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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT TENANCY AND AGRICULTURAL LANDS (AMENDMENT) BILL, 2014.

GUJARAT BILL NO. 7 OF 2014.

A BILL

*further to amend the Gujarat Tenancy and Agricultural Lands
Act, 1948.*

It is hereby enacted in the Sixty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Tenancy and Agricultural Lands (Amendment) Act, 2014.

Short title.

Bom. LXVII of
1948.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948, after section 70, the following section shall be inserted, namely :-

Insertion of new
section 70A in
Bom. LXVII of
1948.

Regularisation of
certain sale of land.

“70A. In case where a person is or was declared as a permanent tenant under section 70 by the Mamlatdar and Agricultural Lands Tribunal and subsequently on the basis of such order sale or more than one sale in respect of the land in question has taken place and if thereafter the order declaring a person as the permanent tenant is found not in accordance with law, then, the

Collector, on an application made by the present occupant in this regard, shall, subject to other provisions of this Act or any other law for the time being in force, proceed to impose the restrictions of section 43 of this Act in respect of such land and shall, after levying rupee one as the penalty and in consideration of payment of such amount as may be determined by the State Government by general or special order from time to time, pass an order regularising such sale, subject to such conditions as may be specified by him.”.

STATEMENT OF OBJECTS AND REASONS

Section 70 of the Gujarat Tenancy and Agricultural Lands Act, 1948, provides for the duties and functions of the Mamlatdar. Clause (o) of the said section 70 of the Act empowers the Mamlatdar to decide such other matters as may be referred by the State Government to him by or under the said Act. It is under the provisions of section 70 that the Mamlatdar decides whether a person is a permanent tenant or not. It sometimes so happens that where an order is passed by the Mamlatdar declaring a person as a permanent tenant and on basis of such order sale or more than one sale in respect of the land in question has taken place and thereafter the order passed by the Mamlatdar declaring a person as a permanent tenant is found not in accordance with law, then, the present occupant, he being a *bona fide* purchaser of the said land, has to face undue hardship for no fault of his. To remove such undue hardship, it is considered necessary to regularise such sale of land in question subject to other provisions of the said Act or any other law for the time being in force, by levying rupee one as penalty and such amount in the form of premium as may be determined by the State Government from time to time.

New section 70A proposed to be inserted in the said Act provides for the same.

This Bill seek to amend the said Act to achieve the aforesaid object.

Dated the 24th June, 2014.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 24th June, 2014.

ARVIND AGARWAL,

Principal Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.