''**४४. अपील तथा अपील प्राधिकारी.**—(१) उस स्थिति को छोड़कर जहाँ कि अन्यथा उपबंधित किया गया है, इस संहिता या उसके अधीन बनाए गए नियमों के अधीन ऐसा आदेश पारित करने के लिये सक्षम किसी राजस्व अधिकारी के प्रत्येक मूल आदेश की अपील—

(क) यदि ऐसा आदेश उपखण्ड अधिकारी के अधीनस्थ किसी राजस्व अधिकारी ने पारित किया है,—उपखण्ड अधिकारी को होगी;

(ख) यदि ऐसा आदेश उप सर्वेक्षण अधिकारी के अधीनस्थ राजस्व अधिकारी ने पारित किया है—उप सर्वेक्षण अधिकारी को होगी:

(ग) यदि ऐसा आदेश उपखण्ड अधिकारी ने पारित किया है—कलेक्टर को होगी;

(घ) यदि ऐसा आदेश उप सर्वेक्षण अधिकारी ने पारित किया है.—जिला सर्वेक्षण अधिकारी को होगी;

(ङ) यदि ऐसा आदेश किसी सहायक कलेक्टर, संयुक्त कलेक्टर या डिप्टी कलेक्टर द्वारा पारित किया गया है, जिसे इस संहिता की धारा २४ के अधीन शक्तियाँ प्रदत्त की गई हैं.—कलेक्टर को होगी;

(च) यदि ऐसा आदेश किसी ऐसे राजस्व अधिकारी द्वारा पारित किया गया है जिसके कि संबंध में धारा १२ की उपधारा (३) के अधीन निदेश दिया गया हो—ऐसे राजस्व अधिकारी को होगी जिसके कि बारे में राज्य सरकार निदेश दे;

(छ) यदि ऐसा आदेश कलेक्टर या जिला सर्वेक्षण अधिकारी ने पारित किया है—आयुक्त को होगी;

(ज) यदि ऐसा आदेश आयुक्त ने पारित किया है—मण्डल को होगी.

(२) अन्यथा उपबंधित के सिवाय, इस संहिता या उसके अधीन बनाए गए नियमों के अधीन प्रथम अपील में.—

(क) उपखण्ड अधिकारी या उप सर्वेक्षण अधिकारी या कलेक्टर या जिला सर्वेक्षण अधिकारी द्वारा पारित किए गये प्रत्येक आदेश के विरुद्ध द्वितीय अपील आयुक्त को होगी;

(ख) आयुक्त द्वारा पारित किए गये प्रत्येक आदेश के विरुद्ध द्वितीय अपील मण्डल को होगी.

(३) द्वितीय अपील.—

(क) यदि मूल आदेश को प्रथम अपील में खर्च के मामले में के अतिरिक्त अन्य मामले में फेरफारित किया गया हो या उलट दिया गया हो; या

(ख) निम्नलिखित आधारों में से किसी भी आधार पर होगी, न कि किसी अन्य आधार पर, अर्थात् :—

(एक) यह कि आदेश विधि या विधि का प्रभाव रखने वाली प्रथा के प्रतिकूल है; या

(दो) यह कि आदेश द्वारा विधि या विधि का प्रभाव रखने वाली प्रथा संबंधी किसी सारवान विवाद्यक का अवधारण नहीं हो सका हो; या

(तीन) यह कि इस संहिता द्वारा यथाविहित प्रक्रिया में ऐसी सारवान गलती या त्रुटि हुई है जिससे कि गुणागुण के आधार पर मामले के विनिश्चय में गलती या त्रुटि उत्पन्न हुई हो.

(४) पुनर्विलोकन में, किसी आदेश में फेरफार करते हुए या उसको उलटते हुए, पारित किया गया कोई आदेश उसी रीति में अपीलनीय होगा जिस रीति में कि मूल आदेश अपीलनीय होता है.''.

धारा ४५ का लोप.

१८. मूल अधिनियम की धारा ४५ का लोप किया जाए.

धारा ४६ का स्थापन.

१९. मूल अधिनियम की धारा ४६ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**४६. कतिपय आदेशों के विरूद्ध कोई अपील नहीं होगी.**—धारा ४४ में अन्तर्विष्ट किसी बात के होते हुए भी,—

(क) किसी भी ऐसे आदेश की.—

(एक) जिसके द्वारा किसी आवेदन को परिसीमा अधिनियम, १९६३ (१९६३ का ३६) की धारा ५ में विनिर्दिष्ट आधारों पर विलम्ब के विचारण के लिये मंजूर या नामंजूर किया गया है; या

(दो) पुनर्विलोकन के लिये किए गए किसी आवेदन को नामंजूर किया गया है; या

(तीन) आवेदन को, जो रोक (स्टे) के लिये मंजूर या नामंजूर किया गया है; या

(चार) जो अंतरिम स्वरूप का है; या

(पांच) जो धारा २९, ३०, १०४, १०६, ११४-क, १२७, १४६, १४७, १५०, १५२, १६१, २०७, २०८, २१०, २१२, २१३, २१५, २२० तथा २४३ के उपबंधों के अधीन पारित किया गया है,

कोई अपील नहीं होगी; और

(ख) धारा १३१ की उपधारा (१), धारा १३४, धारा १७३, धारा २३४, धारा २३९, धारा २४०, धारा २४१, धारा २४२, धारा २४४ तथा धारा २४८ के उपबंधों के अधीन पारित किसी आदेश के विरुद्ध प्रथम अपील में पारित आदेश के विरुद्ध कोई द्वितीय अपील नहीं होगी.''.

धारा ४७ का स्थापन.

२०. मूल अधिनियम की धारा ४७ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**४७. अपीलों की परिसीमा.**—प्रथम तथा द्वितीय अपील फाइल करने के लिए परिसीमा अवधि, अपील के लिए आदेश की तारीख से पैंतालीस दिन होगी :

परन्तु जहां कोई आदेश, जिसके विरुद्ध अपील प्रस्तुत की जा रही है, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रवृत्त होने के पूर्व किया गया था, वहाँ अपील करने की परिसीमा की अवधि, उक्त संशोधन अधिनियम के पूर्व, संहिता में यथा उपबंधित अनुसार होगी :

परन्तु यह और कि जहाँ किसी ऐसे पक्षकार को, जो उस पक्षकार से भिन्न हो जिसके कि विरुद्ध आदेश एकपक्षीय पारित किया गया है, उस तारीख की, जिसको कि आदेश पारित किया गया था, कोई पूर्व सूचना न रही हो, वहां परिसीमा की संगणना ऐसे आदेश के संसूचित किए जाने की तारीख से की जाएगी.''.

धारा ४९ का संशोधन.

२१. मूल अधिनियम की धारा ४९ में, उपधारा (३) में, प्रथम परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात् :—

''परन्तु अपील प्राधिकारी, उसके अधीनस्थ किसी राजस्व अधिकारी को मामले को निपटाने के लिये साधारणतया प्रतिप्रेषित नहीं करेगा.''.

धारा ५० का स्थापन.

२२. मूल अधिनियम की धारा ५० के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

"**५०. पुनरीक्षण.**—(१) उपधारा (२), (३), (४) तथा (५) के उपबंधों के अध्यधीन रहते हुए,—

(क) मण्डल, किसी भी समय, स्वप्रेरणा से या किसी पक्षकार द्वारा आवेदन किए जाने पर किसी ऐसे मामले का, जो कि विनिश्चित किया जा चुका हो या किन्हीं भी ऐसी कार्यवाहियों का, जिसमें आयुक्त द्वारा इस संहिता के अधीन आदेश पारित किया जा चुका हो, अभिलेख मंगा सकेगा;

(ख) आयुक्त, किसी भी समय, स्वप्रेरणा से या किसी पक्षकार द्वारा आवेदन किए जाने पर किसी ऐसे मामले का, जो कि विनिश्चित किया जा चुका हो या किन्हीं ऐसी कार्यवाहियों का, जिसमें कलेक्टर या जिला सर्वेक्षण अधिकारी द्वारा इस संहिता के अधीन आदेश पारित किया जा चुका हो, अभिलेख मंगा सकेगा;

(ग) कलेक्टर या जिला सर्वेक्षण अधिकारी, किसी भी समय, स्वप्रेरणा से या किसी पक्षकार के आवेदन किए जाने पर किसी ऐसे मामले का, जो कि विनिश्चित किया जा चुका हो या किन्हीं ऐसी कार्यवाहियों का, जिनमें उसके अधीनस्थ किसी राजस्व अधिकारी द्वारा इस संहिता के अधीन आदेश पारित किया गया हो, अभिलेख मंगा सकेगा;

और यदि यह प्रतीत होता है कि अधीनस्थ राजस्व अधिकारी ने,—

(एक) ऐसी अधिकारिता का प्रयोग किया है जो कि इस संहिता द्वारा उसमें निहित न की गई हो; या

(दो) इस प्रकार निहित की गई अधिकारिता का प्रयोग करने में असफल रहा हो; या

(तीन) अपनी अधिकारिता का अविधिपूर्ण प्रयोग किया है या सारवान अनियमितता की है;

तो मण्डल या आयुक्त या कलेक्टर या जिला सर्वेक्षण अधिकारी मामले में ऐसा आदेश कर सकेगा जैसा कि वह उचित समझे.

(२) पुनरीक्षण के लिए कोई आवेदन,—

(क) इस संहिता के अधीन अपीलनीय किसी आदेश के विरुद्ध;

(ख) इस संहिता के अधीन द्वितीय अपील में पारित किसी आदेश के विरुद्ध;

(ग) पुनरीक्षण में पारित किए गए किसी आदेश के विरुद्ध;

(घ) धारा २१० के अधीन आयुक्त के किसी आदेश के विरुद्ध;

(ङ) जब तक कि आदेश की तारीख से या पक्षकार को इसकी संसूचना की तारीख से पैंतालीस दिन, जो भी पश्चात् का हो, के भीतर प्रस्तुत नहीं किया गया हो,

ग्रहण नहीं किया जाएगा:

परन्तु जहां किसी आदेश, जिसके विरुद्ध पुनरीक्षण का आवेदन प्रस्तुत किया जा रहा है, मध्यप्रदेश भू राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रवृत्त होने के पूर्व किया गया था, पुनरीक्षण के लिये आवेदन प्रस्तुत करने के लिये परिसीमा अवधि उक्त संशोधन अधिनियम के पूर्व संहिता में उपबंधित किए गए अनुसार होगी.

(३) मण्डल या आयुक्त या कलेक्टर या जिला सर्वेक्षण अधिकारी इस धारा के अधीन किए गए किसी आदेश या कार्यवाही के अनुक्रम में किसी विवाद्यक का विनिश्चिय करने वाले किसी आदेश में फेरफार नहीं करेगा या उसे नहीं उलटेगा, सिवाय जहां कि,—

(क) ऐसा आदेश, यदि वह पुनरीक्षण का आवेदन करने वाले पक्षकार के पक्ष में किया गया हो, तो कार्यवाहियों का अंतिम रूप से निपटारा करता हो; या

(ख) ऐसा आदेश, यदि प्रवृत्त बना रहता है तो न्याय की विफलता का कारण बनेगा या उस पक्षकार को, जिसके कि विरुद्ध यह किया गया था अपूरणीय क्षति कारित करेगा.

(४) पुनरीक्षण का प्रभाव राजस्व अधिकारी के समक्ष किसी कार्यवाही को स्थगित करने वाला नहीं होगा, सिवाय जहां कि ऐसी कार्यवाही यथास्थिति, मण्डल या आयुक्त या कलेक्टर या जिला सर्वेक्षण अधिकारी द्वारा स्थगित की गई हो.

(५) किसी भी ऐसे आदेश को पुनरीक्षण में तब तक फेरफारित नहीं किया जाएगा या उलटा नहीं जायेगा जब तक कि हितबद्ध पक्षकार पर सूचना की तामील न कर दी गई हो और उसे सुनवाई का अवसर न दे दिया गया हो.

स्पष्टीकरण.—इस धारा के प्रयोजन के लिये समस्त राजस्व अधिकारी मण्डल के अधीनस्थ समझे जाएंगे.''.

धारा ५१ का संशोधन.

२३. मूल अधिनियम की धारा ५१ में, उपधारा (१) तथा उपधारा (२) के स्थान पर, निम्नलिखित उपधाराएं स्थापित की जाएं, अर्थात् :—

''(१) मण्डल या कोई राजस्व अधिकारी, या तो स्वप्रेरणा से या किसी हितबद्ध पक्षकार के आवेदन पर, उसके द्वारा या उसके किसी पूर्वाधिकारी द्वारा पारित आदेश का पुनर्विलोकन कर सकेगा और उसके संदर्भ में ऐसा आदेश पारित कर सकेगा जैसा कि वह उचित समझे :

परन्तु,

(एक) यदि आयुक्त, कलेक्टर या जिला सर्वेक्षण अधिकारी किसी ऐसे आदेश का, जो कि उसने स्वयं पारित न किया हो, पुनर्विलोकन करना आवश्यक समझता है, तो वह पहले मण्डल की मंजूरी अभिप्राप्त करेगा, और यदि कलेक्टर या जिला सर्वेक्षण अधिकारी के अधीनस्थ कोई अधिकारी किसी ऐसे आदेश का, जो स्वयं उसके द्वारा या उसके किसी पूर्ववर्ती द्वारा पारित किया गया हो, पुनर्विलोकन करने की प्रस्थापना करता है तो वह पहले कलेक्टर या जिला सर्वेक्षण अधिकारी की, ठीक जिसके कि वह अधीनस्थ है, लिखित मंजूरी अभिप्राप्त करेगा;

(दो) किसी भी आदेश को तब तक फेरफारित नहीं किया जाएगा या उल्टा नहीं जाऐगा जब तक कि हितबद्ध पक्षकारों को उपसंजात होने तथा ऐसे आदेश के समर्थन में उन्हें सुने जाने की सूचना न दे दी गई हो;

(तीन) किसी भी ऐसे आदेश का, जिसकी कि अपील की गई है या जो किन्हीं पुनरीक्षण की कार्यवाहियों का विषय है, उस समय तक पुनर्विलोकन नहीं किया जाएगा जब तक कि ऐसी अपील या कार्यवाहियां लंबित रहती हैं;

(चार) किसी भी ऐसे आदेश का पुनर्विलोकन, जो निजी व्यक्तियों के बीच अधिकार संबंधी किसी प्रश्न पर प्रभाव डालता हो, कार्यवाहियों के किसी पक्षकार के आवेदन पर ही किया जाएगा अन्यथा नहीं और ऐसे आदेश के पुनर्विलोकन के लिए कोई आवेदन तब तक ग्रहण नहीं किया जाएगा जब तक कि वह उस आदेश के पारित किये जाने के पैंतालीस दिन के भीतर न किया गया हो.

(२) किसी भी आदेश का पुनर्विलोकन निम्नलिखित आधारों के सिवाय नहीं किया जाएगा, अर्थात् :—

(क) नए तथा महत्वपूर्ण विषय या साक्ष्य के पता चलने पर जो आवेदक की जानकारी में उसके सम्यक् तत्परता बरतने के पश्चात् भी नहीं था या उसके द्वारा उस समय जब आदेश पारित किया गया था, प्रस्तुत नहीं किया जा सका;

(ख) कोई भूल या गलती जो अभिलेख को देखने से ही प्रकट हो; या

(ग) कोई अन्य समुचित कारण.''.

धारा ५४ का स्थापन.

२४. मूल अधिनियम की धारा ५४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**५४. पुनरीक्षण का लंबित रहना.**—इस अध्याय में अंतर्विष्ट किसी बात के होते हुए भी, कोई भी कार्यवाहियां जो मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रवृत्त होने के ठीक पूर्व पुनरीक्षण में लंबित हों,—

(क) यदि वे किसी आवेदक के आवेदन पर शुरू की गई हों, मण्डल या उपरोक्त संशोधन अधिनियम द्वारा यथा संशोधित धारा ५० की उपधारा (१) के अधीन उन्हें सुने जाने तथा विनिश्चित किये जाने के लिए सक्षम राजस्व अधिकारी द्वारा सुनी जाएगी तथा विनिश्चित की जाएगी और यदि इस प्रयोजन के लिए अपेक्षित हो, तो ऐसे सक्षम राजस्व अधिकारी को अंतरित की जाएगी;

(ख) यदि वे मण्डल या किसी राजस्व अधिकारी द्वारा स्वप्रेरणा से शुरू की गई हों तो यथास्थिति, मण्डल या ऐसे राजस्व अधिकारी द्वारा उसी प्रकार सुनी तथा विनिश्चित की जाएंगी मानो कि यह संशोधन अधिनियम पारित नहीं किया गया हो;

(ग) यदि वे बंदोबस्त आयुक्त द्वारा शुरु की गई हों तो संबंधित संभाग के आयुक्त को अंतरित की जाएंगी, जो उन्हें सुनेगा और विनिश्चित करेगा;

(घ) यदि वे बंदोबस्त अधिकारी द्वारा शुरू की गई हों तो यथास्थिति, जिला सर्वेक्षण अधिकारी या कलेक्टर को अंतरित की जाएंगी, जो उन्हें सुनेगा और विनिश्चित करेगा.''.

२५. मूल अधिनियम की धारा ५५ का लोप किया जाए. **धारा ५५ का लोप.**

२६. मूल अधिनियम की धारा ५६ में, शब्द "यथास्थिति इस कोड या तत्समय प्रवृत्त किसी अन्य अधिनियमिति के अधीन अपनी शक्तियों का प्रयोग करते हुए" के स्थान पर, शब्द "इस संहिता के अधीन अपनी शक्तियों का प्रयोग करते हुए" स्थापित किए जाएं. **धारा ५६ का संशोधन.**

२७. मूल अधिनियम की धारा ५७ की उपधारा (२) का लोप किया जाए. **धारा ५७ का संशोधन.**

२८. मूल अधिनियम की धारा ५८ में,— **धारा ५८ का संशोधन.**

(एक) उपधारा (१) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात् :—

"(१) समस्त भूमि, चाहे वह किसी भी प्रयोजन के लिए उपयोजित की जाती हो और चाहे वह कहीं भी स्थित हो, राज्य सरकार को राजस्व के भुगतान के लिए दायित्वाधीन है सिवाय ऐसी भूमि के जिसे इस संहिता द्वारा या इसके अधीन या राज्य सरकार के विशेष अनुदान या राज्य सरकार के साथ की गई संविदा द्वारा या राज्य सरकार द्वारा, इस बाबत् जारी अधिसूचना द्वारा, ऐसे दायित्व से पूर्णतः या भागतः छूट दी गई है.".

(दो) उपधारा (२) का लोप किया जाए.

२९. मूल अधिनियम की धारा ५८-क के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा ५८-क का स्थापन.**

५८-क. भू-राजस्व के भुगतान से छूट.—इस संहिता में अंतर्विष्ट किसी बात के होते हुए भी,—

(क) अनन्यरूपेण कृषि के प्रयोजन के लिए उपयोग में लाये गये दो हेक्टेयर तक किसी खाते;

(ख) गैर कृषि प्रयोजन के लिए उपयोग में लायी गयी ऐसी अन्य भूमि जैसी कि राज्य सरकार अधिसूचना द्वारा, विनिर्दिष्ट करे,

के संबंध में, कोई भी भू-राजस्व देय नहीं होगा.".

स्पष्टीकरण.—इस धारा के प्रयोजन के लिए 'खाते' से अभिप्रेत है संपूर्ण राज्य में किसी व्यक्ति द्वारा व्यक्तिशः धारित समस्त भूमि और संयुक्त रूप से उसके द्वारा धारित भूमियों में उसका हिस्सा, यदि कोई हो, का योग.".

३०. मूल अधिनियम की धारा ५८-ख का लोप किया जाए. **धारा ५८-ख का लोप.**

३१. मूल अधिनियम की धारा ५९ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा ५९ का स्थापन.**

"५९. **जिस प्रयोजन के लिए भूमि उपयोग में लायी जा रही है, के अनुसार भू-राजस्व—(१)** भूमि के निम्नलिखित उपयोग के संबंध में भू-राजस्व का निर्धारण ऐसी दरों पर किया जाएगा जैसी कि विहित की जाएं :—

(क) कृषि के प्रयोजन के लिए, जिसमें उस पर किया गया कोई सुधार भी सम्मिलित है;

(ख) निवास गृहों के प्रयोजन के लिए;

(ग) शैक्षणिक प्रयोजन के लिए;

(घ) वाणिज्यिक प्रयोजन के लिए;

(ङ) औद्योगिक प्रयोजन के लिए, जिसमें खान तथा खनिज भी सम्मिलित हैं;

(च) उपरोक्त मद (क) से (ङ) में विनिर्दिष्ट किए गए प्रयोजन से भिन्न ऐसे प्रयोजन के लिए जैसा कि राज्य सरकार द्वारा अधिसूचित किया जाए.

(२) जहां कोई भूमि जिस पर किसी एक प्रयोजन के लिये उपयोग में लाया जाने हेतु निर्धारण किया गया हो, किसी अन्य प्रयोजन के लिए व्यपवर्तित कर दी जाए, वहां ऐसी भूमि पर देय भू-राजस्व, इस बात के होते हुए भी कि उस अवधि का, जिसके लिए कि निर्धारण नियत किया गया हो, अवसान नहीं हुआ है, उस प्रयोजन के लिए विहित दर पर निर्धारण किये जाने के दायित्वाधीन होगा जिसके कि लिए वह व्यपवर्तित कर दी गयी है.

(३) जहां कोई भूमि जो किसी प्रयोजन के लिए उपयोग में लाए जाने की शर्त पर भू-राजस्व के भुगतान से मुक्त रूप से धारित है किसी अन्य प्रयोजन के लिए व्यपवर्तित कर दी जाती है, वहां वह भूमि भू-राजस्व के भुगतान के दायित्वाधीन हो जाएगी और उस पर उस प्रयोजन के लिए विहित दर पर निर्धारण किया जाएगा जिसके कि लिए वह व्यपवर्तित की गयी है.

(४) जहां किसी एक प्रयोजन के लिए उपयोग में लाए जाने वाली भूमि किसी अन्य प्रयोजन के लिए व्यपवर्तित कर दी जाती है और उस पर भू-राजस्व का निर्धारण इस धारा के उपबंधों के अधीन किया जाता है वहां ऐसे व्यपवर्तन पर प्रीमियम ऐसी दर पर संदेय होगा जो कि विहित की जाए.

(५) जब कभी भूमि का निर्धारण एक प्रयोजन के लिए किया गया है और उसे अन्य प्रयोजन के लिए व्यपवर्तित किया जाता है, तो भूमिस्वामी प्रीमियम की गणना करेगा तथा देय भू-राजस्व का पुनर्निर्धारण करेगा और इस प्रकार गणना की गई रकम विहित रीति में जमा करेगा.

(६) भूमिस्वामी ऐसे व्यपवर्तन की उपखण्ड अधिकारी को उपधारा (५) के अधीन रकम जमा करने की पावती के साथ लिखित प्रज्ञापना करेगा और ऐसी प्रज्ञापना की तारीख से भूमि व्यपवर्तित मानी जाएगी.

(७) उपधारा (६) के अधीन प्रज्ञापना प्राप्त होने पर, उपखण्ड अधिकारी यथाशक्य शीघ्र भूमिस्वामी द्वारा की गई गणना की शुद्धता की जांच करेगा तथा भूमिस्वामी को या तो उपधारा (५) के अधीन गणना की पुष्टि करने की या देय प्रीमियम तथा भू-राजस्व की सही रकम की संसूचना देगा. उपधारा (५) के अधीन जमा की गई रकम के, उपखण्ड अधिकारी द्वारा की गई गणना की रकम से कम होने की दशा में अंतर की राशि भूमिस्वामी द्वारा ऐसी प्रज्ञापना की प्राप्ति की तारीख से साठ दिन के भीतर संदत्त की जाएगी:

परन्तु उपधारा (५) के अधीन जमा की गई रकम उपखण्ड अधिकारी द्वारा की गई गणना से अधिक होने की दशा में अंतर की राशि साठ दिन के भीतर भूमिस्वामी को वापस की जाएगी.

(८) यदि उपखण्ड अधिकारी उपधारा (६) के अधीन प्राप्त प्रज्ञापना की तारीख से पांच वर्ष के भीतर उपधारा (७) के अधीन भूमिस्वामी को संसूचित करने में असफल रहता है तो, पुनर्निर्धारित भू-राजस्व की बकाया पांच वर्ष से अधिक किसी अवधि के लिये देय नहीं होगी.

(९) यदि भूमिस्वामी उपधारा (६) के अधीन विहित अवधि के भीतर व्यपवर्तन की प्रज्ञापना देने में असफल रहता है तो उपखण्ड अधिकारी स्वप्रेरणा से या ऐसी जानकारी प्राप्त होने पर प्रीमियम की गणना तथा ऐसे व्यपवर्तन के मद्दे देय भू-राजस्व का पुनर्निर्धारण करेगा और देय कुल रकम के पचास प्रतिशत के बराबर शास्ति भी अधिरोपित करेगा:

परन्तु पुनर्निधारित भू-राजस्व अधिकतम पांच वर्ष की अवधि के अध्यधीन रहते हुए, ऐसे व्यपवर्तन की तारीख से देय होगा:

परन्तु यह और कि मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रारंभ होने की तारीख से एक वर्ष के लिए कोई शास्ति अधिरोपित नहीं की जाएगी.

(१०) भूमिस्वामी केवल ऐसे प्रयोजन के लिए ही भूमि व्यपवर्तित करेगा जैसा कि तत्समय प्रवृत्त भूमि के उपयोग को विनियमित करने वाली विधि के अधीन अनुज्ञेय है:

परन्तु इस धारा के अधीन भूमिस्वामी या उपखण्ड अधिकारी की कोई कार्रवाई लागू विधि के उपबंधों के प्रतिकूल भूमि के उपयोग के परिवर्तन हेतु अनुज्ञा देने वाली नहीं समझी जाएगी:

परन्तु यह और कि सक्षम प्राधिकारी इस धारा के अधीन की गई किसी दण्डात्मक कार्रवाई का विचार किए बिना तत्समय प्रवृत्त विधि के उपबंधों के प्रतिकूल ऐसे व्यपवर्तन के लिए भूमिस्वामी के विरुद्ध कार्रवाई कर सकेगा.

(११) प्रीमियम तथा पुनर्निर्धारित भू-राजस्व की गणना, यथास्थिति, उपधारा (६) के अधीन भूमिस्वामी द्वारा प्रज्ञापना की तारीख या उपधारा (९) के अधीन उपखण्ड अधिकारी द्वारा आदेश पारित करने की तारीख को प्रचलित दरों पर की जाएगी.

(१२) मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रारंभ होने के पूर्व मण्डल या किसी राजस्व अधिकारी के समक्ष लंबित इस धारा के अधीन की समस्त कार्यवाहियां समाप्त हो जाएंगी तथा उपखण्ड अधिकारी इस धारा के उपबंधों के अनुसार व्यपवर्तन के मद्दे प्रीमियम अधिरोपित करेगा और भू-राजस्व का निर्धारण करेगा.''.

३२. मूल अधिनियम की धारा ६० के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा ६० का स्थापन.**

''६०. भूमि जिस पर निर्धारण नहीं किया गया है, का निर्धारण

उन समस्त भूमियों पर जिन पर निर्धारण नहीं किया गया है, भूमि का निर्धारण इस संहिता के अधीन बनाए गए नियमों के अनुसार कलेक्टर द्वारा किया जाएगा.''.

३३. मूल अधिनियम की धारा ६१ से १०३ (दोनों सम्मिलित हैं) को अंतर्विष्ट करने वाले अध्याय-सात तथा अध्याय-आठ के स्थान पर, निम्नलिखित अध्याय स्थापित किया जाए, अर्थात् :— **अध्याय सात तथा अध्याय आठ का स्थापन.**

''अध्याय-सात

भू-सर्वेक्षण

६१. भू-सर्वेक्षण की परिभाषा ''भू-सर्वेक्षण'' से अभिप्रेत है—

(क) समस्त या निम्नलिखित क्रियाकलापों में से कोई क्रियाकलाप—

(एक) भूमि का सर्वेक्षण संख्यांकों में विभाजन, विद्यमान सर्वेक्षण संख्यांकों को मान्य करना, उन्हें पुनर्गठित करना या कृषि प्रयोजनों तथा उनसे आनुषांगिक क्रियाकलापों के लिए उपयोग की जाने वाली भूमि में नवीन सर्वेक्षण संख्यांक विरचित करना;

(दो) भूमि का भूखण्ड संख्यांकों में विभाजन, विद्यमान भूखण्ड संख्यांकों को मान्य करना, उन्हें पुनर्गठित करना तथा गैर कृषि प्रयोजनों तथा उनके आनुषांगिक क्रियाकलापों के लिए उपयोग में लायी जाने वाली भूमि में नये भू-खण्ड संख्यांक विरचित करना तथा उन्हें ब्लाक में समूहीकृत करना;

(तीन) नगरेत्तर क्षेत्रों में सर्वेक्षण संख्यांकों तथा ब्लाक को ग्रामों में तथा नगरीय क्षेत्रों में सेक्टर में समूहीकृत करना तथा उनके आनुषांगिक क्रियाकलाप;

(ख) यथास्थिति, प्रत्येक सर्वेक्षण संख्यांक, ब्लाक संख्यांक या भूखण्ड संख्यांक का क्षेत्रफल, वर्तमान भूमि उपयोग तथा अन्य विशेषताओं का वर्णन करने वाली क्षेत्र पुस्तिका (फील्ड बुक) तैयार करना;

(ग) यथास्थिति, खेत का नक्शा तैयार करना या उसका पुनरीक्षण करना या उसमें सुधार करना;

(घ) किसी स्थानीय क्षेत्र में भू-अभिलेखों को अद्यतन रखने के उद्देश्य से अधिकार अभिलेख तैयार करना;

(ङ) कोई अन्य अभिलेख तैयार करना जैसा कि विहित किया जाए.

६२. **आयुक्त, भू-अभिलेख की नियुक्ति.**—राज्य सरकार, आयुक्त, भू-अभिलेख की नियुक्ति कर सकेगी जो राज्य सरकार द्वारा इस संबंध में जारी किए गए निर्देश के अध्यधीन रहते हुए, भू-सर्वेक्षण तथा भू-अभिलेखों का प्रबंध करेगा.

६३. **अपर आयुक्त, भू-अभिलेख की नियुक्ति तथा उनकी शक्तियां और कर्तव्य.**—(१) राज्य सरकार एक या उससे अधिक अपर आयुक्त, भू-अभिलेख की नियुक्ति कर सकेगी.

(२) अपर आयुक्त, भू-अभिलेख ऐसे मामलों में या मामले के ऐसे वर्ग में, जैसा कि राज्य सरकार या आयुक्त, भू-अभिलेख निदेशित करे, ऐसी शक्तियों का प्रयोग तथा ऐसे कर्तव्यों का निर्वहन करेगा, जो इस संहिता या उसके अधीन बनाए गए नियमों द्वारा आयुक्त, भू-अभिलेख को प्रदत्त तथा उस पर अधिरोपित किए गए हैं और अपर आयुक्त, भू-अभिलेख के संबंध में जब कि वह ऐसी शक्तियों का प्रयोग कर रहा हो तथा ऐसे कर्तव्यों का निर्वहन कर रहा हो, यह समझा जाएगा कि वह इस संहिता या बनाए गए किसी नियम के प्रयोजनों के लिए आयुक्त, भू-अभिलेख नियुक्त किया गया है.

६४. **प्रस्थापित भू-सर्वेक्षण की अधिसूचना.**—(१) आयुक्त, भू-अभिलेख किसी तहसील क्षेत्र में भू-सर्वेक्षण, राजपत्र में उस आशय की एक अधिसूचना प्रकाशित करके प्रारंभ कर सकेगा.

(२) भू-सर्वेक्षण तहसील क्षेत्र में की समस्त भूमियों पर या उसके केवल ऐसे भाग पर हो सकेगा जैसा कि आयुक्त, भू-अभिलेख उपधारा (१) के अधीन जारी अधिसूचना में निर्दिष्ट करे.

(३) उपधारा (१) के अधीन अधिसूचित भूमियां, उक्त अधिसूचना की तारीख से तब तक भू-सर्वेक्षण के अधीन धारित समझी जाएंगी जब तक कि ऐसे भू-सर्वेक्षण को बंद किए जाने की घोषणा करने वाली अधिसूचना जारी न कर दी जाए.

६५. **जिला सर्वेक्षण अधिकारी, उप सर्वेक्षण अधिकारी तथा सहायक सर्वेक्षण अधिकारी.**—(१) ऐसी भूमियों के संबंध में जो कि भू-सर्वेक्षण के अधीन हैं,—

(क) जिले का कलेक्टर जिला सर्वेक्षण अधिकारी होगा;

(ख) उपखण्ड का उपखण्ड अधिकारी उसके उपखण्ड के लिए उप सर्वेक्षण अधिकारी होगा,

(ग) तहसीलदार, अपर तहसीलदार या नायब तहसीलदार उनके अपने-अपने क्षेत्राधिकार के भीतर सहायक सर्वेक्षण अधिकारी होंगे.

(२) समस्त जिला सर्वेक्षण अधिकारी आयुक्त, भू-अभिलेख के अधीनस्थ होंगे.

(३) जिले में के समस्त उप सर्वेक्षण अधिकारी तथा सहायक सर्वेक्षण अधिकारी जिला सर्वेक्षण अधिकारी के अधीनस्थ होंगे.

(४) उपखण्ड में के समस्त सहायक सर्वेक्षण अधिकारी, उप सर्वेक्षण अधिकारी के अधीनस्थ होंगे.

६६. **जिला सर्वेक्षण अधिकारी, उप सर्वेक्षण अधिकारी तथा सहायक सर्वेक्षण अधिकारी की शक्तियां.**—(१) ऐसी भूमियों के संबंध में, जो कि भू-सर्वेक्षण के अधीन हैं इस संहिता के अधीन कलेक्टर, उपखण्ड अधिकारी या तहसीलदार की शक्तियां क्रमशः जिला सर्वेक्षण अधिकारी, उप सर्वेक्षण अधिकारी या सहायक सर्वेक्षण अधिकारी में निहित होंगी.

(२) राज्य सरकार, इस संहिता के अधीन जिला सर्वेक्षण अधिकारी की समस्त या किन्हीं भी शक्तियों को उप सर्वेक्षण अधिकारी या सहायक सर्वेक्षण अधिकारी में निहित कर सकेगी.

६७. **सर्वेक्षण संख्यांक, ब्लाक संख्यांक, भू-खण्ड संख्यांक की विरचना और उनको नगरेतर क्षेत्रों में ग्रामों में तथा नगरीय क्षेत्रों में सेक्टर में समूहीकृत करना.**—इस संहिता के अधीन बनाए गए नियमों के अध्यधीन रहते हुए, जिला सर्वेक्षण अधिकारी—

(क) उस भूमि का, जिस पर भू-सर्वेक्षण किया जाना है, मापन कराएगा तथा उस पर ऐसी संख्या में सर्वेक्षण चिन्हों को संनिर्मित कर सकेगा जितनी कि आवश्यक हों;

(ख) ऐसी भूमि को सर्वेक्षण संख्यांकों में विभाजित कर सकेगा, विद्यमान सर्वेक्षण संख्यांकों को मान्य कर सकेगा, सर्वेक्षण संख्यांकों को पुनर्गठित कर सकेगा या कृषि प्रयोजन के लिए उपयोग में लाई जाने वाली भूमि में नवीन सर्वेक्षण संख्यांक विरचित कर सकेगा;

(ग) ऐसी भूमि को ब्लाक संख्यांकों में विभाजित कर सकेगा, विद्यमान ब्लाक संख्यांकों को मान्य कर सकेगा, ब्लाक संख्यांकों को पुनर्गठित कर सकेगा या गैर कृषि प्रयोजन के लिये उपयोग में लाई जाने वाली भूमि में नवीन ब्लाक संख्यांक विरचित कर सकेगा;

(घ) ब्लाक को भू-खण्ड संख्यांकों में विभाजित कर सकेगा, विद्यमान भू-खण्ड संख्यांकों को मान्य कर सकेगा, भू-खण्ड संख्यांकों को पुनर्गठित कर सकेगा या गैर कृषि प्रयोजन के लिए उपयोग में लायी जाने वाली भूमि में नवीन भू-खण्ड संख्यांक विरचित कर सकेगा;

(ङ) नगरेतर क्षेत्रों में सर्वेक्षण संख्यांकों तथा ब्लाक को ग्रामों में तथा नगरीय क्षेत्रों में सेक्टर के रूप में समूहीकृत कर सकेगा:

परन्तु मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) के अधीन अनुमोदित विन्यास की सीमाओं के भीतर आने वाली किसी भूमि के भू-खण्ड इस संहिता के अधीन भू-खण्ड समझे जाएंगे:

परन्तु यह और कि यहां इसमें इसके पश्चात् यथाउपबंधित के सिवाय और क्षेत्र की अनुमोदित विकास योजना, यदि कोई हो, के अध्यधीन रहते हुए, भविष्य में न्यूनतम विहित सीमा से कम का कोई सर्वेक्षण क्रमांक या भू-खण्ड क्रमांक निर्मित नहीं किया जाएगा.

६८. **सर्वेक्षण संख्यांक, ब्लाक संख्यांक तथा भूखण्ड संख्यांक को पुनर्क्रमांकित करने या उपविभाजित या समामेलित करने की शक्ति.**—(१) जिला सर्वेक्षण अधिकारी, सर्वेक्षण संख्यांकों को या तो पुनर्क्रमांकित कर सकेगा या उन्हें उतने उपखण्डों में उपविभाजित कर सकेगा जितने कि अपेक्षित हों या भूमि में अधिकारों के अर्जन की दृष्टि से या किसी अन्य कारण से एक या एक से अधिक सर्वेक्षण संख्यांकों को एकल सर्वेक्षण संख्यांक में समामेलित कर सकेगा.

(२) जिला सर्वेक्षण अधिकारी, ब्लाक संख्यांकों को तथा भू-खण्ड संख्यांकों को या तो पुनर्क्रमांकित या उन्हें इतने उपखण्डों में उप विभाजित कर सकेगा जितने कि अपेक्षित हों या भूमि में अधिकारों के अर्जन की दृष्टि से या किसी अन्य कारण से एक या एक से अधिक ब्लाक संख्यांकों तथा भू-खण्ड संख्यांकों को एकल ब्लाक संख्यांक या भू-खण्ड संख्यांक में समामेलित कर सकेगा:

परन्तु ऐसे ब्लाक संख्यांक या भू-खण्ड संख्यांक का विभाजन या समामेलन नहीं होगा जहां कि ऐसा ब्लाक या भू-खण्ड या उसका कोई भाग मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) के अधीन अनुमोदित विन्यास की सीमाओं के भीतर आता हो.

(३) किसी सर्वेक्षण संख्यांक, ब्लाक संख्यांक या भू-खण्ड संख्यांक का विभाजन या समामेलन तथा उनका निर्धारण इस संहिता के अधीन बनाए गए नियमों के अनुसार किया जाएगा.

(४) जिला सर्वेक्षण अधिकारी, एक या एक से अधिक भू-खण्ड संख्यांकों को किसी ब्लाक से निकालकर या एक या एक से अधिक भू-खण्ड संख्यांकों को उससे लगे हुए ब्लाक में जोड़कर किसी ब्लाक को परिवर्तित कर सकेगा.

(५) जहां कोई खाता कई सर्वेक्षण संख्यांकों तथा भू-खण्ड संख्यांकों से मिलकर बना हो वहां जिला सर्वेक्षण अधिकारी, प्रत्येक सर्वेक्षण संख्यांक या भू-खण्ड संख्यांक के लिए देय भू-राजस्व का निर्धारण करेगा.

(६) जब कभी सर्वेक्षण संख्यांकों, ब्लाक संख्यांकों या भू-खण्ड संख्यांकों को पुनर्क्रमांकित किया जाए तो जिला सर्वेक्षण अधिकारी इस संहिता के अधीन तैयार किए गए या संधारित किए गए समस्त अभिलेखों में प्रविष्टियों की शुद्धि करेगा.

६९. **भू-अभिलेख में सर्वेक्षण संख्यांकों, ब्लाक संख्यांकों तथा भू-खण्ड संख्यांकों तथा उनके उप खण्डों की प्रविष्टि.**—सर्वेक्षण संख्यांकों और भू-खण्ड संख्यांकों तथा उनके उप खण्डों के क्षेत्रफल तथा उनका निर्धारण और ब्लॉक संख्यांकों के क्षेत्रफल की प्रविष्टि भू-अभिलेख में ऐसी रीति में की जाएगी जैसी कि विहित की जाए.

७०. **ग्राम की आबादी का अवधारण.**—जिला सर्वेक्षण अधिकारी प्रत्येक बसे हुए ग्राम की दशा में भूमियों में के अधिकारों का सम्यक् ध्यान रखते हुए, निवासियों के निवास के लिए या उससे आनुषांगिक प्रयोजनों के लिए आरक्षित किए जाने वाला क्षेत्रफल अभिनिश्चित करेगा तथा अवधारित करेगा और ऐसे क्षेत्रफल को ग्राम की आबादी समझा जाएगा.

७१. **ग्रामों और सेक्टर को विभाजित या सम्मिलित करने या उनमें से किसी क्षेत्र को अपवर्जित करने की जिला सर्वेक्षण अधिकारी की शक्ति.**—(१) जिला सर्वेक्षण अधिकारी, इस संहिता के अधीन बनाए गए नियमों के अनुसार दो या अधिक ग्रामों का गठन करने के लिए किसी ग्राम को विभाजित कर सकेगा या दो या अधिक ग्रामों को सम्मिलित कर एक ग्राम गठित कर सकेगा या किसी ग्राम की सीमाओं को, उसमें किसी ऐसे ग्राम के, जो उसके सामीप्य में हो, किसी क्षेत्र को सम्मिलित करके अथवा उसमें समाविष्ट किसी क्षेत्र को उसमें से अपवर्जित करके, परिवर्तित कर सकेगा.

(२) जिला सर्वेक्षण अधिकारी इस संहिता के अधीन बनाए गए नियमों के अनुसार दो या दो से अधिक सेक्टर का गठन करने के लिए किसी सेक्टर को विभाजित कर सकेगा या दो या अधिक सेक्टरों को एक सेक्टर गठित करने के प्रयोजन से सम्मिलित कर सकेगा या किसी सेक्टर की सीमाओं को, उसमें किसी ऐसे सेक्टर के, जो कि उसके सामीप्य में हों, किसी क्षेत्र को सम्मिलित करके अथवा उसमें समाविष्ट किसी क्षेत्र को उसमें से अपवर्जित करके परिवर्तित कर सकेगा.

७२. **निर्धारण.**—जिला सर्वेक्षण अधिकारी प्रत्येक खाते पर, ऐसी दरों पर, जैसी विहित की जाएं, निर्धारण नियत करेगा.

७३. **समस्त भूमियां निर्धारण के दायित्वाधीन होंगी.**—जिला सर्वेक्षण अधिकारी ऐसी समस्त भूमियों पर, जिन पर सर्वेक्षण विस्तारित होता है, निर्धारण करेगा, चाहे ऐसी भूमियां भू-राजस्व के भुगतान के दायित्वाधीन हों या न हों.

७४. **नक्शे तथा अभिलेख रखने का जिला सर्वेक्षण अधिकारी का कर्तव्य.**—जब कोई क्षेत्र भूमि सर्वेक्षण के अधीन हो, तो, ऐसे क्षेत्र के नक्शे तथा अभिलेख रखने का कर्तव्य, कलेक्टर के पास से जिला सर्वेक्षण अधिकारी को अंतरित हो जायेगा जो इसके बाद अध्याय-नौ से अठारह के किन्हीं उपबंधों के अधीन कलेक्टर, को प्रदत्त की गई समस्त शक्तियों का प्रयोग करेगा.

७५. **गलतियों को ठीक करने की उपखण्ड अधिकारी की शक्ति.**—उपखण्ड अधिकारी भू-सर्वेक्षण बंद हो जाने के पश्चात् किसी भी समय सर्वेक्षण में हुई गलती अथवा अंकगणितीय अशुद्ध गणना के कारण किसी सर्वेक्षण संख्यांक या भू-खण्ड संख्यांक अथवा ब्लाक संख्यांक के क्षेत्रफल अथवा निर्धारण में हुई किसी गलती को ठीक कर सकेगा:

परन्तु ऐसी गलती को ठीक करने के कारण भू-राजस्व का कोई बकाया देय नहीं होगा.

७६. **भू-सर्वेक्षण के अधीन न आने वाले क्षेत्रों में, इस अध्याय के अधीन उपबंधित शक्तियों का प्रयोग कलेक्टर, उपखण्ड अधिकारी तथा तहसीलदार द्वारा किया जाना.**—ऐसे क्षेत्र में, जो भू-सर्वेक्षण के अधीन नहीं है कलेक्टर, उपखण्ड अधिकारी या तहसीलदार अपनी-अपनी अधिकारिता के भीतर, इस अध्याय के अधीन उपबंधित क्रमशः जिला सर्वेक्षण अधिकारी, उप सर्वेक्षण अधिकारी, सहायक सर्वेक्षण अधिकारी की शक्तियों का प्रयोग करेंगे.

७७. **नियम बनाने की शक्ति.**—राज्य सरकार इस अध्याय के अधीन भू-सर्वेक्षण को कार्यान्वित करने के लिए नियम बना सकेगी.''.

३४. मूल अधिनियम की धारा १०४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा १०४ का स्थापन.**

''**१०४. नगरेतर क्षेत्र में पटवारी हल्कों की विरचना तथा नगरीय क्षेत्रों में सेक्टरों की विरचना और पटवारियों तथा नगर सर्वेक्षकों की नियुक्ति,—**

(१) आयुक्त, भू-अभिलेख, प्रत्येक तहसील के लिए ग्रामों को पटवारी हल्कों में विन्यस्त करेगा तथा प्रत्येक नगरीय क्षेत्र को सेक्टर में विभाजित करेगा और किसी भी समय विद्यमान पटवारी हल्कों या सेक्टर की सीमाओं में परिवर्तन कर सकेगा तथा नवीन पटवारी हल्कों या सेक्टरों का सृजन कर सकेगा या विद्यमान पटवारी हल्कों या सेक्टरों को समाप्त कर सकेगा.

(२) कलेक्टर, शुद्ध भू-अभिलेखों को रखने के लिए तथा ऐसे अन्य कर्तव्यों के लिए जैसे कि विहित किए जाएं, प्रत्येक पटवारी हल्के में एक पटवारी तथा प्रत्येक सेक्टर में एक नगर सर्वेक्षक की नियुक्ति करेगा.

(३) उपधारा (१) के अधीन नगरीय क्षेत्र में सेक्टर की विरचना होने तक मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रवृत्त होने के ठीक पूर्व इसमें विद्यमान प्रत्येक ग्राम एक सेक्टर के रूप में समझा जाएगा तथा ऐसे ग्राम के सुसंगत भू-अभिलेख ऐसे सेक्टर के भू-अभिलेख समझे जाएंगे.''.

३५ मूल अधिनियम की धारा १०५ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा १०५ का स्थापन.**

''१०५. **नगरेतर क्षेत्र में राजस्व निरीक्षक वृत्तों की विरचना.**—आयुक्त, भू-अभिलेख, किसी तहसील में के पटवारी हल्कों को, राजस्व निरीक्षक वृत्तों में विन्यस्त करेगा और किसी भी समय किसी वृत्त की सीमाओं में परिवर्तन कर सकेगा तथा नवीन वृत्तों का सृजन कर सकेगा या विद्यमान को समाप्त कर सकेगा.''.

३६. मूल अधिनियम की धारा १०६ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा १०६ का स्थापन.**

''१०६. **नगरेतर क्षेत्रों में राजस्व निरीक्षकों की नियुक्ति.**—कलेक्टर, प्रत्येक राजस्व निरीक्षक वृत्त में, भू-अभिलेखों को तैयार किए जाने तथा संधारण, पर्यवेक्षण करने तथा ऐसे अन्य कर्तव्यों का निर्वहन करने के लिए, जैसे कि विहित किए जाएं, राजस्व निरीक्षक को नियुक्त कर सकेगा.''.

३७. मूल अधिनियम की धारा १०७ के स्थान पर निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा १०७ का स्थापन.**

''**१०७. ग्राम, आबादी, ब्लाक तथा सेक्टर के नक्शे.**—(१) प्रत्येक ग्राम के लिए,—

(क) सर्वेक्षण-संख्यांकों तथा ब्लाक संख्यांकों की सीमाओं को दर्शाने वाला एक नक्शा तैयार किया जाएगा जो कि ''ग्राम का नक्शा'' कहलाएगा;

(ख) आबादी के लिए धारकों द्वारा अधिभोग में रखा गया क्षेत्र तथा वह क्षेत्र जो ऐसे अधिभोग में न हो, दर्शाने वाला, पृथक्-पृथक् भू-खण्ड संख्यांक तथा ऐसी अन्य विशिष्टयां देते हुए जैसी कि विहित की जाएं, एक नक्शा तैयार किया जाएगा जो कि ''आबादी का नक्शा'' कहलायेगा;

(ग) व्यवर्तित की गई भूमियों के लिए, धारकों द्वारा अधिभोग में रखा गया क्षेत्र, पृथक्-पृथक् भू-खण्ड संख्यांक तथा ऐसी अन्य विशिष्टियां देते हुए जैसी कि विहित की जाएं, एक नक्शा तैयार किया जाएगा जो कि ''ब्लाक का नक्शा'' कहलाएगा.

(२) प्रत्येक नगरीय क्षेत्र में, धारकों द्वारा अधिभोग में रखा गया क्षेत्र तथा वह क्षेत्र जो ऐसे अधिभोग में न हो, दर्शाने वाला पृथक्-पृथक् भू-खण्ड संख्यांक तथा ऐसी अन्य विशिष्टियां देते हुए, जैसी कि विहित की जाएं, प्रत्येक सेक्टर के लिए एक नक्शा तैयार किया जाएगा जो कि ''सेक्टर का नक्शा'' कहलाएगा.

(३) उपधारा (१) तथा (२) के अधीन नक्शा ऐसे पैमाने (स्केल) पर तैयार किया जाएगा जो कि विहित किया जाए.''.

धारा १०८ का स्थापन

३८. मूल अधिनियम की धारा १०८ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

''१०८. **अधिकार अभिलेख.**—(१) प्रत्येक ग्राम क्षेत्र तथा प्रत्येक नगरीय क्षेत्र के प्रत्येक सेक्टर के लिए अधिकार अभिलेख इस संबंध में बनाए गए नियमों के अनुसार तैयार किया जाएगा तथा रखा जाएगा और ऐसे अभिलेख में निम्नलिखित विशिष्टियां सम्मिलित होंगी:—

(क) समस्त भूमिस्वामियों के नाम, उनके द्वारा धारित सर्वेक्षण संख्यांकों या भू-खण्ड संख्यांकों तथा वह प्रयोजन जिसके लिए वे उपयोग किए जा रहे हों और उनके क्षेत्रफल तथा कृषि के लिए उपयोग की जाने वाली भूमि की दशा में सिंचाई की स्थिति, सहित;

(ख) समस्त सरकारी पट्टेदारों के नाम तथा पट्टेदारों के ऐसे वर्ग जो कि राज्य सरकार द्वारा विनिर्दिष्ट किए जाएं, उनके द्वारा धारित सर्वेक्षण संख्यांकों या भू-खण्ड संख्यांकों का तथा वह प्रयोजन जिसके लिए उनका उपयोग किया जा रहा हो तथा उनके क्षेत्रफल और कृषि प्रयोजन के लिए उपयोग की जाने वाली भूमि की दशा में सिंचाई की स्थिति, सहित;

(ग) ग्राम की आबादी में अधिभोग रखने वाले समस्त व्यक्तियों या यथास्थिति नगरीय क्षेत्र में की ऐसी भूमि में अधिभोग रखने वाले समस्त व्यक्तियों के नाम जो कि ऐसे नगरीय क्षेत्र के गठन के पूर्व ग्राम की आबादी थी, भूमि में उनके हित की प्रकृति, उनके द्वारा धारित भू-खण्ड संख्यांकों तथा वह प्रयोजन जिसके लिए भूमि उपयोग में लायी जा रही हो, सहित;

(घ) राज्य सरकार द्वारा या किसी अधिनियमिति के अधीन अधिकृत व्यक्ति द्वारा या राज्य सरकार या केन्द्र सरकार के निदेश के अधीन किसी व्यक्ति को समनुदेशित की गई या दी गई भूमि में हित की प्रकृति तथा उसकी सीमा, निम्न सहित—

(एक) ऐसे व्यक्तियों के अपने-अपने हितों के प्रकार और शर्तें तथा दायित्व, यदि कोई हों;

(दो) ऐसे व्यक्तियों द्वारा देय भू-राजस्व या भू-भाटक, यदि कोई हो; और

(तीन) ऐसी अन्य विशिष्टियां जो कि विहित की जाएं.

(२) उपधारा (१) में वर्णित अधिकार अभिलेख, भू-सर्वेक्षण के दौरान या जब कभी भी राज्य सरकार, अधिसूचना द्वारा, ऐसा निदेश दे, तैयार किया जाएगा.''.

धारा १०९ का स्थापन

३९. मूल अधिनियम की धारा १०९ के स्थान पर निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

''१०९. **अधिकारों के अर्जन की रिपोर्ट की जाएगी:**—(१) कोई भी व्यक्ति, जो भूमि में पूर्ण अधिकार हित विधिपूर्वक अर्जित करता है, अपने द्वारा ऐसा अधिकार अर्जित किए जाने की रिपोर्ट ऐसे अर्जन की तारीख से छह मास के भीतर विहित प्ररूप में देगा,—

(क) नगरेतर क्षेत्र में स्थित भूमि की दशा में पटवारी को या इस निमित्त राज्य सरकार द्वारा प्राधिकृत किसी व्यक्ति या तहसीलदार को,

(ख) नगरीय क्षेत्र में स्थित भूमि की दशा में नगर सर्वेक्षक को या इस निमित्त राज्य सरकार द्वारा प्राधिकृत किसी व्यक्ति या तहसीलदार को:

परन्तु जब अधिकार अर्जित करने वाला व्यक्ति अवयस्क हो या अन्यथा निरर्हित हो, तो उसका संरक्षक या ऐसा अन्य व्यक्ति, जो उसकी संपत्ति का भारसाधक हो, पटवारी या नगर सर्वेक्षक या अधिकृत व्यक्ति या तहसीलदार को ऐसी रिपोर्ट करेगा.

"**स्पष्टीकरण एक** : ऊपर वर्णित किए गए अधिकार के अन्तर्गत कोई सुखाचार या संपत्ति अन्तरण अधिनियम, १८८२ (१८८२ का अधिनियम संख्यांक ४) की धारा १०० में विनिर्दिष्ट किए गए प्रकार का कोई ऐसा भार, जो कि बंधक की कोटि में नहीं आता है, नहीं है.

स्पष्टीकरण दो : कोई ऐसा व्यक्ति जिसके कि पक्ष में किसी बंधक का मोचन हो जाए या भुगतान कर दिया जाए या किसी पट्टे का पर्यवसान हो जाए, इस धारा के अर्थ के अंतर्गत् अधिकार अर्जित करता है.

स्पष्टीकरण तीन : इस धारा के अधीन दी जाने के लिए अपेक्षित लिखित प्रज्ञापना या तो संदेशवाहक की मार्फत दी जा सकेगी या व्यक्तिशः सौंपी जा सकेगी या रजिस्ट्रीकृत डाक द्वारा भेजी जा सकेगी या ऐसी अन्य रीति में भेजी जा सकेगी जैसी कि विहित की जाए.

स्पष्टीकरण चार : इस धारा के प्रयोजन के लिए "अन्यथा निरर्हित" में सम्मिलित है निःशक्तजन अधिकार अधिनियम, २०१६ (२०१६ का ४९) की धारा २ के खण्ड (५) में यथा परिभाषित निःशक्तजन हैं.

(२) जब कोई ऐसा दस्तावेज जिसके कि द्वारा ऐसी भूमि, जो कृषि प्रयोजन के लिए उपयोग में लायी जाती है या जिसके संबंध में एक खसरा तैयार किया गया है, कोई हक या उस पर कोई भार सृजित किया जाना, समनुदेशित किया जाना या निर्वापित किया जाना तात्पर्यित हो, भारतीय रजिस्ट्रीकरण अधिनियम, १९०८ (१९०८ का १६) के अधीन रजिस्ट्रकृत की जाती है तो रजिस्ट्रीकरण अधिकारी, उस क्षेत्र पर, जिसमें भूमि स्थित है, अधिकारिता रखने वाले तहसीलदार को ऐसे प्ररुप में तथा ऐसे समय पर, जैसी कि विहित किया जाए, प्रज्ञापना भेजेगा.

(३) ऐसा कोई व्यक्ति जिसके अधिकारों, हित या दायित्वों का इस अध्याय के अधीन किसी अभिलेख या रजिस्टर में प्रविष्ट किया जाना अपेक्षित हो या जो उसमें प्रविष्ट किये जा चुके हों किसी राजस्व अधिकारी, राजस्व निरीक्षक, नगर सर्वेक्षक या पटवारी की, जो अभिलेख या रजिस्टर का संकलन करने या उसको संशोधित करने में लगा हो, लिखित अध्यपेक्षा पर इस बात के लिए आबद्ध होगा कि वह उस अभिलेख या रजिस्टर के सही संकलन या संशोधन के लिए आवश्यक समस्त ऐसी जानकारी या दस्तावेज, जो उसकी जानकारी में या उसके कब्जे या अधिकार में हो, ऐसी अध्यपेक्षा की जाने की तारीख से एक मास के भीतर, उसके निरीक्षण के लिए दे या पेश करे. प्रस्तुत की गयी जानकारी या पेश किए गए दस्तावेज की लिखित अभिस्वीकृति व्यक्ति को दी जाएगी.

(४) कोई भी व्यक्ति, जो विनिर्दिष्ट की गयी कालावधि के भीतर उपधारा (१) द्वारा अपेक्षित की गयी रिपोर्ट करने में या उपधारा (३) द्वारा अपेक्षित की गयी जानकारी देने में या दस्तावेज पेश करने की उपेक्षा करेगा तो वह तहसीलदार के स्वविवेक पर पांच हजार रुपये से अनधिक की शास्ति का दायी होगा.

(५) इस धारा के अधीन किसी अधिकार अर्जन से संबंधित किसी ऐसी रिपोर्ट के बारे में, जो विनिर्दिष्ट की गयी कालावधि के पश्चात्, प्राप्त हुई हो, धारा ११० के उपबंधों के अनुसार कार्यवाही की जाएंगी.".

धारा ११० का स्थापन.

४०. मूल अधिनियम की धारा ११० के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

"११०. **भू-अभिलेखों में अधिकार—अर्जन बाबत् नामांतरण.**—(१) पटवारी या धारा १०९ के अधीन नगर सर्वेक्षक या अधिकृत व्यक्ति अधिकार के प्रत्येक ऐसे अर्जन के, जिसकी कि रिपोर्ट उसे धारा १०९ के अधीन की गयी हो या जो किसी अन्य स्रोत से प्राप्त सूचना पर उसकी जानकारी में आये, उस रजिस्टर में दर्ज करेगा जो कि उस प्रयोजन के लिए विहित किया गया है.

(२) यथास्थिति, पटवारी या नगर सर्वेक्षक या अधिकृत व्यक्ति अधिकार—अर्जन संबंधी समस्त ऐसी रिपोर्ट जो कि उपधारा (१) के अधीन उसे प्राप्त हुई हों, ऐसी रीति में तथा ऐसे प्ररूप में जो कि विहित किया जाए, उसके द्वारा उसे प्राप्त होने के तीस दिन के भीतर तहसीलदार को प्रज्ञापित करेगा.

(३) धारा १०९ के अधीन प्रज्ञापना के प्राप्त होने पर या किसी अन्य स्रोत से ऐसे अधिकार अर्जन की प्रज्ञापना के प्राप्त होने पर, तहसीलदार पंद्रह दिन के भीतर,—

(क) अपने न्यायालय में मामला पंजीकृत करेगा;

(ख) हितबद्ध समस्त व्यक्तियों को तथा ऐसे अन्य व्यक्तियों तथा प्राधिकारियों को, जो कि विहित किए जाएं, ऐसे प्ररूप में तथा विहित रीति में नोटिस जारी करेगा; और

(ग) अपने कार्यालय के सूचना पटल पर प्रस्तावित नामांतरण से संबंधित नोटिस चस्पा करेगा तथा उसे संबंधित ग्राम या सेक्टर में विहित रीति में प्रकाशित करेगा;

(४) तहसीलदार हितबद्ध व्यक्तियों को सुनवाई का युक्तियुक्त अवसर देने के पश्चात्, तथा ऐसी और जांच, जो वह आवश्यक समझे, करने के पश्चात्, नामांतरण से संबंधित आदेश मामला पंजीकृत होने की तारीख से अविवादित मामले की दशा में तीस दिवस में एवं विवादित मामले की दशा में पांच मास में पारित करेगा तथा यथास्थिति, ग्राम के खसरे या सेक्टर के खसरे में तथा ऐसे अन्य भू-अभिलेख में आवश्यक प्रविष्टि करेगा.

(५) तहसीलदार उपधारा (४) के अधीन पारित किये गये आदेश तथा अद्यतन भू-अभिलेखों की प्रमाणित प्रति विहित रीति में तीस दिन के भीतर पक्षकारों नि:शुल्क प्रदाय करेगा और उसके पश्चात् मामले को बंद करेगा:

परन्तु यदि अपेक्षित प्रतियां विनिर्दिष्ट कलावधि के भीतर प्रदाय नहीं की जाती हैं तो तहसीलदार कारण अभिलिखित करेगा तथा उपखण्ड अधिकारी को रिपोर्ट देगा.

(६) धारा ३५ में अंतर्विष्ट किसी बात के होते हुए भी, इस धारा के अधीन कोई मामला किसी पक्षकार की अनुपस्थिति में खारिज नहीं किया जाएगा तथा गुणागुण क्रम में निपटाया जाएगा.

(७) इस धारा के अधीन समस्त कार्यवाहियां पंजीकरण होने की तारीख से अविवादित मामले के संबंध में दो माह के भीतर पूर्ण की जाएगी तथा विवादित कार्यवाहियों के मामले के छह माह के भीतर पूरी की जाएंगी. उस दशा में, जहां कार्यवाहियां विनिर्दिष्ट कालावधि के भीतर निराकृत नहीं की जाती हैं, तो तहसीलदार, लंबित मामलों की जानकारी की रिपोर्ट ऐसे प्ररूप तथा रीति में, जैसा कि विहित किया जाए, कलेक्टर को देगा.".

धारा ११२ का लोप

४१. मूल अधिनियम की धारा ११२ का लोप किया जाए.

धारा ११३ का स्थापन.

४२. मूल अधिनियम की धारा ११३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

"११३. **अधिकार अभिलेख में गलतियों का शुद्धिकरण.**—कलेक्टर, किसी भी समय, लेखन संबंधी किन्हीं भी गलतियों को तथा किन्हीं भी ऐसी गलतियों को जिनके कि संबंध में हितबद्ध पक्षकार यह स्वीकार करते हों, कि वे धारा १०८ के अधीन तैयार किए गए अधिकार अभिलेख में हुई हैं, शुद्ध कर सकेगा या शुद्ध करवा सकेगा.".

४३. .—मूल अधिनियम की धारा ११४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा ११४ का स्थापन.**

"११४. **भू-अभिलेख**—(१)निम्नलिखित भू-अभिलेख प्रत्येक ग्राम के लिए तैयार किए जाएंगे, अर्थात्:—

(क) ग्राम का नक्शा, आबादी का नक्शा तथा धारा १०७ के अधीन ब्लॉक का नक्शा;

(ख) धारा १०८ के अधीन अधिकार-अभिलेख;

(ग) ग्राम का खसरा या ग्राम की क्षेत्र पुस्तक ऐसे प्ररूप में, जैसा कि विहित की जाए;

(घ) धारा ११४--क के अधीन भू-अधिकार पुस्तिका;

(ङ) (एक) धारा २३३ के अधीन समस्त दखल रहित भूमि के ब्यौरे;

(दो) धारा २३४ के अधीन निस्तार पत्रक;

(तीन) धारा २४२ के अधीन वाजिब-उल-अर्ज, यदि कोई हो;

(च) व्यपवर्तित की गई भूमि के ब्यौरे; और

(छ) कोई अन्य अभिलेख जो कि विहित किए जाएं.

(२) प्रत्येक नगरीय क्षेत्र में प्रत्येक सेक्टर के लिए निम्नलिखित भू-अभिलेख तैयार किए जाएंगे, अर्थात्:—

(क) धारा १०७ के अधीन सेक्टर का नक्शा;

(ख) धारा १०८ के अधीन अधिकार-अभिलेख;

(ग) सेक्टर का खसरा या सेक्टर की क्षेत्र पुस्तिका ऐसे प्ररूप में जो कि विहित की जाए;

(घ) धारा ११४-क के अधीन भू-अधिकार पुस्तिका;

(ङ) (एक) धारा २३३ के अधीन समस्त दखल रहित भूमि के ब्यौरे;

(दो) धारा २३३-क के अधीन लोक प्रयोजनों के लिए आरक्षित भूमि;

(च) व्यपवर्तित की गयी भूमि के ब्यौरे; और

(छ) कोई अन्य अभिलेख जो कि विहित किए जाएं.".

४४. मूल अधिनियम की धारा ११४-क के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा ११४-क का स्थापन.**

"**११४-क. भू-अधिकार पुस्तिका.**—(१) तहसीलदार, ऐसे प्रत्येक भूमिस्वामी को, जिसका नाम धारा ११४ के अधीन तैयार किए गए खसरे में प्रविष्ट है, यथास्थिति, किसी ग्राम में के या सेक्टर में के उसके समस्त खातों के बारे में एक भू-अधिकार पुस्तिका, ऐसे प्ररूप में तथा ऐसी फीस के, जो कि विहित की जाए, भुगतान करने पर उसे उपलब्ध कराएगा.

(२) भू-अधिकार पुस्तिका दो भागों से मिलकर एक पुस्तक के रूप में आबद्ध होगी जिसमें ऐसी विशिष्टयां अन्तर्विष्ट होंगी जो कि विहित की जाएं.

(३) तहसीलदार स्वप्रेरणा से या भूमिस्वामी के आवेदन पर, ऐसी जांच करने के पश्चात, जैसी कि वह उचित समझे, भू-अधिकार पुस्तिका में किसी गलत या अशुद्ध प्रविष्टि को शुद्ध कर सकेगा.''.

धारा ११५ का स्थापन.

४५. मूल अधिनियम की धारा ११५ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**११५. भू-अभिलेख में गलत या अशुद्ध प्रविष्टि का शुद्धिकरण** :—(१) उपखण्ड अधिकारी स्वप्रेरणा से या व्यथित व्यक्ति के आवेदन पर, भू-अधिकार पुस्तिका तथा अधिकार अभिलेख को छोड़कर धारा ११४ के अधीन तैयार किये गए भू-अभिलेखों में अप्राधिकृत प्रविष्टियों को सम्मिलित करते हुए गलत या अशुद्ध प्रविष्टि को, ऐसी जांच जैसी कि वह उचित समझे करने के पश्चात् शुद्ध कर सकेगा और ऐसी शुद्धियां उसके द्वारा अधिप्रमाणित की जाएंगी :

परन्तु कलेक्टर की लिखित मंजूरी के बिना पांच वर्ष की कालावधि के पूर्व की किसी प्रविष्टि को शुद्ध करने की कार्रवाई प्रारंभ नहीं की जाएगी.

(२) उपधारा (१) के अधीन कोई आदेश—

(क) संबंधित तहसीलदार से लिखित रिपोर्ट प्राप्त किये; और

(ख) सभी हितबद्ध पक्षकारों को सुनवाई का अवसर दिए;

बिना पारित नहीं किया जाएगा :

परन्तु यदि सरकार का हित निहित है तो उपखण्ड अधिकारी, मामला कलेक्टर को प्रस्तुत करेगा.

(३) उपधारा (२) के अधीन मामला प्राप्त होने पर कलेक्टर ऐसी जांच जैसी कि वह ठीक समझे, करेगा और ऐसा आदेश पारित करेगा जैसा कि वह उचित समझे.''.

धारा ११६ का लोप.

४६. मूल अधिनियम की धारा ११६ का लोप किया जाए.

धारा ११८ का लोप.

४७. मूल अधिनियम की धारा ११८ का लोप किया जाए.

धारा ११९ का लोप.

४८. मूल अधिनियम की धारा ११९ का लोप किया जाए.

धारा १२० का संशोधन.

४९. मूल अधिनियम की धारा १२० में, शब्द ''मापक'' के स्थान पर, शब्द 'नगर सर्वेक्षक' स्थापित किए जाएं.

धारा १२१ का लोप.

५०. मूल अधिनियम की धारा १२१ का लोप किया जाए.

धारा १२४ का स्थापन.

५१. मूल अधिनियम की धारा १२४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**१२४. ग्रामों, सेक्टरों तथा सर्वेक्षण संख्यांकों या भू-खण्ड संख्यांकों के सीमा चिन्हों का संनिर्माण.**—(१) समस्त ग्रामों तथा सेक्टरों की सीमाएं नियत की जाएंगी तथा स्थायी सीमा चिन्हों द्वारा उनको सीमांकित किया जाएगा.

(२) राज्य सरकार, किसी भी ग्राम या सेक्टर के संबंध में, अधिसूचना द्वारा यह आदेश दे सकेगी कि किसी ग्राम या सेक्टर या उसके भाग के समस्त सर्वेक्षण संख्यांकों, ब्लाक संख्यांकों या भू-खण्ड संख्यांकों की भी सीमाएं नियत की जाएं तथा सीमा चिन्हों द्वारा उनको सीमांकित भी किया जाए.

(३) ऐसे सीमा चिन्ह इसमें इसके पश्चात् अंतर्विष्ट उपबंधों के अध्यधीन रहते हुए ऐसे विनिर्दिष्ट के होंगे तथा ऐसी रीति में सन्निर्मित तथा अनुरक्षित किए जाएंगे, जैसा कि विहित किया जाए.

(४) प्रत्येक भू-धारक, भूमि पर बनाए गए स्थायी सीमा-चिन्हों के अनुरक्षण तथा उनकी मरम्मत के लिए उत्तरदायी होगा.''.

५२. मूल अधिनियम की धारा १२५ में,— **धारा १२५ का संशोधन.**

पार्श्व शीर्ष, और उपबंध में, शब्द ''ग्रामों, सर्वेक्षण संख्यांकों तथा भू-खण्ड संख्यांकों'' के स्थान पर, शब्द, ''ग्रामों, सेक्टरों, सर्वेक्षण संख्यांकों, ब्लाक संख्यांकों तथा भू-खण्ड संख्यांकों'' स्थापित किए जाएं.

५३. मूल अधिनियम की धारा १२६ में,— **धारा १२६ का संशोधन.**

(एक) उपधारा (१) में, शब्द ''संक्षेपत: बेदखल'' के स्थान पर, शब्द ''विहित रीति में संक्षेपत: बेदखल'' स्थापित किए जाएं;

(दो) उपधारा (२) तथा (३) का लोप किया जाए.

५४. मूल अधिनियम की धारा १२७ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा १२७ का स्थापन.**

''**१२७. सीमांकन तथा सीमा पंक्तियों का अनुरक्षण** :—(१) ग्राम की सड़क या सेक्टर की सड़क या दखलरहित भूमि या सामुदायिक प्रयोजनों के लिए आरक्षित की गई भूमि से लगी हुई भूमि का प्रत्येक धारक, अपने स्वयं के खर्चे से तथा विहित रीति में—

(क) अपनी भूमि तथा उससे लगी हुई ग्राम की सड़क या सेक्टर की सड़क या दखलरहित भूमि अथवा सामुदायिक प्रयोजनों के लिए आरक्षित की गई भूमि के बीच सीमा चिन्ह लगाएगा; और

(ख) समय-समय पर ऐसे सीमा-चिन्हों की मरम्मत तथा उनका नवीकरण करेगा.

(२) यदि धारक, उपधारा (१) द्वारा अपेक्षित किए गए अनुसार सीमा-चिन्ह नहीं लगाता है या सीमा चिन्हों की मरम्मत या उनका नवीकरण नहीं करता है तो तहसीलदार, ऐसी सूचना के पश्चात्, जैसा कि वह ठीक समझे, सीमा चिन्ह लगवा सकेगा या सीमा चिन्हों की मरम्मत या उनका नवीकरण करवा सकेगा तथा उपगत किया गया खर्च भू-राजस्व की बकाया के तौर पर वसूली कर सकेगा.

स्पष्टीकरण.—इस धारा के प्रयोजनों के लिए ''ग्राम की सड़क या सेक्टर की सड़क'' से अभिप्रेत है कोई ऐसी सड़क जिस पर कोई उपदर्शक सर्वेक्षण संख्यांक या भू-खण्ड संख्यांक अंकित हो.''.

५५. मूल अधिनियम की धारा १२८ में, उपधारा (१) में, शब्द ''प्रतिवर्ष नवम्बर मास की समाप्ति के पश्चात्, ग्राम का पटेल'' के स्थान पर, शब्द ''पटवारी या नगर सर्वेक्षक'' स्थापित किए जाएं. **धारा १२८ का संशोधन.**

५६. मूल अधिनियम की धारा १२९ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा १२९ का स्थापन.**

''**१२९. सर्वेक्षण संख्यांक या सर्वेक्षण संख्यांक के उपखण्ड या ब्लाक संख्यांक या भू-खण्ड संख्यांक का सीमांकन.**—(१) तहसीलदार, किसी पक्षकार के आवेदन पर, राजस्व निरीक्षक अथवा नगर सर्वेक्षक को किसी सर्वेक्षण संख्यांक की या किसी सर्वेक्षण संख्यांक के उप खण्ड की, या किसी ब्लाक संख्यांक की या भू-खण्ड संख्यांक की सीमाओं का सीमांकन और उस पर सीमा चिन्ह संनिर्मित करने के लिए प्रतिनियुक्त कर सकेगा.

(२) इस प्रकार प्रतिनियुक्त किया गया राजस्व निरीक्षक या नगर सर्वेक्षक, पड़ोस के भूमि धारकों सहित हितबद्ध पक्षकारों को सूचना देने के पश्चात्, सर्वेक्षण संख्यांक की या सर्वेक्षण संख्यांक के किसी उपखण्ड की या ब्लाक संख्यांक की या भू-खण्ड संख्यांक की सीमाओं का सीमांकन करेगा और उस पर सीमा चिन्ह सन्निर्मित करेगा तथा तहसीलदार को, ऐसी रीति में जैसी कि विहित की जाए, एक सीमांकन रिपोर्ट प्रस्तुत करेगा. सीमांकन रिपोर्ट में सीमांकित की गई भूमि पर भूमिस्वामी से भिन्न किसी व्यक्ति के कब्जे से संबंधित विशिष्टयां भी सम्मिलित की जाएंगी.

(३) राजस्व निरीक्षक या नगर सर्वेक्षक सीमांकन के क्रियान्वयन के समय ऐसी एजेंसी की सहायता ऐसी रीति से ले सकेगा, जैसी कि विहित की जाए.

(४) तहसीलदार, सीमांकन रिपोर्ट की प्राप्ति पर, हितबद्ध पक्षकारों सहित पड़ोस वाले भू-धारकों को सुनवाई का अवसर देने के पश्चात्, सीमांकन रिपोर्ट की पुष्टि कर सकेगा या ऐसा आदेश पारित कर सकेगा जो वह उचित समझे.

(५) उपधारा (४) के अधीन सीमांकन रिपोर्ट की पुष्टि से व्यथित पक्षकार निम्नलिखित आधारों में से किसी आधार पर उपखण्ड अधिकारी को अपास्त करने हेतु आवेदन कर सकेगा—

(क) कि उसे उपधारा (२) के अधीन अपेक्षित सूचना नहीं दी गयी थी या उपधारा (४) के अधीन सुनवाई का अवसर नहीं दिया गया था, या;

(ख) कोई अन्य पर्याप्त आधार :

परन्तु ऐसा आवेदन, तहसीलदार द्वारा सीमांकन रिपोर्ट की पुष्टि की तारीख या ऐसे सीमांकन के ज्ञात होने की तारीख, इनमें जो भी बाद की हो, पैंतालीस दिनों के अवसान पश्चात् ग्रहण नहीं किया जाएगा.

(६) उपखण्ड अधिकारी, यदि वह उपधारा (५) के अधीन किए गए आवेदन को स्वीकृत करता है, तो वह हितबद्ध पक्षकारों सहित पड़ोस वाले भू-धारकों को सुनवाई का अवसर देने तथा ऐसी जांच करने, जैसा कि वह उचित समझे, के पश्चात् या तो वह उपधारा (२) के अधीन प्रस्तुत किए गए सीमांकन प्रतिवेदन की पुष्टि करेगा या एक बार फिर से सीमांकन करने के लिए एक दल को प्रतिनियुक्त कर सकेगा जिसमें ऐसे व्यक्ति होंगे जैसे कि विहित किए जाएं.

(७) उपधारा (६) के अधीन प्रतिनियुक्त दल, हितबद्ध पक्षकारों सहित पड़ोस वाले भू-धारकों को सुनवाई का अवसर देने के पश्चात्, सर्वेक्षण संख्यांक की या सर्वेक्षण संख्यांक के किसी उपखण्ड की या ब्लाक संख्यांक अथवा भू-खण्ड संख्यांक की सीमाओं का सीमांकन करेगा, उस पर सीमा-चिन्ह सन्निर्मित करेगा और उपखण्ड अधिकारी को ऐसी रीति में, जैसी कि विहित की जाए, रिपोर्ट प्रस्तुत करेगा और उपखण्ड अधिकारी उस पर ऐसा आदेश, जैसा कि वह उचित समझे, पारित कर सकेगा.

(८) धारा ४४ तथा ५० में अंतर्विष्ट किसी बात के होते हुए भी, कोई अपील या पुनरीक्षण का आवेदन, पारित किए गए किसी आदेश के या इस धारा के अधीन की गई कार्यवाहियों के विरुद्ध नहीं होगा.

(९) राज्य सरकार, सर्वेक्षण संख्यांक की या सर्वेक्षण संख्यांक के किसी उपखण्ड की या ब्लाक संख्यांक की या भू-खण्ड संख्यांक का सीमांकन करने में तहसीलदार द्वारा अनुसरित की जाने वाली प्रक्रिया का विनियमन करने के लिए नियम बना सकेगी जिनमें उन सीमा चिन्हों का, जो कि उपयोग में लाये जाएंगे, की प्रकृति को विहित करते हुए तथा सीमांकित सर्वेक्षण संख्यांक या उपखण्ड या ब्लाक संख्यांक या भू-खण्ड संख्यांक में की भूमि के धारकों से फीस के उद्धरण हेतु प्राधिकृत किया जाएगा.''.

५७. मूल अधिनियम की धारा १३० में, शब्द "एक हजार" के स्थान पर, शब्द "पांच हजार" स्थापित किए जाएं तथा शब्द "तथा इत्तिला देने वाले को, यदि कोई हो, इनाम देने के" विलोपित किए जाएं. **धारा १३० का संशोधन.**

५८. मूल अधिनियम की धारा १३१ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा १३१ का स्थापन.**

"१३१. **मार्गाधिकार तथा अन्य प्राइवेट सुखाचार संबंधी अधिकारी.**—(१) इस बारे में कि कोई खेतिहर अपने खेतों पर या दखलरहित भूमि पर या ग्राम की चरागाहों पर, मान्यता प्राप्त सड़कों, पथों या सार्वजनिक भूमि पर से जिसके अन्तर्गत वे सड़कें तथा पथ हैं जो धारा २४२ के अधीन तैयार किए गए ग्राम के वाजिब-उल-अर्ज में अभिलिखित हैं, न होकर अन्यथा किसी मार्ग द्वारा पहुंचेगा, या इस बारे में कि वह किस स्रोत से या किस जलसरणी से अपने लिए जल प्राप्त कर सकेगा या किस जलसरणी से अपने खेतों में जल निकासी कर सकेगा, कोई विवाद उद्भूत होने की दशा में, तहसीलदार, स्थानीय जांच करने के पश्चात्, प्रत्येक मामले विषयक पूर्व रूढ़ि के प्रति निर्देश करके तथा संबंधित समस्त पक्षकारों की सुविधा का सम्यक् ध्यान रखते हुए, उस मामले को, विनिश्चित कर सकेगा.

(२) तहसीलदार, जांच के किसी प्रक्रम पर, यदि उसकी राय में मामले के तथ्यों तथा परिस्थितियों को ध्यान में रखते हुए ऐसा अनुतोष प्रदान करना आवश्यक है तो वह उपधारा (१) में के विवाद के अधीन किसी मामले के संबंध में तुरन्त अनुतोष प्रदान करने का अंतरिम आदेश पारित कर सकेगा:

परन्तु ऐसा अंतरिम आदेश, आदेश की तारीख से नब्बे दिन के अवसान हो जाने पर, यदि पूर्व में समाप्त नहीं किया गया है तो स्वत: समाप्त हो जाएगा.".

५९. मूल अधिनिम की धारा १३२ का लोप किया जाए. **धारा १३२ का लोप.**

६०. मूल अधिनियम की धारा १३३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा १३३ का स्थापन.**

"**१३३. बाधा का हटाया जाना.**—(१) यदि किसी तहसीलदार को यह प्रतीत होता है कि कोई अधिक्रमण या बाधा किसी ग्राम की किसी मान्यता प्राप्त सड़क या पथ जिसके अन्तर्गत वे सड़कें तथा वे पथ हैं जो ग्राम के वाजिब-उल-अर्ज में अभिलिखित हैं, अथवा किसी ग्राम की सार्वजनिक भूमि के अबाध उपयोग में अड़चन पैदा करती हैं या जिससे किसी ऐसी सड़क या जलसरणी या जलस्रोत या जल निकासी में अड़चन पैदा होती है, जो धारा १३१ के अधीन किसी विनिश्चिय से संबंधित हों तो, वह ऐसे अधिक्रमण या बाधा के लिए उसे उत्तरदायी व्यक्ति को हटाने के लिए आदेश दे सकेगा.

(२) यदि ऐसा व्यक्ति, उपधारा (१) के अधीन पारित आदेश का अनुपालन करने में असफल रहता है तो तहसीलदार उस अधिक्रमण या बाधा को हटवा सकेगा और उसके हटाये जाने का खर्च ऐसे व्यक्ति से वसूल कर सकेगा तथा वह व्यक्ति तहसीलदार के ऐसे लिखित आदेश के अधीन, जिसमें मामले के तथ्यों और परिस्थितियों का कथन किया गया हो, ऐसी शास्ति का दायी होगा जो दस हजार रुपये तक की हो सकेगी.

(३) यदि कोई व्यक्ति उपधारा (१) के अधीन ऐसे अधिक्रमण या बाधा, उसके हटाए जाने के आदेश की तारीख से सात दिवस से अधिक के पश्चात् भी हटाने में असफल रहता है, तो उपखण्ड अधिकारी, ऐसी शास्ति पर प्रतिकूल प्रभाव डाले बिना जो कि उपधारा (२) के अधीन अधिरोपित की जा सकेगी, उसकी गिरफ्तारी करा सकेगा और अधिक्रमण या बाधा के हटाए जाने संबंधी प्रथम आदेश की दशा में पन्द्रह दिन की कालावधि के लिए और अधिक्रमण या बाधा के हटाए जाने के द्वितीय या पश्चातवर्ती आदेश की दशा में छह मास की कालावधि के लिए सिविल कारागार में निरुद्ध किए जाने के वारन्ट के साथ भेजेगा :

परन्तु इस उपधारा के अधीन कोई कार्रवाई तब तक नहीं की जाएगी जब तक कि ऐसे व्यक्ति को उपखण्ड अधिकारी के समक्ष सूचना में विनिर्दिष्ट किए गए दिवस पर उपस्थित होने के लिए और यह कारण दर्शाने की सूचना जारी न कर दी जाए कि क्यों न उसे सिविल कारागार के सुपुर्द कर दिया जाए :

परन्तु यह और कि यदि उपखण्ड अधिकारी का यह समाधान हो जाता है कि अधिक्रमण या बाधा हटा दी गई है, तो ऐसे व्यक्ति को वारन्ट में उल्लिखित कालावधि के अवसान होने के पूर्व कारागार से मुक्त करने का आदेश दे सकेगा :

परन्तु यह और भी कि इस धारा के अधीन किसी भी महिला को गिरफ्तार या निरुद्ध नहीं किया जाएगा.''.

धारा १३६ का लोप.

६१. मूल अधिनियम की धारा १३६ का लोप किया जाए.

धारा १३८ का संशोधन.

६२. मूल अधिनियम की धारा १३८ में उपधारा (१) में, शब्द ''मुख्यत:'' का लोप किया जाए.

धारा १३९ का लोप.

६३. मूल अधिनियम की धारा १३९ का लोप किया जाए.

धारा १४० का स्थापन.

६४. मूल अधिनियम की धारा १४० के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**१४०. तारीख, जिसको भू-राजस्व शोध्य होगा तथा देय होगा.**—(१) किसी वर्ष के मद्दे देय भू-राजस्व उस वर्ष के अप्रैल मास के प्रथम दिन शोध्य हो जाएगा तथा उस वर्ष के जून मास के अंतिम दिन तक ऐसी रीति में, ऐसे व्यक्ति को तथा ऐसे स्थान पर, जैसा कि विहित किया जाए, भुगतान किया जाएगा :

परन्तु मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रवृत्त होने की तारीख को देय भू-राजस्व का बकाया १ अप्रैल २०१९ के पूर्व संदेय होगा.

(२) कोई भी व्यक्ति, स्वयं के विकल्प पर दस वर्ष का भू-राजस्व अग्रिम में जमा कर सकेगा :

परन्तु ऐसे अग्रिम भुगतान के लिए कोई छूट नहीं दी जाएगी :

परन्तु यह और कि यदि भू-राजस्व में वृद्धि बाद में की जाती है तो अंतर की रकम देय होगी.''.

धारा १४१ का स्थापन.

६५. मूल अधिनियम की धारा १४१ के स्थान पर, निम्नलिखित धारा, स्थापित की जाए, अर्थात् :—

''**१४१. 'बकाया' तथा 'बकायादार' की परिभाषाएं.**—कोई भी भू-राजस्व, जो शोध्य हो और जिसका भुगतान धारा १४० में यथा विनिर्दिष्ट की गई कालावधि की समाप्ति पर्यन्त नहीं किया गया है, उस तारीख से 'बकाया' हो जाता है और उसके लिए उत्तरदायी व्यक्ति 'बकायादार' हो जाते हैं.''.

धारा १४२ का स्थापन.

६६. मूल अधिनियम की धारा १४२ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**१४२. भू-राजस्व प्राप्त करने वाला व्यक्ति रसीद देने के लिए आबद्ध होगा.**—ऐसा प्रत्येक व्यक्ति, जो भू-राजस्व के मद्दे या भू-राजस्व की बकाया के तौर पर वसूली योग्य किसी धनराशि के मद्दे कोई भुगतान प्राप्त करे, वहां वह ऐसी राशि के लिए भुगतानकर्ता को ऐसे प्ररूप में जैसा कि विहित किया जाए रसीद देगा.''.

६७. मूल अधिनियम की धारा १४३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा १४३ का स्थापन.**

"**१४३. भू-राजस्व के विलंब से भुगतान के लिए दाण्डिक ब्याज.**—यदि भू-राजस्व का भुगतान, धारा १४० में यथा विनिर्दिष्ट कालावधि की समाप्ति तक नहीं किया जाता है तो बकाया पर प्रथम बारह मास के लिये बारह प्रतिशत वार्षिक की दर से और उसके पश्चात्, पन्द्रह प्रतिशत वार्षिक की दर से साधारण ब्याज भुगतान की तिथि तक देय होगा:

परन्तु जहां कि सरकार के आदेश से भू-राजस्व का कोई भुगतान निलंबित कर दिया गया है वहां भुगतान में विलंब के लिये ऐसा कोई ब्याज देय नहीं होगा.".

६८. मूल अधिनियम की धारा १४४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा १४४ का स्थापन.**

"**१४४. फसलों के मारे जाने पर भू-राजस्व की माफी या उसका निलंबन.**—राज्य सरकार, अधिसूचना द्वारा, कारण अभिलिखित करते हुए उन वर्षों में जिनमें फसलें किसी क्षेत्र में मारी गयी हों या जिन वर्षों में किसी सक्षम प्राधिकारी द्वारा किसी विधि के अधीन किए गए किसी आदेश के परिणामस्वरूप, किसी क्षेत्र में फसलें नहीं उगाई जा सकी हों, भू-राजस्व की माफी या उसका निलंबन मंजूर कर सकेगी.".

६९. मूल अधिनियम की धारा १४५ में, उपधारा (१) में, शब्द "कलेक्टर द्वारा या तहसीलदार द्वारा" के स्थान पर शब्द "तहसीलदार द्वारा" स्थापित किए जाएं. **धारा १४५ का संशोधन.**

७०. मूल अधिनियम की धारा १४६ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :— **धारा १४६ का स्थापन.**

"**१४६. मांग की सूचना.**—(१) तहसीलदार, बकाया की वसूली के लिए धारा १४७ के अधीन कोई आदेशिका जारी करने के पूर्व, किसी बकायादार पर मांग की सूचना तामील करवाएगा.

(२) कोई बकायादार, तहसीलदार को यह आवेदन कर सकेगा कि कोई भी शोध्य बकाया नहीं है अथवा शोध्य रकम उस रकम से कम है, जिसके लिए मांग की सूचना की तामील की गयी है और तहसीलदार, इस प्रकार उठाई गई आपत्ति को विनिश्चित करेगा और उसके पश्चात् ही धारा १४७ के अधीन कोई आदेशिका जारी करने की कार्यवाही करेगा, यदि अपेक्षित हो.".

७१. (१) मूल अधिनियम की धारा १४७ को उसकी उपधारा (१) के रूप में पुनर्क्रमांकित किया जाए और **धारा १४७ का संशोधन.**

(एक) इस प्रकार पुनर्क्रमांकित उपधारा (१) में,—

(क) प्रारंभिक पैरा में आए शब्द "या ग्राम सभा" का लोप किया जाए;

(ख) खण्ड (ग) के स्थान पर निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्;

(ग) बकायादार की किसी अन्य अचल सम्पत्ति की कुर्की या बिक्री द्वारा, जहां कहीं भी स्थित हो;";

(दो) इस प्रकार पुनर्क्रमांकित उपधारा (१) के पश्चात्, निम्नलिखित उपधाराएं जोड़ी जाएं, अर्थात् :—

"(२) उपधारा (१) में अंतर्विष्ट किसी बात के होते हुए भी, तहसीलदार, बकायादार की किन्हीं वित्तीय आस्तियों, जिनमें बैंक खाते या लॉकर सम्मिलित हैं, जहां कहीं भी स्थित हों, कुर्की करते हुए भू-राजस्व की बकाया वसूल कर सकेगा. बकायादार की वित्तीय आस्तियों की कुर्की जहां तक संभव हो, सिविल प्रक्रिया संहिता, १९०८ (१९०८ का ५) की प्रथम अनुसूची में

अंतर्विष्ट आदेश २१ में अधिकथित रीति में वित्तीय आस्तियों के भारसाधक पर गार्निशी आदेश की तामीली करके की जाएगी. बकायादार द्वारा किराये पर लिए गए किसी लॉकर की दशा में, ऐसे भारसाधक की उपस्थिति में लॉकर को सीलबंद किया जाएगा जो इसके अंदर की वस्तुओं की विवरण सूची तैयार करने और उनका अंतिम रूप से निराकरण करने के लिए तहसीलदार के आगामी आदेश तक रुका रहेगा.

(३) उपखण्ड अधिकारी, पचास लाख रुपये से अधिक की भू-राजस्व की बकाया के भुगतान में चूक करने वाले किसी व्यक्ति को गिरफ्तार करा सकेगा और उसे पन्द्रह दिन से अनधिक कालावधि के लिए सिविल कारागार में निरुद्ध किये जाने के वारंट के साथ भेजेगा जब तक कि बकाया का त्वरित भुगतान नहीं कर दिया जाता है :

परन्तु इस उपधारा के अधीन कोई कार्रवाई तब तक नहीं की जाएगी जब तक कि ऐसे व्यक्ति को उपखण्ड अधिकारी के समक्ष सूचना में विनिर्दिष्ट किये गये दिवस पर उपस्थित होने के लिए और यह कारण दर्शाने की सूचना जारी न कर दी जाए कि क्यों न उसे सिविल कारागार के सुपुर्द कर दिया जाए.

(४) उपधारा (३) में अंतर्विष्ट किसी बात के होते हुए भी, किसी भी व्यक्ति को भू-राजस्व की बकाया के लिए गिरफ्तार नहीं किया जाएगा या उसे सिविल कारागार में निरुद्ध नहीं किया जाएगा जहां तक कि और जब तक कि ऐसा व्यक्ति —

(क) अवयस्क है, या मानसिक रूप से बीमार या मंदबुद्धि व्यक्ति है;

(ख) सिविल प्रक्रिया संहिता, १९०८ (१९०८ का ५) की धारा १३३, १३५ या १३५-क के अधीन छूट प्राप्त है.

(५) गिरफ्तारी वारंट जारी करने वाला उपखण्ड अधिकारी ऐसा वारंट वापिस ले सकेगा यदि बकायादार संपूर्ण बकाया या उसके सारवान भाग का भुगतान कर देता है या भुगतान करने का वचन देता है और उसके लिए पर्याप्त प्रतिभूति प्रस्तुत कर देता है.''.

धारा १४९ का संशोधन.

७२. मूल अधिनियम की धारा १४९ में, शब्द तथा कोष्ठक ''के खण्ड (क) तथा (ग)'' का लोप किया जाए.

धारा १५० का स्थापन.

७३. मूल अधिनियम की धारा १५० के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**१५०. संपत्ति के विक्रय की बोली खत्म होने के पूर्व भुगतान कर दिया जाने पर कार्यवाही का रोक दिया जाना.**—यदि भू-राजस्व की बकाया की वसूली के लिए किसी व्यक्ति के विरुद्ध कार्यवाहियां इस अध्याय के अधीन की जाती हैं, तो वह व्यक्ति, सम्पत्ति के विक्रय की बोली खत्म होने के पूर्व किसी भी समय दावाकृत रकम का भुगतान कर सकेगा और तदुपरि कार्यवाहियां रोक दी जाएंगी.''.

धारा १५१ का संशोधन.

७४. मूल अधिनियम की धारा १५१ में, उपधारा (२) में, शब्द, अंक तथा कोष्ठक ''धारा १४७ के खण्ड (ग)'' के स्थान पर, शब्द, अंक तथा कोष्ठक ''धारा १४७ की उपधारा (१) के खण्ड (ग)'' स्थापित किए जाएं.

धारा १५३ का स्थापन.

७५. मूल अधिनियम की धारा १५३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**१५३. क्रेता का हक.**—जहां स्थावर सम्पत्ति का विक्रय इस अध्याय के उपबंधों के अधीन किया जाता है और ऐसा विक्रय पूर्ण हो गया है, वहां वह सम्पत्ति क्रेता में उस समय से निहित हो गयी समझी जाएगी जबकि क्रेता द्वारा विक्रय पत्र में यथा विनिर्दिष्ट पूर्ण धन जमाकर दिया जाता है.''.

धारा १५४-क का संशोधन.

७६. मूल अधिनियम की धारा १५४-क में, उपधारा (१) में,—

(एक) शब्द, तथा अंक धारा १४७ के स्थान पर, शब्द, तथा अंक कोष्ठक धारा १४७ की उपधारा (१) स्थापित किए जाएं;

(दो) प्रथम परन्तुक का लोप किया जाए;

(तीन) द्वितीय परन्तुक में, शब्द "और भी" का लोप किया जाए.

धारा १५५ का संशोधन.

७७. मूल अधिनियम की धारा १५५ में, खण्ड (छ) के परन्तुक में, पूर्ण विराम के स्थान पर, अर्ध विराम स्थापित किया जाए और तत्पश्चात् निम्नलिखित खण्ड जोड़ा जाए, अर्थात् :—

"(ज) वे समस्त धन जो राज्य सरकार के स्वामित्व के और राज्य सरकार द्वारा नियंत्रित ऐसी सत्ता (एंटिटी) के हों जो कि इस निमित्त राज्य सरकार द्वारा अधिसूचित की जाए, देय होते हों :

परन्तु इस खण्ड में विनिर्दिष्ट की गई धनराशि की वसूली के लिए प्रस्तुत किए गए आवेदन पर तब तक कोई कार्रवाई नहीं की जाएगी जब तक कि ऐसे आवेदन पत्र के साथ उक्त सत्ता (एंटिटी) जो किसी भी नाम से जानी जाती हो, के मुख्य कार्यपालक द्वारा हस्ताक्षरित किया गया इस आशय का प्रमाण-पत्र कि उक्त धनराशि की वसूली भू-राजस्व के बकाया की भांति की जानी चाहिए, संलग्न न कर दिया गया हो.".

धारा १५८ का संशोधन.

७८. मूल अधिनियम की धारा १५८ में, उपधारा (३) में, परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात् :—

"परन्तु ऐसा कोई भी व्यक्ति, पट्टे या आवंटन की तारीख से दस वर्ष की कालावधि के भीतर ऐसी भूमि को अंतरित नहीं करेगा और तत्पश्चात् ऐसी भूमि का अंतरण, धारा १६५ की उपधारा (७-ख) के अधीन अनुज्ञा अभिप्राप्त करके कर सकेगा.".

धारा १६१ का संशोधन.

७९. मूल अधिनियम की धारा १६१ में, पार्श्व शीर्ष तथा उपधारा (१) में, शब्द "बंदोबस्त चालू रहने के दौरान" का लोप किया जाए.

धारा १६२ का लोप.

८०. मूल अधिनियम की धारा १६२ का लोप किया जाए.

धारा १६३ का लोप.

८१. मूल अधिनियम की धारा १६३ का लोप किया जाए.

धारा १६५ का संशोधन.

८२. मूल अधिनियम की धारा १६५ में उपधारा (४) में, द्वितीय परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात्.—

परन्तुक यह और कि औद्योगिक प्रयोजन के लिए पूर्ववर्ती परन्तुक के खण्ड (एक) के उपखण्ड (क) के अधीन भूमि का अन्तरण, ऐसे अन्तरण के पूर्व धारा ५९ के अधीन भूमि व्यपवर्तित की जाएगी.

धारा १६८ का स्थापन.

८३. मूल अधिनियम की धारा १६८ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

"**१६८. पट्टे.**—(१) कोई भी भूमिस्वामी उसके खाते में समाविष्ट किसी ऐसी भूमि को, जिसे धारा ५९ के अधीन कृषि के प्रयोजन के लिए निर्धारित किया गया है, एक समय में पांच वर्ष से अनधिक की कालावधि के लिए पट्टे पर दे सकेगा.

(२) पट्टेदार उस भूमि को ऐसे निबन्धनों और शर्तों पर धारित करेगा जो कि उसके तथा भूमिस्वामी के बीच करार में तय पाई जाएं.

(३) भूमिस्वामी के आवेदन पर, तहसीलदार किसी सारवान निबंधन में या पटटे की शर्त के भंग के आधार पर या पट्टा प्रवृत्त न रहने के कारण भूमि का कब्जा भूमिस्वामी को देने का आदेश कर सकेगा.

(४) यदि कोई पट्टेदार, पट्टे के अवसान हो जाने पर या उपधारा (३) के अधीन तहसीलदार द्वारा पारित आदेश की तारीख से सात दिन के भीतर भूमिस्वामी को भूमि का कब्जा नहीं सौंपता है तो भूमिस्वामी के बारे में यह समझा जाएगा कि पट्टेदार द्वारा उसकी भूमि से उसे अनुचित रूप से बेदखल कर दिया गया है और वह धारा २५० के अधीन अनुतोष पाने का हकदार हो जाएगा.

स्पष्टीकरण.—इस धारा के प्रयोजन के लिए—

(क) ''पट्टा'' से अभिप्रेत है किसी भूमि का उपभोग करने के अधिकार का ऐसा अन्तरण जो एक अभिव्यक्त या विवक्षित समय के लिए, किसी कीमत के, जो दी गई हो या जिसे देने का वचन दिया गया हो अथवा धन या किसी अन्य मूल्यवान वस्तु के, जो कालावधीय रूप से अन्तरिती द्वारा, जो उस अन्तरण को ऐसे निबंधनों पर प्रतिगृहीत करता है, अन्तरक को दी जानी है, प्रतिफल के रूप में किया गया हो;

(ख) किसी ऐसे ठहराव को, जिसके द्वारा कोई व्यक्ति भूमिस्वामी को भूमि की उपज का कोई विनिर्दिष्ट अंश देने की शर्त पर भूमिस्वामी की किसी भूमि पर खेती करता है, पट्टा समझा जाएगा;

(ग) उपधारा (१) के अधीन पांच वर्ष से अधिक की किसी कालावधि के लिए दिया गया पट्टा, पांच वर्ष की कालावधि के लिए दिया गया समझा जाएगा;

(घ) केवल घांस काटने या पशु चराने या सिंघाड़ा उगाने या लाख का प्रजनन या संग्रहण करने या तेन्दु पत्ते को तोड़ने या उनका संग्रहण करने के अधिकार का दिया जाना भूमि का पट्टा नहीं समझा जाएगा.''.

धारा १६९ का लोप.

८४. मूल अधिनियम की धारा १६९ का लोप किया जाए.

धारा १७१ का लोप.

८५. मूल अधिनियम की धारा १७१ का लोप किया जाए.

धारा १७२ का लोप.

८६. मूल अधिनियम की धारा १७२ का लोप किया जाए.

धारा १७४ का लोप.

८७. मूल अधिनियम की धारा १७४ का लोप किया जाए.

धारा १७६ का लोप.

८८. मूल अधिनियम की धारा १७६ का लोप किया जाए.

धारा १७८-क का स्थापन.

८९. मूल अधिनियम की धारा १७८-क के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**१७८-क. भूमिस्वामी के जीवन काल में भूमि का विभाजन.**—(१) यदि कोई भूमि-स्वामी धारा ५९ के अधीन कृषि के प्रयोजन के लिए निर्धारित अपने खाते या उसके किसी भाग को अपने जीवनकाल के दौरान अपने विधिक वारिसों में विभाजित करना चाहता है तो वह ऐसे खाते या उसके भाग के विभाजन के लिए तहसीलदार को आवेदन कर सकेगा.

(२) तहसीलदार, विधिक वारिसों की सुनवाई करने के पश्चात्, उस खाते को या उसके भाग को विभाजित कर सकेगा और निर्धारण को इस संहिता के अधीन बनाए गए नियमों के अनुसार प्रभाजित कर सकेगा.''.

धारा १८१-क का स्थापन.

९०. मूल अधिनियम की धारा १८१-क के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**१८१-क. फ्री होल्ड अधिकार रखने वाला व्यक्ति भूमिस्वामी होगा.**—प्रत्येक व्यक्ति, जो मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रवृत्त होने के अव्यवहित पूर्व भूमि में फ्री-होल्ड अधिकार रखता है, ऐसी भूमि का भूमिस्वामी होगा.''.

धारा १८२ का संशोधन.

९१. मूल अधिनियम की धारा १८२ में, उपधारा (२) में, शब्द, ''राजस्व अधिकारी'' के स्थान पर, शब्द ''कलेक्टर'' स्थापित किया जाए.

धारा १८३ का स्थापन.

९२. मूल अधिनियम की धारा १८३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**१८३. सेवा भूमि.**—(१) कोटवार के रूप में सेवा करने की शर्त पर भूमि धारण करने वाला कोई व्यक्ति उस दशा में ऐसी भूमि का हकदार नहीं रह जाएगा जबकि वह ऐसी भूमि को कृषि से भिन्न प्रयोजनों के लिए व्यपवर्तित कर देता है.

(२) सेवा भूमि में किसी कोटवार को ऐसा अधिकार, किसी विक्रय, दान, बंधक, उप पट्टे द्वारा या अन्यथा एक वर्ष से अनधिक कालावधि तक के उप-पट्टे के सिवाय न तो अंतरित किया जाएगा और न ही अन्तरणीय होगा.

(३) यदि कोटवार की मृत्यु हो जाती है, पद त्याग देता है, या विधि पूर्वक पदच्युत कर दिया जाता है तो सेवा भूमि उसके उत्तरवर्ती को संक्रात हो जाएगी.

(४) किसी कोटवार का ऐसी भूमि पर अधिकार किसी डिक्री के निष्पादन में कुर्क नहीं किया जाएगा या बेचा नहीं जाएगा और न ही ऐसी भूमि का प्रबंध करने के लिए सिविल प्रक्रिया संहिता, १९०८ (१९०८ का संख्यांक ५) की धारा ५१ के अधीन कोई रिसीवर नियुक्त किया जाएगा.

(५) यदि कोई कोटवार उपधारा (१) और (२) के उपबंधों का उल्लंघन करता है या उल्लंघन करने का प्रयास करता है तो इस संहिता या किसी अन्य विधि के उपबंधों के अधीन उसके विरुद्ध की जा सकने वाली किसी कार्रवाई पर प्रतिकूल प्रभाव डाले बिना, ऐसी सेवा भूमि तहसीलदार के आदेश द्वारा उससे वापस ली जा सकेगी और उस कोटवार या किसी अन्य किसी व्यक्ति को, जो अप्राधिकृत रूप से उस भूमि पर लगातार कब्जा बनाए रखता है, धारा २४८ के अधीन बेदखल किया जा सकेगा.

(६) ऐसी सेवा भूमियां जो—

(क) नगरीय क्षेत्र में;

(ख) ऐसे क्षेत्र में, जिसके लिए विकास योजना अनुमोदित की गई है; या

(ग) ऐसे क्षेत्र में, जो राज्य सरकार द्वारा यथा अधिसूचित नगरीय क्षेत्र की बाह्य सीमा से बाहर अवस्थित हैं,

राज्य सरकार द्वारा यथा अधिसूचित तारीख से सेवा भूमि नहीं रह जाएंगी और तहसीलदार भू-अभिलेखों में आवश्यक परिवर्तन कराएगा.''.

धारा १८४ का लोप.

९३. मूल अधिनियम की धारा १८४ का लोप किया जाए.

अध्याय चौदह का लोप और व्यावृति.

९४. मौरूसी कृषक से संबंधित मूल अधिनियम के अध्याय चौदह की धारा १८५ से २०२ तक (दोनों धाराओं को सम्मिलित करते हुए) का लोप किया जाए.

उक्त अध्याय का लोप होते हुए भी, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रारंभ होने के पूर्व बोर्ड या किसी राजस्व अधिकारी या किसी प्राधिकारी के समक्ष मौरूसी कृषक से संबंधित कोई मामला या कार्यवाही लंबित है वे बोर्ड या राजस्व अधिकारी या प्राधिकारी द्वारा ऐसे सुनी और विनिश्चित की जाएंगी मानो कि संशोधन अधिनियम पारित नहीं हुआ हो.''.

धारा २०३ का स्थापन.

९५. मूल अधिनियम की धारा २०३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्.—

''**२०३. जलोढ़ तथा जल-प्लावन.**—(१) किसी तट पर बनी जलोढ़ भूमि राज्य सरकार में निहित होगी, किन्तु ऐसे तट से लगी हुई भूमि का भूमिस्वामी, यदि कोई हो, उसके खाते में इस प्रकार बढ़ गई जलोढ़ भूमि का उपयोग भू-सर्वेक्षण होने तक तब तक भू-राजस्व का भुगतान किए बिना करने का हकदार होगा जब तक कि उसके खाते में बढ़ गया क्षेत्रफल आधा हेक्टर से अधिक न हो जाए.

(२) जहां जल-प्लावन द्वारा किसी खाते के क्षेत्रफल में आधे हेक्टेयर से अधिक की कमी हो जाए, वहां ऐसे खाते के संबंध में देय भू-राजस्व कम कर दिया जाएगा.''.

धारा २१० का संशोधन.

९६. मूल अधिनियम की धारा २१० में, शब्द ''बन्दोबस्त आयुक्त'' के स्थान पर, शब्द ''आयुक्त'' स्थापित किया जाए.

धारा २२४ का संशोधन.

९७. मूल अधिनियम की धारा २२४ में, खण्ड (क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात् :—

''(क) ऐसे वसूली प्रभार की कटौती करने के पश्चात्, जैसी कि राज्य सरकार, समय-समय पर, अवधारित करे, भू-राजस्व तथा अन्य संबंधित करों तथा उपकरों जो कि उसके मार्फत देय हैं, और अन्य शासकीय शोध्य को जो उसके द्वारा संग्रहित होना आदेशित हैं, संगृहीत करे तथा शासकीय कोषालय में जमा करे;''.

धारा २२५ का लोप.

९८. मूल अधिनियम की धारा २२५ का लोप किया जाए.

धारा २२७ का संशोधन.

९९. मूल अधिनियम की धारा २२७ में, शब्द तथा अंक ''या २२५'' का लोप किया जाए.

धारा २२९ का संशोधन.

१००. मूल अधिनियम की धारा २२९ में, शब्द तथा अंक ''धारा २३२'' के उपबंधों के अनुसार गठित की गई'' का लोप किया जाए.

धारा २३० का संशोधन.

१०१. मूल अधिनियम की धारा २३० में उपधारा (१) के परन्तुक का लोप किया जाए.

धारा २३१ का स्थापन.

१०२. मूल अधिनियम की धारा २३१ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**२३१. कोटवारों का पारिश्रमिक.**—राज्य सरकार, साधारण आदेश द्वारा ऐसे निबंधनों और शर्तों के, जो उस आदेश में वर्णित किए जाएं, अध्यधीन रहते हुए, समय-समय पर, कोटवारों को उनकी सेवाओं के लिये सेवा भूमि उपलब्ध कराने या उनका पारिश्रमिक या दोनों के लिये मापदण्ड नियत कर सकेगी.''.

धारा २३२ का लोप.

१०३. मूल अधिनियम के अध्याय १७ में, उप शीर्षक ''ग-ग्राम सभा'' और धारा २३२ का लोप किया जाए.

धारा २३३ का स्थापन.

१०४. मूल अधिनियम की धारा २३३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

"**२३३. दखलरहित भूमि का अभिलेख.**—प्रत्येक ग्राम तथा नगरीय क्षेत्र के लिये समस्त दखलरहित भूमि के अभिलेख इस निमित्त बनाए गए नियमों के अनुसार तैयार किए जाएंगे.".

धारा २३३-क का अन्तःस्थापन.

१०५. मूल अधिनियम की धारा २३३ के पश्चात्, निम्नलिखित धारा अन्तःस्थापित की जाए, अर्थात् :—

"**२३३-क. नगरीय क्षेत्र में लोक प्रयोजनों के लिये भूमि का पृथक् रखा जाना.**—कलेक्टर, राज्य सरकार द्वारा इस निमित्त समय-समय पर, जारी निदेशों के अनुसार,

(क) दखलरहित भूमियों को, जो नगरीय क्षेत्र में स्थित हैं, लोक प्रयोजनों के लिये पृथक् रख सकेगा;

(ख) उस लोक प्रयोजन को परिवर्तित कर सकेगा जिसके लिए वह भूमि पृथक् से रखी गई है; या

(ग) किसी ऐसी भूमि के संबंध में खण्ड (क) के अधीन की गई कार्रवाई खत्म कर सकेगा:

परन्तु इस धारा के अधीन कोई भूमि लोक प्रयोजनों के लिये पृथक् से नहीं रखी जाएगी जो कि अनुमोदित विकास योजना से असंगत है.".

धारा २३४ का स्थापन.

१०६. मूल अधिनियम की धारा २३४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

"**२३४. निस्तार पत्रक का तैयार किया जाना.**—उपखण्ड अधिकारी, इस संहिता तथा उसके अधीन बनाये गये नियमों के उपबंधों के अनुसार प्रत्येक ग्राम के लिये एक निस्तार पत्रक तैयार करेगा, जिसमें किसी ग्राम में की समस्त दखलरहित भूमि के प्रबंध की स्कीम तथा उससे आनुषांगिक समस्त विषयों और विशिष्टतः धारा २३५ में विनिर्दिष्ट विषयों का समावेश होगा.".

धारा २३९ का संशोधन.

१०७. मूल अधिनियम की धारा २३९ में,—

(एक) उपधारा (२), (३) तथा (४) का लोप किया जाए;

(दो) उपधारा (५) तथा (६) के स्थान पर, निम्नलिखित उपधाराएं स्थापित की जाएं, अर्थात् :—

"(५) यदि मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रारम्भ होने के पूर्व इस धारा के अधीन मंजूर किए गए वृक्षारोपण अनुज्ञापत्र या वृक्ष पट्टे के किन्हीं निबन्धनों और शर्तों का भंग किया जाता है तो तहसीलदार, वृक्षारोपण अनुज्ञापन पत्र या वृक्ष पट्टा, धारक को सुनवाई का युक्तियुक्त अवसर देने के पश्चात्, रद्द कर सकेगा और यदि ऐसा व्यक्ति दखलरहित भूमि को अनधिकृत रूप से लगातार कब्जे में बनाए रखता है तो तहसीलदार धारा २४८ के अधीन उसके विरुद्ध कार्रवाई करने हेतु अग्रसर होगा.

(६) मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रारंभ होने के पूर्व दखलरहित भूमि जिस पर कोई वृक्षारोपण अनुज्ञापन पत्र या वृक्ष पट्टा दिया गया है, कलेक्टर के आदेश द्वारा किसी लोक प्रयोजन के लिए उपयोग में ली जा सकेगी. यदि ऐसे वृक्षारोपण अनुज्ञापत्र या वृक्ष पट्टे के धारक का कोई हित या ऐसे उपयोग के कारण से प्रतिकूल प्रभावित होता है तो धारक ऐसे प्रतिकर का हकदार होगा जो ऐसी रीति में संगणित किया जाएगा जो कि विहित की जाए.".

धारा २४० का संशोधन.

१०८. मूल अधिनियम की धारा २४० में,—

(एक) विद्यमान पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात् :—

"ग्रामों में कतिपय वृक्षों के काटे जाने का प्रतिषेध";

(दो) उपधारा (१) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात् :—

"(१) राज्य सरकार, ग्रामों में भूमिस्वामी की भूमि पर या राज्य सरकार की भूमि पर खड़े ऐसे वृक्षों को काटे जाने का प्रतिषेध या विनियमन इस संबंध में बनाए गए नियमों द्वारा कर सकेगी, यदि उसका यह समाधान हो जाता है कि ऐसा प्रतिषेध या विनियमन लोकहित में या मिट्टी के कटाव को रोकने के लिये अपेक्षित है.".

धारा २४३ का संशोधन.

१०९. मूल अधिनियम की धारा २४३ में, उपधारा (३) में, शब्द, अंक तथा कोष्ठक "भूमि अर्जन अधिनियम, १८९४ (१८९४ का संख्यांक १)" के स्थान पर, शब्द, अंक तथा कोष्ठक "भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, २०१३ (२०१३ का ३०)" स्थापित किए जाएं.".

धारा २४४ का स्थापन.

११०. मूल अधिनियम की धारा २४४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

"**२४४. आबादी स्थलों का आबंटन.**—इस संबंध में बनाए गए नियमों के अध्यधीन रहते हुए, तहसीलदार आबादी क्षेत्र में पट्टे पर आबादी स्थलों का आबंटन करेगा.".

धारा २४५ का स्थापन.

१११. मूल अधिनियम की धारा २४५ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

"**२४५. भू-राजस्व दिए बिना गृह स्थल धारण करने का अधिकार.**—आबादी में स्थित युक्तियुक्त माप (डायमेंशन) का कोई भवन स्थल, जो मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रारंभ होने के समय किसी कोटवार द्वारा धारित है या किसी व्यक्ति द्वारा जो भूमि धारण करता है या ऐसे ग्राम में या उस ग्राम में जिसमें कि सामान्यतः ऐसे ग्राम में खेती की जाती है, या कृषि शिल्पी या कृषि श्रमिक के रूप में कार्य करता है, भू-राजस्व के भुगतान के दायित्वाधीन नहीं होगा.".

धारा २४६ का संशोधन.

११२. मूल अधिनियम की धारा २४६ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

"**२४६. आबादी में गृहस्थल धारण करने वाले व्यक्तियों का अधिकार.**—प्रत्येक ऐसा व्यक्ति जो मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रवृत्त होने के ठीक पूर्व आबादी में गृहस्थल के रूप में कोई भूमि विधिपूर्वक धारण करता है, भूमिस्वामी होगा.".

धारा २४८ का संशोधन.

११३. मूल अधिनियम की धारा २४८ में, उपधारा (१) में, शब्द "अप्राधिकृत दखल की कालावधि के लिये भूमि का लगान उस स्थान में ऐसी भूमि के लिये स्वीकार्य दर की दुगनी दर से चुकाने के तथा ऐसे जुर्माने के, जो ऐसी अधिक्रमित भूमि के बाजार मूल्य का बीस प्रतिशत तक का हो सकता है" के स्थान पर, शब्द "ऐसे जुर्माने से जो एक लाख रुपये तक का हो सकेगा" स्थापित किए जाएं.

धारा २५० का स्थापन.

११४. मूल अधिनियम की धारा २५० के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

"२५०. अनुचित रूप से बेकब्जा किए गए भूमिस्वामी का पुनःस्थापन.—

(१) तहसीलदार,—

(क) किसी भूमिस्वामी या उसके हित उत्तराधिकारी के आवेदन पर जिन्हें अनुचित रूप से बेकब्जा किया गया है उसके कब्जे का आधार पर वर्णन कर भूमिस्वामी की भूमि पर कब्जा कर रहे व्यक्ति को कारण बताओ सूचना पत्र जारी करेगा और ऐसी जांच करेगा जैसी कि वह उचित समझे; या

(ख) यह ज्ञात होने पर कि भूमिस्वामी को अनुचित रूप से बेकब्जा किया गया है, स्वप्रेरणा से खण्ड (क) के अधीन कार्यवाहियां प्रारंभ करेगा.

(२) यदि जांच के पश्चात् तहसीलदार इस निष्कर्ष पर पहुंचता है कि भूमिस्वामी को अनुचित रूप से बेकब्जा किया गया है तो वह भूमिस्वामी को कब्जा वापस दिए जाने का आदेश देगा और फिर वह उसे भूमि का कब्जा भी दिलाएगा.

(३) तहसीलदार, जांच के किसी भी प्रक्रम पर, भूमिस्वामी को कब्जा दिए जाने के लिए अन्तरिम आदेश पारित कर सकेगा, यदि वह इस निष्कर्ष पर पहुंचता है कि उसे इस धारा के अधीन आवेदन प्रस्तुत किए जाने या स्वप्रेरणा से कार्यवाहियां प्रारंभ की जाने के पूर्व के छह मास के भीतर विरोधी पक्षकार द्वारा बेकब्जा कर दिया गया था.

(४) कोई व्यक्ति जिसके विरुद्ध उपधारा (३) के अधीन कोई अन्तरिम आदेश पारित कर दिया गया हो, तो तहसीलदार यह अपेक्षा कर सकेगा कि वह तहसीलदार द्वारा अन्तिम आदेश पारित किए जाने तक उस भूमि का कब्जा लेने से विरत रहने के लिये ऐसी राशि का, जैसी कि तहसीलदार उचित समझे, बंधपत्र निष्पादित करे और यदि यह पाया जाए कि बंधपत्र निष्पादित करने वाले व्यक्ति ने बंधपत्र के उल्लंघन में उस भूमि में प्रवेश किया है या उसका कब्जा ले लिया है, तो तहसीलदार बंधपत्र को पूर्णतः या भागतः समपहृत कर सकेगा और ऐसी राशि भू-राजस्व के बकाया के तौर पर वसूल कर सकेगा.

(५) जहां तहसीलदार का उपधारा (२) के अधीन भूमिस्वामी को कब्जा पुनः दिलाये जाने का आदेश हो वहां तहसीलदार उसके अप्राधिकृत किए गए कब्जे की कालावधि के लिये विरोधी पक्षकार से भूमिस्वामी को संदत्त किया जाने वाला प्रतिकर भी अधिनिर्णीत करेगा तथा ऐसा प्रतिकर उस दर पर संगणित होगा जो दस हजार रुपये प्रति हेक्टर प्रतिवर्ष के अनुपातिक हो. इस धारा के अधीन अधिनिर्णीत किया गया प्रतिकर भू-राजस्व के बकाया के तौर पर वसूली योग्य होगा.

(६) जब उपधारा (२) के अधीन, भूमिस्वामी को पुनः कब्जा दिलाया जाने के लिए आदेश पारित कर दिया गया हो, वहां तहसीलदार विरोधी पक्षकार से इस बात के लिये अपेक्षा कर सकेगा कि वह आदेश के उल्लंघन में भूमि का कब्जा लेने से विरत रहने के लिये ऐसी राशि का, जैसी कि तहसीलदार उचित समझे, बंधपत्र निष्पादित करे.

(७) जहाँ उपधारा (२) के अधीन, भूमिस्वामी को पुनः कब्जा दिलाये जाने के लिये आदेश पारित कर दिया गया हो, वहां विरोधी पक्षकार जुर्माने के, जो पचास हजार रुपये तक का हो सकेगा, लिए भी दायित्वाधीन होगा.

(८) यदि कोई व्यक्ति उपधारा (२) या उपधारा (३) के अधीन कब्जा वापस दे दिया जाने के आदेश की तारीख के पश्चात्, सात दिनों से अधिक कालावधि तक किसी भूमि पर अप्राधिकृत दखल या कब्जा किए रहता है, तो उक्त उपधारा (५) के अधीन देय प्रतिकर या उपधारा (७) के अधीन जुर्माने पर प्रतिकूल प्रभाव डाले बिना, ऐसे भूमिस्वामी को कब्जा वापस दिए जाने के लिये किए गए प्रथम आदेश की दशा में, उपखण्ड अधिकारी उसे गिरफ्तार करवाएगा और पन्द्रह दिन की कालावधि के लिये परिरूद्ध किया जाने के लिए, उसे वारण्ट के साथ सिविल कारागार में भेजेगा, तथा ऐसे भूमिस्वामी को कब्जा वापस दिए जाने के लिए द्वितीय या पश्चात्वर्ती आदेश की दशा में, उपखण्ड अधिकारी उसे गिरफ्तार करवाएगा और तीन मास की कालावधि के लिए परिरूद्ध किया जाने के लिए, उसे वारण्ट के साथ सिविल कारागार में भेजेगा :

परन्तु इस धारा के अधीन कोई कार्रवाई तब तक नहीं की जाएगी जब तक कि उस व्यक्ति से यह अपेक्षा करने वाली सूचना न जारी कर दी गई हो कि वह उपखण्ड अधिकारी के समक्ष ऐसी तारीख को, जो कि सूचना में विनिर्दिष्ट की जाएगी, उपसंजात हो और इस संबंध में कारण दर्शाए कि उसे सिविल कारागार के सुपुर्द क्यों न किया जाए :

परन्तु यह और कि उपखण्ड अधिकारी ऐसे व्यक्ति को, वारण्ट में उल्लिखित कालावधि का अवसान होने के पूर्व, निरोध से छोड़े जाने का आदेश दे सकेगा यदि उसका यह समाधान हो जाता है कि अप्राधिकृत कब्जा छोड़ दिया गया है.

स्पष्टीकरण-एक.—इस धारा के प्रयोजन के लिए, भूमिस्वामी में सम्मिलित है सरकारी पट्टेदार.

स्पष्टीकरण-दो.—इस धारा के प्रयोजन के लिये ''अनुचित रूप से बेकब्जा किये गये भूमिस्वामी'' से अभिप्रेत है ऐसे किसी भूमिस्वामी को भूमि से विधि के सम्यक् अनुक्रम में बेकब्जा न करके अन्यथा बेकब्जा कर दिया गया हो, या यदि कोई व्यक्ति भूमिस्वामी की किसी ऐसी भूमि पर, जिसके कि उपयोग के लिये ऐसा व्यक्ति हकदार न रह गया हो, अप्राधिकृत रूप से कब्जा किए रहे.''.

धारा २५०-क का लोप.

११५. मूल अधिनियम की धारा २५०-क का लोप किया जाए.

धारा २५२ का लोप.

११६. मूल अधिनियम की धारा २५२ का लोप किया जाए.

धारा २५३ का संशोधन.

११७. मूल अधिनियम की धारा २५३ में, उपधारा (२) का लोप किया जाए.

धारा २५४ का लोप.

११८. मूल अधिनियम की धारा २५४ का लोप किया जाए.

धारा २५५ का लोप.

११९. मूल अधिनियम की धारा २५५ का लोप किया जाए.

धारा २५७ का संशोधन.

१२०. मूल अधिनियम की धारा २५७ में,—

(एक) खण्ड (ढ), (ण), (त), (थ), (द), (ध), (न) तथा (प) का लोप किया जाए;

(दो) खण्ड (भ) के स्थान पर निम्नलिखित खण्ड स्थापित किया जाए—

''(भ) धारा २५० के अधीन अनुचित रूप से बेकब्जा किए गए भूमिस्वामी के पुनः स्थापन तथा सिविल कारगार में निरुद्ध के बारे में कोई विनिश्चय;'';

(तीन) खण्ड (भ-१) का लोप किया जाए;

(चार) खण्ड (य-१) का लोप किया जाए.

धारा २५८ का संशोधन.

१२१. मूल अधिनियम की धारा २५८ में,

(एक) उपधारा (२) में,—

(क) खण्ड (एक) के पश्चात्, निम्नलिखित खण्ड अन्तःस्थापित किया जाए, अर्थात्:—

''(एक-क) धारा १३(२) के अधीन प्रस्थापना के प्रकाशन के लिए प्ररूप विहित किया जाना;'';

(ख) खण्ड (दो) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(दो) धारा २० (२) के अधीन भू-अभिलेख अधीक्षकों तथा सहायक भू-अभिलेख अधीक्षकों के कर्तव्यों का विहित किया जाना;'';

(ग) खण्ड (तीन) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(तीन) धारा ५९ के अधीन निर्धारण की दरें, प्रीमियम तथा निर्धारण का अधिरोपण तथा भू-राजस्व का पुनर्निर्धारण तथा व्यपवर्तन की प्रज्ञापना के लिए रीति;";

(घ) खण्ड (चार) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात्:—

"(चार-क) धारा ६१ (ङ) के अधीन अन्य अभिलेख विहित करना;

(चार-ख) प्रयोग की जाने वाली शक्तियां तथा कर्तव्य धारा ६३ (२) के अधीन निर्वहन करेगा;";

(ङ) खण्ड (पांच) के स्थान पर, निम्नलिखित खण्ड स्थापित किए जाएं, अर्थात्:—

"(पांच) धारा ६७ के अधीन सर्वेक्षण संख्यांक, ब्लाक संख्यांक, भू-खण्ड संख्यांक की विरचना और उनको नगरेतर क्षेत्रों में ग्रामों में तथा नगरीय क्षेत्रों में सेक्टर में समूहीकृत करना;

"(पांच-क) धारा ६८ की उपधारा (३) के अधीन किसी सर्वेक्षण संख्यांक, ब्लाक संख्यांक या भू-खण्ड संख्यांक का विभाजन या समामेलन तथा उनका निर्धारण किया जाना;";

(च) खण्ड (छह) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(छह) धारा ६९ के अधीन भू-अभिलेख में सर्वेक्षण संख्यांकों, ब्लाक संख्यांकों तथा भू-खण्ड संख्यांकों तथा उनके उप-खण्डों की प्रविष्टि किया जाना;";

(छ) खण्ड (सात) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(सात) धारा ७१ के अधीन ग्राम या सेक्टर को विभाजित करना या ग्रामों या सेक्टरों को सम्मिलित करना;";

(ज) खण्ड (आठ) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(आठ) धारा ७२ के अधीन खातों पर नियत दरों पर निर्धारण किया जाना;";

(झ) खण्ड (नौ), (दस) और (ग्यारह) लोप का किया जाए;

(ञ) खण्ड (बारह) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(बारह) धारा ७७ के अधीन भू-सर्वेक्षण करने के लिए विनियमन;";

(ट) खण्ड (पंद्रह), (सोलह), (सत्रह) तथा (अट्ठारह) का लोप किया जाए;

(ठ) खण्ड (उन्नीस) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(उन्नीस) धारा १०४ (२) के अधीन पटवारी तथा नगर सर्वेक्षक के अन्य कर्तव्यों का विहित किया जाना;";

(ड) खण्ड (इक्कीस) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(इक्कीस) धारा १०७ के अधीन नक्शों का माप तथा अन्य विशिष्टियों का विहित किया जाना;";

(ढ) खण्ड (तेईस) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(तेईस) धारा १०९ तथा ११० के अधीन निम्नलिखित के लिए रीति तथा प्ररूपों का विहित किया जाना—

(क) अधिकार का अर्जन, प्रज्ञापना की रिपोर्ट करना;

(ख) नामांतरण पूर्व का स्केच, यदि कोई हो;

(ग) अभिस्वीकृति;

(घ) रजिस्टर;

(ङ) लिखित प्रज्ञापना या नोटिस को प्रदर्शित किया जाना;

(च) प्रतिलिपि का प्रदाय;

(छ) लंबित मामलों की जानकारी; और

(ज) फीस का विहित किया जाना.";

(ण) खण्ड (चौबीस) का लोप किया जाए;

(त) खण्ड (पच्चीस) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(पच्चीस) धारा ११४ के अधीन भू-अभिलेखों को तैयार करना तथा उन्हें विहित करना;";

(थ) खण्ड (पच्चीस) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात्:—

"(पच्चीस-क) उस फीस का विहित किया जाना जिसका कि भुगतान किये जाने पर धारा ११४-क के अधीन भू-अधिकार पुस्तिका दी जाएगी तथा प्रविष्टियों के ब्यौरे विहित किए जाना;";

(द) खण्ड (अट्ठाईस) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(अट्ठाईस) धारा १२४ के अधीन ग्रामों, सेक्टरों के तथा सर्वेक्षण संख्यांकों या भू-खण्ड संख्यांकों के सीमा चिन्हों संबंधी विनिर्देश तथा सन्निर्माण एवं अनुरक्षण की रीति;";

(ध) खण्ड (उन्तीस) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(उन्तीस) धारा १२७ के अधीन ग्राम की सड़क, ग्राम की बंजर भूमि या सामुदायिक प्रयोजनों के लिए आरक्षित भूमि तथा उससे लगी हुई भूमि के बीच सीमा चिन्हों को अंकित करने की रीति और वह रीति जिसमें वे सु-अवस्था में रखे जाएंगे तथा उनका नवीनीकरण किया जाएगा;";

(न) खण्ड (इकतीस) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(इकतीस) वह रीति, वे व्यक्ति जिन्हें तथा वह स्थान जहां भू-राजस्व धारा १४० के अधीन संदत्त किया जाएगा;";

(प) खण्ड (छत्तीस) में, शब्द "बंदोबस्त के चालू रहने के दौरान" का लोप किया जाए;

(फ) खण्ड (सैंतीस) का लोप किया जाए;

(ब) खण्ड (इकतालीस) का लोप किया जाए;

(भ) खण्ड (तैंतालीस) का लोप किया जाए;

(म) खण्ड (चवालीस) के पश्चात्, निम्नलिखित खण्ड अन्त:स्थापित किया जाए, अर्थात्:—

"(चवालीस-क) धारा १७८-क के अधीन भूमिस्वामी के जीवनकाल में विभाजन तथा निर्धारण के प्रभाजन का विनियमन;";

(य) खण्ड (सैंतालीस) से (इक्यावन) का लोप किया जाए;

(य-क) खण्ड (छप्पन) का लोप किया जाए;

(य-ख) खण्ड (सतावन) के पश्चात्, निम्नलिखित खण्ड अन्त:स्थापित किया जाए, अर्थात्.—

"(सतावन-क) धारा २३३-क के अधीन संधारित किए जाने वाले अभिलेख का विहित किया जाना;

(य-ग) खण्ड (साठ) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(साठ) धारा २३९ (६) के अधीन प्रतिकर की संगणना करने की रीति;";

(य-घ) खण्ड (पैंसठ) के पश्चात्, निम्नलिखित खण्ड अन्त:स्थापित किया जाए, अर्थात्:—

"(पैंसठ-क) धारा २५० के उपबंधों को प्रभावी बनाने के प्रयोजन के लिए;";

(य-ङ) खण्ड (सड़सठ) का लोप किया जाए;

(दो) उपधारा (२) के पश्चात्, निम्नलिखित उपधाराएं अन्त:स्थापित की जाएं, अर्थात्:—

"(२-क) राज्य सरकार, समय-समय पर, मण्डल की पद्धति तथा प्रक्रिया को तथा अन्य राजस्व न्यायालयों द्वारा अनुसरित की जाने वाली प्रक्रिया को विनियमित करते हुए, इस संहिता के उपबंधों से संगत नियम बना सकेगी तथा ऐसे नियमों द्वारा अनुसूची-एक में से समस्त नियमों या उनमें से किसी भी नियम को बातिल कर सकेगी, परिवर्तित कर सकेगी या परिवर्धित कर सकेगी.

(२-ख) विशिष्टतया तथा उपधारा (२-क) द्वारा प्रदत्त शक्तियों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे नियमों में निम्नलिखित समस्त विषयों या उनमें से किसी भी विषय के लिए उपबंध हो सकेंगे, अर्थात्:—

(क) साधारणतया या किसी विनिर्दिष्ट क्षेत्रों में समन, सूचनाओं तथा अन्य आदेशिकाओं की डाक द्वारा या किसी अन्य रीति में तामील और ऐसी तामील का सबूत;

(ख) पक्षकारों तथा साक्षियों को समन करने की राजस्व अधिकारियों की शक्ति का विनियमन और साक्षियों के लिए व्ययों की मंजूरी;

(ग) मान्यताप्राप्त अभिकर्ताओं का, इस संहिता के अधीन की कार्यवाहियों में उनके द्वारा की जाने वाली उपसंजातियों, किए जाने वाले आवेदनों तथा किए जाने वाले कार्यों के बारे में विनियमन;

(घ) वह प्रक्रिया जिसका अनुपालन जंगम तथा स्थावर सम्पत्तियों की कुर्की करने में किया जाएगा;

(ङ) विक्रयों को प्रकाशित करने, संचालित करने, अपास्त करने तथा उनकी पुष्टि करने के लिए प्रक्रिया तथा ऐसी कार्यवाहियों से संसक्त समस्त आनुषंगिक विषय;

(च) पशुधन तथा अन्य जंगम सम्पत्ति का, जबकि वह कुर्की के अधीन हो, अनुरक्षण तथा उसकी अभिरक्षा, ऐसे अनुरक्षण तथा ऐसी अभिरक्षा के लिए देय फीस, ऐसे पशुधन तथा संपत्ति का विक्रय और ऐसे विक्रय के आगम;

(छ) अपील तथा अन्य कार्यवाहियों का समेकन;

(ज) ऐसे समस्त प्ररूप, रजिस्टर, पुस्तकें, प्रविष्टियां तथा लेखे जो कि राजस्व न्यायालयों के कामकाज के संपादन के लिए आवश्यक या वांछनीय हों;

(झ) वह समय जिसके भीतर, किसी अभिव्यक्त उपबंध के अभाव में, अपीलें फाइल की जा सकेंगी या पुनरीक्षण के लिए आवेदन फाइल किए जा सकेंगे;

(ञ) किन्हीं भी कार्यवाहियों के तथा उनसे आनुषंगिक खर्चे;

(ट) कमीशन पर साक्षियों की परीक्षा तथा ऐसी परीक्षा पर आनुषंगिक व्ययों का भुगतान;

(ठ) अर्जी लेखकों का अनुज्ञापन और उनके आचरण का विनियमन.

(२-ग) ऐसे नियमों का प्रकाशन होने की तारीख से या ऐसी अन्य तारीख से, जो कि विनिर्दिष्ट की जाए, वही बल और प्रभाव होगा मानो कि वे अनुसूची-एक में अन्तर्विष्ट थे.".

अनुसूची-एक का संशोधन.

१२२. मूल अधिनियम की अनुसूची-एक में, शीर्ष में, कोष्ठक शब्द और अंक "(धारा ४१ देखें)" के स्थान पर, कोष्ठक, शब्द, अंक और अक्षर "[धारा २५८), (२क) तथा (२ग) देखें]" स्थापित किए जाएं.

भोपाल, दिनांक 27 जुलाई 2018

क्र. 12425-250-इक्कीस-अ (प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, 2018 (क्रमांक 23 सन् 2018) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
NO. 23 OF 2018

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) ACT, 2018
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MADHYA PRADESH ACT
NO. 23 OF 2018

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) ACT, 2018

[Received the assent of the Governor on the 23rd July, 2018; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 27th July, 2018.]

An Act further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh 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 Madhya Pradesh Land Revenue Code (Amendment) Act, 2018.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of section 2.

2. In section 2 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely—

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

(ii) after clause (f), the following clause shall be inserted, namely—

"(f-1) "development plan" shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No 23 of 1973);";

(iii) for clause (i), the following clause shall be substituted, namely:—

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

(iv) after clause (m), the following clause shall be inserted, namely:–

"(m-1) "land revenue" means all moneys payable to the State Government for holding land and includes premium, rent, lease money, quit rent or any other cognate variation of these expressions;";

(v) for clause (q), the following clause shall be substituted, namely:–

"(q) "plot number" means the number assigned to a portion of land formed into or recognised as a plot number under this Code;";

(vi) in clause (t), in sub-clause (i), the words "by an occupancy tenant to his Bhumiswami according to the provisions of section 188 or" shall be omitted;

(vii) after clause (v), the following clauses shall be inserted, namely:—

"(v-1) "sector" means any tract of land in urban area formed into or recognised as a sector under the provisions of this Code;

(v-2) "service land" means such land in a non-urban area which is given to a kotwar for the purpose of agriculture during his tenure of post;";

(viii) for clause (x), the following clause shall be substituted, namely:—

"(x) **"survey number"** means the number assigned to a portion of land formed into or recognised as a survey number under this Code and entered in the land records under an indicative number known as the khasra number;";

(ix) clause (y) shall be deleted;

(x) for clause (z-3), the following clause shall be substituted, namely:—

"(z-3) **"unoccupied land"** means the land other than the abadi or service land, or the land held by a Bhumiswami or a Government lessee;";

(xi) for clause (z-5), the following clause shall be substituted, namely:–

"(z-5) "village" means any tract of land in a non-urban area which, before the coming into force of this Code, was recognized or was declared as a village under the provisions of any law for the time being in force and any other tract of land in a non-urban area which is recognized as a village at any land survey or which the State Government may, by notification, declare to be a village.".

Amendment of section 4.

3. In section 4 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

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

Substitution of section 7.

4. For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. Jurisdiction of Board- The Board shall exercise the powers and discharge the functions conferred upon it by or under this Code or such other functions as have been conferred or may be conferred by or under any enactment upon it or as may be specified by a notification of the State Government or Central Government in that behalf.".

Substitution of section 11.

5. For section 11 of the principal Act, the following section shall be substituted, namely:—

"11. Revenue Officers- There shall be the following classes of the Revenue officers, namely:—

Principal Revenue Commissioner;
Commissioner;
Additional Commissioner;
Commissioner Land Records;
Additional Commissioner Land Records;
Collector;
Additional Collector;
District Survey Officer;
Sub Divisional Officer;
Deputy Survey Officer;
Assistant Collector;
Joint Collector;
Deputy Collector;
Tahsildar;
Additional Tahsildar;
Assistant Survey Officer;
Superintendent of Land Records;
Naib Tahsildar;
Assistant Superintendent of Land Records.".

6. In Section 13 of the principal Act,– **Amendment of Section 13.**

(i) for sub-section (2), the following sub-section shall be substituted, namely,—

"(2) The State Government may alter the limits of any district or sub-division or tahsil and may create new or abolish existing districts or sub-divisions or tahsils:

Provided that the State Government shall invite objections to such proposals in the prescribed Form and shall take into consideration objections received, if any.";

(ii) sub-section (3) shall be deleted.

7. After section 13 of the principal Act, the following section shall be inserted, namely:— **Insertion of Section 13-A.**

"13-A. Appointment of Principal Revenue Commissioner and his powers and duties— The State Government may, by notification, appoint a Principal Revenue Commissioner who shall exercise such powers and perform such duties conferred and imposed on him by the State Government.".

8. For Section 19 of the principal Act, the following section shall be substituted, namely:— **Substitution of Section 19.**

"19. Appointment of Tahsildars, Additional Tahsildars and NaibTahsildars- (1) The State Government may appoint for each district as many persons as it thinks fit to be –

(a) Tahsildar;
(b) Additional Tahsildar; and
(c) Naib Tahsildar,

who shall exercise therein the powers and perform the duties conferred or imposed on them by or under this Code or by or under any other enactment for the time being in force.

(2) The Collector may place a Tahsildar as in charge of a tahsil, who shall exercise therein the powers and perform the duties conferred or imposed on him by or under this Code or by or under any other enactment for the time being in force.

(3) The Collector may place one or more Additional Tahsildars and Naib Tahsildars in a tahsil who shall exercise therein such powers and perform 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 may, by an order in writing, direct.".

9. Section 21 of the principal Act shall be deleted. **Deletion of Section 21.**

10. For Section 22 of the principal Act, the following Section shall be substituted, namely:— **Substitution of Section 22.**

"22. **Sub-Divisional Officers.**—The Collector may place any Assistant Collector or Joint Collector or Deputy Collector to be in charge of one or more sub-divisions of the district who shall exercise therein the powers and perform the duties conferred or imposed on a Sub-Divisional Officer by or under this Code or by or under any other enactment for the time being in force.".

Substitution of Section 24.

11. For Section 24 of the principal Act, the following section shall be substituted, namely:-

"24. **Conferral by State Government of powers of Revenue Officers on any public servant or local body.**—The State Government may confer on any public servant or local body the powers conferred by or under this Code on any Revenue Officer:

Provided that the powers of-

(a) Collector under sections 72, 113, 135, 165, 237, 238, 243 and 251;

(b) Sub-Divisional Officer under sections 59, 115, 170, 170A, 170B, 234, 241, 242, 248(2-A) and 253;

(c) Appellate authority under section 44; and

(d) Revisional authority under section 50;

shall not be conferred on any public servant or local body.

Explanation—For the purpose of this Section, "public servant" means any person who holds an office of the State Government or any body corporate or institution established and controlled by the State Government.".

Amendment of Section 27.

12. In Section 27 of the principal Act, for the proviso, the following proviso shall be substituted namely:-

"Provided that Sub-Divisional Officer may enquire into, or hear, any case at any place within the district.".

Amendment of Section 28.

13. In Section 28 of the principal Act, for the words "All Revenue Officers, Revenue Inspectors, measurers and patwaris", the words "Any Revenue Officer, Revenue Inspector, Nagar Sarvekshak and patwari" shall be substituted.

Substitution of Section 29.

14. For section 29 of the principal Act, the following section shall be substituted, namely:-

"29. **Power to transfer cases.**—(1) Whenever it appears that an order is expedient for the ends of justice, the Board may direct that any particular case be transferred from one Revenue Officer to another Revenue Officer of an equal rank.

(2) The Commissioner 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 rank in the same district or any other district in the same division.".

Amendment of Section 35.

15. In section 35 of the principal Act,-

(i) sub-section (1) shall be deleted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely-

"(3) The party against whom any order is passed under sub-section (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 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.".

16. Section 41 of the principal Act shall be deleted. **Deletion of Section 41.**

17. For section 44 of the principal Act, the following Section shall be substituted, namely,— **Substitution of Section 44.**

"44. **Appeal and appellate authorities.**—(1) Save where it has been otherwise provided, an appeal shall lie from every original order of a Revenue Officer competent to pass such order under this Code or the rules made thereunder-

(a) if such order is passed by any Revenue Officer subordinate to the Sub-Divisional Officer—to the Sub-Divisional Officer;

(b) if such order is passed by any Revenue Officer subordinate 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 Assistant Collector, Joint Collector or Deputy Collector to whom the powers have been conferred under-section 24—to the Collector;

(f) if such order is passed by any Revenue Officer in respect of whom a direction has been issued under sub-section (3) of section 12— to such Revenue Officer as the State Government may direct;

(g) if such order is passed by a Collector or District Survey Officer— to the Commissioner;

(h) if such order is passed by the 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-

(a) by the Sub-Divisional Officer or the Deputy Survey Officer or the Collector or the District Survey Officer - to the Commissioner;

(b) by the Commissioner-to the Board.

(3) The second appeal shall lie only-

(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 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.

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

Deletion of section 45.

18. Section 45 of the principal Act shall be deleted.

Substitution of section 46.

19. For Section 46 of the principal Act, the following section shall be substituted, namely:-

"46. **No appeal against certain orders.**—Notwithstanding anything contained in Section 44,-

(a) no appeal shall lie from an order-

(i) allowing or rejecting an application for condonation of delay on the grounds specified in Section 5 of the Limitation Act, 1963 (No. 36 of 1963); or

(ii) rejecting an application for review; or

(iii) allowing or rejecting an application for stay; or

(iv) of an interim nature; or

(v) passed under the provisions of Sections 29, 30, 104, 106, 114A, 127, 146, 147, 150, 152, 161, 207, 208, 210, 212, 213, 215, 220 and 243; and

(b) no second appeal shall lie from an order passed in first appeal against an order passed under the provisions of sub-section (1) of Section 131, Section 134, Section 173, Section 234, Section 239, Section 240, Section 241, Section 242, Section 244 and Section 248.".

Substitution of Section 47.

20. For Section 47 of the principal Act, the following section shall be substituted, namely:-

"47. **Limitation of appeals.**—The period of limitation for filing first or second appeal shall be forty-five days from the date of the order appealed against:

Provided that where an order, against which the appeal is preferred, was made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, the period of limitation of appeal shall be as provided in the Code prior to the said Amendment Act:

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 was passed, limitation shall be computed from the date of the communication of such order.".

Amendment of Section 49.

21. In Section 49 of the principal Act, in sub-section (3), for first proviso, the following proviso shall be substituted, namely:—

"Provided that the appellate authority shall not ordinarily remand the case for disposal to any Revenue Officer subordinate to it;".

Substitution of Section 50.

22. For section 50 of the principal Act, the following Section shall be substituted, namely:-

"**50. Revision.**—(1) Subject to the provisions of sub-sections (2), (3), (4) and (5),—

(a) the Board may, at any time on its own motion or on an application made by any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by the Commissioner;

(b) the Commissioner may, at any time on his own motion or on an application made by any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by the Collector or the District Survey Officer;

(c) the Collector or the District Survey Officer may, at any time on his own motion or on an application of any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by a Revenue Officer subordinate to him;

and if it appears that the subordinate Revenue Officer-

(i) has exercised a jurisdiction not vested in him by this Code; or

(ii) has failed to exercise a jurisdiction so vested; or

(iii) has acted in the exercise of his jurisdiction illegally or with material irregularity,

the Board or the Commissioner or the Collector or the District Survey Officer may make such order in the case as it or he thinks fit.

(2) No application for revision shall be entertained-

(a) against an order appealable under this Code;

(b) against any order passed in second appeal under this Code;

(c) against an order passed in revision;

(d) against an order of the Commissioner under-section 210;

(e) unless presented within forty-five days from the date of order or its communication to the party, whichever is later:

Provided that where an order, against which an application for revision is being preferred, was made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 the period of limitation for presenting the application for revision shall be as provided in the Code prior to the said Amendment Act.

(3) The Board or the Commissioner or Collector or the District Survey Officer shall not, under this Section, vary or reverse any order made or any order deciding an issue, in the course of proceeding, except where-

(a) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the proceedings; or

(b) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

(4) A revision shall not operate as a stay of proceeding before the Revenue Officer, except where such proceeding is stayed by the Board or the Commissioner or the Collector or the District Survey Officer, as the case may be.

(5) 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.

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

Amendment of Section 51.

23. In Section 51 of the principal Act, for sub-section (1) and sub-section (2), the following sub-sections shall be substituted, namely:-

"(1) The Board or any Revenue Officer may, either suo motu or on an application of any party interested, review any order passed by it or him, or by any predecessor-in-office and pass such order in reference thereto as it or he may think fit:

Provided that-

(i) if the Commissioner, Collector or District Survey 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 the Collector or District Survey Officer proposes to review an order, whether passed by himself or his predecessor, he shall first obtain the sanction in writing of the Collector or District Survey Officer to whom he is immediate subordinate;

(ii) 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 forty-five days from the passing of the order.

(2) No order shall be reviewed except on the following grounds, namely: -

(a) discovery of new and important matter or evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the order was made;

(b) some mistake or error apparent on the face of the record; or

(c) any other sufficient reason.".

Substitution of Section 54.

24. For section 54 of the principal Act, the following section shall be substituted, namely:-

"54. **Pending revisions.**—Notwithstanding anything contained in this Chapter, any proceedings pending in revision immediately prior to coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018,-

(a) if initiated on an application of a party, be heard and decided by the Board or the Revenue Officer competent to hear and decide them under sub-section (1) of section 50 as amended by the aforesaid Amendment Act and, if required for this purpose, shall be transferred to such competent Revenue Officer;

(b) if initiated suo motu by the Board or any Revenue Officer, shall be heard or decided by the Board or such Revenue Officer, as the case may be, as if this Amendment Act had not been passed;

(c) if initiated by the Settlement Commissioner, shall be transferred to the Commissioner of concerned division, who shall heard and decide it;

(d) if initiated by the Settlement Officer, shall be transferred to the District Survey Officer or the Collector, as the case may be, who shall heard and decide it.".

Deletion of section 55.

25. Section 55 of the principal Act shall be deleted.

Amendment of section 56.

26. In section 56 of the principal Act, for the words "in exercise of its/his powers under this Code or any other enactment for the time being in force, as the case may be", the words "in exercise of powers under this Code" shall be substituted.

Amendment of section 57.

27. Sub-section (2) of section 57 of the principal Act shall be deleted.

Amendment of section 58.

28. In section 58 of the principal Act,-

(i) for sub-section (1), the following sub-section shall be substituted, namely: -

"(1) All land to whatever purpose applied and wherever situate, is liable to the payment of revenue to the State Government except such land as has been wholly or partially exempted from such liability by or under this Code or by special grant of or contract with the State Government or such land which is wholly or partially exempted from such liability by notification, issued in this behalf by the State Government.".

(ii) Sub-section (2) shall be deleted.

Substitution of section 58-A.

29. For section 58-A of the principal Act, the following section shall be substituted, namely:-

"58-A. **Exemption from payment of land revenue**—Notwithstanding anything contained in this Code, no land revenue shall be payable in respect of –

(a) any holding up to two hectares used exclusively for the purpose of agriculture;

(b) such other land used for non agricultural purpose as the State Government may, by notification, specify.

Explanation.- For the purpose of this section, "holding" means the sum of all lands held by a person individually and his share in the lands held by him jointly, if any, in the entire State.".

Deletion of section 58-B.

30. Section 58-B of the principal Act shall be deleted.

Substitution of section 59.

31. For section 59 of the principal Act, the following section shall be substituted, namely:-

"59. **Land revenue according to purpose for which land is used**—(1) The assessment of land revenue shall be made with reference to the following use of land at such rates as may be prescribed:

(a) for the purpose of agriculture including any improvement made thereon;

(b) for the purpose of dwelling houses;

(c) for educational purpose;

(d) for commercial purpose;

(e) for industrial purpose including the purpose of mines and minerals;

(f) for purpose other than those specified in items (a) to (e) above as may be notified by the State Government.

(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 assessment at the rates prescribed for the purpose to which it has been diverted.

(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 at the rates prescribed for purpose for which it has been diverted.

(4) Where land assessed for use for any one purpose is diverted to any other purpose, and land revenue is assessed thereon under the provisions of this section, the premium on such diversion shall be payable at such rates as may be prescribed.

(5) Whenever land assessed for one purpose is diverted to another purpose, the Bhumiswami shall compute the premium and reassessed land revenue payable and deposit the amount so computed in the manner prescribed.

(6) The Bhumiswami shall give a written intimation of such diversion to the Sub-Divisional Officer alongwith the receipt of the deposit of the amount under sub-section (5), and the land shall be deemed to have been diverted from the date of such intimation .

(7) On the receipt of intimation under sub-section (6), the Sub-Divisional Officer shall, as soon as possible, make enquiry into the correctness of the computation made by the Bhumiswami and communicate to the Bhumiswami either confirming the computation made under sub-section (5) or informing him the correct amount of premium and land revenue payable. In case the amount deposited under sub-section (5) is less than the amount computed by the Sub-Divisional Officer, the difference shall be paid by the Bhumiswami within sixty days of receipt of such intimation:

Provided that in case the amount deposited under sub-section (5) is greater than the amount computed by the Sub-Divisional Officer, the difference shall be refunded to the Bhumiswami within sixty days.

(8) If the Sub-Divisional Officer fails to communicate to the Bhumiswami under sub-section (7) within five years from the date of intimation received under sub-section (6), the arrears of re-assessed land revenue shall not be payable for a period exceeding five years.

(9) If the Bhumiswami fails to give the intimation of diversion under sub-section (6), the Sub-Divisional Officer on his own motion or on receiving such information shall compute the premium and re-assess the land revenue payable on account of such diversion and also impose a penalty equal to fifty per centum of the total amount payable:

Provided that such re-assessed land revenue shall be payable from the actual date of diversion subject to a maximum period of five years:

Provided further that no penalty shall be imposed for one year from the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018.

(10) The Bhumiswami shall divert land for only such purpose as is permissible under the law governing the use of land for the time being in force:

Provided that no action of the Bhumiswami or Sub-Divisional Officer under this section shall be construed as granting of permission to change use of land contrary to the provisions of the applicable law:

Provided further that the competent authority may take action against Bhumiswami for such diversion contrary to the provisions of the law for the time being in force irrespective of any action taken under this section.

(11) The premium and re-assessed land revenue shall be computed at the rates prevailing on the date of intimation by the Bhumiswami under sub-section (6) or the date of passing of order by Sub-Divisional Officer under sub-section (9), as the case may be

(12) All proceedings under this section pending before the Board or any Revenue Officer prior to commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall stand abated and the Sub-Divisional Officer shall impose premium and assess the land revenue on account of diversion in accordance with the provisions of this section.".

Substitution of section 60.

32. For section 60 of the principal Act, the following section shall be substituted, namely:-

"**60. Assessment of un-assessed land—**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.".

Substitution of Chapter VII and Chapter VIII.

33. For Chapter VII and VIII of the principal Act, containing sections 61 to 103 (both inclusive), the following Chapter shall be substituted, namely:-

"CHAPTER VII
Land Survey

61. **Definition of land survey—**The "land survey" means—

(a) all or any of the following activities—

(i) division of land into survey numbers, recognition of existing survey numbers, reconstitution thereof or forming new survey numbers in land used for agricultural purposes and activities incidental thereto;

(ii) division of land into plot numbers, recognition of existing plot numbers, reconstitution thereof or forming new plot numbers and grouping them into blocks in land used for non-agricultural purposes and activities incidental thereto;

(iii) grouping of the survey numbers and blocks into villages in non-urban areas and into sectors in urban areas and activities incidental thereto;

(b) preparation of a Field Book describing the area, current land use and other attributes of each survey number, block number or plot number, as the case may be;

(c) preparation or revision or correction of field map, as the case may be;

(d) preparation of record of rights, in order to bring the land records up to date in any local area;

(e) preparation of any other record, as may be prescribed.

62. **Appointment of Commissioner Land Records**—The State Government may appoint a Commissioner Land Records who shall, subject to the direction issued in this regard by the State Government, manage the land survey and the land records.

63. **Appointment of Additional Commissioners Land Records and their powers and duties**—(1) The State Government may appoint one or more Additional Commissioner Land Records.

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

64. **Notification of proposed land survey.**—(1) The Commissioner Land Records may commence land survey in a tahsil area by publishing a notification in the official Gazette to that effect.

(2) Land survey may extend to all lands in the tahsil area or part thereof as the Commissioner Land Records may direct in the notification issued under sub-section (1).

(3) The lands notified under sub-section (1) shall be held to be under land survey from the date of said notification till the subsequent notification declaring the land survey to be closed is issued.

65. **District Survey Officer, Deputy Survey Officer and Assistant Survey Officer**—(1) In respect of the lands under land survey,—

(a) the Collector of a district shall be the District Survey Officer;

(b) the Sub-Divisional Officer of a sub-division shall be the Deputy Survey Officer for his sub-division;

(c) the Tahsildar, Additional Tahsildar or Naib Tahsildar shall be Assistant Survey Officer within their respective jurisdiction.

(2) All District Survey Officers shall be subordinate to the Commissioner Land Records.

(3) All Deputy Survey Officer and Assistant Survey Officers in a district shall be subordinate to the District Survey Officer.

(4) All Assistant Survey Officers in a sub-division shall be subordinate to the Deputy Survey Officer.

66. **Powers of District Survey Officer, Deputy Survey Officer and Assistant Survey Officer**—(1) In respect of lands under land survey the powers of the Collector, the Sub-Divisional Officer or the Tahsildar under this Code shall vest in the District Survey Officer, Deputy Survey Officer or Assistant Survey Officer respectively.

(2) The State Government may invest any Deputy Survey Officer or Assistant Survey Officer with all or any of the powers of the District Survey Officer under this Code.

67. **Formation of survey numbers, block numbers, plot numbers and their grouping into villages in non-urban areas or into sectors in urban areas.**—Subject to rules made under this Code, the District Survey Officer may—

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

(b) divide such land into survey numbers, recognize existing survey numbers, reconstitute survey numbers or form new survey numbers in land used for agricultural purpose;

(c) divide such land into block numbers, recognize existing block numbers, reconstitute block numbers or form new block numbers in land used for non agricultural purpose;

(d) divide blocks in plot numbers, recognize existing plot numbers, reconstitute plot numbers or form new plot numbers in land used for non agricultural purpose;

(e) group survey numbers and blocks into villages in non-urban areas and into sectors in urban areas:

Provided that the plots of any land lying within the boundaries of a layout approved under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No 23 of 1973), shall be deemed to be plots under this Code:

Provided further that except as hereinafter provided and subject to the approved development plan of the area, if any, no survey number or plot number shall henceforth be made of an extent less than the minimum prescribed.

68. **Power to re-number or sub-divide or amalgamate survey number, block number and plot number—** (1) The District Survey Officer may either re-number or sub-divide survey numbers into as many sub-divisions as may be required or amalgamate one or more survey numbers into a single survey number in view of the acquisition of rights in land or for any other reason.

(2) The District Survey Officer may either re-number or sub-divide block numbers and plot numbers into as many sub-divisions as may be required or amalgamate one or more block numbers and plot numbers into a single block number or plot number in view of the acquisition of rights in land or for any other reason:

Provided that no division or amalgamation of block number or plot number shall be permissible where such block or plot or any part thereof falls within the boundaries of layout approved under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No 23 of 1973).

(3) The division or amalgamation of any survey number, block number or plot number and assessment thereof shall be carried out in accordance with rules made under this Code.

(4) The District Survey Officer may modify a block by removing one or more plot numbers from a block or adding one or more plot numbers from an adjoining block.

(5) Where a holding consists of several survey numbers and plot numbers, the District Survey Officer shall assess the land revenue payable for each survey number or plot number.

(6) Whenever the survey numbers, block numbers or plot numbers are re-numbered, the District Survey Officer shall correct the entries in all records prepared or maintained under this Code.

69. **Entry of survey numbers, block numbers and plot numbers and their sub-divisions in land record—** The area and assessment of survey numbers and plot numbers and their sub-divisions and area of block numbers shall be entered in land records in such manner as may be prescribed.

70. **Determination of abadi of village.—**The District Survey 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.

71. **Power of District Survey Officer to divide or unite villages and sectors or exclude area therefrom—** (1) The District Survey Officer may divide a village to constitute two or more villages or may unite 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.
(2) The District Survey Officer may divide a sector to constitute two or more sectors or may unite two or more sectors and constitute one sector or may alter the limits of a sector by including therein any area of a sector in

the vicinity thereof or by excluding any area comprised therein, in accordance with the rules made under this Code.

72. **Assessment.**–The District Survey Officer shall fix the assessment on each holding at such rates as may be prescribed.

73. **All lands liable to assessment.**—The District Survey Officer shall make assessment on all lands to which the survey extends whether such lands are liable to the payment of land revenue or not.

74. **Duty of District Survey Officer to maintain maps and records.**—When an area is under land survey, the duty of maintaining the maps and records of such area shall stand transferred from Collector to the District Survey Officer, who shall thereupon exercise all the powers conferred on the Collector under any of the provisions of Chapters IX and XVIII.

75. **Power of Sub-Divisional Officer to correct errors.**—The Sub-Divisional Officer may, at any time after the closure of land survey, correct any error in the area or assessment of any survey number or plot number or block number due to mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction.

76. **Powers provided under this Chapter to be exercised by Collector, Sub-Divisional Officer and Tahsildar in area not under land survey.**—In any area not under land survey, the Collector, the Sub-Divisional Officer or the Tahsildar shall exercise the powers of District Survey Officer, Deputy Survey Officer or Assistant Survey Officer respectively provided under this Chapter within their respective jurisdiction.

77. **Power to make rules**—The State Government may make rules for carrying out the land survey under this Chapter.".

Substitution of section 104.

34. For section 104 of the principal Act, the following section shall be substituted, namely:—

"**104 Formation of patwari halkas in non-urban area and formation of sectors in urban area and appointment of patwaris and Nagar Sarvekshaks..**—(1) The Commissioner Land Records shall for each tahsil, arrange the villages into patwari halkas and divide each urban area into sectors and may, at any time, alter the limits of existing patwari halkas or sectors and may create new patwari halkas or sectors or abolish existing patwari halkas or sectors.

(2) The Collector shall appoint a patwari to each patwari halka and a Nagar Sarvekshak to each sector for maintaining correct land records and for such other duties as may be prescribed.

(3) Till the formation of sectors in an urban area under sub-section (1), every village, existing therein immediately before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be deemed to be a sector and relevant land records of such village shall be deemed to be land records of such sector.".

Substitution of section 105.

35. For section 105 of the principal Act, the following section shall be substituted, namely—

"105. **Formation of Revenue Inspector circles in non-urban area**—The Commissioner Land Records shall arrange the patwari halkas in a tahsil into Revenue Inspector circles and may, at any time alter the limits of any circle and may create new circles or abolish existing circles.".

36. For section 106 of the principal Act, the following section shall be substituted, namely— **Substitution of section 106.**

"106. **Appointment of Revenue Inspectors in non-urban areas**—The Collector may appoint in each Revenue Inspector circle a Revenue Inspector to supervise the preparation and maintenance of land records and to perform such other duties as may be prescribed.".

37. For section 107 of the principal Act, the following section shall be substituted, namely:— **Substitution of section 107.**

"107. **Maps of villages, abadi, blocks and sectors**—(1) For each village–

(a) a map shall be prepared showing the boundaries of survey numbers and block numbers which shall be called "village map";

(b) a map shall be prepared for abadi showing the area occupied by holders and the area not so occupied, giving separate plot numbers and such other particulars as may be prescribed which shall be called "abadi map";

(c) a map shall be prepared for diverted lands showing the area occupied by holders giving separate plot numbers and such other particulars as may be prescribed, which shall be called "block map".

(2) For each urban area a map shall be prepared of each sector showing the area occupied by holders and area not so occupied, giving separate survey numbers, block numbers and plot numbers and such other particulars as may be prescribed, which shall be called 'sector map".

(3) The maps under sub-section (1) and (2) shall be prepared on such scale as may be prescribed.".

38. For section 108 of the principal Act, the following section shall be substituted, namely:— **Substitution of section 108.**

"108. **Record of rights**—(1) A record of rights shall, in accordance with rules made in this behalf, be prepared and maintained for every village area and for each sector of every urban area and such record shall include following particulars:—

(a) the names of all Bhumiswamis together with survey numbers or plot numbers held by them and purposes for which they are being used and their area and status of irrigation in case of land used for agriculture;

(b) the names of all Government lessees and such classes of lessees as may be specified by the State Government together with survey numbers or plot numbers held by them and purposes for which they are being used and their area and status of irrigation in case of land used for agriculture;

(c) the names of all persons occupying the abadi of the village, or in urban area all persons occupying the land which was abadi of a village before the constitution of such urban area, as the case may be, along with the nature of their interest in land, plot numbers held by them and purpose for which the land is being used;

(d) the nature and extent of interest in land assigned or granted to any person by the State Government or by the person authorised under any enactment or direction of the State Government or the Central Government along with-

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

(ii) the land revenue or lease rent payable by such persons if any; and

(iii) such other particulars as may be prescribed.

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

Substitution of section 109.

39. For section 109 of the principal Act, the following section shall be substituted, namely:—

"109. **Acquisition of rights to be reported**—(1) Any person lawfully acquiring any right or interest in land shall report his acquisition of such right within six months from the date of such acquisition in the form prescribed-

(a) to the patwari or any person authorised by the State Government in this behalf or Tahsildar, in case of land situated in non-urban area;

(b) to the Nagar Sarvekshak or any person authorised by the State Government in this behalf or Tahsildar, in case of land situated in urban area:

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 or nagar sarvekshak or the person authorised or the Tahsildar.

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 (No. 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. Intimation in writing required to be given under this section may be given either through a messenger or handed over in person or may be sent by registered post or by such other means as may be prescribed.

Explanation IV. For the purpose of this section, "otherwise disqualified" includes the "person with disability" as defined in clause (5) of section 2 of the Rights of person with Disabilities Act, 2016 (No. 49 of 2016)

(2) 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 khasra has been prepared, is registered under the Indian Registration Act, 1908 (No. 16 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 times as may be prescribed.

(3) Any person whose rights, interests or liabilities are required to be or have been entered in any record or register under this Chapter, shall be bound on the requisition in writing of any Revenue Officer, Revenue Inspector, Nagar Sarvekshak 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 powers. A written acknowledgement of the information furnished or document produced shall be given to the person.

(4) Any person neglecting to make the report required by sub-section (1) or furnish the information or produce the documents required by sub-section (3) within the period specified therein shall be liable, at the discretion of the Tahsildar, to a penalty not exceeding five thousand rupees.

(5) Any report regarding the acquisition of any right under this section received after the specified period shall be dealt with in accordance with the provisions of section 110.".

40. For section 110 of the principal Act, the following section shall be substituted, namely:— **Substitution of section 110.**

"110. **Mutation of acquisition of right in land records.-** (1) The patwari or Nagar Sarvekshak or person authorised under section 109 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 any other source.

(2) The patwari or Nagar Sarvekshak or person authorised, as the case may be, shall intimate to the Tahsildar, all reports regarding acquisition of right received by him under sub-section (1) in such manner and in such Form as may be prescribed, within thirty days of the receipt thereof by him.

(3) On receipt of intimation under section 109 or on receipt of intimation of such acquisition of right from any other source, the Tahsildar shall within fifteen days,—

(a) register the case in his court;

(b) issue a notice to all persons interested and to such other persons and authorities as may be prescribed, in such Form and manner as may be prescribed; and

(c) display a notice relating to the proposed mutation on the notice board of his office, and publish it in the concerned village or sector in such manner as may be prescribed;

(4) The Tahsildar shall, after affording reasonable opportunity of being heard to the persons interested and after making such further enquiry as he may deem necessary, pass orders relating to mutation within thirty days of registration of case, in case of undisputed matter, and within five months, in case of disputed matter, and make necessary entry in the village khasra or sector khasra, as the case may be, and in other land records.

(5) The Tahsildar shall supply a certified copy of the order passed under sub-section (4) and updated land records free of cost to the parties within thirty days, in the manner prescribed and only thereafter close the case:

Provided that if the required copies are not supplied within the period specified, the Tahsildar shall record the reasons and report to the Sub-Divisional Officer.

(6) Notwithstanding anything contained in section 35, no case under this section shall be dismissed due to the absence of a party and shall be disposed of on merits.

(7) All proceedings under this section shall be completed within two months in respect of undisputed case and within six months in respect of disputed case from the date of registration of the case. In case the proceedings 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.".

41. Section 112 of the principal Act shall be deleted. **Deletion of section 112.**

42. For section 113 of the principal Act, the following section shall be substituted, namely– **Substitution of Section 113.**

"113. Correction of errors in record of rights- The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights prepared under section 108.".

43. For section 114 of the principal Act, the following section shall be substituted, namely:- **Substitution of section 114.**

"114. Land records- (1) Following land records shall be prepared for every village, namely:–

(a) village map, abadi map and block map under section 107;
(b) record of rights under section 108;
(c) village khasra or village field book in such Form as may be prescribed;
(d) Bhoo-Adhikar Pustika under section 114-A;
(e) (i) details of all unoccupied land under section 233;
(ii) Nistar Patrak under section 234;
(iii) Wajib-ul-arz, if any, under section 242;
(f) details of diverted land; and
(g) any other record as may be prescribed.

(2) Following land records shall be prepared for each sector in every urban area, namely:—

(a) sector map under section 107;
(b) record of rights under section 108;
(c) sector khasra or sector field book in such Form as may be prescribed;
(d) Bhoo-Adhikar Pustika under section 114-A;
(e) (i) details of all unoccupied land under section 233;
(ii)land reserved for public purposes under section 233-A;
(f) details of diverted land; and
(g) any other record as may be prescribed.".

Substitution of sections 114-A.

44. For Section 114-A of the principal Act, the following section shall be substituted, namely:—

"**114-A. Bhoo-Adhikar Pustika.**—(1) The Tashildar may provide to every Bhumiswami whose name is entered in the khasara prepared under section 114 a Bhoo-Adhikar Pustika in respect of his all holdings in the village or sector, as the case may be, which shall be provided to him in such Form and on payment of such fee as may be prescribed.

(2) The Bhoo-Adhikar Pustika shall consist of two parts bound as one book, which shall contain such particulars as may be prescribed.

(3) A Tahsildar may, on his own motion or on application of the Bhumiswami, after making such enquiry as he deems fit, correct any wrong or incorrect entry in Bhoo Adhikar Pustika.".

Substitution of sections 115.

45. For section 115 of the principal Act, the following section shall be substituted, namely:—

"**115. Correction of wrong or incorrect entry in land record**—(1) A 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 unauthorised entry in the land records prepared under section 114 other than Bhoo-Adhikar Pustika 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 he deems fit.".

Deletion of sections 116.

46. Section 116 of the principal Act shall be deleted.

Deletion of sections 118.

47. Section 118 of the principal Act shall be deleted.

Deletion of sections 119.

48. Section 119 of the principal Act shall be deleted.

Amendment of sections 120.

49. In section 120 of the principal Act, for the word "Measurer", the words "Nagar Sarvekshak" shall be substituted.

Deletion of sections 121.

50. Section 121 of the principal Act shall be deleted.

Substitution of section 124.

51. For Section 124 of the principal Act, the following section shall be substituted, namely:–

"124 Construction of boundary marks of villages, sectors, and survey numbers or plot numbers- (1) Boundaries of all villages and sectors shall be fixed and demarcated by permanent boundary marks.

(2) The State Government may, in respect of any village or sector, by notification, order that the boundaries of all survey numbers, block numbers or plot numbers of the village or sector or part thereof 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) Every holder of land shall be responsible for the maintenance and repair of the permanent boundary marks erected thereon.".

Amendment of section 125.

52. In section 125 of the principal Act, in the marginal heading and provision, for the words "villages, survey numbers and plot numbers", the words "villages, sectors, survey numbers, block numbers and plot numbers" shall be substituted.

Amendment of section 126.

53. In section 126 of the principal Act,–

(i) in sub-section (1), for the words "summarily eject", the words "summarily eject in a manner prescribed" shall be substituted;

(ii) sub-sections (2) and (3) shall be deleted.

Substitution of section 127.

54. For section 127 of the principal Act, the following section shall be substituted, namely:—

"127. **Demarcation and maintenance of boundary lines**–(1) Every holder of land adjoining a village road or sector road or unoccupied land or land reserved for community purposes shall, at his own cost and in the manner prescribed—

(a) affix the boundary marks between his land and village road or sector road or unoccupied land or land reserved for community purposes adjoining it, and

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

(2) If the holder fails to affix the boundary marks or 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 marks to be affixed or the boundary marks to be repaired or renewed and may recover the cost incurred as an arrear of land revenue.

Explanation—For the purpose of this section, "Village road or sector road" means a road as such which bears an indicative survey number or plot number.".

Amendment of section 128.

55. In section 128 of the principal Act, in sub-section (1), for the words "After the end of November in each year the patel of the village", the words "The Patwari or Nagar Sarvekshak" shall be substituted.

Substitution of section 129.

56. For section 129 of the principal Act, the following section shall be substituted, namely:–

"**129. Demarcation of boundaries of survey number or sub-division of survey number or block number or plot number-** (1) The Tahsildar may, on application of a party depute a Revenue Inspector or Nagar Sarvekshak to demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number and construct boundary marks thereon.

(2) The Revenue Inspector or Nagar Sarvekshak so deputed shall, after giving notice to parties interested including the neighbouring land holders, demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number, construct boundary marks thereon and submit a demarcation report to the Tahsildar in such manner as may be prescribed. The demarcation report shall also include the particulars of the possession, if any, of any person other than the Bhumiswami on the land demarcated.

(3) For carrying out the demarcation the Revenue Inspector or Nagar Sarvekshak may take the assistance of such agency and in such manner as may be prescribed.

(4) On the receipt of the demarcation report, the Tahsildar may, after giving opportunity of hearing to the parties interested including the neighbouring land holders, confirm the demarcation report or may pass such order as he thinks fit.

(5) A party aggrieved by the confirmation of demarcation report under sub-section (4), may apply to the Sub-Divisional Officer to set it aside on any of the following grounds-

(a) that he was not given notice required under sub-section (2) or opportunity of hearing under sub-section (4); or

(b) any other sufficient ground:

Provided that such application shall not be entertained after the expiry of forty-five days from the date of confirmation the demarcation report by the Tahsildar or the date of knowledge, whichever is later.

(6) The Sub-Divisional Officer may, if he admits the application made under sub-section (5), after giving opportunity of hearing to the parties interested including the neighbouring land holders and making such enquiries as he may think fit, either confirm the demarcation report submitted under sub-section (2) or depute a team consisting of such persons as may be prescribed to carry out the demarcation once again.

(7) The team deputed under sub-section (6) shall, after giving notice to parties interested including the neighbouring land holders, demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number, construct boundary marks thereon and submit report to the Sub-Divisional Officer in such manner as may be prescribed and the Sub-Divisional Officer may pass such orders on it as he thinks fit.

(8) Notwithstanding anything contained in sections 44 and 50, no appeal or application for revision shall lie against any order passed or proceedings taken under this section.

(9) The State Government may make rules for regulating the procedure to be followed by the Tahsildar in demarcating the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number prescribing the nature of the boundary marks to be used, and authorizing the levy of fees from the holders of land in demarcated survey number or sub-division or block number or plot number.".

Amendment of section 130.

57. In section 130 of the principal Act, for the words "one thousand", the words "five thousand" shall be substituted and the words "and of rewarding the informant, if any" shall be omitted.

Substitution of section 131.

58. For section 131 of the principal Act, the following section shall be substituted, namely:—

"131. **Rights of way and other private easements**—(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 unoccupied lands 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-arz prepared under section 242 or as to the source from or course by which he may avail himself of water or as to the course by which he may drain water from his fields, 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) The Tahsildar may, at any stage of the enquiry, pass an interim order to grant immediate relief in respect of any matter under dispute in sub-section (1) if he is of the opinion that grant of such relief is necessary in the facts and circumstances of the case:

Provided that such interim order shall stand vacated on the expiry of ninety days from the date of the order unless vacated earlier.".

Deletion of section 132.

59. Section 132 of the principal Act shall be deleted.

Substitution of section 133.

60. For section 133 of the principal Act, the following section shall be substituted, namely:–

"133. **Removal of obstruction** – (1) If a Tahsildar finds that any encroachment or obstruction impedes the free use of a recognised road or path including those roads and paths recorded in the village Wajib-ul-arz or common land of a village or impedes the road or water course or source of water or drainage of water which has been the subject of a decision under section 131, he may order the person responsible for such encroachment or obstacle to remove it.

(2) If such person fails to comply with the order passed under sub-section (1), the Tahsildar may cause the encroachment or 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 the Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to ten thousand rupees.

(3) If any person fails to remove the encroachment or obstruction for more than seven days after the date of order of removal thereof under sub-section (1), then without prejudice to the penalty that may be imposed under sub-section (2), 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 of removal of encroachment or obstruction and six months in case of second or subsequent order of removal of encroachment or obstruction:

Provided that no action under this sub-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 encroachment or obstruction has been removed:

Provided also that no woman shall be arrested or detained under this section .".

Deletion of section 136.

61. Section 136 of the principal Act shall be deleted.

Amendment of section 138.

62. In section 138 of the principal Act, in sub-section (1), the word "primarily" shall be omitted.

Deletion of section 139.

63. Section 139 of the principal Act shall be deleted.

Substitution of section 140.

64. For section 140 of the principal Act, the following section shall be substituted, namely:–

"140. Dates on which land revenue falls due and payable- (1) The land revenue payable on account of a year shall fall due on the first day of April of that year and shall be paid up to the last day of June of that year, in such manner, to such person and at such places as may be prescribed:

Provided that the dues of the land revenue payable at the time of the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall be paid before the 1st April, 2019.

(2) A person may, at his option, pay up to ten years land revenue in advance:

Provided that no rebate shall be granted on such advance payment:

Provided further that if the land revenue is subsequently enhanced the difference amount shall be payable.".

Substitution of section 141.

65. For section 141 of the principal Act, the following section shall be substituted, namely:–

"**141. Definition of "arrear" and "defaulter"-** Any land revenue due and not paid till the end of period as specified in section 140 becomes therefrom an arrear, and the persons responsible for it become defaulters.".

Substitution of section 142.

66. For section 142 of the principal Act, the following section shall be substituted, namely:—

"**142. Person receiving land revenue bound to give receipt-** Every person who receives a payment on account of land revenue or on account of any sum of money recoverable as an arrear of land revenue shall grant a receipt to the payee for such sum and in such Form as may be prescribed.".

67. For section 143 of the principal Act, the following section shall be substituted, namely: — **Substitution of section 143.**

"**143. Penal interest on delayed payment of land revenue-** If land revenue is not paid up to the end of the period as specified in section 140, simple interest shall be payable on the arrear thereafter till the date of payment at the rate of twelve per centum per annum for first twelve months and thereafter at the rate of fifteen per centum per annum:

Provided that no such interest shall be payable for delayed payment, where any payment of land revenue has been suspended by the order of the Government.".

68. For section 144 of the principal Act, the following section shall be substituted, namely: — **Substitution of section 144.**

"**144. Remission or suspension of land revenue on failure of crops-** The State Government may, by notification stating the reasons, 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.".

69. In section 145 of the principal Act, in sub-section (1), for the words "by the Collector or by the Tahsildar", the words "by the Tahsildar" shall be substituted. **Amendment of section 145.**

70. For section 146 of the principal Act, the following section shall be substituted, namely: — **Substitution of section 146.**

"**146. Notice of demand—**(1) A Tahsildar shall 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.

(2) Any defaulter may apply to the Tahsildar that nothing is due or that the amount due is less than the amount for which the notice of demand has been served and the Tahsildar shall decide the objection so raised and only thereafter proceed to issue any process under section 147, if required.".

71. Section 147 of the principal Act shall be renumbered as sub-section (1) thereof and- **Amendment of section 147.**

(i) in sub-section (1) as so renumbered,—

(a) the words "or Gram Sabha" occurring in the opening paragraph shall be omitted;

(b) for clause (c), the following clause shall be substituted, namely:–

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

(ii) after sub-section (1) as so renumbered, the following sub-sections shall be added, namely—

"(2) Notwithstanding anything contained in sub-section (1), the Tahsildar may recover the arrear of land revenue by attaching any financial asset including bank account or locker, wherever situate, of the defaulter. The attachment of financial assets of the defaulter shall, so far as possible be made by serving a garnishee order on the incharge of financial assets in the manner laid down in Order 21 contained in the First Schedule to the Code of Civil Procedure, 1908 (No. 5 of 1908). In case of a locker hired by the defaulter, the same shall be sealed in the presence of such incharge,

who shall thereafter await further orders of the Tahsildar regarding preparation of inventory of its contents and their ultimate disposal.

(3) The Sub-Divisional Officer may cause any person committing default in payment of an arrear of land revenue exceeding rupees fifty lakh to be arrested and shall send him with a warrant to be confined in a civil prison for a period not exceeding fifteen days unless the arrears are sooner paid:

Provided that no action under this sub-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.

(4) Notwithstanding anything contained in sub-section (3), no person shall be arrested or confined in a civil prison for an arrear of land revenue, where and for so long as such person—

(a) is a minor, or a person mentally ill or mentally retarded; and

(b) is exempted under sections 133, 135 or 135-A of the Code of Civil Procedure, 1908 (No. 5 of 1908).

(5) The Sub-Divisional Officer issuing the arrest warrant may withdraw such warrant if the defaulter pays or undertakes to pay the whole or substantial portion of the arrears and furnishes adequate security therefor.".

Amendment of section 149.

72.In section 149 of the principal Act, the words and brackets "clauses (a) and (c) of" shall be omitted.

Substitution of section 150.

73. For section 150 of the principal Act, the following section shall be substituted, namely:—

"**150. Payment before property is knocked down at a sale and thereupon proceeding to be stayed-** 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 thereupon the proceedings shall be closed.".

Amendment of section 151.

74. In section 151 of the principal Act, in sub-section (2) for the words, bracket, letter and figure "clause (c) of section 147", the words, brackets, letter and figures "clause (c) of sub-section (1) of section 147" shall be substituted.

Substitution of section 153.

75. For section 153 of the principal Act, the following section shall be substituted, namely:—

"**153. Purchaser's title.-** Where immovable 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 full money as specified in the letter of sale is deposited by the purchaser.".

Amendment of section 154-A.

76. In section 154-A of the principal Act, in sub-section (1),—

(i) for the word and figure "section 147", the words, bracket and figures "sub-section (1) of section 147" shall be substituted;

(ii) the first proviso shall be deleted;

(iii) in the second proviso, the word "further" shall be omitted.

77. In section 155 of the principal Act, in proviso to clause (g), for full stop, semicolon shall be substituted and thereafter the following clause shall be added, namely:— **Amendment of section 155.**

"(h) all moneys becoming payable to such entity owned and controlled by the State Government as may be notified by the State Government in this behalf:

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 chief executive, by whichever name called, of the said entity that the said sum should be recovered as an arrear of land revenue.".

78. In section 158 of the principal Act, in sub–section (3), for the proviso, the following proviso shall be substituted, namely:— **Amendment of section 158.**

"Provided that no such person shall transfer such land within a period of ten years from the date of lease or allotment and thereafter may transfer such land with the permission obtained under sub-section (7-b) of section 165.".

79. In section 161 of the principal Act, in the marginal heading and in sub-section (1), the words 'during the currency of settlement" shall be omitted. **Amendment of section 161.**

80. Section 162 of the principal Act shall be deleted. **Deletion of section 162.**

81. Section 163 of the principal Act shall be deleted. **Deletion of section 163.**

82. In section 165 of the principal Act, in sub-section (4), for the second proviso, the following proviso shall be substituted, namely:— **Amendment of section 165.**

"Provided further that in case of the transfer of land under sub-clause (a) of clause (i) of the preceding proviso for industrial purpose, the land shall be diverted under section 59 prior to such transfer.".

83. For section 168 of the principal Act, the following section shall be substituted, namely:— **Substitution of section 168.**

"168. **Leases-** (1) A Bhumiswami may lease any land comprised in his holding which has been assessed for the purpose of agriculture under section 59, for any period not exceeding five years at a time.

(2) The lessee shall hold the land on such terms and conditions as may be agreed upon between him and the Bhumiswami.

(3) Tahsildar on the application of the Bhumiswami on the ground of breach of any material term or condition of the lease or the lease ceasing to be in force may order the lessee to hand over possession of the land to the Bhumiswami.

(4) If a lessee does not hand over the possession of the land to the Bhumiswami on the expiry of the lease or within seven days from the date of the order passed by the Tahsildar under sub-section (3), the Bhumiswami shall be deemed to have been improperly dispossessed from his land by the lessee and shall be entitled to relief under section 250.

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 transferor by the transferee who accepts the transfer on such terms,

(b) any arrangement whereby a person cultivates any land of a Bhumiswami 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) any lease given under sub-section (1) for a period exceeding five years shall be deemed to have been given for a period of five years;

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

Deletion of section 169.

84. Section 169 of the principal Act shall be deleted.

Deletion of section 171.

85. Section 171 of the principal Act shall be deleted.

Deletion of section 172.

86. Section 172 of the principal Act shall be deleted.

Deletion of section 174.

87. Section 174 of the principal Act shall be deleted.

Deletion of section 176.

88. Section 176 of the principal Act shall be deleted.

Substitution of section 178-A.

89. For section 178-A of the principal Act, the following section shall be substituted, namely: —

"**178-A. Partition of land in life time of Bhumiswami-** (1) If any Bhumiswami wishes to partition his holding assessed for purpose of agriculture under section 59 or any part thereof amongst his legal heirs during his life time, he may apply for partition of such holding or part thereof to the Tahsildar.

(2) The Tahsildar may after hearing the legal heirs divide the holding or part thereof and apportion the assessment in accordance with the rules made under this Code.".

Substitution of section 181-A.

90. For Section 181-A of the principal Act, the following section shall be substituted, namely:—

"**181-A. Person having Free hold right shall be Bhumiswami-** Every person, who holds land in free hold right immediately prior to the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be the Bhumiswami of such land.".

Amendment of section 182.

91. In section 182 of the principal Act, in sub-section (2), for the words "a Revenue Officer", the words "the Collector" shall be substituted.

Substitution of section 183.

92. For section 183 of the principal Act, the following section shall be substituted, namely:-

"**183. Service land-** (1) Any person holding land on the condition of rendering service as a Kotwar shall cease to be entitled to such land if he diverts such land to non-agricultural purposes.

(2) Any right of a Kotwar in the service land shall not be transferred nor be transferable by way of sale, gift, mortgage, sub-lease or otherwise except by a sub-lease for a period not exceeding one year.

(3) If a Kotwar dies, resigns or is lawfully dismissed, the service land shall pass to his successor-in-office.

(4) The right of a Kotwar 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 (No.5 of 1908).

(5) If a Kotwar contravenes or attempt to contravene the provisions of sub-section (1) and (2), without prejudice to any action that may be taken against him under the provisions of this Code or any other law, such service land may be taken back from him by the order of the Tahsildar and the Kotwar or any other person who unauthorisedly continue to remain in possession of the land may be ejected under section 248.

(6) The service lands situated—

(a) in an urban area;

(b) in such area for which development plan has been approved; or

(c) in such area beyond the outer limit of urban area, as notified by the State Government,

shall cease to be service land from the date as notified by State Government and the Tahsildar shall cause necessary changes in the land records.".

Deletion of section 184.

93. Section 184 of the principal Act shall be deleted.

Deletion of Chapter XIV and saving.

94. Chapter XIV of the principal Act regarding Occupancy Tenants, containing sections 185 to 202 (both inclusive) shall be deleted:

Notwithstanding the deletion of the said chapter, any case or proceeding regarding occupancy tenant pending before the Board or any Revenue Officer or any authority before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall be heard and decided by the Board or such Revenue Officer or authority, as if the said Amendment Act had not been passed.".

Substitution of section 203.

95. For section 203 of the principal Act, the following section shall be substituted, namely:–

"203. **Alluvion and diluvion-** (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 till the land survey is undertaken, unless the area added to his holding exceeds half hectare.

(2) Where any holding is diminished in area by diluvion to an extent greater than half hectare, the land revenue payable on such holding shall be reduced.".

Amendment of section 210.

96. In Section 210 of the principal Act, for the words "Settlement Commissioner" the word 'Commissioner" shall be substituted.

Amendment of section 224.

97. In section 224 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

"(a) to collect land revenue and other related taxes and cesses payable through him and such other government dues ordered to be collected through him after deducting the collection charges, as may be determined by the State Government time to time, and pay into the Government treasury;".

Deletion of section 225.

98. Section 225 of the principal Act shall be deleted.

Amendment of section 227.

99. In section 227 of the principal Act, the word and figure "or 225" shall be deleted.

Amendment of section 229.

100. In section 229 of the principal Act, the word and figure "constituted in accordance with the provisions of section 232" shall be omitted.

Amendment of section 230.

101. In section 230 of the principal Act, the proviso to sub-section (1) shall be deleted.

Substitution of section 231.

102. For section 231 of the principal Act, the following section shall be substituted, namely: —

"**231. Remuneration of kotwars-** The State Government may, by general order, subject to such restrictions, terms and conditions as may be mentioned therein, from time to time, fix the norms for providing service land or remuneration or both to Kotwars for their services.".

Deletion of section 232.

103. In Chapter XVII of the principal Act, sub-heading "C- Gram Sabha" and section 232 shall be deleted.

Substitution of section 233.

104. For section 233 of the principal Act, the following section shall be substituted, namely:—

"**233. Record of unoccupied land-** A record of all unoccupied land shall be prepared for every village and urban area in accordance with rules made in this behalf.".

Insertion of section 233-A.

105. After section 233 of the principal Act, the following section shall be inserted, namely:–

"**233-A. Land to be set apart for public purposes in urban area-** The Collector may, in accordance with the directions issued by the State Government in this behalf, from time to time,–

(a) set apart unoccupied lands in an urban area for public purposes;
(b) change the public purpose for which any such land is set apart; or
(c) rescind the action taken under clause (a) in respect of any such land:

Provided that no land shall be set apart for public purposes under this section which is inconsistent with the approved development plan.".

Substitution of Section 234.

106. For section 234 of the principal Act, the following section shall be substituted, namely:—

"234. **Preparation of Nistar Patrak-** The Sub-Divisional Officer shall, in accordance with the provisions of this Code and the rules made thereunder, prepare a Nistar Patrak for every village embodying a scheme of management of all unoccupied land in the village and all matters incidental thereto and more particularly matters specified in section 235.".

Amendment of section 239

107. In section 239 of the principal Act,

(i) sub-sections (2),(3) and (4) shall be deleted;

(ii) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:—

"(5) If any of the terms and conditions of tree planting permit or tree patta granted under this section prior to the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 is breached, the Tahsildar may, after giving reasonable opportunity of being heard to the holder thereof, cancel the tree planting permit or tree patta and if such person unauthorisedly continues to remain in possession of the unoccupied land the Tahsildar shall proceed to take action against him under section 248.

(6) The unoccupied land on which any tree planting permit or tree patta has been given prior to the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 may be used for any public purpose by the order of the Collector. If any interest of the holder of such tree planting permit or tree patta is adversely affected due to such use, the holder shall be entitled for such compensation which shall be calculated in such manner as may be prescribed.".

Amendment of section 240.

108. In Section 240 of the principal Act,—

(i) for the existing marginal heading, the following marginal heading shall be substituted, namely:—

"Prohibition of cutting of certain trees in villages";

(ii) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Government may by rules made in this behalf, prohibit or regulate cutting of trees in villages standing on the land belonging to Bhumiswami or State Government, if it is satisfied that such prohibition or regulation is in the public interest or required for preventing erosion of soil.".

Amendment of section 243.

109. In section 243 of the principal Act, in sub-section (3), for the words, figures and bracket "The Land Acquisition Act, 1894 (No. 1 of 1894)", the words, figures and bracket "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)" shall be substituted.

Substitution of section 244.

110. For section 244 of the principal Act, the following section shall be substituted, namely:—

"244. **Allotment of abadi sites -** Subject to rules made in this behalf, the Tahsildar shall allot abadi sites on lease in the abadi area.".

Substitution of section 245.

111. For section 245 of the principal Act, the following section shall be substituted, namely:—

"**245.Rights to hold house site free of land revenue-**Any building site of reasonable dimensions in the abadi, which is held by a kotwar or by a person who holds land or who works as an agricultural artisan or an agricultural labourer in such village or in a village usually cultivated from such village, as on the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall not be liable to the payment of land revenue"."

Amendment of section 246.

112. For section 246 of the principal Act, the following section shall be substituted, namely:—

"**246. Rights of persons holding house site in abadi-** Every person who lawfully holds any land as a house site in the abadi immediately prior to coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be a Bhumiswami.".

Amendment of section 248.

113. In section 248 of the principal Act, in sub-section (1), for the words "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 pay fine with may extend to twenty per centum of the market value of such encroached land", the words "to a fine with may extend to one lakh rupees" shall be substituted.

Substitution of section 250.

114. For section 250 of the principal Act, the following section shall be substituted, namely:—

"**250. Reinstatement of Bhumiswami improperly dispossessed-** (1) The Tahsildar shall,-

(a) on application of a Bhumiswami or his successor-in-interest who has been improperly dispossessed, issue a show cause notice to the person occupying Bhumiswami's land to explain the grounds of his possession and make such enquiry as he thinks fit; or

(b) on coming to know that a Bhumiswami has been improperly dispossessed, on his own motion start proceedings under clause (a).

(2) If after the enquiry the Tahsildar finds that the Bhumiswami has been improperly dispossessed, he shall order the restoration of the possession to the Bhumiswami and also put him in possession of the land.

(3) The Tahsildar may, at any stage of the enquiry, pass an interim order to the person occupying the land to hand-over its possession to the Bhumiswami, if he finds that the Bhumiswami was dispossessed by opposite party within six months prior to the submission of the application or commencement of suo motu proceedings under this section.

(4) The person against whom an interim order has been passed under sub-seciton (3) may be required by the Tahsildar to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of land until the final order is passed by the Tahsildar and 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.

(5) Where the Tahsildar orders restoration of possession of land to the Bhumiswami under sub-section (2), the Tahsildar shall also award compensation to be paid to the Bhumiswami by the opposite party for the period of his unauthorised possession and such compensation shall be calculated at the pro rata rate of ten thousand rupees per hectare per year. The compensation awarded under this section shall be recoverable as an arrear of land revenue.

(6) When an order has been passed under sub-section (2) for the restoration of possession of land to the Bhumiswami, the Tahsildar may require the opposite party to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of the land in contravention of the order.

(7) Where an order has been passed under sub-section (2) for the restoration of the possession of land to the Bhumiswami, the opposite party shall also be liable to fine which may extend to fifty thousand rupees.

(8) If any person continues in unauthorised occupation or possession of land for more than seven days after the date of order for restoration of possession under sub-section (2) or sub-section (3), then without prejudice to the compensation payable under sub-section (5) or the fine under sub-section (7), 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 Bhumiswami:

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 unauthorized possession has been vacated.

Explanation I.- For the purpose of this section, the Bhumiswami includes government lessee.

Explanation II.- For the purpose of this Section "Bhumiswami improperly dispossessed" means a Bhumiswami who is dispossessed of his land otherwise than in due course of law or if any person continues unauthorisedly in possession of land of the Bhumiswami to the use of which such person has ceased to be entitled.".

Deletion of section 250-A.

115. Section 250A of the principal Act shall be deleted.

Deletion of section 252.

116. Section 252 of the principal Act shall be deleted.

Amendment of section 253.

117. In section 253 of the principal Act, sub-section (2) shall be deleted.

Deletion of section 254.

118. Section 254 of the principal Act shall be deleted.

Deletion of section 255.

119. Section 255 of the principal Act shall be deleted.

Amendment of section 257.

120. In section 257 of the principal Act,-

(i) clauses (n) (o), (p), (q), (r), (s), (t) and (u) shall be deleted;

(ii) for clause (x), the following clause shall be substituted, namely:—

"(x) any decision regarding reinstatement of a Bhumiswami improperly dispossessed and confinement in civil prison under section 250;";

(iii) clause (x-i) shall be deleted;

(iv) clause (z-1) shall be deleted.

Amendment of section 258.

121. In section 258 of the principal Act,—

(i) in sub-section (2),—

(a) after clause (i), the following clause shall be inserted, namely:—

"(i-a) prescription of Form for publishing proposal under section 13(2); ";

(b) for clause (ii), the following clause shall be substituted, namely:-

"(ii) the prescription of the duties of Superintendents of Land Records and Assistant Superintendents of Land Records under section 20(2);";

(c) for clause (iii), the following clause shall be substituted, namely:—

"(iii) rates for assessment, imposition of premium and assessment and reassessment of land revenue and manner for intimation of diversion under section 59;";

(d) after clause (iv), the following clause shall be inserted, namely:—

" (iv-a) prescription of other record under section 61(e);

(iv-b) powers to be exercised and duties shall be discharged under section 63 (2);";

(e) for clause (v), the following clause shall be substituted, namely:—

"(v) formation of survey numbers, block numbers, plot numbers and their grouping into villages in non-urban areas or into sectors in urban areas under section 67;

(v-a) division or amalgamation of any survey number, block number, plot number and assessment thereof under sub-section (3) of section 68;";

(f) for clause (vi), the following clause shall be substituted, namely:—

"(vi) entry of survey numbers, block numbers and plot numbers and their sub-divisions in land record under section 69;";

(g) for clause (vii) the following clause shall be substituted, namely:—

"(vii) division and alteration of village or sector by dividing or uniting the villages or sectors under section 71;";

(h) for clause (viii), the following clause shall be substituted, namely:-

"(viii) rates of fixation of assessment on holding under section 72 ;";

(i) clauses (ix), (x) and (xi) shall be deleted;

(j) for clause (xii), the following clause shall be substituted, namely:—

"(xii) the regulation of the conduct of land survey under section 77;";

(k) clauses (xv), (xvi), (xvii) and (xviii) shall be deleted;

(l) for clause (xix), the following clause shall be substituted, namely:-

"(xix) prescription of other duties of patwaris and Nagar Sarvekshaks under section 104 (2);";

(m) for clause (xxi), the following clause shall be substituted, namely:—

"(xxi) prescription of other particulars and scale of map under section 107;";

(n) for clause (xxiii), the following clause shall be substituted, namely:—

"(xxiii) prescription of Forms of, and manner for-

(a) reporting of acquisition of right, intimation;

(b) pre-mutation sketch, if any;
(c) acknowledgement,
(d) registers,
(e) writing, intimation or displaying of notice;
(f) supply of copy;
(g) information of pending cases; and
(h) prescription of fees,
under sections 109, and 110;";
(o) clause (xxiv) shall be deleted;
(p) for clause (xxv), the following clause shall be substituted, namely:—

"(xxv) preparation and prescription of land records under section 114;";

(q) after clause (xxv), the following clause shall be inserted, namely:–

"(xxv-a) prescription of fee on the payment of which Bhoo Adhikar Pustika shall be provided and details of particulars entered into under section 114-A;";

(r) for clause (xxviii), the following clause shall be substituted, namely:—

"(xxviii) specification of, and manner of, construction and maintenance of boundary marks of villages, sectors and survey numbers or plot numbers under section 124;";
(s) for clause (xxix), the following clause shall be substituted, namely:—

"(xxix) the manner of demarcating boundary marks between a village road, village waste or land reserved for community purposes and the land adjoining it and the manner in which they shall be kept in repair and renewed under section 127;";

(t) for clause (xxxi), the following clause shall be substituted, namely-

"(xxxi) manner, persons to whom and the places where, the land revenue shall be paid under section 140;";

(u) in clause (xxxvi), the words "during the currency of settlement" shall be omitted;

(v) clause (xxxvii) shall be deleted;

(w) clause (xli) shall be deleted;

(x) clause (xliii) shall be deleted;

(y) after clause (xliv), the following clause shall be inserted, namely:-

"(xliv-a) regulation of partition in life time of a Bhumswami and apportionment of assessment under section 178-A;";

(z) clauses (xlvii) to (li) shall be deleted;

(z-a) clause (lvi) shall be deleted;

(z-b) after clause (lvii) the following clause shall be inserted, namely:–

"(lvii-a) prescription of the record to be maintained under section 233-A;";

(z-c) for clause (lx), the following clause shall be substituted, namely–

"(lx) manner for calculation of compensation under section 239 (6);";

(z-d) after clause (lxv), the following clause shall be inserted, namely—

"(lxv-a) for the purpose of carrying into effect the provisions of section 250;";

(z-e) clause (lxvii) shall be deleted;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2A) The State Government 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 followed by other Revenue Courts and may by such rules annul, alter or add to all or any of the rules in Schedule I.

(2B) In particular and without prejudice to the generality of the powers conferred by sub-section (2A), 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;

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

(2C) Such rules 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.".

Amendment of Schedule I.

122. In Schedule 1 to the principal Act, in the heading, for bracket, words and figure "(see section 41)", the brackets, words, figures and letters "[see section 258(2A) and (2C)]" shall be substituted.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2018.

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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 57] भोपाल, बुधवार, दिनांक 12 फरवरी 2020—माघ 23 शक 1941

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 12 फरवरी 2020

क्र. 2846-38-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 7 फरवरी 2020 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

आर. पी. गुप्ता, अवर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक १४ सन् २०२०

मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१९

विषय-सूची.

धाराएं :

१. संक्षिप्त नाम.

२. धारा २ का संशोधन.

३. धारा १३ का संशोधन.

४. धारा १९ का संशोधन.

५. धारा २२ का स्थापन.

६. धारा ३३ का संशोधन.

७. धारा ४० का संशोधन.

८. धारा ४७ का स्थापन.

९. धारा ५० का संशोधन.

१०. धारा ५९ का संशोधन.

११. धारा ६७ का स्थापन.

१२. धारा ७२ का संशोधन.

१३. धारा १०८ का संशोधन

१४. धारा ११० का संशोधन.

१५. धारा ११४ का संशोधन.

१६. धारा १२९ का संशोधन.

१७. धारा १३४ का संशोधन.

१८. धारा १५८ का संशोधन.

१९. धारा १६५ का संशोधन.

२०. धारा १७६ का अंत:स्थापन.

२१. धारा १८३ का संशोधन.

२२. धारा २४४ का स्थापन.

२३. धारा २४५ का स्थापन.

२४. धारा २४८ का संशोधन.

२५. धारा २५७ का संशोधन.

२६. धारा २५८ का संशोधन.

मध्यप्रदेश अधिनियम

क्रमांक १४ सन् २०२०

मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१९

[दिनांक ७ फरवरी, २०२० को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक १२ फरवरी, २०२० को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश भू-राजस्व संहिता, १९५९ को और संशोधित करने लिए अधिनियम.

भारत गणराज्य के सत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१९ है. **संक्षिप्त नाम.**

२. मध्यप्रदेश भू-राजस्व संहिता, १९५९ (क्रमांक २० सन् १९५९) (जो इसमें उसके पश्चात् मूल अधिनियम के नाम से निर्दिष्ट है) की धारा २ में उप-धारा (१) में, खण्ड (प) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात् :— **धारा २ का संशोधन.**

"(प) 'राजस्व अधिकारी' से अभिप्रेत है, धारा ११ में उल्लिखित राजस्व अधिकारी;".

३. मूल अधिनियम की धारा १३ में,— **धारा १३ का संशोधन.**

(एक) उपधारा (२) के परंतुक का लोप किया जाए;

(दो) उपधारा (२) के पश्चात्, निम्नलिखित नई उपधारा जोड़ी जाये, अर्थात्:—

"(३) राज्य सरकार, किसी भी संभाग या जिले या उपखण्ड या तहसील की सीमाओं में परिवर्तन करने या नवीन सृजन करने या विद्यमान संभागों, जिलों, उपखण्डों या तहसीलों को समाप्त करने के किसी भी प्रस्ताव पर इस धारा के अधीन कोई आदेश पारित करने से पूर्व, ऐसे प्रस्तावों पर विहित प्ररूप में आपत्तियां आमंत्रित करेगी और प्राप्त आपत्तियों पर, यदि कोई हों, विचार करेगी.".

४. मूल अधिनियम की धारा १९ में, उपधारा (२) एवं उपधारा (३) के स्थान पर, निम्नलिखित उपधाराएं स्थापित की जाएं, अर्थात् :— **धारा १९ का संशोधन.**

"(२) कलक्टर, किसी तहसीलदार को किसी तहसील का भारसाधक बना सकेगा जो ऐसी शक्तियों का प्रयोग करेगा तथा ऐसे कर्तव्यों का पालन करेगा जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा या उसके अधीन उसे प्रदत्त की गयी हैं या अधिरोपित किए गये हैं.

(३) कलक्टर, किसी तहसील में एक या एक से अधिक अपर तहसीलदार तथा नायब तहसीलदार नियुक्त कर सकेगा जो वहां ऐसी शक्तियों का प्रयोग करेंगे तथा ऐसे कर्तव्यों का पालन करेंगे जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा या उसके अधीन तहसीलदार को प्रदत्त की गयी हैं या अधिरोपित किए गये हैं, जैसा कि जिले का कलक्टर, लिखित आदेश द्वारा निदेशित करे.".

धारा २२ का स्थापन.

५. मूल अधिनियम की धारा २२ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**२२ उपखण्ड अधिकारी.**—कलक्टर, किसी सहायक कलक्टर या संयुक्त कलक्टर या डिप्टी कलक्टर को जिले के एक या एक से अधिक उपखण्डों का भारसाधक बना सकेगा जो ऐसी शक्तियों का प्रयोग करेगा तथा ऐसे कर्तव्यों का पालन करेगा जो इस संहिता द्वारा या इस संहिता के अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा या उसके अधीन उपखण्ड अधिकारी को प्रदत्त की गयी हैं या अधिरोपित किए गये हैं.''.

धारा ३३ का संशोधन.

६. मूल अधिनियम की धारा ३३ में शब्द एवं अंक ''धारा ४१'' के स्थान पर, शब्द एवं अंक ''धारा २५८'' स्थापित किए जाएं.

धारा ४० का संशोधन.

७. मूल अधिनियम की धारा ४० में, शब्द ''इस अध्याय के उपबंधों के अनुसार'' का लोप किया जाए.

धारा ४७ का स्थापन.

८. मूल अधिनियम की धारा ४७ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''**४७. अपीलों की परिसीमा.**—प्रथम तथा द्वितीय अपील फाइल करने के लिये परिसीमा अवधि, आदेश जिसके विरूद्ध अपील की गई है की तारीख से, पैंतालीस दिन होगी:

परन्तु जहां कोई आदेश, जिसके विरूद्ध अपील प्रस्तुत की जा रही है, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रवृत्त होने के पूर्व किया गया था, वहां अपील करने की परिसीमा की अवधि, उक्त संशोधन अधिनियम के पूर्व संहिता में उपबंधित किए गए अनुसार होगी:

परन्तु यह और कि जहां किसी ऐसे पक्षकार को, जो उस पक्षकार से भिन्न हो जिसके कि विरुद्ध एकपक्षीय आदेश पारित किया गया है, उस तारीख की, जिसको कि आदेश पारित किया गया था, कोई पूर्व सूचना न रही हो, वहां परिसीमा की संगणना ऐसे आदेश के संसूचित किए जाने की तारीख से की जाएगी.''.

धारा ५० का संशोधन.

९. मूल अधिनियम की धारा ५० में, उपधारा (३) में, खण्ड (क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(क) ऐसा आदेश, यदि वह पुनरीक्षण का आवेदन करने वाले पक्षकार के पक्ष में किया गया होता तो कार्यवाहियों का अंतिम रूप से निपटारा कर देता; या''.

धारा ५९ का संशोधन.

१०. मूल अधिनियम की धारा ५९ में, उपधारा (९) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

''(९) यदि भूमिस्वामी उपधारा (६) के अधीन व्यपवर्तन की प्रज्ञापना देने में असफल रहता है तो उपखण्ड अधिकारी स्वप्रेरणा से या ऐसी जानकारी प्राप्त होने पर प्रीमियम की गणना तथा ऐसे व्यपवर्तन के मद्दे देय भू-राजस्व का पुनर्निर्धारण करेगा और देय कुल रकम के पचास प्रतिशत के बराबर शास्ति भी अधिरोपित करेगा:

परन्तु ऐसा पुनर्निर्धारित भू-राजस्व व्यपवर्तन की वास्तविक तारीख से अधिकतम पांच वर्ष की अवधि के अध्यधीन रहते हुए, देय होगा:

परन्तु यह और कि मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रारंभ होने की तारीख से एक वर्ष के लिए कोई शास्ति अधिरोपित नहीं की जाएगी.''.

११. मूल अधिनियम की धारा ६७ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— धारा ६७ का स्थापन.

"६७.—**सर्वेक्षण संख्यांक, ब्लाक संख्यांक, भूखण्ड संख्यांक की विरचना और उनको नगरेतर क्षेत्रों में, ग्रामों में तथा नगरीय क्षेत्रों में सेक्टर में समूहीकृत करना.**—इस संहिता के अधीन बनाए गए नियमों के अध्यधीन रहते हुए, जिला सर्वेक्षण अधिकारी—

(क) उस भूमि का, जिस पर भू-सर्वेक्षण किया जाना है, मापन कर सकेगा तथा उस पर उतनी संख्या में सर्वेक्षण चिन्हों को संनिर्मित कर सकेगा जितने कि आवश्यक हों;

(ख) यदि ऐसी भूमि कृषि प्रयोजन के लिये उपयोग में है तो ऐसी भूमि को सर्वेक्षण संख्यांकों में विभाजित कर सकेगा, विद्यमान सर्वेक्षण संख्यांकों को मान्य कर सकेगा, सर्वेक्षण संख्यांकों को पुनर्गठित कर सकेगा या नवीन सर्वेक्षण संख्यांक विरचित कर सकेगा;

(ग) यदि ऐसी भूमि गैर कृषि प्रयोजन के लिये उपयोग में है तो ऐसी भूमि को ब्लाक संख्यांकों में विभाजित कर सकेगा, विद्यमान ब्लाक संख्यांकों को मान्य कर सकेगा, ब्लाक संख्यांकों को पुनर्गठित कर सकेगा या नवीन ब्लाक संख्यांक विरचित कर सकेगा;

(घ) भूमि, जो गैर कृषि प्रयोजन के लिए उपयोग में है, के ब्लाक को भूखण्ड संख्यांकों में विभाजित कर सकेगा, विद्यमान भूखण्ड संख्यांकों को मान्य कर सकेगा, भूखण्ड संख्यांकों को पुनर्गठित कर सकेगा या नवीन भूखण्ड संख्यांक विरचित कर सकेगा;

(ङ) सर्वेक्षण संख्यांकों तथा ब्लॉकों को नगरेतर क्षेत्रों में ग्रामों में तथा नगरीय क्षेत्रों में सेक्टरों में समूहीकृत कर सकेगा:

परन्तु मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) के अधीन अनुमोदित विन्यास की सीमाओं के भीतर आने वाली किसी भूमि के भूखण्ड इस संहिता के अधीन भूखण्ड समझे जाएंगे:

परन्तु यह और कि यहां इसमें इसके पश्चात् यथा उपबंधित के सिवाय और क्षेत्र की अनुमोदित विकास योजना, यदि कोई हो, के अध्यधीन रहते हुए, भविष्य में न्यूनतम विहित सीमा से कम का कोई सर्वेक्षण क्रमांक या भूखण्ड क्रमांक निर्मित नहीं किया जाएगा.".

१२. मूल अधिनियम की धारा ७२ में, शब्द "ऐसी दरों पर, जैसी की विहित की जाएं," के स्थान पर, शब्द "धारा ५९ एवं ६० के अधीन बनाए गए नियमों के अनुसार" स्थापित किए जाएं. धारा ७२ का संशोधन.

१३. मूल अधिनियम की धारा १०८ में, उपधारा (१) में, खण्ड (घ) में, उपखण्ड (एक) के स्थान पर, निम्नलिखित उपखण्ड स्थापित किया जाए, अर्थात्:— धारा १०८ का संशोधन.

"(एक) ऐसे व्यक्तियों के अपने-अपने हितों की प्रकृति तथा सीमा और उनसे संलग्न शर्तें या दायित्व, यदि कोई हों;".

१४. मूल अधिनियम की धारा ११० में, उपधारा (१) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:— धारा ११० का संशोधन.

"(१) पटवारी या नगर सर्वेक्षक या धारा १०९ के अधीन प्राधिकृत व्यक्ति, अधिकार के प्रत्येक ऐसे अर्जन को, जिसकी कि रिपोर्ट उसे धारा १०९ के अधीन की गयी हो या जो किसी अन्य स्रोत से प्राप्त सूचना पर उसकी जानकारी में आए, इस प्रयोजन हेतु विहित किए गए रजिस्टर में दर्ज करेगा.".

धारा ११४ का संशोधन.

१५. मूल अधिनियम की धारा ११४ में, उपधारा (१) में, खण्ड (क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(क) धारा १०७ के अधीन ग्राम का नक्शा, आबादी का नक्शा तथा ब्लॉक का नक्शा;".

धारा १२९ का संशोधन.

१६. मूल अधिनियम की धारा १२९ में, उपधारा (८) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(८) धारा ४४ तथा ५० में अंतर्विष्ट किसी बात के होते हुए भी, कोई अपील या पुनरीक्षण का आवेदन, इस धारा के अधीन पारित किए गए किसी आदेश या की गई कार्यवाहियों के विरुद्ध नहीं होगा.".

धारा १३४ का संशोधन.

१७. मूल अधिनियम की धारा १३४ में, शब्द एवं अंक "धारा १३१, १३२ या १३३" के स्थान पर, शब्द एवं अंक "धारा १३१ या १३३" तथा शब्द "पांच सौ रुपये" के स्थान पर, शब्द "पांच हजार रुपये" स्थापित किए जाएं.

धारा १५८ का संशोधन.

१८. मूल अधिनियम की धारा १५८ में, उपधारा (३) के परंतुक के स्थान पर, निम्नलिखित परंतुक स्थापित किया जाए, अर्थात्:—

"परन्तु निम्नलिखित में से किसी भी श्रेणी में आने वाले व्यक्ति से भिन्न ऐसा व्यक्ति पट्टे या आवंटन की तारीख से दस वर्ष की कालावधि के भीतर ऐसी भूमि अंतरित नहीं करेगा और उसके पश्चात् धारा १६५ की उपधारा (७-ख) के अधीन अनुज्ञा प्राप्त कर ऐसी भूमि अंतरित कर सकेगा:—

(एक) मध्यप्रदेश साधारण खण्ड अधिनियम, १९५७ (क्रमांक ३ सन् १९५८) की धारा २ के खंड (२०) में यथा परिभाषित कोई स्थानीय प्राधिकारी;

(दो) मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) की क्रमशः धारा ३८ तथा ६४ के अधीन गठित किसी नगर तथा ग्राम विकास प्राधिकरण या विशेष क्षेत्र विकास प्राधिकरण;

(तीन) मध्यप्रदेश गृह निर्माण एवं अधोसंरचना विकास मण्डल अधिनियम, १९७२ (क्रमांक ३ सन् १९७३) के अधीन गठित मध्यप्रदेश गृह निर्माण एवं अधोसंरचना विकास मण्डल;

(चार) कम्पनी अधिनियम, २०१३ (क्रमांक १८ सन् २०१३) की धारा २ के खण्ड (४५) में यथा परिभाषित कोई सरकारी कम्पनी जिसमें राज्य सरकार ५१ प्रतिशत से अधिक शेयर धारण करती है;

(पांच) कोई व्यक्ति जिसे राज्य सरकार द्वारा नीलामी के माध्यम से भूमिस्वामी अधिकार में भूमि आवंटित है;

(छह) राज्य सरकार द्वारा समय-समय पर अधिसूचित कोई शासकीय सत्ता जिसे भूमिस्वामी अधिकार में भूमि आवंटित है.".

धारा १६५ का संशोधन.

१९. मूल अधिनियम की धारा १६५ में, उपधारा (१) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(१) इस धारा के अन्य उपबंधों, धारा १५८ की उपधारा (३) के परंतुक के उपबंधों और धारा १६८ के उपबंधों के अध्यधीन रहते हुए कोई भूमिस्वामी अपनी भूमि में का कोई हित अंतरित कर सकेगा.".

२०. मूल अधिनियम की धारा १७५ के पश्चात् निम्नलिखित धारा अंत:स्थापित की जाए, अर्थात्:— **धारा १७६ का अंत: स्थापन.**

"१७६. **खाते का परित्याग.**—(१) यदि कोई भूमिस्वामी, जो अपने खाते पर स्वयं या किसी अन्य व्यक्ति द्वारा पाँच वर्ष तक खेती नहीं करता है, भू-राजस्व का भुगतान नहीं करता है और उसने उस ग्राम को जिसमें कि वह सामान्यत: निवास करता है, छोड़ दिया हो, तो तहसीलदार ऐसी जांच के पश्चात् जैसी कि वह आवश्यक समझे, उस खाते में समाविष्ट भूमि का कब्जा ले सकेगा और एक बार में एक कृषि वर्ष की कालावधि के लिए भूमिस्वामी की ओर से पट्टे पर देकर उस पर खेती की व्यवस्था कर सकेगा.

(२) जहां भूमिस्वामी या भूमि के लिए विधिपूर्वक हकदार कोई अन्य व्यक्ति, उस तारीख के, जिसको कि तहसीलदार ने उस भूमि का कब्जा लिया हो, आगामी कृषि वर्ष के प्रारंभ से पांच वर्ष की कालावधि के भीतर उस भूमि के लिए दावा करता है, वहां वह भूमि, शोध्यों का, यदि कोई हो, भुगतान कर दिया जाने पर तथा ऐसे निबंधनों तथा शर्तों पर, जैसी कि तहसीलदार ठीक समझे, उसे वापस दिला दी जाएगी.

(३) जहां उपधारा (२) के अधीन कोई दावा नहीं किया जाता है या यदि कोई दावा किया जाता है और वह नामंजूर कर दिया जाता है तो तहसीलदार से प्रतिवेदन प्राप्त होने पर, उपखण्ड अधिकारी, ऐसी जांच करने के पश्चात्, जैसी कि वह ठीक समझे, उस खाते को परित्यक्त घोषित करते हुए आदेश करेगा और वह खाता ऐसी तारीख से, जो कि उस आदेश में उस निमित्त विनिर्दिष्ट की जाए, राज्य सरकार में पूर्ण रूप से निहित हो जाएगा.

(४) जहां कोई खाता उपधारा (३) के अधीन परित्यक्त घोषित कर दिया जाता है, वहां राजस्व की उस बकाया के संबंध में जो कि उस खाते के बाबत् उस भूमिस्वामी से शोध्य हों, उस भूमिस्वामी के दायित्व का उन्मोचन हो जाएगा.".

२१. मूल अधिनियम की धारा १८३ में, उपधारा (६) में, शब्द "राज्य सरकार द्वारा यथा अधिसूचित तारीख से" विलोपित किए जाएं. **धारा १८३ का संशोधन.**

२२. मूल अधिनियम की धारा २४४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा २४४ का स्थापन.**

"२४४. **आबादी स्थल का निपटारा.**—इस निमित्त बनाए गए नियमों के अध्यधीन रहते हुए, तहसीलदार आबादी क्षेत्र में भूमिस्वामी अधिकारों में आबादी स्थलों का निपटारा करेगा.".

२३. मूल अधिनियम की धारा २४५ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— **धारा २४५ का संशोधन.**

"२४५. **भू-राजस्व मुक्त गृह स्थल धारण करने का अधिकार.**—आबादी में स्थित युक्तियुक्त माप (डायमेंशन) का कोई भवन स्थल, जो मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०१८ के प्रारंभ होने के समय किसी कोटवार द्वारा धारित है या किसी व्यक्ति द्वारा जो ऐसे ग्राम में या उस ग्राम में जिसमें कि सामान्यत: ऐसे ग्राम से खेती की जाती है, भूमि धारण करता है या कृषि शिल्पी या कृषि श्रमिक के रूप में कार्य करता है, भू-राजस्व के भुगतान के दायित्वाधीन नहीं होगा.".

२४. मूल अधिनियम की धारा २४८ में, उपधारा (१) में, शब्द तथा अंक "धारा २३७ के अधीन" के पश्चात् शब्द तथा अंक "या धारा २३३-क के अधीन किसी लोक प्रयोजन के लिए पृथक् रखी गई हो" अंत: स्थापित किए जाएं. **धारा २४८ का संशोधन.**

धारा २५७ का संशोधन.

२५. मूल अधिनियम की धारा २५७ में,—

(एक) खण्ड (ख) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(ख) भू-सर्वेक्षण की अधिसूचना की विधिमान्यता या उसके प्रभाव के बारे में कोई प्रश्न;";

(दो) खण्ड (ग) में, शब्द "बन्दोबस्त अधिकारी" के स्थान पर, "जिला सर्वेक्षण अधिकारी" स्थापित किए जाएं.

धारा २५८ का संशोधन.

२६. मूल अधिनियम की धारा २५८ (२) में,—

(एक) खण्ड (एक-क) में, शब्द, कोष्ठक एवं अंक "धारा १३ (२)" के स्थान पर, शब्द, कोष्ठक एवं अंक "धारा १३ की उपधारा (३)" स्थापित किए जाएं;

(दो) खण्ड (तीन) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(तीन) निर्धारण की दरें, प्रीमियम का अधिरोपण और भू-राजस्व का निर्धारण तथा पुनर्निधारण और धारा ५९ के अधीन व्यपवर्तन की प्रज्ञापना के लिए रीति;";

(तीन) खण्ड (आठ) का लोप किया जाए;

(चार) खण्ड (तेईस) में,—

(क) उपखण्ड (क) के स्थान पर, निम्नलिखित उपखण्ड स्थापित किया जाए, अर्थात्:—

"(क) अधिकार के अर्जन की रिपोर्ट करना, प्रज्ञापना;";

(ख) उपखण्ड (ङ) के स्थान पर, निम्नलिखित उपखण्ड स्थापित किया जाए, अर्थात्:—

"(ङ) नोटिस का लेख, उसकी प्रज्ञापना या उसका प्रदर्शित किया जाना;";

(पांच) खण्ड (अठ्ठाईस) के पश्चात् निम्नलिखित खण्ड अन्त:स्थापित किया, अर्थात्:—

"(अठ्ठाईस-क) रीति जिसमें किसी व्यक्ति को धारा १२६ के अधीन संक्षेपत: बेदखल किया जाए;";

(छ:) खण्ड (तैंतीस) का लोप किया जाए;

(सात) खण्ड (पैंतालीस-क) का लोप किया जाए;

(आठ) खण्ड (चौवन) का लोप किया जाए;

(नौ) खण्ड (सत्तावन-क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया, अर्थात्:—

"(सत्तावन-क) धारा २३३-क के अधीन संधारित रखे जाने वाले अभिलेख का विहित किया जाना ;";

(दस) खण्ड (अड़सठ) का लोप किया जाए.

भोपाल, दिनांक 12 फरवरी 2020

क्र. 2846-38-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व (संशोधन) अधिनियम, 2019 (क्रमांक 14 सन् 2020) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

आर. पी. गुप्ता, अवर सचिव.

MADHYA PRADESH ACT

NO. 14 OF 2020

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) ACT, 2019

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MADHYA PRADESH ACT
No. 14 OF 2020

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) ACT, 2019

[Received the assent of the Governor on the 7th February, 2020; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 12th February, 2020.]

An Act further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh Legislature in the seventieth year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2019.

Amendment of Section 2.

2. In Section 2 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), in sub-section (1), for clause (u), the following clause shall be substituted, namely :—

"(u) 'Revenue Officer' means any revenue officer mentioned in Section 11;".

Amendment of Section 13.

3. In Section 13 of the principal Act,-

(i) the proviso to sub-section (2) shall be deleted;

(ii) after sub-section (2), the following new sub-section shall be added, namely:-

"(3) The State Government, before passing any order under this section on any proposal to alter the limits of any division or district or sub-division or tahsil or to create new or abolish existing division or district or sub-division or tahsil, shall invite objections to such proposals in the prescribed Form and shall take into consideration objections received, if any.".

Amendment of Section 19.

4. In Section 19 of the principal Act, for sub-section (2) and sub-section (3), the following sub-sections shall be substituted, namely:-

"(2) The Collector may place a Tahsildar as in charge of a tahsil, who shall exercise therein the powers and perform the duties conferred or imposed on him by or under this Code or by or under any other enactment for the time being in force.

(3) The Collector may place one or more Additional Tahsildars and Naib Tahsildars in a tahsil who shall exercise therein such powers and perform 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 may, by an order in writing, direct.".

Substitution of Section 22.

5. For Section 22 of the principal Act, the following section shall be substituted, namely-

"22. Sub-Divisional Officers- The Collector may place any Assistant Collector or Joint Collector or Deputy Collector to be in charge of one or more sub-divisions of the district who shall exercise therein the powers and perform the duties conferred or imposed on a Sub-Divisional Officer by or under this Code or by or under any other enactment for the time being in force.".

Amendment of Section 33.

6. In Section 33 of the principal Act, for the word and figure "Section 41", the word and figure "Section 258" shall be substituted.

7. In Section 40 of the principal Act, the words "in accordance with the provisions of this Chapter" shall be omitted. **Amendment of Section 40.**

8. For Section 47 of the principal Act, the following section shall be substituted, namely:- **Substitution of Section 47.**

"**47.Limitation of appeals-** The period of limitation for filing first or second appeal shall be forty-five days from the date of the order appealed against:

Provided that where an order, against which the appeal is preferred, was made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, the period of limitation of appeal shall be as provided in the Code prior to the said Amendment Act:

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 was passed, limitation shall be computed from the date of the communication of such order.".

9. In Section 50 of the principal Act, in sub-section (3), for clause (a), the following clause shall be substituted, namely:— **Amendment of Section 50.**

"(a) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the proceedings; or".

10. In Section 59 of the principal Act, for sub-section (9), the following sub-section shall be substituted, namely:- **Amendment of Section 59.**

"(9) If the Bhumiswami fails to give the intimation of diversion under sub-section (6), the Sub-Divisional Officer on his own motion or on receiving such information shall compute the premium and re-assess the land revenue payable on account of such diversion and also impose a penalty equal to fifty per centum of the total amount payable:

Provided that such re-assessed land revenue shall be payable from the actual date of diversion subject to a maximum period of five years:

Provided further that no penalty shall be imposed for one year from the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018.".

11. For Section 67 of the principal Act, the following section shall be substituted, namely:- **Substitution of Section 67.**

"**67. Formation of survey numbers, block numbers, plot numbers and their grouping into villages in non-urban areas or into sectors in urban areas-**Subject to rules made under this Code, the District Survey Officer may-

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

(b) divide such land into survey numbers, recognize existing survey numbers, reconstitute survey numbers or form new survey numbers if such land is used for agricultural purpose;

(c) divide such land into block numbers, recognize existing block numbers, reconstitute block numbers or form new block numbers if such land is used for non- agricultural purpose;

(d) divide blocks in plot numbers, recognize existing plot numbers, reconstitute plot numbers or form new plot numbers in land used for non- agricultural purpose;

(e) group survey numbers and blocks into villages in non-urban areas and into sectors in urban areas:

Provided that the plots of any land lying within the boundaries of a layout approved under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), shall be deemed to be plots under this Code:

Provided further that except as hereinafter provided and subject to the approved development plan of the area, if any, no survey number or plot number shall henceforth be made of an extent less than the minimum prescribed.".

Amendment of section 72.

12. In Section 72 of the principal Act, for the words "at such rates as may be prescribed." the words "as per rules made under Section 59 and 60." shall be substituted.

Amendment of Section 108.

13. In Section 108 of the principal Act, in sub-section (1), in clause (d), for sub-clause (i), the following sub-clause shall be substituted, namely:-

"(i) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attached thereto;".

Amendment of Section 110.

14. In Section 110 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The patwari or Nagar Sarvekshak or person authorised under section 109 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 any other source.".

Amendment of Section 114.

15. In Section 114 of the principal Act, in sub-section (1), for clause (a), the following clause shall be substituted, namely:-

"(a) village map, abadi map and block map under section 107;".

Amendment of Section 129.

16. In Section 129 of the principal Act, for sub-section (8), the following sub-section shall be substituted, namely-

"(8) Notwithstanding anything contained in sections 44 and 50, no appeal or application for revision shall lie against any order passed or proceedings taken under this Section.".

Amendment of Section 134.

17. In Section 134 of the principal Act, for the words and figures "section 131, 132 or 133", the words and figures "section 131 or 133" and for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

Amendment of Section 158.

18. In Section 158 of the principal Act, for proviso to sub-section (3), the following proviso shall be substituted, namely: –

"Provided that no such person, other than a person falling under any of the following categories, shall transfer such land within a period of ten years from the date of lease or allotment and thereafter may transfer such land with the permission

obtained under sub-section (7-b) of Section 165:—

(i) a local authority as defined in clause (20) of Section 2 of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958);

(ii) a Town and Country Development Authority or a Special Area Development Authority constituted under section 38 and 64 respectively of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973);

(iii) the Madhya Pradesh Housing and Infrastructure Development Board constituted under the Madhya Pradesh Griha Nirman Evam Adhosanrachna Vikas Mandal Adhiniyam, 1972 (No. 3 of 1973);

(iv) a government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (No. 18 of 2013) in which the State Government has more than fifty one percent shares;

(v) a person to whom land is allotted in Bhumiswami rights by the State Government through auction;

(vi) any government entity, notified by the State Government from time to time, to whom land is allotted in Bhumiswami rights.".

Amendment of Section 165.

19. In Section 165 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Subject to the other provisions of this Section, provisions of the proviso to sub-section (3) of Section 158 and provisions of section 168, a Bhumiswami may transfer any interest in his land.".

Insertion of Section 176.

20. After Section 175 of the principal Act, the following new section shall be inserted, namely:-

"**176.Abandonment of holding** – (1) If a Bhumiswami ceases to cultivate his holding for five 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 five 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, on the receipt of a report from Tahsildar, the Sub-Divisional Officer, after making such enquiry, as he may deem fit, 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.".

Amendment of Section 183

21. .In Section 183 of the principal Act, in sub-section (6), the words "from the date as notified by State Government" shall be omitted.

Substitution of Section 244.

22. For section 244 of the principal Act, the following section shall be substituted, namely:-

Disposal of abadi sites.

"244. Subject to rules made in this behalf, the Tahsildar shall dispose of abadi sites in bhumiswami rights in the abadi area.".

Amendment of Section 245.

23. For section 245 of the principal Act, the following section shall be substituted, namely:–

"245.Rights to hold house site free of land revenue- Any building site of reasonable dimensions in the abadi, which is held by a kotwar or by a person who holds land or who works as an agricultural artisan or an agricultural labourer in such village or in a village usually cultivated from such village, as on the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall not be liable to the payment of land revenue.".

Amendment of Section 248.

24. In section 248 of the principal Act, in sub-section (1), after the words and figures "under section 237", the words and figures "or set apart for any public purpose under section 233-A" shall be inserted.

Amendment of Section 257.

25. In section 257 of the principal Act, -

(i) for clause (b), the following clause shall be substituted, namely:–

"(b) any question as to the validity or affect of the notification of a land survey;";

(ii) in clause (c), for the words "Settlement Officer", the words "District Survey Officer" shall be substituted.

Amendment of Section 258.

26. In section 258 of the principal Act, in sub-section (2),-

(i) in clause (i-a), for the word, bracket and figures "section 13(2)", the words, bracket and figures "sub-section (3) of section 13" shall be substituted;

(ii) for clause (iii), the following clause shall be substituted, namely:-

"(iii) rates for assessment, imposition of premium and assessment and reassessment of land revenue and manner for intimation of diversion under section 59;";

(iii) clause (viii) shall be deleted;

(iv) in clause (xxiii) ,-

(a) for sub-clause (a), the following sub-clause shall be substituted, namely-

"(a) reporting of acquisition of right, intimation;";

(b) for sub-clause (e), the following sub-clause shall be substituted, namely:-

"(e) writing, intimation or displaying of notice;";

(v) after clause (xxviii), the following clause shall be inserted, namely-

"(xxviii -a) manner in which a person may be summarily ejected under section 126;";

(vi) clause (xxxiii) shall be deleted;

(vii) clause (xlv-a) shall be deleted;

(viii) clause (liv) shall be deleted;

(ix) for clause (lvii-a), the following clause shall be substituted, namely-

"(lvii-a) prescription of the record to be maintained under section 233-A;";

(x) clause (lxviii) shall be deleted.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2020.

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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 10] भोपाल, गुरुवार, दिनांक 6 जनवरी 2022—पौष 16, शक 1943

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 6 जनवरी 2022

क्र. 340-7-इक्कीस-अ-(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 3 जनवरी, 2022 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २ सन् २०२२

मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०२१

विषय-सूची.

धाराएं :

१. संक्षिप्त नाम.
२. धारा १३-क का अन्तःस्थापन.
३. धारा १९ का संशोधन.
४. धारा ५५ का अन्तःस्थापन.
५. धारा ११० का संशोधन.
६. धारा २४७ का संशोधन.
७. धारा २५८ का संशोधन.

मध्यप्रदेश अधिनियम

क्रमांक २ सन् २०२२

मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०२१

[दिनांक ३ जनवरी, २०२२ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति ''मध्यप्रदेश राजपत्र (असाधारण)'' में दिनांक ६ जनवरी, २०२२ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश भू-राजस्व संहिता, १९५९ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के बहत्तरवें वर्ष में मध्यप्रदेश विधान-मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०२१ है.

धारा १३-क का अन्तःस्थापन.

२. मध्यप्रदेश भू-राजस्व संहिता, १९५९ (क्रमांक २० सन् १९५९) (जो इसमें इसके पश्चात् मूल अधिनियम के नाम से निर्दिष्ट है) की धारा १३-क को धारा १३-ख के रूप में पुनर्क्रमांकित किया जाए तथा इस प्रकार पुनर्क्रमांकित धारा १३-ख के पूर्व, निम्नलिखित नई धारा अन्तःस्थापित की जाए, अर्थात् :—

''**१३-क. साइबर तहसील**—राज्य सरकार, ऐसे मामलों के वर्ग, जैसे कि राज्य सरकार साधारण आदेश द्वारा अधिसूचित करे, के निराकरण के प्रयोजन के लिए, एक या एक से अधिक जिले समाविष्ट करते हुए, उसके मुख्यालय के साथ साइबर तहसील सृजित कर सकेगी तथा ऐसी साइबर तहसील को समाप्त कर सकेगी या उसकी सीमाओं को परिवर्तित कर सकेगी.''.

धारा १९ का संशोधन.

३. मूल अधिनियम की धारा १९ में, उपधारा (३) के पश्चात्, निम्नलिखित उपधाराएं जोड़ी जाएं, अर्थात्—

''(४) राज्य सरकार, प्रत्येक साइबर तहसील के लिए किसी राजस्व अधिकारी या किसी राजपत्रित अधिकारी को, जैसा कि वह ठीक समझे, साइबर तहसीलदार नियुक्त कर सकेगी, जो ऐसी शक्तियों का प्रयोग तथा ऐसे कर्तव्यों का पालन करेंगे, जो इस संहिता द्वारा या उसके अधीन या तत्समय प्रवृत्त किसी अन्य अधिनियमिति द्वारा या उसके अधीन किसी तहसीलदार को प्रदत्त की गयी हैं या अधिरोपित किए गए हैं तथा ऐसा साइबर तहसीलदार ऐसे मामलों की जांच, जो कि राज्य सरकार द्वारा साधारण आदेश द्वारा, धारा १३-क के अधीन अधिसूचित किया गए हैं, ऐसी रीति में जैसी कि विहित की जाए, कर सकेगा.

(५) साइबर तहसीलदार, धारा ११ के प्रयोजन के साथ-साथ इस संहिता तथा इसके अधीन बनाए गए नियमों के उपबंधों के लिए एक राजस्व अधिकारी होगा.''.

धारा ५५ का अन्तःस्थापन.

साइबर तहसीलदार द्वारा पारित आदेश की अपील, पुनर्विलोकन या पुनरीक्षण.

४. मूल अधिनियम की धारा ५४ के पश्चात्, निम्नलिखित नई धारा अन्तःस्थापित की जाए, अर्थात् :—

''५५. इस अध्याय के उपबंध, साइबर तहसील से संबंधित मामलों में साइबर तहसीलदार की समस्त कार्यवाहियों तथा पारित आदेशों पर इस प्रकार लागू होंगे जैसे कि वे किसी तहसीलदार की, उसकी अधिकारिता वाली तहसील की कार्यवाहियों और पारित आदेशों पर लागू होते.''

धारा ११० का संशोधन.

५. मूल अधिनियम की धारा ११० में, उपधारा (७) के पश्चात्, निम्नलिखित नई उपधारा जोड़ी जाए, अर्थात् :—

''(८) इस धारा में अंतर्विष्ट किसी बात के होते हुए भी, तहसीलदार—

(क) भारतीय रिजर्व बैंक अधिनियम, १९३४ (१९३४ का २) या बैंककारी विनियमन अधिनियम, १९४९ (१९४९ का १०) के उपबंधों के अधीन स्थापित और विनियमित कोई बैंक या वित्तीय संस्था से, यथास्थिति, बंधक या दृष्टिबंधक, जिसमें उसके द्वारा भू-धारी को दिए गए अथवा दिए जाने वाले अग्रिम, उनकी कालावधि को सम्मिलित करते हुए; या

(ख) किसी न्यायालय से —

(एक) भू-धारी पर कोई प्रभार, शास्ति या उसके द्वारा सृजित या अधिरोपित किसी दायित्व; या

(दो) उसके द्वारा पारित कोई डिक्री या आदेश,

से संबंधित प्रज्ञापना की प्राप्ति की तारीख से तीन दिन के भीतर खसरा के समुचित कॉलम में प्रविष्टियां करेगा तथा ऐसी प्रविष्टियां करने के पश्चात्, तहसीलदार भूमिस्वामी को सूचित करेगा, जो ऐसी प्रविष्टियों के विरुद्ध आपत्ति कर सकेगा और तहसीलदार के समक्ष इसके सुधार के लिए आवेदन कर सकेगा. तहसीलदार ऐसी जांच जैसी कि वह उचित समझे, किए जाने के पश्चात्, ऐसे सुधार कर सकेगा, जैसा कि वह आवश्यक समझे.

स्पष्टीकरण.—उपधारा (८) के खण्ड (ख) के प्रयोजन के लिए ''न्यायालय'' से अभिप्रेत है, कोई सिविल, दण्ड या राजस्व न्यायालय.''.

धारा २४७ का संशोधन.

६. मूल अधिनियम की धारा २४७ में, उपधारा (७) तथा उपधारा (८) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात् :—

''(७) मामलों के ऐसे वर्ग, जिनमें विधि पूर्ण प्राधिकार के बिना किसी खान या खदान से, जिसका कि अधिकार सरकार में निहित है, तथा उसके द्वारा समनुदेशित नहीं किया गया है, खान तथा खनिज (विकास तथा विनियमन) अधिनियम, १९५७ (१९५७ का ६७) तथा उसके अतंर्गत बने नियमों के अधीन व्यवहृत किए जाएंगे.''.

धारा २५८ का संशोधन.

७. मूल अधिनियम की धारा २५८ की उपधारा (२) में, खण्ड (एक-क) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात् :—

''(एक-ख) किसी साइबर तहसील में ऐसे मामलों के वर्ग को निपटाने की रीति;''.

भोपाल, दिनांक 6 जनवरी 2022

क्र. 340-7-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, 2021 (क्रमांक 2 सन् 2022) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH ACT
No. 2 OF 2022

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) ACT, 2021

TABLE OF CONTENTS

Sections:

1. Short title.
2. Insertion of Section 13-A.
3. Amendment of Section 19.
4. Insertion of Section 55.
5. Amendment of Section 110.
6. Amendment of Section 247.
7. Amendment of Section 258.

MADHYA PRADESH ACT
No. 2 OF 2022

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) ACT, 2021

[Received the assent of the Governor on the 3rd January, 2022; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 6th January, 2022.]

An Act Further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh Legislature in the Seventy Second year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2021.

Insertion of Section 13-A.

2. Section 13-A of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), shall be renumbered as. Section 13-B and before Section 13-B as so renumbered, the following new Section shall be inserted, namely:—

"13-A. Cyber Tahsil The State Government may create a Cyber Tahsil, comprising of one or more than one district, along with its headquarter, for the purpose of dealing with such class of cases, as the State Government may, by general order, notify, and may abolish or alter the limits of such Cyber Tahsil.".

Amendment of Section 19.

3. In Section 19 of the principal Act, after sub-section (3), the following sub-sections shall be added, namely:—

"(4) The State Government may appoint for each Cyber Tehsil a Revenue Officer or any Gazetted Officer as it thinks fit to be a Cyber Tahsildar, who shall exercise such powers and perform 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 and such Cyber Tahsildar may enquire into such cases as the State Government may, by general order, notify under section 13-A, in such manner as may be prescribed.

(5) The Cyber Tahsildar shall be a revenue officer for the purpose of Section 11 as well as other provisions of the Code and rules made thereunder.".

Insertion of Section 55.

4. After Section 54 of the principal Act, the following new Section shall be inserted, namely:—

Appeal. review or revision of order passed by Cyber Tahsildar.

"55. The provisions of this Chapter shall be applicable on all proceedings of, and orders passed by, a Cyber Tahsildar in the matters related to Cyber Tehsil as they are applicable to the proceedings of, and orders passed by, a Tahsildar having jurisdiction over his Tehsil.".

Amendment of Section 110.

5. In Section 110 of the principal Act, after sub-section (7), the. following new sub-section shall be added, namely:—

"(8) Notwithstanding anything contained in this section, the Tahsildar shall make entries in appropriate column of Khasra, within three days from the date of receipt of intimation from—

(a) any bank or financial institution established and regulated under the provisions of the Reserve Bank of India Act, 1934 (No. 2 of 1934) or the Banking Regulation Act, 1949 (No. 10 of 1949) regarding mortgage or hypothecation, as the case may be, including its period, against the advances given or to be given by it to the tenure-holder; or

(b) any Court regarding—

(i) any charge, penalty or any liability created or imposed by it upon tenure-holder; or

(ii) any decree or order passed by it,

and after making such entries, the Tahsildar shall inform the Bhumiswami, who, may object against such entries and may apply for its correction before the Tahsildar. The Tahsildar may after making such enquiry, as he may deem fit, make such correction as he may consider necessary.

Explanation.—For the purpose of clause (b) of sub-section (8), "Court" means any Civil, Criminal or Revenue Court.".

Amendment of Section 247.

6. In Section 247 of the principal Act, for sub-section (7) and sub-section (8), the following sub-section shall be substituted, namely:—

"(7) Such class of cases, in which minerals have been extracted or removed without lawful authority from any mine or quarry, the right to which vests in, and has not been assigned by the Government, shall be dealt with under the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) and rules made thereunder.".

Amendment of Section 258.

7. In sub-section (2) of Section 258 of the principal Act, after clause (i-a), the following clause shall be inserted, namely:—

"(i-b) manner of dealing class of cases in a Cyber Tehsil;".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2022.

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 548] भोपाल, सोमवार, दिनांक 3 अक्टूबर 2022—आश्विन 11, शक 1944

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 3 अक्टूबर 2022

क्र. 14928-242-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 29 सितम्बर 2022 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा, सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २० सन् २०२२

मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०२२

[दिनांक २९ सितम्बर, २०२२ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति ''मध्यप्रदेश राजपत्र (असाधारण)'' में दिनांक ३ अक्टूबर २०२२ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश भू-राजस्व संहिता, १९५९ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के तिहत्तरवें वर्ष में मध्यप्रदेश विधान-मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम. १. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०२२ है.

धारा ९ का स्थापन. २. मध्यप्रदेश भू-राजस्व संहिता, १९५९ (क्रमांक २० सन् १९५९) की धारा ९ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

एकल सदस्यीय तथा खण्ड पीठों द्वारा अधिकारिता का प्रयोग.

''९. (१) समस्त मामलों की अंतिम रूप से सुनवाई तथा निराकरण मण्डल की खण्ड पीठ द्वारा किया जाएगा:

परंतु वे मामले, जो समावेदन की सुनवाई या किसी अंतरिम आवेदन पर सुनवाई के लिए सूचीबद्ध हैं, एकल सदस्यीय पीठ द्वारा सुने जा सकेंगे.

स्पष्टीकरण.—इस उपधारा के प्रयोजन के लिए, ''खण्ड पीठ (डिवीजन बैंच)'' से अभिप्रेत है, अध्यक्ष द्वारा यथा नामनिर्दिष्ट दो या अधिक सदस्यों से मिलकर बनने वाली पीठ.

(२) राज्य सरकार, एकल सदस्यीय पीठ तथा खण्ड पीठ के माध्यम से मण्डल की शक्तियों तथा कृत्यों का प्रयोग करने के लिए नियम बना सकेगी, और ऐसी पीठों द्वारा ऐसी शक्तियों या कृत्यों का प्रयोग करते हुए जारी किए गए समस्त आदेश मण्डल के आदेश समझे जाएंगे.''.

निरसन तथा व्यावृत्ति. ३. (१) मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अध्यादेश, २०२२ (क्रमांक ४ सन् २०२२) एतद्द्वारा, निरसित किया जाता है.

(२) उक्त अध्यादेश के निरसन के होते हुए भी, उक्त अध्यादेश के अधीन की गई कोई बात या की गई कोई कार्रवाई, इस अधिनियम के तत्स्थानी उपबंधों के अधीन की गई बात या की गई कार्रवाई समझी जाएगी.

भोपाल, दिनांक 3 अक्टूबर 2022

क्र. 242-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, 2022 (क्रमांक 20 सन् 2022) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
No. 20 OF 2022

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) ACT, 2022

[Received the assent of the Governor on the 29th September, 2022; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 3rd October, 2022.]

An Act further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh Legislature in the seventy-third year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2022.

Substitution of Section 9.

2. For section 9 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the following section shall be substituted, namely:—

Exercise of jurisdiction by single member and division benches.

"9.(1) All cases shall be finally heard and disposed of by a Division Bench of the Board:

Provided that cases, which are listed for motion hearing or hearing on any interim application may be heard by Single Member Bench.

Explanation.—For the purpose of this sub-section, "Division Bench" means a bench comprising of two or more members as nominated by the President.

(2) The State Government may make rules for exercise of powers and functions of the Board through Single Member Bench and Division Bench and all orders passed by such benches in exercise of such powers or functions shall be deemed to be the orders of the Board.".

Repeal and saving.

3. (1) The Madhya Pradesh Land Revenue Code (Amendment) Ordinance, 2022 (No. 4 of 2022) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2022.

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 19] भोपाल, मंगलवार, दिनांक 24 जनवरी 2023—माघ 4, शक 1944

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 24 जनवरी 2023

क्र. 1377-21-इक्कीस-अ-(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 23 जनवरी, 2023 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा, सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक १ सन् २०२३

मध्यप्रदेश भू-राजस्व संहिता (द्वितीय संशोधन) अधिनियम, २०२३

[दिनांक २३ जनवरी, २०२३ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति ''मध्यप्रदेश राजपत्र (असाधारण)'' में दिनांक २४ जनवरी, २०२३ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश भू-राजस्व संहिता, १९५९ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के तिहत्तरवें वर्ष में मध्यप्रदेश विधान-मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता (द्वितीय संशोधन) अधिनियम, २०२२ है.

धारा १२९ का संशोधन.

२. मध्यप्रदेश भू-राजस्व संहिता, १९५९ (क्रमांक २० सन् १९५९) की धारा १२९ में, उपधारा (१), उपधारा (२) तथा उपधारा (३) में, शब्द ''राजस्व निरीक्षक'' के पश्चात्, शब्द ''या पटवारी'' अन्तःस्थापित किए जाएं.

भोपाल, दिनांक 24 जनवरी 2023

क्र. 1377-21-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (द्वितीय संशोधन) अधिनियम, २०२२ (क्रमांक १ सन् २०२३) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH ACT
No. 1 OF 2023

THE MADHYA PRADESH LAND REVENUE CODE (SECOND AMENDMENT) ACT, 2022

[Received the assent of the Governor on the 23rd January, 2023; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 24th January, 2023.]

An Act further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh Legislature in the Seventy-third year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Land Revenue Code (Second Amendment) Act, 2022.

Amendment of Section 129.

2. In Section 129 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), in sub-section (1), sub-section (2) and sub-section (3), after the words "Revenue Inspector", the words "or Patwari" shall be inserted.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2023.