



## The Madhya Pradesh Land Revenue Code, 1959

Act 20 of 1959

### Keyword(s):

Abadi, Agriculture, Board, Bonafide Agriculturist, Co-Operative Society, Government Forest, Government Lessee, Holding, Improvement, Land, Landless Person, Land Records, Legal Practitioner, Mango Grove, Orchard, Plot Number, Recognized Agent, Rents, Sub-Division of a Survey Number, Survey Number, Tenant, Tenure-Holder

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**MADHYA PRADESH ACT**

No. 20 of 1959

**THE MADHYA PRADESH LAND REVENUE CODE, 1959**

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## MADHYA PRADESH ACT

(No. 20 of 1959)<sup>1</sup>

## THE MADHYA PRADESH LAND REVENUE CODE, 1959

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

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

Short title, extent and commencement.

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

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

(3) This Code shall come into force on such date<sup>2</sup> as the State Government may, by notification, appoint.

Definitions.

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

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

(b) "agriculture" includes—

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

(ii) horticulture;

(iii) the planting and upkeep of orchards; and

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

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

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

1. For Statement of Objects and Reasons (in English) see Madhya Pradesh Gazette Extraordinary dated the 1st July, 1958 page 1136 and (in Hindi) dated the 14th August, 1958, page 1301. For Proceedings in Assembly see Madhya Pradesh Vidhan Sabha Proceedings 1958 Volume IV, no. 1, pages 10-50, no. 2, pages 100-135, no. 3, pages 210-247, no. 4, pages 312-341, no. 5, pages 400-418, no. 6, pages 515-548, 1959, Vol. V, no. 29, page 2594, no. 36, pages 3418-3443, no. 37 pages 3476-3526, no. 38, pages 3568-3604, no. 39 pages 3642-3678, no. 40, pages 3775-3805, no. 41, pages 3917-3988, no. 42, pages 4022-4074, no. 43, pages 4115-4172, no. 44, pages 4303-4352, and no. 45, pages 4358-4429.
2. 2nd October, 1959, see Govt. of M. P. Revenue Deptt. Notification No. 11135-VII-N dated the 21st September, 1959 published on page 1463 of the Madhya Pradesh Gazette Extraordinary, dated the 21st September, 1959.

- (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 reserved forest or protected forest in accordance with the provisions of the Indian Forest Act, 1927 (XVI of 1927);
- (h) "Government lessee" means a person holding land from the State Government under section 181;
- (i) "holding" means—
- (i) a parcel of land separately assessed to land revenue and held under one tenure; and
  - (ii) in reference to land held by a tenant a parcel of land held from a 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 include—

- (a) temporary wells and such waterchannels, 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 a bonafide agriculturist and who whether individually or jointly with other members of his family hold no lands or land less than the area which may be prescribed in this behalf;

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

- (m) "land records" means records maintained under the provisions of this Code;
- (n) "legal practitioner" means any person entitled to practise in any of the courts in Madhya Pradesh under the Legal Practitioners Act, 1879 (XVIII of 1879), or under any other law for the time being in force;
- (o) "mango grove" means mango trees planted in such numbers that they preclude or when full grown are likely to preclude the land on which they stand or any major portion thereof from being used primarily for any purpose other than planting of trees;
- (p) "orchard" means fruit trees planted in such numbers that they preclude or when full grown are likely to preclude the land on which they stand or any major portion thereof from being used primarily for any purpose other than planting of trees;
- (q) "plot number" means a portion of land in urban area formed into or recognised as a plot number under section 93, in respect of which the area and the land revenue payable are separately entered in the prescribed records under an indicative number and includes any portion of land entered in the previous records under an indicative number known as khasra or survey number;
- (r) "recognised agent" in reference to a party to a proceeding under the Code means—
- (i) a person authorised under a power of attorney by such party to make appearance and applications and to do other acts on his behalf in such proceedings; and
- (ii) a person authorised in writing by such party to make appearance on his behalf in such proceedings;
- (s) "region" means the Mahakoshal region, the Madhya Bharat region, the Bhopal region, the Vindhya Pradesh region and the 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;

- (n) "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;
- (o) "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;
- (p) "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;
- (q) "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;
- (r) "tenant" means a person holding land from a Bhumiswami as an occupancy tenant under Chapter XIV;
- (s) "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 Marsupium* (bija);
  - (iii) *Dalberia latifolia* (shisham);
  - (iv) *Shorea robusta* (sal);
  - (v) tinsa;
  - (vi) *Terminalia tomentosa* (ain or saj);
  - (vii) *Santalum album* (Chandan);
- (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

Constitution of Board of Revenue.

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

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

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

Principal seat and other places of sittings of Board of Revenue.

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

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

Conditions of service of members of Board.

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

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

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

(a) is eligible for appointment as a Judge of the High Court; or

(b) has been a Revenue Officer, and has held, for at least five years, an office not lower in rank than that of a Collector.

Salaries and allowances.

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

Jurisdiction of Board.

7. (1) The Board shall exercise the powers and discharge the functions conferred upon it by or under this Code and such functions of the State Government as may be specified by notification by the State Government in that behalf and such other functions as have been conferred or may be conferred by or under any Central or State Act on the Chief Revenue Authority or the Chief Controlling Revenue Authority.

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

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

Powers of superintendence of Board.

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

Exercise of jurisdiction by single members and benches.

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

Cases pending at commencement of Code.

### CHAPTER III

#### Revenue Officers, their Classes and Powers

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

Revenue Officers.

Commissioners (including Additional Commissioners);

Settlement Commissioner (including Additional Settlement Commissioners);

Collectors (including Additional Collectors);

Settlement Officers;

Sub-Divisional Officers;

Assistant Collectors;

Deputy Collectors;

[Deputy Settlement Officers;]<sup>1</sup>

Assistant Settlement Officers;

Tahsildars (including Additional Tahsildars);

Superintendents of Land Records;

Naib-Tahsildars;

Assistant Superintendents of Land Records.

12. (1) All Revenue Officers shall be sub-ordinate to the State Government.

Control over Revenue Officers.

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

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

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

Power to alter, create or abolish divisions, district, sub-divisions and tahsils.

1. Ins. by M. P. Act 15 of 1980, S.2.

(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.

Power to appoint Commissioners of divisions.

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

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

Power to appoint Additional Commissioner.

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

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

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

Power to appoint Collector

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

Power to appoint Additional Collectors.

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

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

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

Appointment and powers of Assistant Collectors and Deputy Collectors.

18. The State Government may appoint for each district as many persons as it thinks fit to be Assistant Collectors of the first and second grades and Deputy Collectors who shall exercise such powers as the State Government may, by notification, direct.

19. (1) The State Government may appoint in each tahsil a Tahsildar and one or more Naib-Tahsildars who shall exercise therein the powers and perform the duties conferred or imposed on them by or under this Code or under any other enactment for the time being in force.

Appointment of Tahsildars, Additional Tahsildars and Naib-Tahsildars.

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

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

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

Other Officers.

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

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

sub-divisional Officers.

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

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

Subordination of Revenue Officers.

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

Conferral by State Government of powers of Revenue Officers on Officials and other persons.

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

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

Powers exercisable on transfer.

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

Collector in case of temporary vacancy.

#### CHAPTER IV

##### Procedure of revenue officers and Revenue Courts

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

Place for holding enquiries.

1. Subs. by M. P. Act 53 of 1984, S.2.

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

Power to enter upon and survey land.

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

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

Power to transfer cases.

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

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

Power to transfer cases to and from subordinates.

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

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

Conferral of status of Courts on Board and Revenue Officers.

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

Inherent power of Revenue Courts.

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

Powers of Revenue Officers to require attendance of persons and production of documents and to receive evidence.

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

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

(a) within the limits of the tahsil if the Revenue Officer acting as a Revenue Court is a Naib-Tahsildar and in the case of any other Revenue Officer, within the local limits of his jurisdiction; or

- (b) without such limits but at a place less than fifty, or where there is a railway communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where he is summoned to attend, less than two hundred miles distant from such place.

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

(4) Every such Revenue Officer shall have power to issue a 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. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under section 33 may—

Compelling attendance of witness.

- (a) issue a bailable warrant of arrest;
- (b) order him to furnish security for appearance; or
- (c) impose upon him a fine not exceeding rupees fifty.

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

Hearing in absence of party.

(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 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. (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.

Adjournment of hearing.

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

37. A Revenue Officer may award costs incurred in any case or 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:

Power to award costs.

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.

Manner of executing order to deliver possession of immovable property.

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

- (a) by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land; and
- (b) if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same; and
- (c) if the officer removing any such person is resisted or obstructed by any person, the Revenue Officer shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance or obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.

Persons by whom appearances and applications may be made before and to Revenue Officers.

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

Provided that subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 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.

Effects of rules in Schedule I

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

Power of Board to make rule.

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

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

- (a) the service of summons, notices and other processes by post or in any other manner either generally or in any specified areas, and the proof of such service;
- (b) the regulation of power of Revenue Officers to summon parties and witnesses and the grant of expenses to witnesses;
- (c) the regulation of recognised agents with regard to appearances, applications and acts done by them in proceedings under this Code;
- (d) procedure to be observed in effecting attachment of movable and immovable properties;
- (e) procedure for publishing, conducting, setting aside and confirming sales and all ancillary matters connected with such proceedings;

- (f) the maintenance and custody, while under attachment, of live-stock and other movable property, the fees payable for such maintenance and custody, the sale of such live-stock and property, and the proceeds of such sale;
- (g) consolidation of appeals and other proceedings;
- (h) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Revenue Courts;
- (i) the time within which, in the absence of any express provision, appeals or applications for revision may be filed;
- (j) the cost of and incidental to any proceedings;
- (k) examination of witnesses on commission and payment of expenses incidental to such examination;
- (l) licensing of petition-writers and the regulation of their conduct.

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

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

Orders of Revenue Officer when reversible by reason of error or irregularity.

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

43. Unless otherwise expressly provided in this Code, the procedure laid down in the Code of Civil Procedure, 1908 (V of 1908) shall, so far as may be, be followed in all proceedings under this Code.

Code of Civil Procedure to apply when no express provision made in this Code.

## CHAPTER V

### Appeal, Revision And Review

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

Appeal and appellate authorities.

- (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 ]<sup>1</sup>

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

Transfer of certain pending proceedings to Settlement Commissioner.

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

No appeal against certain orders.

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

- (a) admitting an appeal or application for review on the grounds specified in section 5 of the Indian Limitation Act, 1908 (IX of 1908);<sup>2</sup> 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.]<sup>3</sup>

Limitation of appeals.

47. No appeal shall lie—

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

1. Subs by M. P. Act 10 of 1974, S. 2.

2. Now see the Limitation Act, 1963 ( 36 of 1963).

3. Subs. by M. P. Act 24 of 1961, S.2.

- (b) to the Commissioner after the expiration of sixty days from such date; or
- (c) to the Board, after the expiration of ninety days from such date:

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

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

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

Copy of order objected to accompany petition.

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

Power of appellate authority.

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

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

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

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

Revision.

**Provided that—**

- (i) no application for revision shall be entertained—
- (a) against an order appealable under this Code;
- (b) against an order of the Settlement Commissioner under section 210;

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

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

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

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

- (ii) where proceedings in respect of any case have been commenced by the Commissioner or the Settlement Commissioner under sub-section (1), no action shall be taken by the Collector or Settlement Officer in respect thereof ;
- (iii) where proceedings in respect of any such case have been commenced by the Commissioner, Settlement Officer under sub-section (1), the Board may either refrain from taking any action under this section in respect of such case until the final disposal of such proceedings by the Commissioner or the Settlement Commissioner or Collector or the Settlement Officer, as the case may be, or may withdraw such proceedings and pass such order as it may deem fit;
- (iv) where proceedings in respect of any such case have been commenced by the Collector or the Settlement Officer under sub-section (1), the Commissioner or the Settlement Commissioner may either refrain from taking any action under this section in respect of such case until the final disposal of such proceedings by the Collector or the Settlement Officer, as the case may be, or may withdraw such proceedings and pass such order as it may deem fit.

**Explanation.**— For the purpose of this section all Revenue Officers shall be deemed to be subordinate to the Board.]<sup>1</sup>

Review o orders.

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

**Provided that—**

[(i) if the Commissioner, Settlement Commissioner, Collector or Settlement Officer thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the Board, and if an officer subordinate to a Collector or Settlement Officer proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction in writing of the authority to whom he is immediately subordinate.];<sup>2</sup>

[(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;]<sup>3</sup>

(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 ninety days from the passing of the order.

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

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

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

1. Subs. by M. P. Act 25 of 1964, S.2.

2. Ins. by S.3. ibid.

3. Renumbered by, S.3, ibid

52. (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. Stay of execution of orders.

(2) The appellate or revisional authority may, at any time direct the 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.

(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.

(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. Subject to any express provision contained in this Code the provisions of the Indian Limitation Act, 1908 (IX of 1908), shall apply to all appeals and applications for review under this Code. Application of Limitation Act.

54. Notwithstanding anything contained in this Chapter, but subject to the provisions of section 45, all proceedings pending in revision before any Revenue Officer immediately before the coming into force of this Code, shall be heard and decided by such Revenue Officer as if this Code had not been passed. Pending revision.

55. 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— Application of chapter.

(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. 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.]<sup>3</sup> Construction of order.

## CHAPTER VI

### LAND AND LAND REVENUE

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

[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.]<sup>3</sup>

1. Now see the Limitation Act, 1963 ( 36 of 1963).

2. Subs. by M. P. Act 10 of 1974, S. 3.

3. Subs. by M. P. Act 8 of 1979, S. 2.

(2) where a dispute arises between the State Government and any person in respect of any right under sub-section (1) such dispute shall be decided by the [Sub-divisional Officer.]<sup>1</sup>

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

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

Provided that no surety shall be required to be furnished by a member of a tribe declared to be an aboriginal tribe under sub-section (6) of section 165;

(b) Where a Civil Court by an order of temporary injunction disturbed the person referred to in clause (a) on or after 24th October, 1983 but before the publication of Revenue Department's Notification No. 1-70-VII-N-2-83, dated 4th January, 1984 such order shall abate on such publication and the Tahsildar shall restore possession to a person who is disturbed by such order.]<sup>2</sup>

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

Liability of land to payment of land revenue.

58. (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.

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

Certain land to be exempt from payment of land revenue

<sup>3</sup>[58-A. 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,—

[ (a) 'uneconomic holding' shall mean a holding the extent of which is not more than 5 acres;]<sup>4</sup>

(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.

1. Subs. by M.P. Act 24 of 1961, S.4, for "Collector".
2. Ins. in its application to the Scheduled Areas by Government of Madhya Pradesh, Revenue Department's Notification No. 1-70-VII-N-2-83, dated the 5th January 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, Published in the Madhya Pradesh Rajpatra "Asadhranan" dated the 6th January 1984, pages 23-29.
3. Subs. by M. P. Act 5 of 1969, S.2.
4. Subs. by M. P. Act 23 of 1972, S. 2.

**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.]

59. (1) The assessment of land revenue on any land [shall be made]<sup>1</sup> with reference to the use of land—

- (a) for the purpose of agriculture;
- (b) as sites for dwelling houses;
- (c) for purposes other than those specified in items (a), (b) or (d);
- (d) for industrial or commercial purpose.

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

[ (2-a) The alteration or assessment referred to in sub-section (2) shall be carried out by the Sub-Divisional Officer.]<sup>2</sup>

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

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

(5) Where land for use for any one purpose is diverted to any other purpose, and land revenue is assessed thereon under the provisions of this section, the [Sub-Divisional Officer]<sup>3</sup> shall also have power to impose a premium on the diversion in accordance with rules made under this Code:

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

(6) Notwithstanding any usage or grant or anything contained in any law, the right of all persons holding land, which immediately before the coming into force of the Madhya Pradesh Land Revenue Code, 1954 (II of 1955), was held in 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).

Variation of land revenue according to purpose for which land is used.

1. Subs. by M. P. Act 25 of 1964, S. 4 (i), for “shall be made, or shall be deemed to have been made as the case may be”  
 2. Inst. by S. 4 (ii), *ibid.*  
 3. Subs. by M. P. Act 24. of 1961 for “Collector”.

Assessment when to take effect.

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

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

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

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

- (a) the date on which such diversion was made if in the area concerned there was in force any enactment repealed under section 261 which contained provision for alteration or reassessment on such diversion;
- (b) the date of coming into force of this Code in any other case; and

(2) in case of (a) above in accordance with the provisions of such repealed Act, and in the case of (b) above in accordance with the provisions of this Code.<sup>1</sup>

Assessment by whom to be fixed.

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

## [CHAPTER VII

### Revenue Survey and Settlement in Non-Urban Areas

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

Application of this Chapter to lands in non-urban areas.

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

Appointment of Settlement Commissioner.

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

Appointment of Additional Settlement Commissioner and their powers and duties.

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

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

Appointment of Settlement, Deputy Settlement and Assistant Settlement Officers.

64. (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.

1. Ins. by M. P. Act 15 of 1975, S.2.

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

Powers of Settlement, Deputy Settlement and Assistant Settlement Officers.

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

### B— Revenue Survey

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

Definition of Revenue survey

- (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 upto-date in any local, over area are called a revenue survey.

67. (1) Whenever the State Government decides that a revenue survey should be made 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 operations to be closed.

Notification of proposed revenue survey.

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

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

Formation of survey numbers and villages.

- (a) take measurements of the land to which the revenue survey extends and construct such number of survey marks thereon as may be necessary;
- (b) divide such lands into survey numbers and group the survey numbers into villages; and
- (c) recognise existing survey numbers, reconstitute survey numbers, or form new survey numbers :

Provided that except as hereinafter provided, no survey, numbers, comprising land used for agricultural purposes shall henceforth be made of less extent than a minimum to be prescribed for the various classes of land :

Provided further that the limit prescribed under the aforesaid proviso shall not apply in the case of survey numbers already existing immediately before the date of the notification under sub-section (1) of section 67.

69. Notwithstanding the provisions of section 68 when any portion of agricultural land is diverted under the provisions of section 172 to any non-agricultural purpose, or when any portion of land is specially assigned under section 237, or when any 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.

Separate demarcation of land diverted or specially assigned.

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

Power to renumber or sub-divide survey numbers.



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

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

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

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

Entry of survey numbers and sub-divisions in records.

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

Determination of abadi of village.

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

Power of Settlement Officer to divide or unite villages or exclude area therefrom.

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

Grouping of villages.

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

### C-Settlement of rent

Definition of Settlement.

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

Notification of proposed settlement.

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

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

Fixation of assessment rates.

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

(2) The State Government may approve the assessment rates with such modifications as it may deem fit.

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

Maximum and minimum limits for the rate of assessment.

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

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

Fixation of fair assessment.

80. 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.

All lands liable to assessment.

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

Principles of assessment.

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

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

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

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

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

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

Announcement of settlement.

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

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

Introduction of Settlement.

84. 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:

Remission of enhancement to Bhumiswami who relinquishes.

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

Term of Settlement.

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

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

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

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

Power of Collector to complete unfinished proceedings.

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

#### D—General

Inquiry into profits of agriculture and value of land.

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

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

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

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

Power to transfer duty of maintaining maps and records to Settlement Officer.

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

Power of Sub-Divisional Officer to correct errors.

89. The Sub-Divisional Officer may, at any time after the closure of the revenue survey and during the term of settlement, correct any error in the area or assessment of any survey number or holding due to mistake of survey or arithmetical miscalculation :

Provided that no arrears of land revenue shall become payable by reason of such correction.

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

Power of Collector during term of Settlement, etc.

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

Power to grant power of Settlement Officer during term of Settlement.

91-A. The State Government may make rules for regulating generally the conduct of a revenue survey or Settlement under this Chapter.<sup>1</sup>

Power to make rule.

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

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

Provisions of Chapter to apply to land urban areas.

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

Powers of Collector to divide lands into plot numbers.

- (a) divide the lands in an urban area into plot numbers, and
- (b) recognise existing survey numbers as plot numbers, reconstitute plot numbers or form new plot numbers.

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

Powers of Collector to renumber or Sub-divide plot numbers.

(2) The division of plot numbers into sub-divisions and the apportionment of the assessment of the plot number amongst the sub-divisions shall be carried out in accordance with rules made under this Code and such rules may provide limits 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. The area and assessment of plot numbers and sub-divisions of plot numbers shall be entered in such records as may be prescribed.

Area and assessment of plot numbers and sub-divisions to be entered in records.

Area in town formed into blocks for assessment.

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

Collector to fix standard rate of assessment and publication of standard rates.

97. (1) The Collector shall with the approval of the State Government, fix in accordance with the provisions of section 98 the standard rate of assessment per one hundred square feet of land in the case of non-agricultural land and per acre of land in the case of agricultural land in each block in an urban area and such standard rates shall be published in such manner as may be prescribed.

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

Fixation of standard rates of assessment.

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

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

Provided that if the transactions which have taken place in any block in respect of any land held for any of the aforesaid 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.]<sup>1</sup>

(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.

Maximum and minimum limits for the rate of assessment.

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

Collector to assess plot at rate prescribed.

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

Provided that if, in the case of lands which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in the case of agricultural land one and 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 further, that where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made.

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

**Term of settlement.**

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

**Assessment fixed shall be land revenue or rent.**

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

**Land revenue or rent fixed under previous settlement or lease to continue.**

### CHAPTER IX Land Records

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

**Formation of patwaris' circles and appointment of patwaris thereto.**

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

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

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

**Formation of revenue inspectors' circles.**

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

**Appointment of revenue inspectors, etc.**

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

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

**Field map.**

(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 under-take the preparation of such map.

<sup>1</sup>[(5) Such map shall be prepared or revised, as the case may be, by the Settlement Officer at [revenue survey]<sup>2</sup> and by the Collector at all other times and in all other circumstances.]

**Record-of-rights**

108. [(1)]<sup>3</sup> A record-of-rights shall in accordance with rules made in this behalf be prepared and maintained for every village and such record shall include the following particulars:—

- (a) the names of all Blumiswamis 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.

<sup>4</sup>[(2) The record-of-rights mentioned in sub-section (1) shall be prepared during a [revenue survey]<sup>5</sup> or whenever the State Government may, by notification, so direct.]

**Acquisition of rights to be reported.**

109. (1) Any person lawfully acquiring any right or interest in land [.....]<sup>6</sup> shall report orally or in writing his acquisition of such right to the patwari within six months from the date of such acquisition, and the patwari shall at once give a written acknowledgment for such report to the person making it in the prescribed form :

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

[Explanation I.—The right mentioned above does not include an easement or a charge, not amounting to a mortgage, of the kind specified in section 100 of the Transfer of Property Act, 1882 (IV of 1882)]<sup>7</sup>.

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

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

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

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

1. Subs. by M. P. Act 15 of 1980, S. 6.

2. Subs. by M. P. Act 16 of 1985, S. 3, for "Settlement".

3. Re-numbered by M. P. Act 25 of 1964, S. 5.

4. Ins., ibid.

5. Subs. by M. P. Act 16 of 1985, S. 4, for "Settlement".

6. Words, "required by or under section 103 to be entered in the record of rights." omitted by M. P. Act 25 of 1964, S. 6 (a).

7. Subs. by S. 6 (b), ibid"

[110. (1) The Patwari shall enter into a register prescribed for the purpose every acquisition of right reported to him under section 109 or which comes to his notice from intimation from Gram Panchayat or any other source.

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

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

(4) The Tahsildar shall after affording reasonable opportunity of being heard to the persons interested and after making such further enquiry, as he may deem necessary, make necessary entry in the Field Book and other relevant land records.]<sup>1</sup>

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

[112. When any document purporting to create, assign or extinguish any title to or any charge on land used for agricultural purposes, or in respect of which a field book has been prepared, is registered under the Indian Registration Act, 1908 (XVI of 1908), the Registering Officer shall send intimation to the Tahsildar having jurisdiction over the area in which the land is situate in such form and at such times as may be prescribed by rules under this Code.]<sup>2</sup>

113. The [Sub-Divisional Officer]<sup>3</sup> may at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights.

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

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

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

- (i) such of the entries of khasra or field book pertaining to a holding of a Bhumiswami as may be prescribed;
- (ii) particulars in respect of recovery of land revenue, Government loan and non-Government loan in respect of such holding;
- (iii) such other particulars as may be prescribed.

(3) In case of any difference between the entries contained in the khasra or field book and the Bhoo Adhikar Avam Rin Pustika, the Tahsildar may, either on his own motion or on an application made to him in that behalf and after making such enquiry as he may deem fit, decide the same and the decision of the Tahsildar shall be final.]<sup>4</sup>

Mutation of acquisition of right in Field Book and other relevant land records.

Jurisdiction of Civil Courts.

Intimation of transfers by Registering Officers.

Correction of clerical errors.

Land records.

Bhoo Adhikar Avam Rin Pustika.

1. Subs. by M. P. Act 25 of 1964, S.7.

2. Subs. by, S. 8, ibid.

3. Subs. by S.9. ibid, for "Tahsildar"

4. Subs. by M. P. Act 11 of 1974, S.2.



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

[115. If any Tahsildar finds that a wrong or incorrect entry has been made in the land records prepared under section 114 by an officer sub-ordinate 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.

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

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

(2) The Tahsildar shall, after making such enquiry as he may deem fit, pass necessary orders in the matter.]<sup>1</sup>

Presumption as to entries in land records.

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

Obligation to furnish information as to title.

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

(2) The Revenue Officer, revenue inspector or patwari to whom any information is furnished, or before whom any document is produced under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof.

Penalty for neglect to furnish information.

119 (1) Any person neglecting to make the report required by section 109, or furnish the information or produce the documents required by section 118, within the specified period shall be liable, at the discretion of the [Tahsildar]<sup>2</sup>, to a penalty not exceeding twenty-five rupees, which shall be recoverable as an arrear of land revenue.

(2) Any report regarding the acquisition of any right [under section 109]<sup>3</sup> received by the patwari after the specified period shall be dealt with in accordance with the provisions of section 110<sup>3</sup>.

[ x x x x x ]<sup>4</sup>

Requisition of assistance in preparation of maps and record-of-rights.

120. Subject to rules made under this Code, any Revenue Officer, revenue inspector, measurer or patwari may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, call upon any holder of land and any holder of plot in abadi to point out the boundaries of his land or plot.

Power to make rules for land records.

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

Exemption from provisions of this chapter.

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

Record-of-rights at commencement of Code.

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

1. Ins. by M. P. Act 15 of 1971, S.3.  
 2. Subs. by M. P. Act 24 of 1961, S.6, for "Collector".  
 3. Subs. by M. P. Act 25 of 1964, S.12 (a), for "of the kind referred to in section 108."  
 4. Proviso omitted by S.12(b), *ibid*.

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 subsection (1) shall be published in the village in such manner as may be directed by the Collector.

[(3) Objections may be filed to any entry in Jamabandi or khatauni which shall be disposed of by the Tahsildar in such manner as may be prescribed.]<sup>1</sup>

(4) The Jamabandi of the villages in the Mahakoshal region for the agricultural year [1954-55]<sup>2</sup> shall continue to be deemed to be record-of-rights of such villages until a record-of-rights is prepared in accordance with the provisions of section 108.

## CHAPTER X

### Bonparies and Boundary Marks, Surxey Marks

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

Construction of boundary marks of villages and survey numbers or plot numbers.

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

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

(4) Where the rules prescribed boundary marks of a specification different from that prevailing in any village, the new specification shall not be enforced in such village except upon application to a [Tahsildar]<sup>3</sup> made by not less than half the number of holders of land in the village. When such application is made, the [Tahsildar]<sup>3</sup> shall have new boundary marks constructed throughout the village and shall distribute the cost thereof proportionately among the holders of land in the village in accordance with rules made under this Code. The share of each holder shall be recoverable as an arrear of land revenue.

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

125. All disputes regarding boundaries of villages, survey numbers and plot numbers where such boundaries have been fixed under the provisions of section 124, shall be decided by the [Tahsildar]<sup>4</sup> after local inquiry at which all persons interested shall have an opportunity of appearing and producing evidence.

Disputes regarding boundaries between villages, survey numbers and plot numbers.

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

Ejectment of persons wrongfully in possession

(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

1. Subs. M. P. Act 25 of 1964, S. 13.

2. Subs. by M. P. Act 24 of 1961, S 8, for "1953-54."

3. Subs. by S. 7, *ibid*, for "Revenue officer".

4. Subs. by, *ibid*, S. 6, for "Collector".

in a civil suit instituted under sub-section (2), and such re-distribution shall take effect from the beginning of the revenue year following the date of the order.

Demarcation and maintenance of boundary lines.

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

- (a) demarcate the boundary between his land and village road, village waste or land reserved for communal purposes adjoining it by boundary marks; and
- (b) repair and renew such boundary marks from time-to-time.

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

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

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

Enforcement of repair of boundary or survey marks.

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

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

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

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

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

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

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

Rights of way and other private easements.

131. (1) In the event of a dispute arising as to the route by which a cultivator shall have access to his fields or to the waste or pasture lands of the village, otherwise than by the recognised roads, paths or common land, including those road and paths recorded in the village Wajib-ul-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. 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-urz or who disobeys the decision of a Tahsildar passed under section 131, shall be liable, under the written order of a Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to one thousand rupees.]

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

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

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

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

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

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

## CHAPTER XI

### Realisation of Land Revenue

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

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

(a) in a Bhumiswami's holding the Bhumiswami;

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

Penalty for obstruction of way, etc.

Removal of obstruction.

Execution of bond for abstaining from repetition of certain acts.

Acquisition of land for road, paths, etc.

Power to exempt from operation of this Chapter.

Land Revenue first charge on land.

Responsibility for payment of land revenue.

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

**Land revenue recoverable from any person, in possession.**

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

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

**Dates on which land revenue falls due and is payable.**

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

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

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

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

**Definitions of "arrear" and "defaulter".**

141. 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.

**Patel, Patwari, Gram Sabha or Gram Panchayat bound to give receipt.**

142. (1) Where a Patel, Patwari, Gram Sabha or Gram Panchayat receives a payment from any person on account of land revenue or on account of any sum of money recoverable as an arrear of land revenue he/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.

**Penalty for default of payment of land revenue**

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

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

**Remission or suspension of land revenue on failure of crops.**

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

(2) No appeal or revision shall lie against any order passed by a Revenue Officer under such rules and no suit shall lie in a Civil Court to contest any such order.

145. (1) A statement of account, certified by the Collector or by the Tahsildar shall, for the purposes of this Chapter, be presumed to be correct statement of the arrears payable to Government or its amount, and of the person who is the defaulter, until the contrary is proved.

Certified account to be evidence as to arrear and defaulter.

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

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

Notice of demand.

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

Process for recovery of arrear.

- (a) by attachment and sale of movable property;
- (b) by attachment and sale of the holding on which arrear is due and where such holding consist of more than one survey number or plot number by sale of one or more of such survey numbers, or plot numbers as may be considered necessary to recover the arrears;
- [(bb) by attachment of holding on which arrear is due and letting the same under section 154-A;
- (bbb) by attachment of any other holding belonging to the defaulter which is used for the purposes of agriculture and letting the same under section 154-A;] 1
- (c) by attachment and sale of any other immovable property belonging to the defaulter :

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

- (i) the necessary wearing apparels, cooking vessels, beds, and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with the religious usage, cannot be parted with by any woman;
- (ii) tools of artisans and, if the defaulter is an agriculturist, his implements of husbandry, except an implement driven by mechanical power and such cattle and seed as may, in the opinion of the Tahsildar, be necessary to enable him to earn his livelihood as such;
- (iii) articles set aside exclusively for the use of religious endowments;
- (iv) house and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for the enjoyment) belonging to an agriculturist and occupied by him;

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

- (i) six hectares or less than six hectares of land in the Scheduled Area; or
- (ii) four hectares or less than four hectares of land in other 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. 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.

Costs recoverable as part of arrear.

1. Ins. by M. P. Act I of 1971, S. 2.
2. Ins by M P. Act. 9 to 1977, S. 2.

Enforcement of processes in other districts.

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

Payment under protest and suit for recovery.

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

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

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

Application of proceeds of sale.

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

Land sold for arrears to be free from encumbrances.

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

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

Purchaser's title.

153. 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.

Purchaser not liable for land revenue due prior to sale.

154. 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.

Powers of the Tahsildar to let out the holding in respect of which arrear is due or any other holding of the defaulter.

[154- A.(1) Where the arrear of land revenue is due in respect of a holding or where any money is recoverable in the same manner as an arrear of land revenue under section 155, the Tahsildar may, notwithstanding anything contained in this Code, after attachment of the holding under 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.

(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).<sup>1</sup>

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

Moneys recoverable 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;]<sup>2</sup>
- (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 :

1. Ins. by M. P. Act 1 of 1971, S. 3.

2. Ins. by M. P. Act 9 of 1970, S. 2(a).



Provided that no action shall be taken on application for recovery of a sum specified in this clause, unless such application is accompanied by a certificate signed by the Managing Director of the said Corporation that the sum should be recovered as an arrear of land revenue;]<sup>1</sup>

[(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 enterprenurs 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.]<sup>2</sup>

Recovery of moneys from surety.

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

## CHAPTER XII

### Tenure Holders

Class of tenure.

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

Bhumiswami.

158. [1]<sup>3</sup> 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);

1. Subs. by M. P. Act 30 of 1973, S. 2.  
2. Added by M. P. Act 16 of 1979, S. 2.  
3. Renumbered by M. P. Act. 8 of 1979 S. 3.

- (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 of article 366 of the Constitution of India.]<sup>1</sup>

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

Land revenue payable by Bhumiswamis.

- (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. (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.

Revocation of exemption from liability for land revenue.

(2) Where any such Muafi or Inam land is held for the maintenance or upkeep of any public religious or charitable institution, the State Government may, on the application of such institution, in the prescribed form [and made within such time as may be prescribed]<sup>1</sup> 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.

Reduction of revenue during the currency of settlement.

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

- (i) that the land has been wholly or partially rendered unfit for cultivation in consequence of floods or other cause beyond the control of such Bhumiswami;
- (ii) that any irrigation source, whether new or old, constructed and maintained at the cost of the State has fallen into disrepair and has ceased to irrigate the whole or any part of his holding to which an enhanced rate of revenue has been applied on account of irrigation;
- (iii) that any private irrigation source has for any cause beyond the control of Bhumiswami, ceased to irrigate the whole or any part of the holding which has been assessed to enhanced land revenue on account of irrigation;
- (iv) that the revenue payable by the Bhumiswami in respect of the land is more than the revenue calculated at the rate fixed at the last settlement or under any other law for such land;
- (v) that the area of the holding of such Bhumiswami has decreased for any reason below the area on which the existing land revenue was assessed.

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

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

[162.            x            x            x            x            ]<sup>2</sup>

Pending applications for conferral of Bhumiswami rights.

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

1. Ins. by M. P. Act 24 of 1961, S. 9.

2. Omitted by M. P. Act 25 of 1964, S. 14.

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

Devolution.

165. (1) Subject to the other provisions of this section and the provision of section 168 a Bhumiswami may transfer [ - x - x - x - - ,]<sup>2</sup> any interest in his land.

Rights of transfer.

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

(a) no mortgage of any land by a Bhumiswami 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 ejection 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.s]<sup>3</sup>

(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 - x - ]<sup>4</sup>

<sup>5</sup>[Provided that -

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

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

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

[(ii) x x x x ]<sup>6</sup>

1. Subs. by M. P. Act 38 of 1961, S.2.

2. Words "otherwise than by will" omitted by S.3(i): *ibid.*

3. Added by M. P. Act 24 of 1961, S.10(i).

4. Omitted by M. P. Act 25 of 1964, S.15.

5. Subs. by M. P. Act 24 of 1961, S.10 (ii).

6. Omitted by M. P. Act 25 of 1964, S.15.

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 six months mentioned in the proviso to sub-section (1) thereof shall, for the purposes of an application for such diversion, be forty-five days and ninety days, respectively.]

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

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

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

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

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

- (i) in such areas as are predominately inhabited by aboriginal tribes and from such date as the State Government may, by notification, specify, not be transferred nor it shall be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe in the area specified in the notification;
- (ii) in areas other than those specified in the notification under clause (i), not be transferred or be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe without the permission of a Revenue Officer not below the rank of Collector, given for reasons to be recorded in writing.

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

2[6-a) Notwithstanding anything contained in sub-section (1), [the right of a Bhumiswami other than a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section

1. Subs. by M. P. Act 61 of 1976, S. 2.

2. Ins., in its application to the Scheduled Tribes, by Government of Madhya Pradesh, Adimjati Avam Harijan Kalyan Vibhag Notification No. F-16-1-81-II-XXXV, dated the 15th April, 1981, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, published in Madhya Pradesh Gazette, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 20th April, 1981, pages 627-632.

(6), in the land excluding the agricultural land<sup>1</sup> 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 prior to the 9th day of June, 1980 which is not in accordance with the provisions herein contained shall, unless such transfer is ratified by the Collector in accordance with the provisions 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 consideration paid is adequate;
- (v) whether the transaction is spurious, fictitious or benami; and
- (vi) such other matters as may be prescribed.

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

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

- (a) "Scheduled Area" means any area declared to be a Scheduled Area within the State of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India;
- (b) the burden of proving that the transfer was not spurious, fictitious or benami shall lie on the person who claims such transfer to be valid.

(6-d) On refusal to grant the permission under sub-section (6-a) or ratification under sub-section (6-b), the transferee, if in possession of the land shall vacate the possession forthwith and restore the possession thereof to the original Bhumiswami.

1. Subs. in its application be Scheduled Areas, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 37-4-VII-N-II-84, dated the 4th June, 1984, for the words, figure and brackets "the right of a Bhumiswami other than a Bhumiswami belonging to a tribe which has been declared to the an aboriginal tribe under sub-section (6)"; issued by the Governor of Madhya Pradesh under subs Paragraph (1) of Paragraph 5 of the Forth schedule to the Constitution of India, published in the Madhya Pradesh Raitra (Asadharan), dated the 7th June, 1984, pages 1621-22.

(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;]<sup>1</sup>

(6-f) The provisions of sub-section (6-a) to [(6-ee)]<sup>2</sup> 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;]<sup>3</sup>

(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 Adhiniyam, 1968 (No. 28 of 1968) shall have the right to transfer any interest in his land specified in the said section without the permission of the Madhya Pradesh Bhoodan Yagna Board.]<sup>4</sup>

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

1. Ins., in its application to Scheduled Areas, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 37-4-VII-N-II-84, dated the 4th June, 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of Paragraph 5 of the Fifth schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra dated the 7th June, 1984, pages 1621.22.  
2. Subs. ibid, (6-e)".  
3. Subs. by M. P. Act 37 of 1973, S.2.  
4. Ins. by M. P. Act 15 of 1975, S.4.

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.]<sup>1</sup>

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

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

[(9-a) Nothing in this section shall prevent a Bhumiswami who is a displaced person from transferring any right in his land to secure payment of an advance made to him by the 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.]<sup>2</sup>

[(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.]<sup>3</sup>

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

(11) Nothing in this section shall—

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

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

166. (1) If a transfer of land is made in contravention of the 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:

For forfeiture in cases of certain transfers.

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

[(2) — x — x — x — x — ]<sup>4</sup>

1. Ins. by M. P. Act 15 of 1980, S. 8.

2. Ins. by M. P. Act 38 of 1961, S. 3(ii).

3. Ins. by M. P. Act 9 of 1970, S. 3.

Omitted by M. P. Act 25 of 1964, S. 16.



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

Exchange of land.

167. Subject to the provisions of section 165 Bhumiswamis may exchange <sup>tual</sup> agreement the whole or any part of their holdings for purposes of consolidation of holdings or securing greater convenience in cultivation.

Leases.

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

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

- (i) made by Bhumiswami who is a member of a registered Co-operative Farming Society to such Society;
- (ii) held by a Bhumiswami for non-agricultural purposes.]<sup>2</sup>

**Explanation.**—For the purposes of this section—

- (a) “lease” means a transfer of a right to enjoy any land, made for a certain time, expressed or implied in consideration of a price paid or promised or of money or any other thing of value to be given periodically to the transferer by the transferee who accepts the transfer on such terms,
- (b) any arrangement whereby a person cultivates any land of a Bhumiswami with bullocks belonging to or procured by such person (lessee) and on condition of his giving a specified-share of the produce of the land to the Bhumiswami shall be deemed to be a lease,
- (c) the grant of a right merely to cut grass or to graze cattle or to grow ‘Singhara’ or to propagate or collect lac, pluck or collect tendu leaves shall not be deemed to be a lease of the land.

(2) A Bhumiswami who is—

- (i) a widow; or
- (ii) an unmarried woman; or
- (iii) a married woman who has been deserted by her husband; or
- (iv) a minor; or
- (v) a person subject to physical or mental disability due to old age or otherwise; or
- (vi) a person detained or imprisoned under any process of law; or
- (vii) a person in the service of Armed Forces of the Union; or
- (viii) a public, charitable or religious institution; or
- (ix) a local authority or a Co-operative Society; may lease the whole or any part of his holding :

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

1. Subs.M. P. Act 25 of 1964 by S.17 (a).

2. Subs. by M. P. Act 24 of 1961, S.11.

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) — — — ]<sup>1</sup>

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

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

[ 169. If a Bhumiswami—

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

Unauthorised lease etc.

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.]<sup>3</sup>

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

Avoidance of transfer in contravention of section 165.

- (i) till the 31st December 1978, in the case of transfer of possession prior to the 1st July 1976; and
- (ii) within five years of such transfer of possession, in subsequent cases,

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

1. Omitted by M. P. Act 25 of 1964, S. 17(b).

2. Subs. by S. 17(c), for "sub-section (2) or (3)".

3. Subs. by M. P. Act 15 of 1980, S. 9.

4. Subs. by M. P. Act 61 of 1976, S. 4

(2) Where any land of a Bhumiswami is sold in contravention of subsection (5) 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 and revenue or any other dues which form a charge on the land.

Certain transfers to be set aside.

[170-A. (1) Notwithstanding anything contained in the Limitation Act, 1963 (No. 36 of 1963), the Sub-Divisional Officer may, on his own motion or on an application made by a transferer of agricultural land belonging to a tribe which has been declared to be an aboriginal tribe under subsection (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 bona fide, he may notwithstanding anything contained in this Code or any other enactment for the time being in force,—

- (a) subject to the provisions of clause (b), set aside such transfer if made by a holder belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 and restore the land to the transferer; or
- (a) subject to the provisions of clause (b), set aside such transfer if made by a holder belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 and [restore the land to the transferer by putting him in possession of the land forthwith.]<sup>1</sup>
- (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.]<sup>2</sup>

Reversion of land of members of aboriginal tribe which was transferred by fraud.

[170-B. (1) Every person who on the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1980 (hereinafter referred to as the Amendment Act of 1980) is in possession of agricultural land which belonged to a member of a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 between the period commencing on the 2nd October, 1959 and ending on the date of the commencement of Amendment Act of 1980 shall, within [two years]<sup>4</sup> 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.

1. Ins. by M. P. Act 61 of 1976, S. 5.

2. Subs. in its application to Scheduled Area, by Government of Madhya Pradesh, Revenue Department's Notification F.No.1-70-7-N-2-83, dated the 5th January, 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asadharaan), dated the 6th January 1984, pages 23-29. for "restore the land to the transferer"

3. Ins. by M. P. Act 15 of 1980, S. 10.

4. Subs. by M. P. Act 19 of 1982, S. 2, for "one year".

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

(3) On receipt of the information under sub-section (1), the Sub-Divisional Officer shall make such enquiry as may be deemed necessary about all such transactions of transfer and if he finds that the member of aboriginal tribe has been defrauded of his legitimate right he shall declare the transaction null and void and pass an order revesting the agricultural land in the transferer and, if he be 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 transferer the difference, if any, between the price so fixed and the price actually paid to the transferer :

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

Provided further that fixation of price under clause (b) shall be with reference to the price on the date of registration of the case before the Sub-Divisional Officer.] 1

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

Advocate not to appear in proceedings under section 170-A or 170-B without permission.

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

170-D. Notwithstanding anything contained in this Code, no second appeal shall lie against the orders passed on or after the 24th October 1983 under section 170-A and section 170-B.]<sup>2</sup>

Second appeal barred.

171. 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.

Right to make improvements

1. Subs., in its application to Scheduled Areas, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 1-70-VII-N-2-83, dated the 5th January, 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asadharaan), dated the 6th January, 1984, pages 23-29.

2. Ins., ibid.

## Diversion of Land.

172. (1) [If a Bhumiswami of land held for any purpose in—
- (i) urban area or within a radius of five miles from the outer limits of such area;
  - (ii) a village with a population of two thousand or above according to last census; or
  - (iii) in such other areas as the State Government may, by notification, specify;

wishes to divert his holding or any part thereof to any other purpose except agriculture,<sup>1</sup> he shall apply for permission to the Sub-Divisional Officer who may, subject to the provisions of this section and to rules made under this Code, refuse permission or grant it on such conditions as he may think fit :

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

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

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

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

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

(6) If any person served with the notice under sub-section (5) fails within the period stated in the notice to take the steps ordered by the Sub-Divisional Officer under 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.

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

1. Subs. by M. P. Act 25 of 1964, S. 19(i).

[(6-a) If any land has been diverted in contravention of sub-section (6-ee) of section 165, the Sub-Divisional Officer in addition to taking action laid down in sub-sections (5) and (6), shall also impose a penalty not exceeding five thousand rupees for such contravention and a further penalty not exceeding one hundred rupees for each day during which such contravention is persisted in.]<sup>1</sup>

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

Provided that no action shall be taken under this sub-section unless the person affected thereby is given a reasonable opportunity of being heard].<sup>2</sup>

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

Relinquishments.

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

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

Disposal of relinquished sub-division.

175. If any person relinquishes his rights to land, the way to 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.

Right of way to relinquished land.

176. (1) If a Bhumiswami ceases to cultivate his holding for two years either by himself or by some other person, does not pay land revenue and has left the village in which he usually resides, the [Tahsildar]<sup>3</sup> 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.

Abandonment of holding.

(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]<sup>3</sup> 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]<sup>3</sup> may think fit.

(3) Where no claim is preferred under sub-section (2) or if a claim is preferred and disallowed, the [Tahsildar]<sup>1</sup> shall make an order declaring the holding abandoned and the holding shall vest absolutely in the State Government, from such date as may be specified in that behalf in the order.

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

1. Ins., in its application to Scheduled Areas, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 37-4-VII-N-II-84, dated the 4th June, 1984 issued by the Governor of Madhya Pradesh under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asadharan) dated the 7th June, 1984, pages 1621-22.

2. Ins. by M. P. Act 25 of 1964, S. 19(ii).

3. Subs. by M. P. Act 24 of 1961, S. 6 for "Collector".

Disposal of holdings.

177. (1) If a Bhumiswami whose land has been assessed for the purpose of agriculture under section 59, or who holds land for dwelling purposes, dies, without known heirs, the [Tahsildar]<sup>1</sup> shall take possession of his land and may lease it for a period of one year at a time.

(2) If within three years of the date on which the [Tahsildar]<sup>1</sup> takes possession of the land any claimant applies for the holding being restored to him, the [Tahsildar]<sup>1</sup> may, after such enquiry as he thinks fit, place such claimant in possession of the land or reject his claim.

(3) The order of the [Tahsildar]<sup>1</sup> passed under sub-section (2) shall not be subject to appeal or revision but any person whose claim is rejected under sub-section (2) may, within one year from the date of the communication of the order of the [Tahsildar]<sup>1</sup> file a civil suit to establish his title, and if such suit is filed, the [Tahsildar]<sup>1</sup> 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]<sup>1</sup> took possession of the land or if a claimant whose claim has been rejected under sub-section (2) does not file a suit within one year as provided in sub-section (3), the [Tahsildar]<sup>1</sup> may sell the deceased Bhumiswami's right in the holding by auction.

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

Partition of holding.

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

[Provided that if any question of title is raised the Tahsildar shall stay the proceeding before him for a period of three months to facilitate the institution of a civil suit for determination of the question of title.]<sup>2</sup>

[(1-A) If a civil suit is filed within the period specified in the proviso to sub-section (1), and stay order is obtained from the civil court, the Tahsildar shall stay his proceedings pending the decision of the civil court. If no civil suit is filed within the said period, he shall vacate the stay order and proceed to partition the holding in accordance with the entries in the record of rights.]<sup>3</sup>

(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)	*	*	*	*	*	]	<sup>4</sup>
[(4)	*	*	*	*	*	]	<sup>4</sup>
(5)	*	*	*	*	*	]	<sup>4</sup>

**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.**— \* \* \* ]<sup>4</sup>

1. Subs. by M. P. Act 24 of 1961, S. 12, for "Sub-Divisional Officer".  
 2. Subs. by M. P. Act 18 of 1978, S. 2(i).  
 3. Ins. by S. 2(ii), *ibid.*  
 4. Omitted by M. P. Act 25 of 1964, S. 20.

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

(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. (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. Restriction on transfer of trees.

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

### CHAPTER XIII

#### Government Lessees and Service Land

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

(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 khatedar 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) \* \* \* \* \*

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

(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 ejection of a Government lessee under this sub-section shall be passed without giving him an opportunity of being heard in his defence.

**Service Land**

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

Disposal of service land in Sironj Region when services no longer required.

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

**CHAPTER—XIV****Occupancy Tenants****Occupancy Tenants.**

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

(i) in the Mahakoshal region—

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

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

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

(ii) in the Madhya Bharat region—

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

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

(3) Nothing in sub-section (1) shall apply to a person who at the coming into force of this Code, holds the land from a 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.

<sup>1</sup>[186. 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—

Maximum rent.

- (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. ]<sup>2</sup>

**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. [(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.]<sup>3</sup>

Commutation.

1. Subs. by M. P. Act 20 of 1968, S. 3.  
 2. Subs. by M. P. Act 5 of 1969, S. 3.  
 3. Subs. by M. P. Act 24 of 1961, S. 13.

(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.

Rent.

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

[Provided that where the agreed rent is payable in kind, the tenant shall be liable to pay, until such rent is commuted into cash under section 187 the maximum rent laid down in section 186.]<sup>1</sup>

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

Resumption by Bhumiswami in certain cases.

189. (1) A Bhumiswami whose land is held by an occupancy tenant [belonging to any of the categories specified in sub-section (1) of section 185, except in items (a) and (b) of clause (i) thereof]<sup>2</sup> may, if the area of land under his personal cultivation is below twenty-five acres of unirrigated land, within one year of the coming into force of this Code, make an application to the Sub-Divisional Officer for resumption of land held by his occupancy tenant for his personal cultivation.

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

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

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

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

(ii) ten acres in any other case.

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

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

1. Added by M. P. Act 24 of 1961, S. 14. *ibid.*

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

**Explanation.**—For the purpose of this section—

- (1) the land under the personal cultivation of Bhumiswami shall include—
  - (a) any land transferred by him by sale or otherwise on or after the 1st January 1959; and
  - (b) any land allowed by him to lie fallow.

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

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

Conferral of Bhumiswami rights on occupancy tenants.

(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]<sup>2</sup>

(3) Where the rights of a Bhumiswami accrue to an occupancy tenant under sub-section (1), [sub-section (2) or sub-section (2-A)]<sup>3</sup> 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.

1. Subs. by M. P. Act 24 of 1961, S.16(i).

2. Added, by, S.16 (ii) *ibid*.

3. Subs. by S, 16(iii), *ibid* for "or sub-section (2)".

(5) The amount of compensation, whether paid in lump sum or in annual instalments, shall be deposited in such manner and form as may be prescribed by the occupancy tenant with the [Tahsilar],<sup>1</sup> for payment to the Bhumiswami.

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

Restoration of occupancy tenant,

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

Provided that the occupancy tenant shall not be entitled to make the application if he in any way obstructs the Bhumiswami in taking possession of or cultivating such land.]<sup>2</sup>

(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 sub-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.

Devolution of rights of occupancy tenants

192. [The interest of an occupancy tenant in his holding shall, on his death, pass by inheritance or survivorship in accordance with his personal law.]<sup>3</sup>

Termination of tenancy.

193. (1) The tenancy of an occupancy tenant in his holding shall be liable to termination 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.

1. Subs. by M. P. Act 24 of 1961, S. 7, for "Revenue Officer".

2. Subs. by S. 17, ibid.

3. Subs. by M. P. Act 38 of 1961, S. 4.

(3) No proceedings on the ground specified in clause (b) of sub-section (1) shall lie unless the Bhumiswami of such land has served on the occupancy tenant a notice in writing specifying the act of destruction or injury complained of and the tenant has failed within a period of six months from the date of service of notice or within such further period as the Sub-Divisional Officer may grant to restore the land to the condition in which it was before such destruction or injury.

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

Provisions applicable to occupancy tenant whose tenancy is terminated.

- (a) if the occupancy tenant has, before the date of termination, sown or planted crops in any land comprised in the holding he shall be entitled, at the option of the Bhumiswami of such land, either to retain possession of such land and to use it for the purpose of tending and gathering in the crops, or to receive from the Bhumiswami of such land, the value of the labour and capital expended by him in preparing such land and sowing, planting and tending such crops, together with reasonable interest thereon;
- (b) if the occupancy tenant has, before the date of termination prepared for sowing any land comprised in his holding, but has not sown or planted crops thereon, he shall be entitled to receive from the Bhumiswami of such land the value of the labour and capital expended by him in preparing such land together with reasonable interest thereon :

Provided that—

- (i) an occupancy tenant shall not be entitled to retain his land or receive any sum in respect thereof under this section if, after the commencement of proceedings by the Bhumiswami of such land for termination, he has cultivated or prepared such land contrary to local usage;
- (ii) the rent, if any, payable to the Bhumiswami of such land by the occupancy tenant at the time of termination may be set off against any sum payable to the occupancy tenant under this section;
- (c) if the occupancy tenant has, before the date of termination, effected any improvement on any land comprised in his holding, he shall be entitled to receive from the Bhumiswami of such land such compensation for it as the Revenue Officer may, after hearing the parties, determine.

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

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

Occupancy tenant's rights of transfer.

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 of the State Government to sell such right for the recovery of an advance made to him under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists, Loans Act, 1884 (XII of 1884).

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

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

**Right of occupancy tenant to make improvement.**

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

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

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

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

- (i) any person who if he survived the tenant would inherit the holding;
- (ii) co-tenant; and
- (iii) Bhumiswami of whom the occupancy tenant holds the land.

**Surrender.**

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

(2) Notwithstanding anything to the contrary in the Indian Stamps Act, 1899 (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. 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.

Receipt.

200. 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 two hundred rupees, or, if double the amount of the total rent recovered exceeds two hundred rupees, not exceeding twice such amount and the Tahsildar may direct that the whole or part of such sum shall be adjusted towards the amount of compensation payable by the occupancy tenant.

Penalty for failure to give receipt or for excess recovery.

201. (1) If from any cause the payment of the whole or any part of the land revenue payable in respect of any land is remitted or suspended, the Collector may, by general or special order, remit or suspend, as the case may be, the payment of the rent, of such land, 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.

Remission and suspension of rent consequent on like treatment of land revenue.

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

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

202. (1) If any person who immediately before the coming into force of this Code held land in any region in any of the capacities mentioned in section 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.

Reinstatement of wrongfully ejected occupancy tenant.

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

(3) On receipt of an application under sub-section (1) or (2), the Tahsildar shall, after making an enquiry into the respective claims of the parties,



decide the application and when he orders the restoration of the possession to the occupancy tenant, put him in possession of the land.

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

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

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

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

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

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

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

#### CHAPTER—XV

#### Alluvion and Diluvion

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

(2) When the area of the alluvial land added to a holding exceeds one acre and it appears to the Sub-Divisional Officer that such land may, with due regard to the interest of the public convenience and public revenue, be disposed of, he shall offer such land in Bhumiswami rights to the Bhumiswami of such holding at a premium which shall not exceed twenty times the fair assessment of the land so formed. If the said Bhumiswami shall refuse the offer, the Sub-Divisional Officer may dispose of the land [in the prescribed manner.]<sup>1</sup>

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

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

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

1. Subs. by M. P. Act 25 of 1964, S. 22 for "in accordance with section 162".

Alluvion and diluvion.

Power to make assessment and decide disputes.

## CHAPTER—XVI

## Consolidation of Holdings

205. In this Chapter—

Definitions.

- (i) "Consolidation of holdings" means the redistribution of all or any of the land in a village, so as to allot to the Bhumiswami contiguous plots of land for the convenience of cultivation;
- (ii) "Consolidation Officer" means a Revenue Officer, not below the rank of a Tahsildar, appointed by the State Government for any district or districts to exercise the powers, and to perform the duties of a Consolidation Officer under this Code.

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

Initiation of consolidation proceedings.

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

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

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

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

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

Rejection of application.

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

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

Admission of application.

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

Preparation of scheme for consolidation of holdings.

(2) If no scheme is submitted with the application, the Consolidation Officer shall prepare a scheme for the consolidation of holdings in the manner laid down by rules made under section 221.

(3) If the Consolidation Officer is of the opinion that the redistribution of land in accordance with a scheme of consolidation will have the result of allotting to any Bhumiswami a holding or land of a less market or productive value than that of his original holding or land, the scheme may provide for the payment of compensation to such Bhumiswami by such person or persons as the Consolidation Officer may direct.

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

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

**Confirmation of scheme.**

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

**Procedure on confirmation.**

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

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

**Right of Bhumiswamis to possession of holdings.**

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

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

**Transfer of rights of Bhumiswamis in holdings.**

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

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

**No instrument necessary to effect transfer.**

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

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

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

**Costs of carrying out scheme.**

215. (1) The Consolidation Officer shall, unless the State Government for sufficient reasons directs otherwise, recover from the Bhumiswamis whose

holdings are affected by the scheme for consolidation of holdings, the costs of carrying out the scheme, which shall be assessed in accordance with rules made under section 221.

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

216. Any amount payable as compensation under sub-section (3) of section 209, or as costs under section 215, may be recovered as an arrear of land revenue.

Recovery of Compensation and cost.

217. When an application for the consolidation of holdings has been admitted under section 208, no proceedings for partition of the holdings which will affect the scheme of consolidation shall be commenced and all such proceedings pending shall remain in abeyance during the continuation of the consolidation proceedings.

Suspension of partition proceedings during currency of consolidation proceedings.

218. When an application for the consolidation of holdings has been admitted, no Bhumiswami upon whom the scheme will be binding shall have power, during the continuance of the consolidation proceedings, to transfer or otherwise deal with any part of his original holding or land so as to affect the rights of any other Bhumiswami thereto under the scheme of consolidation.

Transfer of property during proceedings.

219. A Bhumiswami shall have the same rights in the holding or land allotted to him in pursuance of a scheme of consolidation as he had in his original holding.

Rights of Bhumiswamis after consolidation same as before.

220. (1) If the holding of any Bhumiswami brought under the scheme of consolidation is validly burdened with any lease mortgage or other encumbrance, such lease, mortgage or other encumbrance, shall be transferred and shall attach to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer, subject to any rules that may be made under section 221, may have appointed in preparing the scheme; and thereupon, the lessee, mortgagee or other encumbrancer, as the case may be, shall cease to have any right in or against the land from which the lease, mortgage or other encumbrance has been transferred.

Encumbrances of Bhumiswamis.

(2) Notwithstanding anything contained in sub-section (1) or any other enactment for the time being in force the Consolidation Officer shall, if necessary, put any lessee or any mortgagee or other encumbrancer entitled to possession, by warrant, into possession of the holding or part of a holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

221. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

Power to make rules

(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

#### Appointment of patels.

222. (1) Subject to rules made under section 258, the Collector may appoint for each village or group of villages one or more patels.

(2) When there are two or more patels in a village, the Collector may distribute, subject to rules made under section 258, duties of the office of patel in such manner as he may think fit.

[(3) Where in the Vindhya Pradesh region, a patwari has been performing the duties imposed on a patel under this Code immediately before the commencement of this Code, he shall continue to perform such duties and shall be deemed to be Patel for purposes of this Code, until a Patel is appointed under sub-section (1).]<sup>1</sup>

#### Remuneration of patels.

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

#### Duties of patels.

224. It shall be the duty of every patel—

- (a) to collect and pay into the Government treasury land revenue and cesses payable through him and such other Government dues ordered to be collected by him ;
- (b) to furnish reports regarding the state of his village at such places and times as the Collector may fix in this behalf;
- (c) as far as possible to prevent encroachments on waste land, public paths, and roadways in the villages;
- (d) to preserve such stations and boundary marks erected in his village by surveyors in the service of Government as may be made over to his care and to report any damage caused to such marks;
- (e) subject to rules made under section 258, to keep the village in good sanitary condition;
- (f) to prevent 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.

225. If by any enactment for the time being in force, any public duties are imposed on or public liabilities are declared to attach to landholders, their managers or agents, such duties shall be deemed to be imposed upon and such liabilities shall be held to attach to patels appointed under this Code :

Duties imposed under any law upon land holders deemed to be imposed on patels.

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. Subject to rules made under section 258, the Collector may remove from office any patel.

Removal of patels.

227. A Patel who is found negligent in the performance of any duty assigned to him under section 224 or 225, shall be liable under the order of the Tahsilder to a fine which may extend to twenty rupees.

Punishment of patels.

228. 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.

Appointment of substitute patel.

229. Notwithstanding anything contained in this Code, the State Government may entrust the management of a village or the performance of the duties entrusted to a patel, to a Gram Panchayat or where a Gram Panchayat has not been constituted, to a Gram Sabha constituted in accordance with the provisions of section 232.

Entrustment of village management.

### B—Kotwars

230. (1) For each village or group of villages, there shall be appointed, in accordance with rules made under section 258, one or more kotwars for the performance of such duties as may be prescribed :

Appointment of kotwars and their duties.

Provided that in the Madhya Bharat region the duties of kotwars under this section shall be performed by the Police Chowkidars who shall, on the coming into force of this Code, be deemed to be kotwars under this section, and be subject in all respects to the control of Revenue Officers.

(2) Every person who at the coming into force of this Code holds the post of a village watchman in the Bhopal and Sironj regions or of a chowkidar in the Vindhya Pradesh region shall be deemed to be a kotwar under this section.

[231. The State Government may, by general order, subject to such restrictions, terms and conditions as may be mentioned therein, fix the remuneration of Kotwars either prospectively or retrospectively but such retrospective effect shall not be from a date earlier to the 1st March, 1982.] 1

Remuneration of kotwars.

### C—Gram Sabha

232. (1) For the purpose of the management of a village, the State Government may establish a Gram Sabha for a village or a group of villages for which a Gram Panchayat has not been constituted under the law in force relating to panchayats.

Gram Sabha

(2) The Gram Sabha shall consist of one Chairman, one Secretary and not less than three other members who shall be elected in the prescribed manner by the adult residents of the village or group of villages for which the Gram Sabha is established.

(3) The term of the office of members shall be five years.

(4) Every Gram Sabha shall be a body corporate and shall have perpetual succession and common seal and shall, by its name, sue and be sued. Subject to any rules made in this behalf, it shall also have power to acquire, hold or transfer property movable and immovable, to enter into contracts and do all things necessary for the purposes of performing the duties entrusted to it.

(5) Every Gram Sabha shall establish and maintain a fund and into such fund shall be paid—

- (i) all sums recovered as grazing fees and such other fees and income arising from the management of the village as the State Government may prescribe; and
- (ii) all sums contributed by the State Government or any local body or any private person.

Such funds shall be applicable to the payment of charges and expenses incidental to the several matters under the control and administration of the Gram Sabha.

(6) The Collector shall exercise supervision over the working of the Gram Sabha and may for sufficient cause dissolve any Gram Sabha and appoint any person to perform its functions until it is reconstituted.

(7) In any village or group of villages for which a Gram Panchayat under the law in force relating to panchayats has been established, such Gram Panchayats shall perform the duties imposed upon and exercise the rights of a Gram Sabha under this Code, and the Gram Sabha shall cease to exist.

(8) The State Government may, by notification, delegate to the Gram Sabha such of the duties of the Patel or any other function in connection with agricultural or industrial development of a village as it may think fit.

#### CHAPTER—XVIII

#### Rights in abadi and unoccupied land and its produce

Record of unoccupied land.

233. A record of all unoccupied land shall, in accordance with rules made in this behalf be prepared and maintained for every village showing separately—

(a) unoccupied land set apart for exercise of nistar rights under section 237; [xxx]<sup>1</sup>

[(b) \* \* \* \* ]<sup>2</sup>

Preparation of Nistar Patrak.

234. (1) The [Sub-Divisional Officer] 3 shall, consistently with the provisions of this Code and the rules made thereunder, prepare a Nistar Patrak embodying a scheme of management of all unoccupied land in a village and all matters incidental thereto and more particularly matters specified in section 235.

(2) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the residents of the village in the prescribed manner, it shall be finalised by the [Sub-Divisional officer].<sup>3</sup>

(3) On a request being made by the Gram Sabha, or where there is no Gram Sabha, on the application of not less than one-fourth of the adult residents of a village, or on his own motion the [Sub-Divisional Officer]<sup>3</sup> may, at any time, modify any entry in the Nistar Patrak after such enquiry as he deems fit.

Matters to be provided for in Nistar Patrak.

235. The matters which shall be provided for in the Nistar Patrak shall be as follows, namely:—

- (a) terms and conditions on which grazing of cattle in the village will be permitted;
- (b) the terms and conditions on which and the extent to which any resident may obtain—
  - (i) wood, timber, fuel or any other forest produce;

1. Word "and" omitted by M. P. Act 25 of 1964, S. 23 (i).

2. Omitted by S. 23 (ii), *ibid*.

3. Subs. by M. P. Act 24 of 1961, S. 4, for "Collector".

- (ii) mooram, kankar, sand, earth, clay, stones or any other minor mineral;
- (c) instructions regulating generally the grazing of cattle and the removal of the articles mentioned in paragraph (b);
- (d) any other matter required to be recorded in the Nistar Patrak by or under this Code.

236. In preparing the Nistar Patrak as provided in section 235, the Collector shall, as far as possible, make provision for—

Provision in Nistar Patrak for certain matters.

- (a) free grazing of the cattle used for agriculture;
- (b) removal free of charge by the residents of the village for their bona fide domestic consumption of—
  - (i) forest produce;
  - (ii) minor minerals;
- (c) the concessions to be granted to the village craftsmen for the removal of the articles specified in clause (b) for the purpose of their craft.

237. (1) Subject to the rules made under this Code, the Collector may set apart unoccupied land for the following purposes, namely:—

Collector to set apart land for exercise of Nistar rights.

- (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, playgrounds, parks, road, lanes, drains and the like; and
- (k) for any other purposes which may be prescribed for the exercise of right of Nistar.

(2) Lands set apart specially for any purpose mentioned in sub-section (1), shall not otherwise be diverted without the sanction of the Collector.

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

Rights in waste land of another village.

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

(3) If, on enquiry, into an application made under sub-section (2), the Collector finds that the right of passage is reasonably necessary to enable such residents to exercise a right to graze their cattle in any other village or in 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.



## THE MADHYA PRADESH LAND REVENUE CODE, 1959

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

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

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

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

- (a) the orders specifying the right of nistar or the right of grazing cattle shall be passed by the Collector in whose district the village over which such right is claimed lies;
- (b) any orders regarding route of passage shall be passed by the Collector in whose respective jurisdiction the area over which passage is allowed lies;
- (c) the Collector passing an order in accordance with clauses (a) and (b) shall consult in writing the other Collector concerned.

Rights in fruit bearing trees planted in un-occupied land.

239. (1) Where, before the coming into force of this Code any fruit bearing tree was planted by any person in the unoccupied land of any village, and is so recorded, then notwithstanding that such land vests in the State Government, such person, and his successor in interest shall from generation to generation be entitled to possession and usufruct of such trees without payment of any royalty or other charge whatsoever therefor.

(2) Any person desiring to plant a fruit bearing tree in the un-occupied land of any village may do so with the previous permission of [Tahsildar]<sup>1</sup>, and the provisions of sub-section (1) shall, as far as may be, apply to the fruit bearing tree, planted in accordance with the permission obtained under this sub-section.

(3) The right conferred under this section shall be transferable but the person planting the fruit bearing tree or his successor in interest shall have no right to the corpus of such tree or the land on which it stands.

(4) If any dispute arises under this section it shall be decided by the [Tahsildar]<sup>1</sup>, whose decision shall be final.

(5) The State Government may make rules regulating the grant of permission and the exercise of the right conferred under this section.

Prohibition of cutting of certain trees.

240. (1) If the State Government is of the opinion that the cutting of any tree is detrimental to public interest or that it is necessary to prohibit or regulate the cutting of certain trees for preventing erosion of soil, it may, by rules made in this behalf, prohibit or regulate the cutting of such trees whether such trees stand on the land belonging to Bhumiswami or on land belonging to State Government.

(2) In framing rules under sub-section (1), the State Government may provide that all or any of the rules shall apply only to such area as the State Government may, by notification, specify.

(3) The State Government may make rules regulating the control, management, felling or removal of the forest growth on the lands belonging to the State Government.

Measures to prevent theft of timber from Government forest.

241. (1) If the State Government is satisfied that in order to prevent the theft of timber from any Government forest it is necessary in the public interest to regulate the felling and removal of timber in the villages comprised in any area adjoining such forests, the State Government may, by an order published in the Gazette, declare such area to be a notified area for purposes of this section.

1. Subs. by M. P. Act 24 of 1961 S. 7, for "Revenue Officer".

(2) Every order published under sub-section (1) shall be proclaimed in the prescribed manner in all the villages comprised in the notified area.

(3) Notwithstanding anything contained in section 179 but subject to the provisions of sub-section (5), when an order has been proclaimed in any village under sub-section (2), no person shall in pursuance of a transaction of sale or for purposes of trade or business fell any timber tree in any holding 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 there-under, shall, without prejudice to any other action that may be taken against him, be liable on the order in writing of the Collector, to pay a penalty not exceeding one thousand rupees as may be imposed by him and the Collector may, further order confiscation of any timber trees felled in contravention of the provisions of this sub-section.

(5) Nothing in sub-sections (3) and (4) shall apply to the felling or removal of timber trees by any person from his land for his bona-fide agricultural or domestic purposes, if such felling or removal is otherwise in accordance with the other provisions of this Code.

242. (1) As soon as may be after this Code comes into force, the [Sub-Divisional Officer]<sup>1</sup> shall, in the prescribed manner, ascertain and record the customs in each village in regard to—

Wajib-ul-arz.

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

in any land or water not belonging to or controlled or managed by the State Government or a local authority and such record shall be known as the Wajib-ul-arz of the village.

(2) The record made in pursuance of sub-section (1), shall be published by the [Sub-Divisional Officer]<sup>1</sup> 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]<sup>1</sup> 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.

1. Subs. by M. P. Act 24 of 1961 S.4, for "Collector".

**Abadi.**

243. (1) Where the area reserved for abadi is in the opinion of the Collector insufficient, he may reserve such further area from the unoccupied land in the village as he may think fit.

(2) Where unoccupied land for purposes of abadi is not available, the State Government may acquire any land for the extension of abadi.

(3) The provisions of the Land Acquisition Act, 1894 (1 of 1894), shall apply to such acquisition and compensation shall be payable for the acquisition of such land in accordance with the provisions of that Act.

**Disposal of abadi sites.**

244. Subject to rules made in this behalf the Gram Panchayat or where a Gram Panchayat has not been constituted, the Tahsildar shall dispose of sites in the abadi area.

**Rights to hold house site free of land revenue.**

245. A building site of reasonable dimensions in the abadi shall not be liable to the payment of land revenue if such site is occupied by a kotwar or a person who holds land or works as an agricultural artisan or an agricultural labourer in such village or in a village usually cultivated from such village.

**Right of persons holding house sites in abadi**

246. Subject to the provisions of section 244 every person who at the coming into force of this Code lawfully holds any land as a house site in the abadi or who may hereafter lawfully acquire such land shall be a Bhumiswami in respect of such land :

<sup>1</sup>[Provided that the allotment of house site under Gramin Avas Yojna to a landless person on or after the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1973 shall be subject to the following conditions—

- (i) that the allottee shall build a house on such land within a period of [five years]<sup>2</sup> from the date of allotment;
- (ii) that the allottee shall not transfer the land allotted to him or his interest therein during a period of [ten years]<sup>3</sup> 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 Governments are to provide house sites free of cost to families of landless workers in rural areas who do not already own a house site or a built up house or a hut on land of their own.]

**Government's title to minerals.**

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

(2) The right to all 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 purposes subsidiary thereto, including the erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines, and any other purposes which the State Government may declare to be subsidiary to mining and quarrying.

(3) If the Government has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) should be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right has been assigned :

1. Added by M. P. Act 29 of 1973, S. 2.

2. Subs. by M. P. Act 9 of 1975, S. 2(1), for “one year”.

3. Sub. by S. 2(ii), *ibid*, for “five years”.

Provided that no such delegation shall be made until notice has been duly served on all persons having rights in the land affected, and their objections have been heard and considered.

(4) If, in the exercise of the right herein referred to over any land, the rights of any person are infringed by the occupation or disturbance of the surface of such land, the Government or its assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall be calculated by the Sub-Divisional Officer, or, if his award is not accepted, by the Civil Court, as nearly as may be, in accordance with the provisions of the Land Acquisition Act, 1894 (1 of 1894).

(5) No assignee of the Government shall enter on or occupy the surface of any land without the previous sanction of the Collector, and unless the compensation has been determined and tendered to the persons whose rights are infringed.

(6) If an assignee of the Government fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue.

(7) Any person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in, and has not been assigned by, the Government shall, without prejudice to any other action that may be taken against him, be liable, on the order in writing of the Collector, to pay penalty not exceeding a sum calculated at double the market value of the minerals so extracted or removed :

Provided that if the sum so calculated is less than one thousand rupees, the penalty may be such larger sum not exceeding one thousand rupees as the Collector may impose.

(8) Without prejudice to the provisions in sub-section (7) the Collector may seize and confiscate any mineral extracted or removed from any mine or quarry the right to which vests in, and has not been assigned by the Government.

**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.

1[248. (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, may be summarily ejected by order of the Tahsildar and any crop which may be standing on the land and any building or other work which he may have constructed thereon, if not removed by him within such time as the Tahsildar may fix shall be liable to forfeiture. Any property so forfeited shall be disposed of as the Tahsildar may direct and the cost of removal of any crop, building or other work and of all works necessary, to restore the land to its original condition shall be recoverable as an arrear of land revenue from him. Such person shall also be liable at the discretion of the Tahsildar to pay the rent of the land for the period of unauthorised occupation at twice the rate admissible for such land in locality and to a fine which may extend to [five thousand]<sup>2</sup> rupees and to a further fine which may extend to twenty rupees for every day on which such unauthorised occupation or possession continues after the date of first ejection. 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 :

Penalty for unauthorisedly taking possession of land.

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 ;

1. Subs. by M. P. Act 15 of 1971, S. 4.

<sup>2</sup> Subs. by M. P. Act 44 of 1974, S. 2(a), for, “one thousand”.

- (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).

(2) It shall not be competent to the Tahsildar to impose a fine of amount exceeding [one thousand five hundred]<sup>1</sup> rupees but if in any case he considers that circumstances of the case warrant imposition of a higher fine, he may refer the case to the Sub-Divisional Officer who shall, then, after giving the party concerned an opportunity of being heard, pass such orders in respect of fine as he may deem fit.

[(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 three 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).]<sup>2</sup>

(3) No order under sub-section (1) shall prevent any persons from establishing his rights in a Civil Court.

(4) [ \* \* \* ]<sup>3</sup>

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

- (a) fishing in Government tanks;
- (b) catching, hunting or shooting of animals in villages; and

Regulation of fishing,  
hunting, etc.

1. Subs. by M. P. Act 44 of 1974, S.2(b), for "two hundred and fifty".

2. Ins. by M. P. Act 12 of 1976, S.2(1).

3. Omitted by S.2(2), ibid.

- (c) the removal of any materials from lands belonging to the State Government.

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

250. [(1) 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,—

Reinstatement of Bhumiswami improperly dispossessed.

- (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 dispo- session 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 pos- session 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.]<sup>1</sup>

[(1) For the purposes of this section and section 250-A Bhumiswami shall include occupancy tenant and Government lessee.]<sup>2</sup>

[(1-a) If a Bhumiswami is dispossessed of the land other- wise 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 beonging 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 disposse- sion 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.]<sup>3</sup>

1. Subs. by M. P. Act 61 of 1976, S.6.

2. Ins., in its application to Scheduled Areas, by Government of Madhya Pradesh. Revenue Department's Notification F. No. 1-70-VII-N-2-83, dated the 5th January, 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asadhara- ran), dated the 6th January, 1984, pages 23-29.

3. Existing sub-section (1) re-numbered as sub-section (1-a) in its application to the Scheduled Area, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 1-70-VII-N-2-83, dated the 5th January 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, Published in the Madhya Pradesh Rajpatra (Asadhara- ran) dated the 6th January, 1984, Page 23-29

[ (1-b) the Tahsildar may on coming to know that a Bhumiswami or an occupancy tenant or a Government lessee has been dispossessed of his land otherwise than in due course of law, *suo mo*: 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, on 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.]<sup>1</sup>

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

[ (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-mo* proceedings under this section. In such a case the opposite party shall, if necessary, be ejected under orders of the Tahsildar.]<sup>1</sup>

(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 hundred and fifty rupees per hectare per year.]<sup>2</sup>

(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 in contravention of the order.]<sup>3</sup>

[(9) Where an order has been passed under sub-section (2) for the restoration of the possession of the Bhumiswami, the opposite party shall also be liable to fine which may extend to five thousand rupees :

1. Ins., in its application to Scheduled Areas, by Government of Madhya Pradesh, Revenue Department's Notification F. No. 1-70-VII-N-2-83, dated the 5th January, 1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asadharaan), dated the 6th January, 1984, pages 23-29.

2. Subs. by M. P. Act 15 of 1980, S. 11.

3. Added by M. P. Act 15 of 1971, S. 5.

Provided that it shall not be competent to the Tahsildar to impose a fine of amount exceeding one thousand five hundred rupees but if in any case he considers that circumstances of the case warrant imposition of a higher fine, he may refer the case to the Sub-Divisional Officer who shall, after giving the party concerned an opportunity of being heard, pass such orders in respect of fine as he may deem fit.]<sup>1</sup>

[ 250-A. (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 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 :

Confinement in civil prison on failure to restore possession under section 250.

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). ]<sup>2</sup>

251. [ (1) All tanks situated on unoccupied land on or before the date of coming into force of the Act, providing for the abolition of the rights of intermediaries in the area concerned and over which members of the village community were, immediately before such date, exercising rights of irrigation or nistar, shall, if not already vested in the State Government, vest absolutely in the State Government with effect from the 6th April 1959 :

Vesting of tanks in State Government.

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 fulfills 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.]<sup>3</sup>

(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 ]<sup>4</sup> 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.]<sup>5</sup>

1. Ins. by M. P. Act 44 of 1974, S. 3.

2. Ins. by M. P. Act 15 of 1980, S. 12.

3. Subs. by M. P. Act 38 of 1961, S. 5(i).

4. Subs. by S. 5(ii), *ibid.*, for "two years".

5. Ins. by S. 5 (iii); *ibid.*



(3) Such compensation shall be fifteen times the land revenue assessable on the land covered by the tank and for purposes of assessment such land shall be treated as irrigated land of the same quality as the adjoining land.

(4) The compensation as determined under sub-section (3) shall be paid by the Collector to the person or persons proved to his satisfaction to be owning interest in the tank concerned.

(5) The payment of compensation under sub-section (4) shall be a full discharge of the State Government from all liability for compensation in respect of the tank concerned, but shall not prejudice any right in respect of such tank to which any other person may be entitled by due process of law to enforce against the person or persons to whom compensation has been paid as aforesaid.

(6) The State Government may make rules providing for the regulation of the use of water from such tanks.

(7) The vesting of any tank under sub-section (1) shall not affect the rights of irrigation and nistar in such tank to which any person is entitled immediately before the date of vesting.

[ **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.]

Maintenance of works of public utility.

252. (1) It shall be the duty of the Gram Sabha to maintain and keep in proper repairs the works of public utility in the village.

(2) Subject to rules made under this Code, the Gram Sabha may, by order in writing, call upon adult males residing in the village (except those who are old and infirm or subject to any physical disability) to perform such labour as it may specify in the order for keeping in a proper state of repairs such works of public utility in the village as may be notified by the State Government in that behalf.

(3) No order under sub-section (2) shall be passed unless the works are of public utility and are likely to benefit generally the persons against whom the order is being passed.

(4) A person required to perform labour under the provisions of sub-section (2), may have it performed by another on his behalf or pay for its performance at such rate as may be determined by the Tahsildar.

(5) Any person who neglects or refuses to perform the labour referred to in sub-section (2) or fails to pay for the performance of labour as provided in sub-section (4) shall, on the order of the Tahsildar, be liable to pay an amount equal to the value of the labour at the rates determined by the Tahsildar under sub-section (4), and such amount shall be recoverable as an arrear of land revenue.

Punishment for contravention of provisions.]

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

(2) Where any contravention, breach or non-observance punishable under sub-section (1) has been committed by the Gram Sabha, every Officer

bearer of the Gram Sabha shall be liable under that sub-section unless he proves that the contravention, breach or non-observance took place without his knowledge or that he exercised all due diligence to prevent such contravention, breach or non-observance.

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

254. 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.

Performance of duties of Gram Sabha by Patel.

## CHAPTER XIX

### Miscellaneous

255. (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.

Prescription, of standards of cultivation and management.

(2) Such rules may provide for the issue of directions as regards the methods of agriculture to be adopted, the use of improved seeds, conservation and proper utilisation of manure, sale of surplus foodgrains, and for ensuring proper wages and terms of employment of agricultural workers, and such other directions as may be necessary or desirable for the efficient utilisation of lands.

(3) Such rules shall apply to agriculturists who cultivate personally land in excess of such limits as may be prescribed.

(4) If an agriculturist to whom such rules apply under sub-section (3) fails to carry out the directions issued under sub-section (2), the State Government may have the directions carried out by any other agency in such manner as it deems fit and recover from him all such cost as may be incurred.

256. Subject to such conditions and to the payment of such fees as may be prescribed by rules made under this Code, all revenue records, maps and land records which have been prepared or are required to be prepared or kept under this Code or any other enactment for the time being in force, shall be open to the inspection of the public at reasonable hours, and certified extracts therefrom, or certified copies thereof, shall be given to all persons applying for the same.

Inspection and copies of maps and land records.

257. 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 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 :—

Exclusive jurisdiction of revenue authorities.

- (a) any decision regarding the purpose to which land is appropriated under section 59;
- (b) any question as to the validity or effect of the notification of a revenue survey or any question as to the term of a settlement;
- (c) any claim to modify a decision determining abadi made by a Settlement Officer or Collector;
- (d) any claim against the State Government to hold land free of land revenue, or at less than the fair assessment, or to be assigned in whole or in part the land revenue assessed on any land;

- (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 lessee of a Bhumiswami under sub-section (4) of section 168;
- [(l) any claim to set aside transfer by a Bhumiswami under sub-section (1) of section 170 and clauses (a) and (b) of sub-section (2) of section 170-A;]<sup>1</sup>
- (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 a wrongfully ejected occupancy tenant under section 202;
- (v) amount payable as compensation under sub-section (3) of section 209, confirmation of the scheme for consolidation of holdings under section 210, transfers of rights in carrying out the scheme under section 213 and assessment and apportionment of costs of consolidation of holdings under section 215;
- (w) any claim to modify any entry in the Nistar Patrak;
- (x) any decision regarding reinstatement of a Bhumiswami improperly dispossessed under section 250.

1. Sub, by M. P. Act 18 of 1984, S. 2.

- (y) any decision regarding vesting of tanks in State Government under section 251 and any claim against the State Government arising thereunder;
- (z) any claim against the State Government to set aside or modify any premium, penalty, cess or rate imposed or assessed under the provisions of this Code or any other enactment for the time being in force;
- (z-1) any claim against the State Government arising under section 255 regarding prescription of standard of cultivation and management;
- (z-2) any claim to compel the performance of any duty imposed by this Code on any Revenue Officer or other officer appointed under this Code.

1[257-A (1) In any proceedings under sub-section (6) of section 165, or under the proviso to section 169 or under sub-section (1) of section 170 or under section 170-A or under section 250 in which one of the parties is a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165, the burden of proving the validity of transfer thereunder shall, notwithstanding anything contained in this Code or in any other law for the time being in force, lie on the person who claims such transfer to be valid.

Burden of proof and bar of legal practitioners in certain proceedings.

(2) No legal practitioner shall appear, plead or act on behalf of any party in any proceedings specified in sub-section (1) in which one of the parties is a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 except with the written permission of the Revenue Officer/Court before whom the case is pending.]

258. (1) The State Government may make rules generally for the purpose of carrying into effect the provisions of this Code.

General rule making power

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for—

- (i) the terms and conditions of service of the President and members of the Board of Revenue constituted under section 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-divisions of survey numbers shall be entered under section 71;
- (viii) the manner of dividing a village into two or more villages or uniting two or more villages into one or constituting village or altering the limits of a village under section 73;

- (ix) the necessary inquiry which shall be completed and the form in which and the particulars with which the proposals for assessment rate shall be forwarded under section 77;
- (x) the manner in which notice of assessment shall be given under section 82;
- (xi) the manner of inquiry into the profits of agriculture and into the value of land used for agriculture and non-agricultural purposes under section 87;
- (xii) the regulation of the conduct of revenue survey or settlement under section 91-A;<sup>1</sup>
- (xiii) regulation of division of lands in urban areas into plot numbers, recognition of existing survey numbers as plot numbers, reconstitution of plot numbers or formation of new plot numbers under section 93;
- (xiv) the manner of dividing plot numbers into sub-divisions and apportioning the assessment of plot number among the sub-divisions; and the limits either of area or of land revenue or both in any local area for recognition of sub-divisions under section 94;
- (xv) prescription of records under section 95;
- (xvi) prescription of other special purposes under section 96;
- (xvii) the manner of publishing the standard rates under section 97;
- (xviii) (a) the manner of keeping record of all registered sales and leases of lands under section 98(1), and  
(b) determination of the average annual letting value of lands under section 98 (2);
- (xix) prescription of other duties of patwaris under sub-section (2) of section 104;<sup>2</sup>
- (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 of entries which it shall contain;<sup>3</sup>
- (xxvi) the regulation of requisition of assistance under section 120;
- (xxvii) preparation, maintenance and revision of land records under section 121;

1. Subs. by M. P. Act 16 of 1985, S.5.

2. Subs. by M. P. Act 24 of 1961, S.19 (i).

3. Subs. by M. P. Act 25 of 1964, S.24 (i).

- (xxvii-a) manner in which objection shall be disposed of by Tahsildar under section 123(3);<sup>1</sup>
- (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 whereat 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 [for grant of annuity, the time within which such application shall be made]<sup>2</sup> 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) \* \* \* \* \*]<sup>3</sup>
- (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;]<sup>4</sup>
- (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);

1. Ins. by M. P. Act 25 of 1964, S. 24 (ii).

2. Subs. by M. P. Act 24 of 1961, S. 19(ii), for, "for grant of annuity".

3. Omitted by M. P. Act 25 of 1964, S. 24 (iii).

4. Ins. by M. P. Act 15 of 1980, S. 13.

- (*xliv*) (a) regulation of partition of holdings and apportionment of assessment, under section 178(2); and  
 [(b) \* \* \* \* \* ]<sup>1</sup>
- (*xlv*) guidance of Revenue Officers with regard to applications for purchase of right in trees under section 179(2);  
 [(*xlvi*) \* \* \* \* \* ]<sup>2</sup>
- (*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 subsection (1) of section 191 shall be made;]<sup>3</sup>
- (*xlix*) the regulation of the procedure in disposing of claims to be placed in possession of an occupancy holding which has been transferred under section 197;
- (*l*) prescription of the manner of selection and demarcation of land vesting in the State Government and the fixation of land revenue on the land reserved by the Bhumiswami under section 198(4);
- (*li*) the form and the manner in which the receipt for rent shall be given under section 199;
- (*lii*) the regulation of assessment of increase and reduction in land revenue required or permitted under Chapter XV;
- (*liii*) the regulation of appointment of patels under section 222(1), the manner of distribution of duties of the office of patel where there are two or more patels in a village, fixation of remuneration of a patel, and prescription of additional duties of 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;
- [(*lv*) (a) the appointment, punishment, suspension and dismissal of Kotwars,]  
 (b) the prescription of the duties and mode of supervision of Kotwars;]<sup>4</sup>
- (*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;

1. Omitted by M. P. Act 25 of 1964, S. 24, (iii).

2. Omitted, *ibid*.

3. Ins. by M. P. Act 24 of 1961, S. 19 (iii).

4. Subs. by M. P. Act 31 of 1982, S. 3.

- (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);
  - (lx) the regulation of the grant of permission for the plantation of fruit bearing trees and for exercise of rights under section 239;
  - (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;
  - (lxvi) (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);
  - (lxvii) the regulation of procedure of the Gram Sabha in calling upon persons residing in the village to perform labour under section 252;
  - (lxviii) prescription of standards of cultivation and management under section 255;
  - (lxix) prescription of conditions for inspection and grant of copies of records, maps and land records under section 256;
  - (lxx) generally for the guidance of Revenue Officers and all other persons in proceedings under this Code;
  - (lxxi) any other matter which has to be or may be prescribed.
- (3) All rules made under this section shall be subject to the condition of previous publication.
- (4) All rules made under this Code shall be laid on the table of the Legislative Assembly and shall be subject to such modifications as the Legislative Assembly may make.

259. Any reference in any enactment to,—

Reference to certain tenures.

[(a) A Bhumiswami or a Bhumidhari in the Mahakoshal region;]1



- [(a-i) a pakka tenant, muafidar, inamdard or a concessional holder in the Madhya Bharat region;]]<sup>1</sup>
- (b) a pachpan pamtalis tenant, pattedar tenant, grove holder or a holder of a tank in the Vindhya 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 a reference to a Bhumiswami.

Reference to laws not in force in any region

260. Any reference in this Code to a Central Act which is not in force in any region of the State shall in relation to that region be construed as a reference to the corresponding law in force in that region.

**Explanation.**—For purposes of this section the expression “Central Act” shall have the same meaning as assigned to it in section 3 (7) of the General Clauses Act, 1897 (X of 1897).

Repeal and savings.

261. The enactments specified in Schedule II are hereby repealed to the extent mentioned in the 4th column thereof :

Provided that the repeal shall not affect—

- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that subject to the preceding proviso, anything done or any action taken (including any rules, assessment, appointments and transfers made, notifications, summons, notices, warrants and proclamations issued, authorities and powers conferred, forms and leases granted, record-of-rights, and other records framed or confirmed, rights acquired, liabilities incurred and times and places appointed) under any such enactment shall be deemed to have been done or taken under the corresponding provision of this Code and shall continue to be in force accordingly unless and until superseded by anything done or action taken under this Code.

Transitory provisions.

262. (1) Save as otherwise expressly provided in this Code, all cases pending before the State Government or any Revenue Court in any region immediately before the coming into force of this Code, whether in appeal, revision, review or otherwise shall be decided in accordance with the provisions of the appropriate law, which would have been applicable to them had this Code not been passed.

(2) Any case pending in Civil Court at the coming into force of this Code, which would under this Code be exclusively triable by a Revenue Court, shall be disposed of by such Civil Court according to the law in force prior to the commencement of this Code.

1: Re-numbered, by M. P. Act. 24 of 1961. S.20.

(3) All proceedings under any of the laws described in Schedule III pending before the State Government immediately before the commencement of this Code shall, on such commencement, stand transferred to the Board, and shall thereupon be disposed of by the Board as if they were proceedings entertained by the Board under this Code.

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

263. (1) If any difficulty arises in giving effect in any region to the provisions of this Code, the State Government may, by order notified in the Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

Power to remove difficulties.

(2) A copy of the order passed under sub-section (1) shall as soon as may be after it is passed be laid before the Legislative Assembly.

264. Nothing contained in this Code shall apply to a person who holds land from the Central Government.

Code not to apply in certain cases.

## SCHEDULE I

(See section 41)

### RULES OF PROCEDURE OF REVENUE OFFICERS AND REVENUE COURTS

#### ISSUE OF SUMMONS

1. Every summons shall be in writing, in duplicate and shall be signed and sealed by the Officer issuing it or by such person as he empowers in his behalf, and it shall specify the time and place at which the person summoned is required to attend, and also whether he is required to give evidence or to produce a document.

2. Every summons to a party shall be accompanied by a concise statement about the subject-matter of the proceedings.

3. A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or power of the person summoned.

#### MODE OF SERVICE OF SUMMONS

4. Every summons shall be served by tendering or delivering a copy of it to the person summoned personally or to his recognised agent.

5. Where the person summoned cannot be found and has no recognised agent, service may be made on any adult male member of the family of the person summoned, who is residing with him.

**Explanation.**—A servant is not a member of the family within the meaning of this rule.

6. Where the serving officer delivers or tenders a copy of the summons to the person summoned personally or to his recognised agent or other person on his behalf, he shall require the signature of the person, to whom the copy is delivered or tendered to an acknowledgment of service endorsed on the original summons.

7. If service of the summons cannot be effected in the manner provided in rules 4, 5 and 6, a copy thereof should be affixed at the last known place of residence of the person summoned or at some place of public resort in such village.

8. Where a copy of the summons is affixed as provided in rule 7, the serving officer shall return the original copy of the summons to the Court from which it was issued with a report endorsed 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 acknowledgment of service endorsed on the original notice.

14. If service of the notice cannot be effected in the manner provided in rules 11, 12 and 13 a copy thereof may be affixed at the last known place of residence of the person concerned or at some place of public resort in the village in which the land to which the notice relates is situate or from which the land is cultivated.

15. Where a copy of the notice is affixed as provided in rule 14, the serving officer shall return the original copy of the notice to the officer who issued it, with a report endorsed 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

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it, at the head quarters of the tahsil within which the land to which it refers is situate, and at some place of public resort on or adjacent to the land to which it refers, and unless the officer issuing it otherwise directs, the proclamation shall be further published by beat of drum on or near the land to which it refers.

### ORDER

18. Every original order passed by a Revenue Officer in any proceedings shall contain a concise statement of the case, the points for decision, the decision thereon and the reasons for such decision.

### ATTACHMENT

19. Attachment of movable property other than agricultural produce in possession of defaulter—(1) where the property to be attached is movable property other than agricultural produce, in the possession of the defaulter, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of any of his sub-ordinates 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 under-take to keep such property, on his entering into a bond with one or more sureties in an amount not less than the value of the property, that he will take proper care of such property and produce it when called for.

(2) The attaching officer shall make a list of the property attached and shall obtain thereto the acknowledgment of the person in whose custody the property is left, and, if possible, of the defaulter and of at least one respectable person in attestation of the correctness of the list. If the property attached includes both live-stock and other articles a separate list of the live-stock shall similarly be prepared and attested.

20. (1) Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment—

- (a) where such produce is a growing crop, on the land on which such crop has grown; or
- (b) where such produce has been cut or gathered, on the threshing-floor or place for treading out grain or the like or fodder-stack on or in which it is deposited;

and another copy on the outer door or on some other conspicuous part of the house in which the defaulter ordinarily resides or if there is no such house, on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain or in which he is known to have last resided or carried on business or personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Court.

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(2) The attaching officer shall make such arrangements for the custody of the agricultural produce as he may consider sufficient and also to tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it.

(3) The costs incurred under sub-rule (2) shall be borne by the defaulter.

21. (1) Where the live-stock attached is not left in the charge of the defaulter, the expenses for feeding and watering it shall be charged at such rate as the Collector may, by general or special order, fix.

(2) Where the property attached is movable property other than agricultural produce or live-stock, and is not left in the charge of the defaulter, the expenditure for its safe custody shall be charged at such rate as the Collector may, by general or special order, fix.

(3) The costs incurred under sub-rules (1) and (2) shall be first charge on the sale-proceeds of the property.

22. The provisions of Order XXI, Rules 46 to 53 of the Code of Civil Procedure, 1908(V of 1908) regarding the attachment of the several classes of movable property dealt with in those rules shall, as far as may be, apply to the attachment made under this Code.

23. (1) Where the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

(2) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then on the notice board of the office of the Revenue Officer.

(3) The order shall take effect as against purchasers for value in good faith from the date when a copy of the order is affixed on the property and against all other transferees from the defaulter from the date on which such order is made.

24. (1) If any claim is set up by a third person to the property attached or proceeded against under the provisions of this Code, the Revenue Officer shall enquire into the claim and may admit or reject it.

(2) The person against whom an order is made under sub-rule (1) may, within one year from the date of the order, institute a suit to establish the right which he claims to the property attached or proceeded against; but subject to the result of such suit, if any, the order shall be conclusive.

### SALE GENERALLY

25. Every sale shall be conducted by an officer or other person appointed by a general or special order in this behalf and shall be made by public auction.

26. (1) The Revenue Officer shall cause a proclamation of the intended sale to be made stating the time and place of sale and specifying as fairly and accurately as possible—

(a) the property to be sold;

(b) the land revenue assessed upon the land where the property to be sold is an interest in land paying revenue to the Government;

(c) the amount for the recovery of which the sale is ordered; and

- (d) every other thing which the Revenue Officer considers material for a purchaser to know in order to judge of the nature and the value of the property.

(2) A copy of the proclamation issued under sub-rule (1) where it relates to the sale of any holding shall be sent to the Co-operative Bank and the Land Mortgage Bank operating within that area in which the holding is situated.

27. The Revenue Officer may, if he considers this necessary, summon the defaulter and examine him with respect to any matters to be included in the sale proclamation.

28. Save in the case of property of the kind described in the first proviso to rule 19, no sale hereunder shall, without the consent in writing of the defaulter, take place—

- (i) on Sunday or on any authorised civil court holiday or on any day declared as a local holiday for the area in which the sale is to be held; and
- (ii) until after the expiration of at least thirty days from the date on which the proclamation thereof was made.

29. (1) The Revenue Officer may, in his discretion, adjourn any sale hereunder to a specified day and hour and the officer conducting any such sale may, in his discretion, adjourn the sale recording his reasons for such adjournment :

Provided that where the order of the Revenue Officer can be obtained in time, no such adjournment shall be made without such order.

(2) Where a sale is adjourned under sub-rule (1) for a longer period than fifteen days, a fresh proclamation shall be made unless the defaulter consents to waive it.

(3) Every sale shall be stopped if, before the lot is knocked down, the amount due and costs are tendered to the officer conducting the sale, or proof is given to his satisfaction that the amount of such dues and costs have been paid to the Revenue Officer who ordered the sale.

30. Any deficiency of price which may happen on a resale by reason of the purchaser's default shall be recoverable from the defaulting purchaser as if it were an arrear of land revenue.

31. No officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

### SALE OF MOVABLE PROPERTY

32. (1) Where the property to be sold is agricultural produce, the sale shall be held—

- (a) if such produce is a growing crop, on or near the land on which such crop has grown; or
- (b) if such produce has been cut or gathered, at or near the threshing floor or place for treading out grain or the like or fodder stack :

Provided that the Revenue Officer may direct the sale to be held at the nearest place of public resort, if he is of opinion that the produce is thereby likely to sell to greater advantage.

(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 be 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 percent of the purchase money;
- (b) for payment on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered less any amount which may have been paid since the date of the sale on that account; and
- (c) the cost of the sale.

(2) If such deposit is made within thirty days from the date of the sale the Revenue Officer shall pass an order setting aside the sale :

Provided that, if a person applies under rule 41 to have such sale set aside, he shall not be entitled to make an application under this rule.

41. At any time within thirty days from the date of sale, any person whose interests are affected by such sale may apply to the Revenue Officer to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it, and the Revenue Officer may, after giving notice to the persons affected thereby, pass an order setting aside the sale and may order resale; but no sale shall be set aside on such grounds unless the applicant proves to the satisfaction of the Revenue Officer that he has sustained substantial injury by such irregularity or mistake.

42. Except in a case where land has been sold for arrears, which form a charge on the land, the purchaser may, at any time within thirty days from the date of sale, apply to the Revenue Officer to set aside the sale on the ground that the defaulter had no saleable interest in the property sold and the Revenue Officer shall, after due inquiry, pass such orders on such application as he deems fit.

43. No resale under rule 41 shall be made until a fresh proclamation has been published as laid down in rule 26.

44. On the expiry of thirty days from the date of sale, if no application has been made under rule 40, 41 or 42 or if such application has been made and rejected, the Revenue Officer shall pass an order confirming the sale :

Provided that, if the Collector has reason to think that the sale ought to be set aside—

- (i) notwithstanding that no such application has been made; or
- (ii) on grounds other than those alleged in any application which has been made and rejected; or
- (iii) notwithstanding that a period of thirty days from the date of sale has expired;

he may, after recording his reasons in writing, set aside the sale at any time before making an order confirming the sale.

45. (1) If no application under rule 41 is made within the time allowed therefor, all claims on the grounds of irregularity or mistake shall be barred.

(2) Nothing in sub-rule (1) shall bar the institution of a suit in the Civil Court to set aside a sale on the ground of fraud or on the ground that the arrear for which the property is sold is not due or on the ground that the defaulter had no saleable interest in the property sold.



46. If the sale of any property is set aside under rule 40, 41, 42, or 44, the amount of purchase money deposited by the purchaser shall be refunded to him.

#### **CERTIFICATE OF PURCHASE AND DELIVERY OF POSSESSION**

47. If the sale of any immovable property has been confirmed, the Revenue Officer shall grant a certificate to the purchaser specifying the date on which the sale is confirmed, the property sold, and the name of the purchaser and shall put the purchaser in possession of such property.

48. (1) Where the purchaser is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Revenue Officer complaining of such resistance or obstruction.

(2) The Revenue Officer shall fix a date for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

49. Where the Revenue Officer is satisfied that the resistance or obstruction was occasioned—

- (a) by the defaulter or some other person at his instigation; or
- (b) by any person in the case of a purchase of land sold for arrears of land revenue due in respect thereof;

he shall direct that the purchaser be put into possession of the property.

50. Where in any case to which rule 49 does not apply, the Revenue Officer is satisfied that the resistance or obstruction was caused by any person claiming in good faith to be in possession of the property on his own account or on account of some person other than the defaulter, the Revenue Officer shall make an order dismissing the application.

51. (1) Where any person other than the defaulter is dispossessed of immovable property by the purchaser of such property, he may make an application to the Revenue Officer complaining of such dispossession.

(2) The Revenue Officer shall fix a date for investigating the matter and shall summon the purchaser to appear and answer the same.

52. Where the Revenue Officer is satisfied that the applicant was in possession of the property on his own account, or on account of some person other than the defaulter, he shall direct that the applicant be put into possession of the property.

53. Any party not being a defaulter against whom an order is made under rule 49, 50 or 52 may institute a suit to establish the right which he claims to the present possession of the property but subject to the result of such suit, if any, the order shall be conclusive.

#### **COMMISSIONS TO EXAMINE WITNESSES**

54. Any Revenue Officer may in any proceedings issue a commission for the examination on interrogatories or otherwise of any person who is exempted from attending the court or who is from sickness or infirmity unable to attend it.

55. An order for the issue of a commission for the examination of a witness may be made by the Revenue Officer either of his own motion or on the application, supported by affidavit or otherwise, of any party to the proceedings or of the witness to be examined.

56. Any Revenue Officer may, in any proceedings, issue a commission for the examination of—

- (a) any person resident beyond the local limits of his jurisdiction;
- (b) any person who is about to leave such limits before the date on which he is required to be examined in court;
- (c) any person in the service of the Central or the State Government who cannot, in the opinion of such Revenue Officer, attend without detriment to the public service.

57. (1) A commission for the examination of a person may be issued to any person whom the Court thinks fit to execute it, or to any other Revenue Officer who can conveniently examine such person.

(2) Every Revenue Officer receiving a commission for the examination of any person shall examine him or cause him to be examined pursuant thereto.

(3) The Revenue Officer 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; or
- (b) the Revenue Officer in his discretion dispenses with the proof of any of the circumstances mentioned in clause (a) and authorises the evidence of any person being read as evidence in the proceedings, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

60. Before issuing any commission under these rules, the Revenue Officer may order such sum (if any) as he thinks reasonable for the expenses of the commission to be, within a time to be fixed, paid by the party at whose instance or for whose benefit the commission is issued.

61. (1) The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce documents under these rules and for the purposes of this rule the Commissioner shall be deemed to be a Revenue Court.

(2) A Commissioner may apply to any Revenue Officer within the local limits of whose jurisdiction a witness resides for the issue of any process which he may find it necessary to issue to, or against, such witness, and such Revenue Officer may, in his discretion, issue such process as he considers reasonable and proper.

62. (1) Where a commission is issued under these rules, the Revenue Officer shall direct that the parties to the proceedings shall appear before the Commissioner in person or by their agents or pleaders.

(2) Where all or any of the parties do not so appear, the Commissioner may proceed in their absence.

#### PROCEEDING BY, OR AGAINST MINORS AND PERSONS OF UNSOUND MIND

63. Every application by a minor shall be filed in his name by a person acting as the guardian of the minor.

64. Where the non-applicant is a minor the Revenue Officer, on being satisfied of the fact of his minority, shall appoint a proper person to be the guardian of such minor for the purpose of the proceedings.

65. Any person who is of sound mind and has attained majority and whose interest is not adverse to that of the minor may act as guardian for a minor party in the proceedings.

66. In the case where a non-applicant is a minor and the guardian appointed has no funds to meet the necessary expenses, the Revenue Officer may direct the applicant to deposit a sufficient sum for the purpose. The costs so incurred by the applicant shall be adjusted in accordance with the final order passed in respect of the costs.

67. (1) No guardian shall, without the leave of the Revenue Officer, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the proceedings in which he acts as his guardian.

(2) Any such agreement or compromise entered into without the leave of the Revenue Officer so recorded, shall be voidable against all parties other than the minor.

68. The provisions contained in rules 63 to 67, shall apply *mutatis mutandis* to persons of unsound mind.

#### SCHEDULE II

(See section 261)

Year	Number	Short title	Extent of repeal
(1)	(2)	(3)	(4)
1942	VI	The Central Provinces and Berar Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1942.	The whole
1955	II	The Madhya Pradesh Land Revenue Code, 1954.	"
1957	VI	The Madhya Pradesh Creation of Commissioners Act, 1957.	"
1931	I	Indore Land Revenue and Tenancy Act, 1931.	"
1940-41		Barwani State Resolution No. 67.	"
1941	VIII	Indore Restitution of Pattedar Tenants Mortgaged Land Act, 1941.	"
1941-42		Dhar Land Revenue and Tenancy Act, 1941-42 Qawayad Tarashi wa Ataya Chakook Parti Qabil Kast Gwalior, Samvat 1983.	"
1949	25	Madhya Bharat Jagir Land Records Management Act, Samvat 2006.	"

1	2	3	4
1949	26	Madhya Bharat Jagir Tenants Restoration of Land Act, Samvat 2006.	The whole
1950	66	Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007.	"
1954	32	Madhya Bharat Muafi and Inam Tenants and Sub-tenants Protection Act, 1954.	"
1955	29	Madhya Bharat Ryotwari Sub-lessee Protection Act, 1955.	"
1946	...	The Rewa State Pre-emption Act, 1946.	So far as it relates to agricultural lands.
1955	III	Vindhya Pradesh Land Revenue and Tenancy Act, 1953.	The whole
1932	IV	The Bhopal State Land Revenue Act, 1932.	"
1953	VII	The Bhopal State Sub-Tenants Protection Act, 1952.	"
1955	I	The Bhopal State Sub-Tenants (of Occupants) Protection Act, 1954.	"
1951	1	The Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.	"
1952	V	The Rajasthan Public Demands Recovery Act, 1952.	"
1953	XIX	The Rajasthan Lands Summary Settlement Act, 1953.	"
1954	IX	The Rajasthan Rent Rates Determination and Validation Act, 1954.	"
1954	XXIV	The Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954.	"
1954	XXVII	The Rajasthan Colonisation Act, 1954.	"
1955	3	The Rajasthan Tenancy Act, 1955.	"
1956	15	The Rajasthan Land Revenue Act, 1956.	"
1956	16	The Rajasthan Review and Validation of Rent Rates (Revival) Act, 1956.	"

SCHEDULE III

[See section 262 (3)]

NAME OF LAW

- (1) The Indore Land Revenue and Tenancy Act.
- (2) Indore Jagirdar Manual.
- (3) Qawaid Jagirdaran, Gwalior.
- (4) Qawaid Muafidaran Jauzwe Arazi Riyasat, Gwalior.
- (5) Jagir and Muafi Rules of the Rajgarh State.
- (6) Dhar Land Revenue Act.
- (7) Muafi Rules of the Dhar State.
- (8) Inam Rules of the Dewas (Senior).
- (9) Land Revenue and Tenancy Act of Dewas (Junior).
- (10) Muafi Rules of Dewas (Junior).
- (11) Qawaid Muafi Rules of the Jhabua State.
- (12) Nazrana Rules of the Barwani State.

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# मध्यप्रदेश राजपत्र

( असाधारण )  
प्राधिकार से प्रकाशित

क्रमांक 590]

भोपाल, शुक्रवार, दिनांक 30 दिसम्बर 2011—पौष 9, शक 1933

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 30 दिसम्बर 2011

क्र. 5436-451-इक्कीस-अ-(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 27 दिसम्बर, 2011 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 ४२ सन् २०११

मध्यप्रदेश भू-राजस्व संहिता ( संशोधन ) अधिनियम, २०११

विषय-सूची

धाराएँ :

१. संक्षिप्त नाम.
२. धारा २ का संशोधन.
३. धारा ३० का संशोधन.
४. धारा ३४ का संशोधन.
५. धारा ३५ का संशोधन.

## धाराएँ :

६. धारा ३६ का संशोधन.
७. धारा ४६ का संशोधन.
८. धारा ४७ का संशोधन.
९. धारा ४९ का संशोधन.
१०. धारा ५० का स्थापन.
११. धारा ५१ का संशोधन.
१२. धारा ५२ का संशोधन.
१३. धारा ५३ का संशोधन.
१४. धारा ५४ का स्थापन.
१५. धारा ५७ का संशोधन.
१६. धारा ५८-ख का अन्तःस्थापन.
१७. धारा ५९ का संशोधन.
१८. धारा ७८ का हटाया जाना.
१९. धारा ८१ का संशोधन.
२०. धारा ९७ का हटाया जाना.
२१. धारा ९८ का स्थापन.
२२. धारा ९९ का हटाया जाना.
२३. धारा १०० का स्थापन.
२४. धारा ११९ का संशोधन.
२५. धारा १२८ का संशोधन.
२६. धारा १३० का संशोधन.
२७. धारा १३२ का संशोधन.
२८. धारा १३३ का स्थापन.
२९. धारा १४३ का संशोधन.
३०. धारा १७२ का संशोधन.
३१. धारा २०० का संशोधन.
३२. धारा २२७ का संशोधन.
३३. धारा २३४ का संशोधन.
३४. धारा २३७ का संशोधन.
३५. धारा २४१ का संशोधन.
३६. धारा २४७ का संशोधन.
३७. धारा २४८ का संशोधन.
३८. धारा २५० का संशोधन.
३९. धारा २५३ का संशोधन.
४०. धारा २५७ का संशोधन.

## मध्यप्रदेश अधिनियम

क्रमांक ४२ सन् २०११

### मध्यप्रदेश भू-राजस्व संहिता ( संशोधन ) अधिनियम, २०११

[दिनांक 27 दिसम्बर, 2011 को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक 30 दिसम्बर, 2011 को प्रथम बार प्रकाशित की गई.]

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

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

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०११ है. संक्षिप्त नाम.
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 उपधारा (१) में, खण्ड (ण) के पश्चात्, निम्नलिखित खण्ड अंतःस्थापित किया जाए, अर्थात्:-  
 “(ण क) “बाजार मूल्य” से अभिप्रेत है भारतीय स्टाम्प अधिनियम, १८९९ (१८९९ का २) के अधीन बनाए गए मध्यप्रदेश बाजार मूल्य मार्गदर्शक सिद्धांतों का बनाया जाना तथा उनका पुनरीक्षण नियम, २००० के अधीन कलक्टर द्वारा जारी किए गए मार्गदर्शक सिद्धांतों के अनुसार निर्धारित भूमि का मूल्य;”
३. मूल अधिनियम की धारा ३० की उपधारा (१) में, शब्द “कलक्टर, उपखण्ड अधिकारी, या तहसीलदार”, के स्थान पर, शब्द “कलक्टर या उपखण्ड अधिकारी” स्थापित किए जाएं. धारा ३० का संशोधन.
४. मूल अधिनियम की धारा ३४ में, खण्ड (ग) में, शब्द “पचास” के स्थान पर, शब्द “एक हजार” स्थापित किए जाएं. धारा ३४ का संशोधन.
५. मूल अधिनियम की धारा ३५ की उपधारा (३) में, शब्द “आवेदन” के स्थान पर, शब्द “अपने शपथ-पत्र के साथ आवेदन” स्थापित किए जाएं. धारा ३५ का संशोधन.
६. मूल अधिनियम की धारा ३६ की उपधारा (१) में, पूर्ण विराम के स्थान पर, कोलन स्थापित किया जाए एवं तत्पश्चात् निम्नलिखित परन्तुक जोड़े जाएं, अर्थात्:-  
 परन्तु प्रत्येक पक्षकार को, प्रकरण की सम्पूर्ण सुनवाई के दौरान तीन से अनधिक स्थगन दिए जा सकेंगे और प्रत्येक स्थगन केवल खर्च के साथ प्रदान किया जाएगा. धारा ३६ का संशोधन.
७. मूल अधिनियम की धारा ४६ के खण्ड (क) में शब्द, अंक और कोष्ठक “इण्डियन लिमिटेड एक्ट, १९०८ (१९०८ का सं. ९) के स्थान पर, शब्द, अंक और कोष्ठक “परिसीमा अधिनियम, १९६३ (१९६३ का ३६) स्थापित किए जाएं. धारा ४६ का संशोधन.
८. मूल अधिनियम की धारा ४७ में,—  
 (एक) खण्ड (क) में, शब्द “पैंतालीस दिन” के स्थान पर, शब्द “तीस दिन” स्थापित किए जाएं;  
 (दो) खण्ड (ख) में, शब्द “साठ दिन” के स्थान पर, शब्द “पैंतालीस दिन” स्थापित किए जाएं;  
 (तीन) खण्ड (ग) में, शब्द “नब्बे दिन” के स्थान पर, शब्द “साठ दिन” स्थापित किए जाएं;  
 (चार) प्रथम परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात्:-  
 “परन्तु वह आदेश, जिसके कि विरुद्ध अपील की जा रही है, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०११ के प्रवृत्त होने के पूर्व किया गया हो, वहां ऐसे मामले में अपील उक्त अधिनियम के पूर्व की संहिता में उपबंधित समय-सीमा के भीतर ग्रहण की जाएगी.” धारा ४७ का संशोधन.

धारा ४९ का संशोधन.

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

“(३) पक्षकारों को सुनने के पश्चात्, अपील प्राधिकारी उस आदेश की, जिसके कि विरुद्ध अपील की गई है, पुष्टि कर सकेगा, उसमें फेरफार कर सकेगा या उसे उलट सकेगा या ऐसा अतिरिक्त साक्ष्य ले सकेगा जैसा कि आदेश पारित करने के लिए वह आवश्यक समझे:

परन्तु यह कि अपील प्राधिकारी, उसके अधीनस्थ किसी राजस्व अधिकारी द्वारा मामले को, निपटाने के लिए प्रतिप्रेषित नहीं करेगा:

परन्तु यह और कि मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०११ के प्रवृत्त होने के पूर्व के, समस्त ऐसे मामले, जो अपील या पुनरीक्षण प्राधिकारियों द्वारा अधीनस्थ राजस्व अधिकारियों को प्रतिप्रेषित किए गए हैं, ऐसे राजस्व अधिकारी द्वारा सुने तथा विनिश्चित किए जाएंगे.”

धारा ५० का स्थापन.

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

पुनरीक्षण.

“५० (१) मण्डल किसी भी समय स्वप्रेरणा से या किसी पक्षकार द्वारा दिए गए आवेदन पर या कलक्टर या बन्दोबस्त अधिकारी किसी भी समय स्वप्रेरणा से किसी ऐसे मामले का जो विनिश्चित किया जा चुका हो या किसी ऐसी कार्यवाही का जिसमें उसके अधीनस्थ किसी राजस्व अधिकारी द्वारा कोई आदेश पारित किया जा चुका हो, और जिसमें कोई अपील न होती हो, और यदि यह प्रतीत होता हो कि अधीनस्थ राजस्व अधिकारी—

(क) ने ऐसी अधिकारिता का प्रयोग किया है जो इस संहिता द्वारा उसमें निहित न की गई हो, या

(ख) इस प्रकार निहित की गई अधिकारिता का प्रयोग करने में असफल रहा है, या

(ग) ने अपनी अधिकारिता का प्रयोग करने में अविधिपूर्ण या सारवान अनियमितता की है,

तो मण्डल या कलक्टर या बंदोबस्त अधिकारी मामले में ऐसा आदेश कर सकेगा जैसा वह उचित समझे:

परन्तु मण्डल या कलक्टर या बंदोबस्त अधिकारी, इस धारा के अधीन किए गए किसी आदेश में या कार्यवाही के अनुक्रम में किसी विवादक का विनिश्चय करने वाले किसी आदेश में फेरफार नहीं करेगा या उसे नहीं उलटेगा, सिवाय जहां कि,—

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

(ख) ऐसा आदेश, यदि वह प्रवृत्त रहता है, न्याय की विफलता या उस पक्षकार को, जिसके विरुद्ध यह किया गया था, अपूर्णनीय क्षति कारित करेगा.

(२) मण्डल या कलक्टर या बंदोबस्त अधिकारी इस धारा के अधीन, किसी ऐसे आदेश में, जिसके विरुद्ध या तो मण्डल को या उसके अधीनस्थ किसी राजस्व अधिकारी को अपील होती हो, कोई फेरफार नहीं करेगा या उसे नहीं उलटेगा.

(३) राजस्व अधिकारी के समक्ष किसी पुनरीक्षण का प्रभाव कार्यवाही को स्थगित करने वाला नहीं होगा, सिवाय जहां कि ऐसी कार्यवाही यथास्थिति मण्डल या कलक्टर या बंदोबस्त अधिकारी द्वारा स्थगित की गई हो.

(४) पुनरीक्षण के लिए कोई आवेदन—

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

(ख) धारा २१० के अधीन बंदोबस्त आयुक्त के किसी आदेश के विरुद्ध;



(ग) जब तक कि वह मण्डल को साठ दिन के भीतर प्रस्तुत न किया गया हो, ग्रहण नहीं किया जाएगा:

परन्तु जहां ऐसा आदेश, जिसके विरुद्ध पुनरीक्षण का आवेदन प्रस्तुत किया जा रहा है, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०११ के प्रवृत्त होने के पूर्व किया गया हो, वहां ऐसे मामले में पुनरीक्षण, आदेश की तारीख से नब्बे दिन के भीतर ग्रहण किया जाएगा.

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

(६) उपधारा (१) में, अन्तर्विष्ट किसी बात के होते हुए भी—

(एक) जहां उपधारा (१) के अधीन किसी मामले के संबंध में कार्यवाहियां मण्डल द्वारा प्रारंभ की गई हों, वहां उसके संबंध में कलक्टर या बंदोबस्त अधिकारी द्वारा कोई कार्रवाई नहीं की जाएगी;

(दो) जहां उपधारा (१) के अधीन किसी मामले के संबंध में कार्यवाहियां कलक्टर या बंदोबस्त अधिकारी द्वारा प्रारंभ की गई हों, वहां इस धारा के अधीन ऐसे मामले के संबंध में मण्डल, यथास्थिति, कलक्टर या बंदोबस्त अधिकारी द्वारा मामले के अंतिम निपटारे तक या तो विरत रहेगा या ऐसी कार्यवाहियां वापस ले सकेगा या ऐसा आदेश पारित कर सकेगा, जैसा कि वह उचित समझे.

**स्पष्टीकरण.**—इस धारा के प्रयोजन के लिए समस्त राजस्व अधिकारी मण्डल के अधीनस्थ समझे जाएंगे.”

११. मूल अधिनियम की धारा ५१ की उपधारा (१) के परन्तुक के, खण्ड (तीन) में, शब्द “नब्बे दिन” के स्थान पर, शब्द “साठ दिन” स्थापित किए जाएं तथा पूर्ण विराम के पश्चात् कोलन स्थापित किया जाए तथा उसके पश्चात्, निम्नलिखित परन्तुक अंतःस्थापित किया जाए, अर्थात् :—

धारा ५१ का संशोधन.

परन्तु जहां ऐसा आदेश, जिसके कि विरुद्ध पुनर्विलोकन का आवेदन प्रस्तुत किया जा रहा है, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०११ के प्रवृत्त होने के पूर्व किया गया हो, वहां ऐसे मामले में पुनर्विलोकन, आदेश की तारीख से नब्बे दिन के भीतर ग्रहण किया जाएगा.

१२. मूल अधिनियम की धारा ५२ में,—

धारा ५२ का संशोधन.

(एक) उपधारा (२) में पूर्ण विराम के स्थान पर, कोलन स्थापित किया जाए और उसके पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाए, अर्थात्:—

“परन्तु आदेश का निष्पादन, एक बार में, तीन मास से अधिक के लिए या अगली सुनवाई की तारीख तक, जो भी पूर्वतर हो, नहीं रोका जाएगा.”;

(दो) उपधारा (३) में पूर्ण विराम के स्थान पर, कोलन स्थापित किया जाए और उसके पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाए, अर्थात्:—

“परन्तु आदेश का निष्पादन, एक बार में, तीन मास से अधिक के लिए या अगली सुनवाई की तारीख तक, जो भी पूर्वतर हो, नहीं रोका जाएगा.”.

१३. मूल अधिनियम की धारा ५३ में, शब्द, अंक तथा कोष्ठक “इण्डियन लिमिटेड एक्ट, १९०८ (१९०८ का संख्यांक ९)” के स्थान पर शब्द, अंक तथा कोष्ठक “परिसीमा अधिनियम, १९६३ (१९६३ का ३६)” स्थापित किए जाएं और शब्द “पुनर्विलोकन” के स्थान पर, शब्द “पुनर्विलोकन तथा पुनरीक्षण” स्थापित किए जाएं.

धारा ५३ का संशोधन.

धारा ५४ का स्थापन.

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

पुनरीक्षण का लंबित रहना.

“५४. इस अध्याय में अंतर्विष्ट किसी बात के होते हुए भी ऐसी समस्त कार्यवाहियां जो मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, २०११ के प्रवृत्त होने के ठीक पूर्व किसी राजस्व अधिकारी के समक्ष पुनरीक्षण में लंबित हों, ऐसे राजस्व अधिकारी द्वारा उसी प्रकार सुनी जाएंगी तथा विनिश्चित की जाएंगी मानो कि यह संशोधन अधिनियम पारित ही न हुआ हो.”

धारा ५७ का संशोधन.

१५. मूल अधिनियम की धारा ५७ में,—

(एक) उपधारा (२) में, शब्द “उपखण्ड अधिकारी” के स्थान पर, शब्द “राज्य सरकार” स्थापित किए जाएं;

(दो) उपधारा (३) तथा (४) का लोप किया जाए.

धारा ५८-ख का अंतःस्थापन.

१६. मूल अधिनियम की धारा ५८-क के पश्चात्, निम्नलिखित धारा अन्तःस्थापित की जाए, अर्थात्:—

निर्धारित भू-राजस्व का आधा भू-राजस्व अनन्यरूपेण सूक्ष्म तथा लघु उद्यम की किसी परियोजना के प्रयोजन के लिए उपयोग में लाए गए खाते के लिए ही देय होगा.

“५८-ख. (१) इस संहिता में अन्तर्विष्ट किसी बात के होते हुए भी, निर्धारित भू-राजस्व का केवल आधा भू-राजस्व अनन्यरूपेण सूक्ष्म तथा लघु उद्यम की किसी परियोजना के प्रयोजन के लिए उपयोग में लाए गए दो हेक्टर तक के खाते के बारे में देय होगा.

(२) उपधारा (१) के प्रयोजन के लिए, कलक्टर हितबद्ध व्यक्तियों को सुनवाई का युक्तियुक्त अवसर देने के पश्चात् तथा ऐसी जांच, जैसी कि वह आवश्यक समझे, करने के पश्चात् विनिश्चित करेगा कि संबंधित खाता सूक्ष्म तथा लघु उद्यम की परियोजना का है.

**स्पष्टीकरण.**—इस धारा के प्रयोजन के लिए, सूक्ष्म उद्यम तथा लघु उद्यम के वही अर्थ होंगे जो सूक्ष्म, लघु तथा मध्यम उद्यम विकास अधिनियम, २००६ (२००६ का २७) की धारा ७ की उपधारा (१) के खण्ड (क) के उपखण्ड (एक) तथा (दो) में उनके लिए दिए गए हैं.”

धारा ५९ का संशोधन.

१७. मूल अधिनियम की धारा ५९ की उपधारा (१) में, खण्ड (क) से (ङ) के स्थान पर, निम्नलिखित खण्ड स्थापित किए जाएं, अर्थात्:—

“(क) कृषि या ऐसे प्रक्षेत्र गृह (फार्म हाऊस) के प्रयोजन के लिए उपयोग जो एक एकड़ या अधिक के खाते पर स्थित है;

(ख) निवास-गृहों के लिए स्थानों के रूप में उपयोग;

(ग) शैक्षणिक प्रयोजन के लिए उपयोग;

(घ) औद्योगिक प्रयोजन के लिए उपयोग;

(ङ) वाणिज्यिक प्रयोजन के लिए उपयोग;

(च) खान और खनिज (विनियमन और विकास) अधिनियम, १९५७ (१९५९ का ६७) के अर्थ के अंतर्गत खनन पट्टे के अधीन खनन के प्रयोजन के लिए;

(छ) उपरोक्त मद (क) से (च) में विनिर्दिष्ट किए गए प्रयोजनों से भिन्न प्रयोजनों के लिए उपयोग.”

१८. मूल अधिनियम की धारा ७८ का लोप किया जाए. धारा ७८ का हटाया जाना.
१९. मूल अधिनियम की धारा ८१ में,— धारा ८१ का संशोधन.
- (एक) उपधारा (४) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—
- “(४) गैर कृषि प्रयोजन के लिए उपयोग की गई भूमि पर उचित निर्धारण धारा ५९ के अधीन बनाए गए नियमों के अनुसार नियत किया जाएगा.”;
- (दो) उपधारा (६) का लोप किया जाए.
२०. मूल अधिनियम की धारा ९७ का लोप किया जाए. धारा ९७ का हटाया जाना.
२१. मूल अधिनियम की धारा ९८ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— धारा ९८ का स्थापन.
- “९८. कृषि प्रयोजन के लिए उपयोग की जा रही भूमियों का उचित निर्धारण धारा ८१ में दिए गए सिद्धांतों और निर्बंधनों के अनुसार संगणित तथा नियत किया जाएगा और गैर कृषि प्रयोजन के लिए उपयोग की जा रही भूमियों का, उचित निर्धारण धारा ५९ के अधीन बनाए गए नियमों के अनुसार, नियत किया जाएगा.” उचित निर्धारण.
२२. मूल अधिनियम की धारा ९९ का लोप किया जाए. धारा ९९ का हटाया जाना.
२३. मूल अधिनियम की धारा १०० के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— धारा १०० का स्थापन.
- “१००. उन भूमियों की दशा में, जिन पर कि निर्धारण किसी ऐसे प्रयोजन के लिए किया जा रहा हो जिसके कि संबंध में उनका निर्धारण पुनरीक्षण के ठीक पूर्व किया जा चुका था, वह निर्धारण जो कि इस प्रकार संगणित किया गया हो, कृषि भूमि की दशा में, उस भू-राजस्व या लगान के, जो पुनरीक्षण के ठीक पूर्व देय हो, डेढ़ गुने से अधिक होता हो तथा अन्य भूमियों की दशा में, उस भू-राजस्व या लगान के, जो पुनरीक्षण के ठीक पूर्व देय हो, छह गुने से अधिक होता हो, तो निर्धारण कृषि भूमि की दशा में, ऐसे भू-राजस्व या लगान के डेढ़ गुने के हिसाब से तथा अन्य भूमियों की दशा में, ऐसे भू-राजस्व या लगान के छह गुने के हिसाब से नियत किया जाएगा: पुनरीक्षण के समय उचित निर्धारण का नियत किया जाना.
- परन्तु जहां कृषि के प्रयोजन के लिए धारित किसी खाते में उसके धारक द्वारा या उसके धारक के व्यय पर किसी भी समय कोई सुधार किया गया हो, वहां ऐसे खाते का निर्धारण इस प्रकार नियत किया जाएगा मानो कि वह सुधार किया ही नहीं गया था.”
२४. मूल अधिनियम की धारा ११९ की उपधारा (१) में, शब्द “पच्चीस” के स्थान पर, शब्द “एक हजार” स्थापित किए जाएं. धारा ११९ का संशोधन.
२५. मूल अधिनियम की धारा १२८ की उपधारा (२) में, शब्द “एक रुपये” के स्थान पर, शब्द “एक हजार रुपये” स्थापित किए जाएं. धारा १२८ का संशोधन.
२६. मूल अधिनियम की धारा १३० में, शब्द “पचास” के स्थान पर, शब्द “एक हजार” स्थापित किए जाएं. धारा १३० का संशोधन.

- धारा १३२ का संशोधन. २७. मूल अधिनियम की धारा १३२ में, शब्द "एक हजार" के स्थान पर, शब्द "दस हजार" स्थापित किए जाएं.
- धारा १३३ का स्थापन. २८. मूल अधिनियम की धारा १३३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—
- बाधा का हटाया जाना. "१३३. यदि किसी तहसीलदार को यह प्रतीत हो कि कोई बाधा किसी ग्राम की किसी मान्यता प्राप्त सड़क, पथ या सार्वजनिक भूमि के अबाध उपयोग में अड़चन डालती है या जिससे किसी ऐसी सड़क या जल सरणी या जल स्रोत में, जो धारा १३१ के अधीन किसी विनिश्चय का विषय रहा हो, अड़चन पड़ती है, तो वह ऐसी बाधा के लिए उत्तरदायी व्यक्ति को उसे हटाने का आदेश दे सकेगा और, यदि ऐसा व्यक्ति उस आदेश का अनुपालन न करे तो वह उस बाधा को हटवा सकेगा और उसके हटाए जाने का खर्च ऐसे व्यक्ति से वसूल कर सकेगा तथा ऐसा 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."
- धारा १४३ का संशोधन. २९. मूल अधिनियम की धारा १४३ में, शब्द "दस" के स्थान पर, शब्द "सौ" स्थापित किए जाएं.
- धारा १७२ का संशोधन. ३०. मूल अधिनियम की धारा १७२ में,—
- (एक) उपधारा (४) में, शब्द "दो हजार रुपये" के स्थान पर, शब्द "ऐसी व्यपवर्तित भूमि के बाजार मूल्य का बीस प्रतिशत" स्थापित किए जाएं.
- (दो) उपधारा (५) में, शब्द "दो हजार रुपये" के स्थान पर, शब्द "ऐसी व्यपवर्तित भूमि के बाजार मूल्य का बीस प्रतिशत" तथा शब्द, "एक सौ रुपये" के स्थान पर, शब्द "एक हजार रुपये" स्थापित किए जाएं.
- धारा २०० का संशोधन. ३१. मूल अधिनियम की धारा २०० में, शब्द "दो सौ" के स्थान पर, शब्द "दो हजार" स्थापित किए जाएं.
- धारा २२७ का संशोधन. ३२. मूल अधिनियम की धारा २२७ में, शब्द "बीस" के स्थान पर, शब्द "एक हजार"
- धारा २३४ का संशोधन. ३३. मूल अधिनियम की धारा २३४ में,—
- (एक) उपधारा (२) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—
- "(२) निस्तार पत्रक का प्रारूप ग्राम में प्रकाशित किया जाएगा और ग्राम सभा की इच्छाओं को अभिनिश्चित करने के पश्चात् उसे उपखण्ड अधिकारी द्वारा अंतिम रूप दिया जाएगा.";
- (दो) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—
- "(३) ऐसे अंतिम निस्तार पत्रक की एक प्रति ग्राम पंचायत के कार्यालय में रखी जाएगी."
- (तीन) उपधारा (३) के पश्चात्, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—
- "(४) ग्राम सभा द्वारा उसके उपस्थित तथा मतदान करने वाले कम से कम दो तिहाई सदस्यों के बहुमत से पारित संकल्प पर, उपखण्ड अधिकारी, कलक्टर की पूर्व अनुमति से तथा ऐसी किसी जांच के पश्चात् जैसी कि वह उचित समझे,—
- (क) निस्तार पत्रक की प्रविष्टि में परिवर्तन कर सकेगा;
- (ख) ग्रामवासियों के अतिरिक्त निस्तार पत्रक के अधिकारों को पूरा करने के लिए निस्तार पत्रक की किसी प्रविष्टि के अधीन अतिरिक्त दखल रहित भूमि अभिलिखित कर सकेगा."

३४. मूल अधिनियम की धारा २३७ में,—

धारा २३७ का संशोधन.

(एक) उपधारा (२) का लोप किया जाए;

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

“(३) इस संहिता के अधीन बनाए गए नियमों के अध्यक्ष रहते हुए, कलक्टर, उपधारा (१) के खण्ड (ख) में वर्णित भूमि को उस ग्राम की कुल कृषिक भूमि के न्यूनतम दो प्रतिशत तक सुरक्षित रखने के पश्चात्, उपधारा (१) में वर्णित ऐसी दखल रहित भूमि को आबादी सड़कों, राजमार्गों, नहरों, तालाबों, अस्पतालों, विद्यालयों, महाविद्यालयों, गौशालाओं के निर्माण या अन्य किसी जन उपयोगी परियोजनाओं के लिए, जैसी की राज्य सरकार द्वारा अवधारित की जाए, व्यपवर्तित कर सकेगा:

परन्तु उपधारा (१) में वर्णित प्रयोजनों के लिए पृथक् रखी गई भूमि किसी भी व्यक्ति को कृषिक प्रयोजन के लिए व्यपवर्तित या आबंटित नहीं की जाएगी.”;

(तीन) उपधारा (३) के पश्चात्, निम्नलिखित धारा अंतःस्थापित की जाए, अर्थात्:—

“(४) जब उपधारा (१) में उल्लेखित प्रयोजनों के लिए पृथक् से रखी गई भूमि का, ऐसी विकास और अधोसंरचना परियोजनाओं जो राज्य सरकार के स्वामित्व की हैं या अनुमोदित हैं, किन्तु उपधारा (३) के अधीन नहीं आती है, व्यपवर्तन अपरिहार्य हो जाता है, तो कलक्टर, उपलब्ध विकल्पों पर अपना समाधान कर लेने के पश्चात् और संबंध परियोजनाओं से उन्हीं निस्तार अधिकारों की पूर्ति करने के लिए समतुल्य क्षेत्र की भूमि अभिप्राप्त कर लेने पर भी इस आशय को तर्कसंगत आदेश पारित करते हुए, ऐसे प्रयोजन के लिए भूमि व्यपवर्तित कर सकेगा.”.

३५. मूल अधिनियम की धारा २४१ की उपधारा (४) में, शब्द “पांच हजार” के स्थान पर, शब्द “पचास हजार” स्थापित किए जाएं.

धारा २४१ का संशोधन.

३६. मूल अधिनियम की धारा २४७ में,—

धारा २४७ का संशोधन.

(एक) उपधारा (७) में, शब्द “दुगुने” के स्थान पर, शब्द “चार गुने” स्थापित किए जाएं;

(दो) उपधारा (७) के परंतुक का लोप किया जाए.

३७. मूल अधिनियम की धारा २४८ में,—

धारा २४८ का संशोधन.

(एक) उपधारा (१) में, शब्द “पांच हजार रुपये” के स्थान पर, शब्द “ऐसी अधिक्रमित भूमि के बाजार मूल्य का बीस प्रतिशत” तथा शब्द “बीस रुपये” के स्थान पर, शब्द “गैर नगरीय क्षेत्रों में पांच सौ रुपये और नगरीय क्षेत्रों में दो हजार रुपये” स्थापित किए जाएं;

(दो) उपधारा (२) का लोप किया जाए;

(तीन) उपधारा (२-ए) में, शब्द “तीन मास” के स्थान पर, शब्द “छह मास” स्थापित किए जाएं.

३८. मूल अधिनियम की धारा २५० में,—

धारा २५० का संशोधन.

(एक) उपधारा (६) में, शब्द “दो सौ पचास” के स्थान पर, शब्द “दो हजार” स्थापित किए जाएं;

(दो) उपधारा (९) में शब्द “पांच हजार रुपये” के स्थान पर, शब्द “ऐसी भूमि के बाजार मूल्य का बीस प्रतिशत” स्थापित किए जाएं;

(तीन) उपधारा (९) के परंतुक का लोप किया जाए.

३९. मूल अधिनियम की धारा २५३ में, शब्द “पांच हजार” के स्थान पर, शब्द “पचास हजार” स्थापित किए जाएं.

धारा २५३ का संशोधन.

४०. मूल अधिनियम की धारा २५७ में, खण्ड (क) को खण्ड (क-१) के रूप में पुनर्क्रमांकित किया जाए और इस प्रकार पुनर्क्रमांकित खण्ड (क-१) के पूर्व निम्नलिखित नया खण्ड अंतःस्थापित किया जाए, अर्थात्:—

धारा २५७ का संशोधन.

“(क) राज्य सरकार और किसी व्यक्ति के बीच धारा ५७ की उपधारा (१) के अधीन किसी अधिकार के संबंध में कोई विनिश्चय;”.

भोपाल, दिनांक 30 दिसम्बर 2011

क्र. 5437-458-इक्कीस-अ (प्रा.)—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, 2011 (क्रमांक 42, सन् 2011) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

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

MADHYA PRADESH ACT  
No. 42 OF 2011.

THE MADHYA PRADESH LAND REVENUE CODE  
(AMENDMENT) ACT, 2011

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MADHYA PRADESH ACT  
No. 42 OF 2011.

THE MADHYA PRADESH LAND REVENUE CODE  
(AMENDMENT)ACT, 2011

[Received the assent of the Governor on the 27th December, 2011; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 30th December, 2011.]

**An Act further to amend the Madhya Pradesh Land Revenue Code, 1959.**

Be it enacted by the Madhya Pradesh Legislature in the Sixty-second year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011. Short title.
2. In sub-section (1) of Section 2 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), after clause (o), the following clause shall be inserted, namely :—  
  

“(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);”.

Amendment of Section 2.
3. In sub-section (1) of Section 30 of the Principal Act, for the words “A Collector, a Sub-Divisional Officer, or a Tahsildar”, the words “A Collector or a Sub-Divisional Officer” shall be substituted. Amendment of Section 30.
4. In section 34 of the Principal Act, in clause (c), for the word “fifty”, the words “one thousand” shall be substituted. Amendment of Section 34.
5. In sub-section (3) of Section 35 of the Principal Act, for the word “apply”, the words “apply along with his affidavit” shall be substituted. Amendment of Section 35.
6. In sub-section (1) of Section 36 of the Principal Act, for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely :—  
  

“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.”.

Amendment of Section 36.
7. In clause (a) of Section 46 of the Principal Act, for the words, figures and bracket “the Indian Limitation Act, 1908 (IX of 1908)”, the words, figures and bracket “the Limitation Act, 1963 (36 of 1963)” shall be substituted. Amendment of Section 46.
8. In Section 47 of the Principal Act,—  
  
  - (i) in clause (a), for the words “forty-five days”, the words “thirty days” shall be substituted;
  - (ii) in clause (b), for the words “sixty days”, the words “forty-five days” shall be substituted;
  - (iii) in clause (c), for the words “ninety days”, the words “sixty days” shall be substituted;Amendment of Section 47.

(iv) for the first proviso, the following proviso shall be substituted, namely :—

“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.”.

**Amendment of Section 49.**

9. In Section 49 of the Principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

“(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.”.

**Substitution of Section 50.**

10. For section 50 of the Principal Act, the following section shall be substituted, namely :—

**Revision.**

“50. (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.

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

11. In clause (iii) of the proviso to sub-section (1) of Section 51 of the principal Act, for the words “ninety days”, the words “sixty days” shall be substituted and for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :—

**Amendment of Section 51.**

“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.

12. In Section 52 of the Principal Act,—

**Amendment of Section 52.**

(i) in sub-section (2), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :—

“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.”;

(ii) in sub-section (3), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :—

“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.”.

**Amendment of Section 53.**

13. In Section 53 of the principal Act for the words, figures and bracket “Indian Limitation Act, 1908 (IX of 1908)”, the words, figures and bracket “ Limitation Act, 1963 (36 of 1963)” shall be substituted and for the word “review”, the words “review and revision” shall be substituted.

**Substitution of Section 54.**

14. For Section 54 of the principal Act, the following section shall be substituted, namely :—

**Pending revisions**

“54. Notwithstanding anything contained in this chapter, all proceedings 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.”.

**Amendment of Section 57.**

15. In Section 57 of the principal Act,—

- (i) in sub-section (2), for the words “Sub-divisional Officer” the words “State Government” shall be substituted;
- (ii) sub-sections (3) and (4) shall be deleted.

**Insertion of Section 58-B.**

16. After Section 58-A of the principal Act, the following section shall be inserted, namely :—

**Half of the assessed land revenue shall be payable for holding used exclusively for the purpose of a project of micro and small enterprise.**

“58-B. (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-clause (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).”.

**Amendment of Section 59.**

17. In sub-section (1) of Section 59 of the principal Act, for clause (a) to (e), the following clauses shall be substituted, namely :—

- “(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 1959);
- (g) for purpose other than those specified in items (a) to (f) above.”.

**Deletion of Section 78.**

18. Section 78 of the principal Act shall be deleted.

19. In Section 81 of the principal Act,—	<b>Amendment of Section 81.</b>
(i) for sub-section (4), the following sub-section shall be substituted, namely :—	
“(4) the fair assessment on land used for non-agricultural purpose shall be fixed in accordance with the rules made under section 59.”;	
(ii) sub-section (6) shall be deleted.	
20. Section 97 of the principal Act shall be deleted.	<b>Deletion of Section 97.</b>
21. For Section 98 of the principal Act, the following section shall be substituted, namely :—	<b>Substitution of Section 98.</b>
“98. 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.”.	<b>Fair assessment.</b>
22. Section 99 of the principal Act shall be deleted.	<b>Deletion of Section 99.</b>
23. For Section 100 of the principal Act, the following section shall be substituted, namely:—	<b>Substitution of Section 100.</b>
“100. 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:	<b>Fixation of fair assessment at the time of revision.</b>
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.”.	
24. In sub-section (1) of Section 119 of the principal Act, for the word “twenty-five”, the words “one thousand” shall be substituted.	<b>Amendment of Section 119.</b>
25. In sub-section (2) of Section 128 of the principal Act, for the words “one rupee”, the words “one thousand rupees” shall be substituted.	<b>Amendment of Section 128.</b>
26. In Section 130 of the principal Act, for the word “fifty”, the words “one thousand” shall be substituted.	<b>Amendment of Section 130.</b>
27. In Section 132 of the principal Act, for the word “one thousand”, the words “ten thousand” shall be substituted.	<b>Amendment of Section 132.</b>
28. For Section 133 of the principal Act, the following Section shall be substituted, namely :—	<b>Substitution of Section 133.</b>
“133. If a Tahsildar finds that any obstacle impedes the free use of a recognised road, path or common land of a village or impedes the road or water course or source of water which has been the subject of a decision under section 131, he may order the person responsible for such obstacle to remove it and if such person fails to comply with the order, may cause the obstacle to be removed and may recover from such person the cost of removal thereof and such person 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 ten thousand rupees.”.	<b>Removal of obstruction.</b>

- Amendment of Section 143.** 29. In Section 143 of the Principal Act, for the word “ten”, the word “hundred” shall be substituted.
- Amendment of Section 172.** 30. In Section 172 of the Principal Act,—
- (i) in sub-section (4), for the words “two thousand rupees”, the words “twenty per centum of the market value of such diverted land” shall be substituted;
- (ii) in sub-section (5), for the words “two thousand rupees”, the words “twenty per centum of the market value of such diverted land” and for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.
- Amendment of Section 200.** 31. In Section 200 of the Principal Act, for the words “two hundred”, the words “two thousand” shall be substituted.
- Amendment of Section 227.** 32. In Section 227 of the Principal Act, for the word “twenty”, the words “one thousand” shall be substituted.
- Amendment of Section 234.** 33. In section 234 of the Principal Act,
- (i) for sub-section (2), the following sub-section shall be substituted, namely :—
- “(2) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the Gram Sabha, it shall be finalised by Sub-Divisional Officer.”;
- (ii) for sub-section (3), the following sub-section shall be substituted, namely :—
- “(3) A copy of the Nistar Patrak so finalised shall be kept in the office of the Gram Panchayat.”;
- (iii) after sub-section (3), the following sub-section shall be inserted, namely :—
- “(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 entries in the Nistar Patrak;
- (b) record additional unoccupied land under any entry in the Nistar Patrak for fulfillment of further Nistar rights of villagers.”.
- Amendment of Section 237.** 34. In section 237 of the Principal Act,—
- (i) sub-section (2) shall be deleted;
- (ii) for sub-section (3), the following sub-section shall be substituted, namely :—
- “(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.;

(iii) after sub-section (3), the following sub-section shall be inserted, namely :—

“(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.”.

35. In sub-section (4) of Section 241 of the Principal Act, for the words “five thousand”, the words “fifty thousand” shall be substituted. **Amendment of Section 241.**

36. In Section 247 of the Principal Act,—

**Amendment of Section 247.**

(i) in sub-section (7), for the word “double”, the words “four times” shall be substituted;

(ii) proviso to sub-section (7) shall be omitted.

37. In Section 248 of the Principal Act,—

**Amendment of Section 248.**

(i) in sub-section (1), for the words “five thousand rupees”, the words “twenty per centum of the market value of such encroached land” and for the words “twenty rupees”, the words “five hundred rupees in non urban area and two thousand rupees in urban area” shall be substituted;

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (2-A), for the words “three months”, the words “six months” shall be substituted.

38. In section 250 of the Principal Act,—

**Amendment of Section 250.**

(i) in sub-section (6), for the words “two hundred and fifty”, the words “two thousand” shall be substituted;

(ii) in sub-section (9), for the words “five thousand rupees”, the words “twenty per centum of the market value of such land” shall be substituted;

(iii) proviso to sub-section (9) shall be omitted.

39. In section 253 of the Principal Act, for the words “five thousand”, the words “fifty thousand” shall be substituted. **Amendment of Section 253.**

40. In section 257 of the Principal Act, clause (a) shall be renumbered as clause (a-1) and before clause (a-1) as so renumbered, the following new clause shall be inserted, namely :— **Amendment of Section 257.**

“(a) any decision regarding any right under sub-section (1) of Section 57 between the State Government and any person;”.

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से भी डाउन लोड किया जा सकता है.



# मध्यप्रदेश राजपत्र

## ( असाधारण )

### प्राधिकार से प्रकाशित

क्रमांक 431]

भोपाल, सोमवार, दिनांक 16 सितम्बर 2013—भाद्र 25, शक 1935

#### विधि और विधायी कार्य विभाग

भोपाल, दिनांक 16 सितम्बर 2013

क्र. 8181-260-इक्कीस-अ-(प्रा.)-अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 7 सितम्बर, 2013 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 ३४ सन् २०१३.

### मध्यप्रदेश भू-राजस्व संहिता ( संशोधन ) अधिनियम, २०१३

[ दिनांक ७ सितम्बर, २०१३ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति "मध्यप्रदेश राजपत्र ( असाधारण )", में दिनांक १६ सितम्बर २०१३ को प्रथम बार प्रकाशित की गई. ]

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

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

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता ( संशोधन ) अधिनियम, २०१३ है.

संक्षिप्त नाम.

२. मध्यप्रदेश भू-राजस्व संहिता, १९५९ ( क्रमांक २० सन् १९५९ ) ( जो इसमें इसके पश्चात् मूल अधिनियम के नाम से निर्दिष्ट है ) की धारा १६१ के पश्चात्, निम्नलिखित नई धारा अंतःस्थापित की जाए, अर्थात्:—

धारा १६२ का अन्तःस्थापन.

“१६२(१) धारा २४८ में अंतर्विष्ट किसी बात के होते हुए भी तथा इस निमित्त बनाए गए नियमों के अध्वधीन रहते हुए, ऐसे क्षेत्रों में की, जो कि राज्य सरकार द्वारा राजपत्र में अधिसूचित किए जाएं, राज्य सरकार की ऐसी भूमि जो कि अनाधिकृत कब्जे में हो, कलक्टर द्वारा उस सीमा तक तथा प्रीमियम और पट्टे के भाटक की ऐसी राशि का भुगतान कर दिए जाने पर, जैसी कि विहित की जाए, कृषि और आवासीय प्रयोजनों के लिए सरकारी पट्टेधारी हक में व्ययन किया जाएगा.

अनाधिकृत कब्जे में की कतिपय भूमियों का व्ययन.

(२) यदि उपधारा (१) के अधीन किसी भूमि का व्ययन कर दिया जाता है तो ऐसी भूमि के संबंध में धारा २४८ के अधीन किसी राजस्व न्यायालय में लंबित समस्त कार्यवाहियां समाप्त हो जाएंगी.”

धारा २५८ का संशोधन.

३. मूल अधिनियम की धारा २५८ में उपधारा (२) में, खण्ड (छत्तीस) के पश्चात्, निम्नलिखित नया खण्ड अन्तःस्थापित किया जाए, अर्थात् :—

“(सैंतीस) धारा १६२ के अधीन भूमि के व्ययन की रीति तथा प्रीमियम और पट्टे के भाटक की राशि;”.

भोपाल, दिनांक 16 सितम्बर 2013

क्र. 8182-260-इक्कीस-अ-(प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) अधिनियम, 2013 (क्रमांक 34 सन् 2013) 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. 34 OF 2013.

### THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) ACT, 2013

[Received the assent of the Governor on the 7th September, 2013; assent first published in the “Madhya Pradesh Gazette (Extra-ordinary)”, dated the 16th September, 2013.]

#### An Act further to amend the Madhya Pradesh Land Revenue Code, 1959.

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

Short title.

1. This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2013.

Insertion of Section 162.

2. After Section 161 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), the following new Section shall be inserted, namely :—

Disposal of certain land in unauthorised possession.

“162. (1) Notwithstanding anything contained in Section 248 and subject to rules made in this behalf, any land belonging to the State Government in such areas as notified in the official Gazette by the State Government, which is in unauthorised possession, shall be disposed of for agricultural and residential purposes, in government lessee rights by the Collector to such extent and on payment of such amount of premium and lease rent as may be prescribed.

(2) If any land is disposed of under sub-section (1), all proceedings pending in any revenue court under section 248 in respect of such land shall stand abated.”.

Amendment of Section 258.

3. In Section 258 of the principal Act, in sub-section (2), after clause (xxxvi), the following new clause shall be inserted, namely :—

“(xxxvii) the manner of disposal of land and amount of premium and lease rent to be paid under Section 162;”.