

## **Mizoram (Land Revenue) Act, 2013**

**5 of 2013**

**[02 May 2013]**

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**[02 May 2013]**

AN ACT to make provisions for allotment, occupation, use or setting apart of land other than any land which is a notified forest or wildlife sanctuary, for agricultural and non-agricultural purposes, for allotment or assignment of rights in or over such land, for land tenures, transfer and alienation, for assessment and collection of revenue and taxes in respect of such land and building, etc and to consolidate the laws to all such lands relating to Land Revenue Administration in the State of Mizoram and for matters connected therewith and incidental thereto.

It is enacted by the Legislative Assembly of the State of Mizoram in the sixty-fourth Year of the Republic of India as follows:-

## **CHAPTER 1 PRELIMINARY**

### **1. Short title, extent and commencement :-**

- (1) This Act may be called The Mizoram (Land Revenue) Act, 2013.
- (2) It shall extend to the whole of Mizoram except the area of Autonomous Districts of Lai, Mara and Chakma.
- (3) It shall come into force on such date or dates as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Act.

### **2. Definitions :-**

In this Act, unless there is something repugnant to the subject or context,

- (1) "agriculture" includes horticulture, the raising of annual or periodical crops, or garden produce, planting and upkeep of orchards or plantation, dairy farming, poultry farming, live-stock breeding, grazing and pisciculture and the expression, "non-agriculture", shall be construed accordingly;
- (2) "agricultural land" means land which is used or is capable of being used for agricultural purposes and includes land under homesteads occupied for residential purposes in connection with agricultural holdings and the expression, "non-agricultural land", shall be construed accordingly;
- (3) "allotment" means allocation or apportionment of land or part of it to a specific person or body of persons having legal entity known

as the allottee by the State Government or the competent authority in this behalf;

(4) "apartment" means and includes a part of property intended for any type of independent use including one or more floors (on part or parts thereof) in a building or buildings intended to be used for residence including group housing on co-operative basis, office, practice of any profession or carrying on of any occupation, trade or business or for other type of independent use and with a direct exit to a public street, road, or highway or to a common area leading to such street, road or highway ;

(5) "apartment number" means the number, letter or combination thereof designating the apartment in the Land Settlement (Apartment) Certificate;

(6) "apartment owner" means the person or persons owning an apartment and an undivided interest in the common areas and facilities in the percentage specified in the Land Settlement (Apartment) Certificate and includes an outright purchaser or a hire purchase allottee of such apartment and undivided interest;

(7) "arrears of land-revenue" means land-revenue which remains unpaid after the date on which it becomes payable;

(8) "benami transaction" : or "transaction in benami" means any transaction defined as such in the Benami Transaction (Prohibition) Act, 1988 (Central Act no. 45 of 1988);

(9) "boundary" means the limits, dividing lines or partitioning of two adjoining or contiguous pieces of land;

(10) "building" means a house, out house or other roofed structure whether masonry, brick, wood, mud, metal or any other material whatsoever but does not include a tent or other portable and temporary shelter;

(11) "Certificate of Land Settlement" or "Land Settlement Certificate" means a certificate granted under section 11 of the Mizo District (Land and Revenue) Act, 1956 or section 4(2) of the Mizo District (Agricultural Land) Act, 1963, as adapted and includes a similar certificate issued under this Act;

(12) "Collector" means the Deputy Commissioner of a district and includes an Additional Deputy Commissioner or any other officer appointed by the State Government to exercise and perform all or any of the functions of a Collector under this Act;

(13) "Common Areas and Facilities" unless and otherwise provided in the Certificate of Land Settlement (Apartment) means -

(a) land on which a building is located;

(b) the foundations, columns, girders, beams, supports, main walls,

roofs, halls, corridors, lobbies, stairs, stairways, terrace, compound walls, fire escapes, wells, dumps and entrances and exits of the building ;

(c) the basement, cellars, yards, gardens, parking areas and storage spaces;

(d) the premises for looking after of caretaker or persons employed for maintenance of the property;

(e) water supply, sewerage and drainage connections and the installations of other services like power, light gas, hot and cold water heating, refrigerator, air conditioning and incinerating;

(f) the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for the common use;

(g) such other community and commercial facilities as may be prescribed and

(h) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use;

(14) "competent authority", in relation to any provision, means any officer appointed by the State Government to be the competent authority for the purpose of that provision under this Act;

(15) "Deputy Commissioner" means a Deputy Commissioner of a district;

(16) "Domicile of the State" or "domiciled in the State", with reference to the State of Mizoram, means any resident of the State, whose family has been residing in Mizoram prior to 26th January, 1950;

(17) "Family" means persons such as parents, children and descendants including servants who live in one house and use common kitchen;

(18) "farm" means a tract of land forming a single property and devoted to cultivation of land and growing agricultural and horticultural crops including trees and bamboos, raising livestock or aquatic animal and production of dairies and allied activities;

(19) "holding" means a parcel of land separately assessed to land revenue;

(20) "improvement," in relation to any land, means any work or product of work which materially adds to the value of the land and which is suitable to the land and consistent with the character thereof.

(21) "land" means broadly any ground, soil or earth, whether covered or not, and which is or may be utilized for agricultural or non-agricultural purposes or purposes subservient thereto and

includes benefits to arise out of such land, and things attached to the earth or permanently fastened to anything attached to the earth;

(22) "land-holder" means holder of a parcel of land or a proprietor of land, who is responsible for the payment of land revenue;

(23) "land revenue" means any revenue assessed by the State Government on the land and includes any tax assessed in lieu of land revenue or all moneys described as premium, rent, lease, money, charge, fee, cess or in any other manner, in any enactment, contract or similar instruments;

(24) "local authority" means a Municipal Board/Council, any Urban Development Authority, Town Committee, Land Advisory Committee, Local Council or Village Council;

(25) "mutation" means the process of change or alteration or substitution of the name of the previous land owner to the name of the new land owner;

(26) "Official Gazette" means the Mizoram Gazette;

(27) "person" includes an individual, a firm, a Company or an association or a body of individuals whether incorporated or not;

(28) "premium" means a lump sum amount of money paid as a consideration for the allotment of land;

(29) "prescribed" means prescribed by rules made under this Act;

(30) "private market" shall be deemed to be synonymous with the expression "bazaar" and shall mean;-

(i) a place where persons assemble for the sale of or the purpose of exposing for sale of meat, fish, fruits, vegetables, livestock or any other articles or food or a perishable nature, whether or not there is any collection of shops or warehouses or stalls for the sale of other articles in such place, or

(ii) any place of trade or business other than a place referred to in sub-clause (i) where there is a collection of shops or warehouses or stalls;

(31) "Public Investment Board" means Mizoram Public Investment Board constituted for screening and clearing proposals for using land for industrial purposes or for setting up of public institutions namely:- schools, colleges, hospitals, or for contract farming;

(32) "public place" means any place which is open to the common use and enjoyment of the public, whether it is actually used or enjoyed by the public or not, and includes a common space meant for public use;

(33) "public purpose" shall have the same meaning as defined in clause (f) of section 3 of the Land Acquisition Act, 1894 as



amended from time to time;

(34) "rent" means whatever is lawfully payable in cash or in kind, partly in cash and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

(35) "Reserved Forest" means any area which is surveyed and notified as such under the Assam Forest Regulation, 1891 or under the Mizo District (Forest) Act, 1955 or under any other law for the time being in force in the area in question;

(36) "Revenue Officer" means an officer of any rank whosoever appointed under or employed for the purposes of this Act;

(37) "Settlement Officer" means a Settlement Officer appointed under the Mizoram (Land Survey and Settlement Operation) Act, 2003 (No. 4 of 2003) as amended from time to time;

(38) "shop" means any premises where any trade or business is carried on and where services are rendered to customers;

(39) "stall" means a small shop with an open front where people sell things in it at a market or any other place;

(40) "State" means the State of Mizoram;

(41) "State Government" or "Government" means the Government of Mizoram;

(42) The expressions Survey, Survey mark and Survey Officer shall have the same meaning as respectively assigned to these under the Mizoram (Land Survey and Settlement Operation) Act, 2003 (No. 4 of 2003) as amended from time to time;

(43) "tax" means a sum of money collected by the collecting authorities at the rate fixed by the Government from time to time from the domicile of the State of Mizoram excluding the areas of the Autonomous District Council on account of living in Mizoram and the owner of building or apartment let out for residential and other purposes;

(44) "Town" means a village or group of villages where allotment of sites for residential and non residential purposes reserved for the Government which may be notified in Official Gazette from time to time;

(45) "Tribal" means a person who belongs to one of the Scheduled Tribes for the State of Mizoram and specified as such by an order or orders made by the President of India under Article 342(1) of the Constitution of India in so far as the specification pertains to Mizoram;

(46) "Tribunal" means a Revenue Tribunal constituted under this

Act and for the purposes of this Act;

(47) "Vacant Land" means any land which has not been allotted to anyone, whether occupied or un-occupied and over which nobody has acquired any right under the Act, but shall not include any land within any surveyed and notified forest or wildlife sanctuary and any land comprising any Government or public road;

(48) The expressions, Village, Village Council and Village Council President, shall have the same meaning respectively as assigned to each of these under the Lushai Hills District (Village Councils) Act, 1953 as amended from time to time, and declared as a revenue village under the provisions of the Mizoram (Land Survey and Settlement Operation) Act, 2003 and the rules made thereunder.

(49) "Year" means a year commencing on the first day of April.

## **CHAPTER 2 REVENUE DIVISIONS REVENUE OFFICERS, THEIR APPOINTMENT AND POWERS**

### **3. Chief Controlling Authority :-**

The State Government shall be the Chief Controlling Authority in all matters relating to land allotment and land revenue administration under this Act. Provided that under the overall supervision of the Chief Controlling Authority, the Director of Land Revenue and Settlement shall function as the Controller of Land Records for the purposes of this Act.

### **4. Power to create, alter or abolish revenue divisions, districts, sub-divisions :-**

The State Government may, by notification in the official Gazette, divide the area to which this Act extends into one or more revenue divisions, and may similarly divide any division into districts, any district into Sub-divisions, any sub-division into circles and circles into villages, and may create as such, alter the limits of, amalgamate, or abolish any such divisions, districts, sub-divisions, circles or villages.

### **5. Procedure for constitution, abolition, etc. of Revenue divisions, districts, sub-divisions, circles or villages :-**

Before the publication of any notification under Section 4 declaring any area to be a revenue division, district, sub-division, circle or village or altering the limits of any division, district, sub-division, circle or village, or abolishing any division, district, sub-division,

circle or village, the State Government shall publish in the Official Gazette or in such manner as may be prescribed, a notice of the proposal inviting objections or suggestions, if any, from the general public of the area and shall take into consideration any objections or suggestions on such proposal, after giving reasonable opportunities of hearing to the persons or public so interested.

## **6. Appointment of Revenue Officers :-**

- (1) The State Government or such Officer as may be authorized by the Government in this behalf, may, by notification in the Official Gazette, appoint the following classes of Revenue Officers, namely-
  - (a) Revenue Commissioner for the whole of the State or a division as it may consider necessary and as many Joint Commissioners (Revenue) and Assistant Commissioners (Revenue) as may be necessary;
  - (b) Collector for each district and as many Additional Collectors, Deputy Collectors and Assistant Collectors as it may consider necessary;
  - (c) Director of Land Revenue and Settlement for the whole of the State and as many Additional Director(s), Joint Director(s), Deputy Director(s) and Assistant Director(s) as it may consider necessary;
  - (d) Settlement Officer for each district and as many Additional Settlement officers, Deputy Settlement officers and Assistant Settlement Officers as it may consider necessary;
  - (e) Sub-divisional Officer (Revenue) for each sub-division and as many Assistant Collectors and Assistants as it may consider necessary;
  - (f) Revenue Circle Officer, for each Revenue Circle
- (2) The Revenue officers so appointed shall be responsible to maintain and preserve all landrecords in writing as well as in digitalized formats.

## **7. Revenue Commissioner, Director, Collector and Other Revenue Officers :-**

- (1) Subject to over-all control of the State Government, the Revenue Commissioner shall be the Chief Revenue Officer of the State and shall exercise such powers and discharge such duties as are conferred on or vested in him under this Act.
- (2) The Director of Land Revenue and Settlement shall be in charge of all matters of direction and implementation of the policies of the Government relating to land administration, settlement of land and

collection of land revenues throughout the State and shall in respect thereof exercise all such powers and discharge all such duties as are conferred on or vested in him under this Act.

(3) Each revenue district shall be placed under the charge of a Collector or Settlement Officer or Assistant Settlement Officer who shall be in charge of the revenue administration of the district and exercise such powers and discharge such duties of a collector as are conferred on or vested in him under this Act.

(4) Each Revenue Sub-division shall be placed under the charge of a Sub-divisional Officer (Revenue) who shall be designated as Deputy Collector of the Sub-division or Assistant Settlement Officer who shall exercise such powers and discharge such duties as are conferred on or vested in him under this Act.

(5) All other Revenue officers shall exercise such powers and perform all such duties for the purposes of this Act, as may be specified by the State Government by notification in the Official Gazette.

(6) Each Revenue Circle shall be placed under the charge of a Revenue Circle Officer who shall be assisted by as many as Revenue Inspectors who shall exercise such powers and discharge such duties as are conferred on or vested in him under this Act.

(7) Each Revenue Village may have Revenue Assistant who shall maintain and update all such revenue registers, accounts and records as may be prescribed by the government from time to time.

## **8. Exercise of Powers of Settlement Officer or Survey Officers or Revenue Officers :-**

The State Government may vest any Revenue officer with all or any of the powers of a Settlement Officer or a Survey Officer under the Mizoram (Land Survey and Settlement Operation) Act, 2003 within such limits, restrictions and for such period, as it may think fit.

## **9. Subordination of Revenue Officers :-**

(1) All Revenue officers shall be subordinate to the Revenue Commissioner and all Revenue officers in the district, sub-division and Circle shall be subordinate to the Collector or Director or the Sub-divisional officer or Settlement Officer as the case may be.

(2) All Revenue officers in the Directorate of Land Revenue and Settlement shall be subordinate to the Director, Land Revenue and Settlement.

## **10. Combination of Offices :-**

It shall be lawful for the State Government to appoint one and the same person to any two or more of the offices provided for in this Act, to make any appointment by virtue of office already held and also to confer on any officer of the Government all or any of the powers and duties of any of the Revenue officers including the Collector.

## **11. Seals :-**

The State Government shall, from time to time, by notification in the official Gazette, specify the Revenue Officers or Settlement Officers who shall use a seal and also the size and description of the seal which each such officer shall use.

## **CHAPTER 3 CONTROL AND POWERS OVER THE LAND**

## **12. Title of the State Government over land etc :-**

(1) All lands, public roads, streets, lanes and paths, bridges, ditches, dikes and fences, the bed of rivers, streams, nallas, lakes and tanks and all canals and water courses and all standing and flowing water and all land including notified and surveyed forest area, wherever situated, which are not the property of any individual or of such group of persons or any juristic person legally capable of holding property except in so far as any rights of such person as may be established in or over the land as provided in any law for the time being in force, are hereby declared to be, with all absolute right, title, interest and possession in or over the same or appurtenant thereto, shall be the property of the State Government.

(2) Where any property or any right in or over any such property is claimed by or on behalf of the Government or by any person against the State Government and the claim is disputed, it shall be lawful for the Settlement Officer of the district concerned, after all reasonable inquiry, to pass an order deciding the claim provided that any party disputing the title to such land as per sub-section (1) must refer the dispute to the Settlement Officer concerned within one month on the date of commencement of this Act, failing which the party's claim, if any, shall be barred by the principle of waiver.

(3) Any person aggrieved by an order made under sub-section (2)

may prefer an appeal to the appellate authority within a period, as may be specified from the date of such order and the decision of the Tribunal shall be binding on the parties.

(4) Unless or otherwise it is expressly provided in terms of a grant made by the Central Government or the State Government, as the case may be, and subject to the provisions of any law or laws made by the Parliament in this regard, the right to mines, quarries, minerals and mineral products including mineral oil, natural gas and petroleum shall vest in the State Government, and it shall have all the powers necessary for the proper enjoyment of such rights. Explanation : For the purposes of these provisions mineral includes any sand or clay which the State Government may declare to have a commercial value or to be required for any public purpose.

### **13. Right to trees etc :-**

All natural trees and plants, or planted and raised by the side of any notified public road or path or on any public place or space having been so notified under any law for the time being in force, shall vest in the Government and shall be the Government property on extinction of any others rights whatsoever, on and from the commencement of this Act.

### **14. Assignment of land for special purposes and economic programmes :-**

(1) The State Government may set apart any land for any special purposes including bamboo farming, oil palm cultivation, tung cultivation, contract farming, or any other commercial farming duly approved by appropriate authority, for development of industrial area, for the purposes of special housing projects under any approved Central or State Scheme, for compensatory forest, for development of a village, town or city, or for the purposes ancillary thereto, or for any other public purposes as may be prescribed, and such lands so assigned specially shall not be used otherwise than for such purposes without expressed sanction of the Government. Provided that except land for compensatory forest, land for development of a village, a town or a city, land assigned to under sub section

(1) shall be on lease basis.

(2) The right of grazing or pasturage on land shall extend only to the cattle of the village or villages for which such land has been set apart and reserved, and shall be regulated by rules made under

this Act.

(3) In a village where jhum cultivation is practiced, the Village Council concerned, subject to any rules or regulations in force in this respect, may allot land for any special economic programme, as an alternative to jhum cultivation, for a period of 1 (one) year at the first instance or as may be required. As far as possible, the land for such programmes shall be earmarked. Provided that the Government may make guidelines regulating the manner of allotment of land for such special programmes.

### **15. Right to Fisheries :-**

State Government may, by notification, declare any collection of water, running or stagnant, to be a fishery and no right in any fishery so declared shall be deemed to have been acquired by any person or group of persons, after the commencement of this Act, except as provided in the rules made under this Act.

### **16. Allotment of land :-**

(1) The Government, subject to the availability of land free from all encumbrances and subject to appropriate recommendation of the "Site Allotment Advisory Board" as may be constituted by the Government from time to time or in separate proceedings, the Government may allot land belonging to the State Government as declared under section 12 of this Act, to the eligible person or persons as described in sub-section (16) of section 2 or sub-section (45) of section 2 of this Act in accordance with such other conditions as prescribed in Chapter IV to VI of this Act.

(2) The Director or the Settlement Officer or the Assistant Settlement Officer, subject to appropriate recommendation of the Site Allotment Advisory Board as may be constituted from time to time and with prior approval of the State Government, shall have the power -

(a) to allot any such land for the purposes of any industry or shop and stall or stone quarry or for any purpose of public utility on such conditions as may be prescribed; or

(b) to allot land beyond the maximum ceiling limit of 60 bighas or 80268 square metres subject to the recommendation of the Mizoram Public Investment Board in a special case and public interest as the case may be, or;

(c) to entrust the management of any such land or any rights therein in writing to the Local Council or the Village Council, as the

case maybe, for the purposes of supply reserves or any other public utility purposes for the related area, as may be prescribed.

(3) No allotment of land of any nature for whatever use shall be made in areas that may cause public nuisance or that it is not in general public interest on grounds of public health, public safety and even public convenience.

### **17. Unauthorised Occupation of Land :-**

(1) Any person who is found to occupy any land without lawful authority shall be regarded as a trespasser or encroacher and shall be evicted in accordance with the provisions of the Mizoram (Prevention of Government Land Encroachment) Act, 2001 as amended from time to time.

(2) No right shall accrue to any person who encroach or trespass upon land without having any title conferred upon him by the competent authority. Payment of land revenue or taxes on such land will not entitle the encroacher any right or title to the property.

### **18. Diversion of Land :-**

(1) If any person holding land for any particular purpose chooses to divert such land or any part thereof for any other purpose, such person shall apply for permission to the Collector or the Settlement Officer or the Assistant Settlement Officer who may, subject to prior sanction of the Government based on the recommendation of the Site Allotment Advisory Board concerned and the provisions of this Act and the rules made thereunder, refuse permission or grant it on such terms and conditions as it may think fit.

(2) Permission to divert may be refused by the Government on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or it is against the provisions of this Act or any other law in force or that the holder 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, namely, in order to secure the public health, public safety and public convenience, or to ensure availability of sufficient land in the area for the purposes of establishment of social infrastructure or for the purpose of agriculture including horticulture, and in the case of land which is to be used as building sites, in order to secure, in addition, that such diversion is in consonance with the



plan of the area as notified under the Mizoram Municipalities Act, 2007 (Act No. 6 of 2007), or under the Aizawl Development Authority Act 2005 (Act No. 9 of 2005), or under the Mizoram Urban and Regional Development Act, 1990 (Act No. 12 of 1990), as the case may be.

**19. Penalty for using land for other purposes without permission :-**

(1) If any land has been diverted or used for any other purpose without the permission as required under section 18, the Collector or the Settlement Officer or the Assistant Settlement Officer authorized or specified under the rules may summarily evict the land-holder or the person responsible for the diversion, from the land so diverted and any building or other construction erected thereon shall also, if not removed after such written notice issued by the Collector or the Settlement Officer or the Assistant Settlement Officer or such other officer as authorized may deem reasonable, be liable to forfeiture or summary removal. The land holder or the person responsible for the diversion shall also be liable to pay such penalty not less than Rupees one thousand per square metre, as the Collector or the Settlement Officer or the Assistant Settlement Officer or such other Officer may, subject to the rules made by the Government in this behalf, direct.

(2) If any land held has been diverted for any other purpose in contravention of an order passed or a condition imposed under any of the foregoing sections, the Collector or the Settlement Officer or the Assistant Settlement Officer or such other Officer as authorized 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 or 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 Collector or the Settlement Officer or the Assistant Settlement Officer or such other Officer as authorized may also impose on such person a penalty not less than Rupees one thousand per square metre for such contravention, and a further penalty not less than Rupees one hundred for each day during which such contravention continues.

(3) If any person, who is served with a notice under sub-section (2)

fails to comply within the period stated in the notice for taking specific actions by the competent authority under that sub-section, the competent authority may itself take such steps or cause them to be taken including cancellation of allotment as provided in clause (e) of sub-section (1) of section 33 of this Act. Any cost incurred in the exercise shall be recoverable from such person in the same manner as an arrear of land revenue.

## **20. Relinquishment :-**

(1) Subject to any rules that may be made under this Act, a land holder may relinquish his rights in respect of any land in his possession in favour of Government by giving a notice in writing to the Collector of the district or the Settlement Officer or the Assistant Settlement Officer of the district in such form and manner as may be prescribed, not less than three months before the close of any year and thereupon, he shall cease to be the land holder in respect of that land from the year following the date of notice.

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

(2) If any person relinquishes his rights over any land under sub-section (1), 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.

## **CHAPTER 4 RIGHTS OVER LAND**

### **21. Classification of Land-holders :-**

On and from the commencement of this Act, there shall be the following classes of land-holders:-

(1) Land Settlement Certificate holder is a person to whom land has been permanently settled for agricultural purposes such as, growing particular crops or for mixed farming, or for nonagricultural purposes such as, construction of a house.

(2) Periodic Patta holder is a person to whom land has been leased out for a fixed or limited period for specific purpose such as, commercial plantation, horticulture and the like.

(3) Pass holder is a person to whom a specific permission is given by the Government only for construction of a house, shop, stall inside and outside town area. In places where survey and settlement operation has not been done, the Village Council is

given authority to issue such Pass inside a village perimeter as may be notified by the Government from time to time.

(4) Lease holder is a person who is given a lease of specified tenure to occupy certain parcel of land for specific purpose like industry, educational institution, etc.

## **22. Accrual of rights of land-holders :-**

(1) Every person who, at the commencement of this Act, holds any land from the Government for agricultural purposes or non-agricultural purposes as a Land Settlement Certificate holder including his successor or successors-in-interest shall be deemed to be the owner thereof on and from such commencement.

Provided that in the case of more than one claim for ownership over one and the same plot or parcel of land, and all the related Land Settlement Certificates having been found valid and duly acted upon, subject to the decree of a competent Civil Court, if any, the first Certificateholder, if in actual and constructive possession of the land, in accordance with the satisfactory fulfillment of the conditions specified in his Land Settlement Certificate, shall become the owner.

(2) Every person who, at the commencement of this Act, holds land from the Government for purpose of agriculture as Periodic Patta holder and for non-agriculture as Pass Holder or Lease Holder, shall, subject to the proviso to sub-section (1) and provisions of sub-section (1), be entitled to the settlement of that land on fulfillment of such terms and conditions as may be prescribed.

(3) No rights shall accrue under sub-section (1) in respect of any land which

(i) forms a part of the bed of a river, a nullah, a water-fall, a stream or a public tank; or

(ii) has been acquired by the Government for any public purposes according to the provisions of any law in force for the time being relating to acquisition of land; or

(iii) has been in common use at any time during a period of five years immediately preceding the commencement of this Act for any public, community or village purpose; or

(iv) has been declared by the Government under any law in force as reserved or required for any public, community or village purpose, or as heritage site or area, or has been declared as unsafe or disaster-prone area.

(4) Objections to the accrual of any rights under sub-section (1)

may be filed by any aggrieved person who has interest in the land either in his individual capacity or as a member of the village or community, before such revenue authority within such time and in such form and manner as may be prescribed.

(5) If any objection is filed under sub-section (4), the prescribed Revenue authority shall inquire into the objection in such manner as may be prescribed, and decide the same.

(6) Subject to the provisions of this Act, the decision of the prescribed Revenue Authority shall be final.

(7) Nothing in this section shall entitle any person to the sub-soil rights in respect of the land, of which he has become the owner under sub-section (1) or which has been settled with him under sub-section (2).

### **23. Rights of a Land Settlement Certificate-holder :-**

( a ) Every Land Settlement Certificate-holder shall have a permanent, heritable and transferable right, title, interest and peaceful possession in his land subject to:-

(i) the provisions of this Act and the Rules made there under;

(ii) payment of all land revenues, taxes, cesses at the rates fixed by the Government from time to time which are legally assessed or imposed in respect of the land as required under this Act or under any other law for the time being in force; and

(b) Nothing in sub-section (a) shall entitle a Land Settlement Certificate-holder to use his land to the detriment of any adjoining land or in contravention of the provisions of any other law for the time being in force applicable to such land.

### **24. Status of a Periodic Patta-holder :-**

Every person belonging to any of the following classes shall be called a Periodic Patta holder or a temporary licensed cultivator and shall have all the rights and be subject to all the liabilities conferred or imposed upon the periodic patta-holder by or under this Act, namely -

(1) Every person who, at the commencement of this Act, holds any land from the Government under a valid periodic patta granted by the competent authority, and his successor-in-interest.

(2) Every person who acquires the rights of a periodic patta holder under or in accordance with the provisions of this Act and such rules as may be made in this behalf.

## **25. Rights of a Periodic Patta-holder :-**

A Periodic Patta-holder shall have a temporary right, title, interest and possession in the land held by him for such period and under such terms and conditions as the Government may specify in the periodic patta and shall have no right of transfer of ownership or inheritance of the land beyond the period as are specified in his periodic patta. Provided that where no period is fixed in the existing periodic patta the validity of such patta shall, unless renewed, be deemed to expire after five years from the date of commencement of this Act.

## **26. Status of a Pass-holder :-**

Every person belonging to any of the following classes shall be called a Pass-holder and shall have all the rights as specified in the pass and shall be subject to all the liabilities conferred or imposed upon him by or under this Act, namely:-

(a) every person who, at the commencement of the Act, holds any non-agricultural land from the Government under a valid Pass granted by the competent authority, and his successor-ininterest; and

(b) every person who acquires the right of a Pass-holder under or in accordance with the provisions of this Act and the rules made thereunder.

## **27. Rights of a Pass-holder :-**

A Pass-holder shall have no right in the land held by him beyond the rights of use and occupancy for such period and under such terms and conditions as may be specified in the Pass and shall have no right of transfer, inheritance, or of sub-letting beyond the period so specified. Provided that where no period has been specified in the existing Pass, the validity of such Pass shall, unless renewed, be deemed to have continued as a valid Pass for a period not exceeding five years from the date of commencement of this Act.

## **28. Rights of Lease holder :-**

Every person or an agent to whom land has been let out by the State Government for use in any special purposes as an agent of the Government, the person or an agent shall be called a Lease holder in respect of such land and shall, notwithstanding anything

to the contrary contained in this Act, be entitled to hold the same in accordance with the terms and conditions of the lease.

**29. Ejectment of persons occupying land without right or title :-**

A person taking or retaining or occupying any land, otherwise than in accordance with the provisions of the law for the time being in force shall be liable to be evicted by such Revenue authority in such manner as may be prescribed and shall also be liable to pay a fine as may be fixed by the competent authority.

**30. Limitation on mortgage of land by land-holders :-**

Notwithstanding anything contained in this Act, a land-holder in respect of any agricultural land and non-agricultural land may mortgage his holding or part thereof in such circumstances as may be prescribed, as a security for any loan taken or to be taken from the State Government, a Co-operative Society, a bank or such other financial institution as may be notified in the Official Gazette by the State Government. In the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the lender, as the case may be, to cause his interest in the land to be attached and sold and the proceeds applied in payment of such loan as prescribed by law in force. Provided that any mortgage by a Periodic Patta-holder or a Pass-holder or Lease Holder of his holding or any share thereof without prior permission in writing from the State Government or such Revenue authority shall be void.

**31. Land left uncultivated or undeveloped :-**

Where the Collector or Competent Authority is satisfied that any land other than land for house site has remained not used or being kept uncultivated or undeveloped, penalty will be imposed at the rate as prescribed in the rules under this Act. A continued default or refusal to remit the prescribed tax shall be followed by a process for cancellation of land allotment as provided in clause (g) of subsection (1) of section 33 shall be initiated by Competent Authority after observing proper procedure.

**32. Issue of Land Settlement Certificate :-**

The Controller of Land Records, as may be prescribed, may grant a

certificate in respect of each parcel of land to a land-holder certifying the nature of his title, the annual land revenue or tax payable, the location, area, survey number, plot (plan) number, terms and conditions of his holding and such other particulars as may be prescribed in the rules under this Act. Provided that no Land Settlement Certificate shall be granted to a person who does not fulfill the conditions as prescribed under sub-section (16) and sub-section (45) of Section 2 of this Act and unless prior permission of the Government in the manner of speaking order is obtained.

### **33. Cancellation of allotment or rights over land :-**

(1) Notwithstanding anything to the contrary contained in sections 22 to 28 of this Act, the Collector or the Settlement Officer or the Assistant Settlement Officer or any other Revenue Authority may cancel an allotment of land or the rights conferred on the land holder for any of the following grounds :-

(a) non-payment of land revenue, taxes, cesses and rates assessed or imposed under any law for the time being in force in respect of the land, or

(b) that the certificate, etc was obtained by means of any malafide misrepresentation of facts, essential to justify the grant thereof, or

(c) that the certificate, etc was obtained with deceit or illegally or fraudulently by any malafide concealment of material facts from the Revenue Officer and his subordinates or officials of Revenue Department or private individual, or

(d) that a decree or order passed by a competent court in a suit or other proceedings, with respect to the holding for which a certificate etc. was granted, show that the holder was not entitled to such certificate etc., or

(e) that the land has been used for any other purpose than the original one for which the land was allotted without written permission of the Government or any other revenue authority as prescribed, or

(f) that the land has been acquired by the Government for any purpose according to the provisions of any law in force for the time being relating to acquisition of the land in public interest, or

(g) that the land allotted for purposes other than house site is left undeveloped or reclaimed within three years from the date of allotment, or

(h) violation of any of the terms and conditions of any agreement or undertaking into which the land holder has entered with the

Government, or

(i) any Pass or Certificate obtained without approval of appropriate authority, or

(j) notice or application for cancellation or relinquishment has been submitted by the landholder, or

(k) there is sufficient reason to believe that the use of land is against public health or public safety or general public good.

Explanation: Any land allotment or settlement sought or obtained in a benami transaction is deemed to be malafide misrepresentation of facts.

(2) No certificate shall be cancelled unless the holder or the person having interest therein is given reasonable opportunity of showing cause against such cancellation.

(3) No compensation shall be payable by the Government on account of such cancellation of any allotment or right over land under this Act. However, if the allottee has put up any constructions on the land, he shall be allowed a reasonable opportunity to remove the same.

## **CHAPTER 5** SETTLEMENT OF LAND FOR HOUSE SITE IN URBAN / NOTIFIED TOWN AREA

### **34. Land in Urban and Notified Town Areas not to be settled for agricultural purposes :-**

In the area declared by the Government as "town areas", no land shall be allotted or settled for agricultural purposes.

### **35. Master Plan :-**

(1) Master Plan shall be drawn up keeping in view the provisions of the Mizoram Urban and Regional Development Act (MURDA), 1990 for any area declared by the Government as town. The Master Plan shall indicate the existing roads, drains, and other areas used for public purposes, Government buildings and area or areas already given to individuals for construction of houses or for any other purposes, and also Government land, earmarked for roads, drains, and other public requirements in the area where survey and settlement has not been carried out.

(2) Detailed plans shall be prepared keeping in view of the provisions of the Mizoram Urban and Regional Development Act, 1990 indicating the areas reserved for public purposes or Government purposes and detailed plotting shall be done for the



land to be allotted for house sites, etc.

(3) The Master Plan or the Urban or Regional Plan under sub-section (1) or (2), shall become effective after approval of the Government or any other competent authority delegated with such power by the Government, and any change or alteration shall also be approved by such competent authority.

(4) When the Master Plan or Urban or Regional plans are made under Mizoram Urban and Regional Development Act, 1990 or the Aizawl Development Authority Act, 2005, or the Mizoram Municipalities Act, 2007 as the case may be, and the Rules made thereunder, no other separate Master Plan or Urban or Regional Plan is necessary.

### **36. Allotment of House-sites in Urban and notified Town area :-**

(1) Allotment of house-sites and other plots in the areas declared by the Government as urban and town areas shall be made keeping in view of the provisions as contained in the Mizoram Urban and Regional Development Act, 1990 or in the Aizawl Development Authority Act, 2005 or in the Mizoram Municipalities Act, 2007 as the case may be. Provided that the land document shall contain clear geographical description (including macro and micro mapping), distinguishable boundary description accompanied by boundary pillars and accurate measurement of the area duly recorded.

(2) The area of house site per family to be allotted will not exceed 1337.80 square metre or 1 bigha.

(3) When a plot of land is allotted to a person, in order to obtain Land Settlement Certificate for the plot, a house shall be constructed within a period of 10 (ten) years.

(4) The allotment of the House Site will also be subject to the restriction that the said land will not be sold or alienated within ten years from the date of allotment even if it is converted into Land Settlement Certificate. The allotment shall be deemed to be automatically cancelled if sale or alienation is made within this period. The land shall be reverted back to the Government. Provided that in case the land is a subject matter of acquisition proceedings under The Land Acquisition Act, 1894 (as adapted by the Government of Mizoram), the prescribed period of ten years may be relaxed.

## **CHAPTER 6 ALLOTMENT OF LAND IN RURAL AREA**

### **37. Village Master Plan :-**

(1) For a village which has not been declared by the Government as "Town", the Revenue Officer of the area shall, with the help of village council, prepare a Master Plan keeping in view of the provisions of the Mizoram Urban and Regional Development Act, 1990 as amended from time to time. The Master Plan shall clearly indicate zones, such as, village perimeter, village safety reserve, public utilities or amenities, agriculture, mixed farming area to be used for limited lease or Periodic Patta and other purposes as may be considered necessary.

(2) The Master Plan shall be made on the basis of a sketch map drawn up for the village if a settlement operation has been done for the village and the plan shall be drawn up on that basis only.

(3) The Master Plan and any change or alteration therein shall require approval of the Government.

### **38. Village Site Plan :-**

A Village Site plan shall be prepared for proper utilization and regulation of house-sites in the village. Such plan shall indicate spatial features, such as, road, drains and other land for public and Government areas. The Plan shall also earmark land for future development, such as, roads, drains and land earmarked for future public and government facilities. The area to be given for house sites shall be clearly indicated by way of survey number and plot numbers on the basis of the survey. If such marking is not already done, provisional plot numbers shall be given.

### **39. Allotment of House-Sites :-**

(1) In the village where site plan have been done, house sites may be allotted by the Village Council by giving a House Pass. The area of House Pass per family to be allotted by the Village Council will not exceed 1337.80 sq. metre or 1 bigha.

(2) In an area where settlement operation has been done, the competent Revenue Officer may, with prior sanction of the Government, allot house-sites by giving a House Pass having an area not exceeding 1337 square metre per family. Provided that the land document shall contain clear geographical description (including macro and micro mapping), distinguishable boundary description accompanied by boundary pillars and accurate measurement of the area duly recorded.

#### **40. Allotment of House-sites to be Regulated :-**

Allotment of house-sites by a Village Council or by the Revenue Officer concerned shall be done in a prescribed manner.

#### **41. Land for Permanent Cultivation :-**

The government may allot land for agricultural and allied purposes subject to the following conditions:-

(1) The land earmarked for permanent cultivation is to be allotted under Periodic Patta and which covers at least 1/2 (half) of the total land under the jurisdiction of the village concerned and shall include the area already used for permanent cultivation, such as, wet rice cultivation, mixed farming and land already allotted under Periodic Patta.

(2) Under special circumstances the maximum area of land that can be allotted for permanent cultivation is not to exceed 60 bighas or 80,268 square metre per family or per juristic person domiciled in the State for which there shall be speaking orders of the Government having regard to the existence of special requirements. Provided that if the land earmarked for a permanent cultivation a Periodic Patta is not likely to be required within a year, the competent Revenue Officer may, on the request of the Village Council, allow the land to be used for special purpose or other seasonal farming or cultivation for one year.

#### **42. Allotment of Earmarked Land :-**

Allotment of the earmarked land shall be made by the Revenue Officer concerned in a prescribed manner and a Pass shall be issued for the purpose containing conditions after obtaining prior approval of the Government.

#### **43. Revenue Officers to issue Periodic Patta :-**

For allotment of land for agriculture and allied purposes, Revenue Officer may issue a Periodic Patta with prior approval of the Government for reclamation or preparation or development of land. Such Periodic Patta shall be valid only for initial 5 (five) years. After a period of 5 (five) years, if the land has not been reclaimed or prepared or developed, the Periodic Patta shall lapse automatically. Provided that the land document shall contain clear geographical description (macro and micro mapping) and distinguishable

boundary description accompanied by boundary pillars and accurate measurement of the area duly recorded.

#### **44. Issue of Land Settlement Certificate for Agricultural purposes :-**

In case of Periodic Patta as mentioned in section 43, Revenue Officer or any officer authorized by the Government may issue Land Settlement Certificate exactly to the area covered in the Periodic Patta provided that the land has been reclaimed or developed for the intended purpose.

#### **45. Grant of Land Lease :-**

If the land under lease has been properly developed for industrial or commercial use or for commercial plantation and for such other purposes as described in section 14 of this Act for which limited lease is suitable, the Revenue Officer concerned shall issue a lease in the prescribed manner. The terms of lease shall be determined according to the actual requirement and on the basis of the recommendation of the Site Allotment Advisory Board or the Public Investment Board wherever it is necessary. If the time required cannot be ascertained, a period or tenure shall be decided by the Government.

#### **46. Terms of Lease :-**

(1) The State Government shall specify the term of lease granted to a lease-holder not exceeding ninety-nine years and not shorter than one year as may be prescribed.

(2) On expiry of the term of lease the Government or the competent authority, as the case may be, may grant or refuse renewal of the lease and no notice of non-renewal may be required to be given if such renewal is to be refused.

(3) Failure to seek renewal of lease after expiry of the tenure, the land lease shall automatically be deemed to be terminated. Even payment of land revenue shall not entitle extension of the lease period.

### **CHAPTER 7 ASSESSMENT AND COLLECTION OF LAND REVENUE, TAXES, FEES, etc.**

#### **47. Liability to payment of Land Revenue, Taxes, Fees :-**

All land, for whatsoever allotted, are liable to payment of land revenue and any other taxes or fees to the State Government according to the provisions of this Act and the rules made under this Act except as may be wholly or partly exempted by means of any special grant or by contract with the Government or the rules made under this Act.

**48. Assessment of Land Revenue, Taxes, Fees :-**

Assessment of land revenue, taxes and fees shall be done in the manner as provided in the rules made under this Act.

**49. Responsibility for payment of Land Revenue and Taxes :-**

(1) Every land-holder, to whom the land is allotted, shall be liable for payment of land revenue, taxes and fees as may be fixed by the Government.

(2) Where there are two or more persons liable to pay land revenue under sub-section (1), all of them shall be jointly and severally liable for such payment.

**50. Premium :-**

(1) The Government may levy a premium on account of allotment of land for agricultural and nonagricultural purposes.

(2) The rates of premium and the mode of payment shall be determined by the Government from time to time.

**51. Taxing authorities :-**

(1) For carrying out the purposes of this Act, the Government may designate the Deputy Commissioner of the district or any other officer to be the Collector who shall be assisted by any officer subordinate to him.

(2) Officer appointed under sub-section (I) shall, within the limits of such area as the Government may by notification specify, exercise such powers and perform such duties as may be delegated by the Collector or Settlement Officer or Assistant Settlement Officer subject to such conditions as may be prescribed by the Government.

**52. Collection of Land Revenue, Fees, Taxes :-**

(1) In order to carry out the purposes of this Act, the Government may appoint any person or group of persons or officer as an agent to be responsible for levy and collection of land revenue and taxes as per provision of rules made under this Act or as may be prescribed by the Government from time to time.

(2) Upon such appointment, it shall be the duty of such collecting agents to carry out such functions under this Act in the manner prescribed and to submit full and complete account of land revenue and taxes collected by him to the Deputy Commissioner of the district or Settlement Officer or his subordinate officer assigned by the Government.

(3) Any officer or agency authorized by the Government in this behalf shall have for the purpose of levy and collection of land revenue and taxes, such powers as may be prescribed.

(4) It shall be lawful for the Collector or Settlement Officer or officer duly authorized by him to have access to, and to cause production and examination of receipt books, registers, accounts or documents maintained or required to be maintained by the collecting agent as may be prescribed by the Government from time to time.

### **53. Payment of Land Revenue, Taxes, Fees :-**

(1) Land revenue and taxes, etc. shall be payable at such time, in such installments, to such persons, and at such places, as may be prescribed.

(2) Any payment of land revenue to the person mentioned in sub-section (1) may be made in such manner as may be prescribed.

(3) The Revenue officer or the collecting agent shall issue receipt at the time when payment of land revenue etc has been received.

(4) Any person or officer contravening the provisions of sub-section (3), after summary enquiry by the Collector or Settlement Officer or Assistant Settlement Officer, shall be liable to pay fine up to such amount not exceeding three times the amount received for which a receipt was not issued.

### **54. Power to suspend, enhance, reduce or abolish any existing rate of taxes, fees :-**

The Government may, at any time and for sufficient reasons, change existing rates of taxes and fees in such a manner or to such an extent as the Government may deem it necessary.

## **55. Arrear of Land Revenue :-**

(1) Any installment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue, taxes or fees and the person responsible for the payment shall become a defaulter.

(2) A statement of account certified by the competent authority shall, for the purpose of this Chapter, be conclusive proof of the existence of the arrear against the person who is a defaulter; Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the accounts in separate proceedings before the competent authority as may be prescribed.

## **56. Recovery of Arrears :-**

(1) An arrear of land revenue shall be recovered as per the procedure as may be prescribed by this Act and the Rules.

(2) Without prejudice to any other provisions of this Act, any amount due to the Government whether by way of cost, penalty or otherwise and any other amount which is ordered to be paid or recovered under this Act, shall be recovered in the same manner as an arrear of land revenue.

## **57. Recovery of arrears due in any one district by the Collector or Settlement Officer of another district :-**

(1) When an arrear of land revenue or other public demand recoverable as an arrear of land revenue under section 55 is due in one district, but is to be recovered by sale of the defaulters property in any other district, the Collector or Settlement Officer or Assistant Settlement Officer of the district in which such arrear of demand has become due or any other Revenue Officer as may be authorized shall send a statement of accounts certified under sub-section (2) of section 55 to the Collector or the Settlement Officer or Assistant Settlement Officer of the district, by whom the recovery is to be made.

(2) On receipt of such certified statement it shall be lawful for the Collector or Settlement Officer or Assistant Settlement Officer of one district to proceed to recover the demand of the Collector or Settlement Officer or Assistant Settlement Officer of another district under the provisions of this Chapter, if the demand had arisen in his own district.

### **58. Notice of demand :-**

The form and contents of the notice of demand and the officers by whom such notices shall be issued shall be such as may be prescribed.

### **59. Distraint and sale of moveable property :-**

(1) The distraint and sale of the moveable property of a defaulter shall be made by such officers or class of officers, in such manner and in such procedure, as he thinks fit and proper. Reasons are to be recorded in writing.

(2) Nothing in sub-section (1) shall be deemed to authorize the distraint or sale of any property which, under the Code of Civil Procedure, 1908 (5 of 1908), is exempt from attachment or sale in execution of a decree or of any article set aside exclusively for religious use.

### **60. Sale of immovable property :-**

(1) In the opinion of the Collector or the Settlement Officer or the Assistant Settlement Officer the processes referred to in sub-section (1) and (2) of section 57 are not sufficient for the recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the manners prescribed in this Act.

(2) The Collector or the Settlement Officer or the Assistant Settlement Officer may also cause the right, title and interest of a defaulter in any other immovable property to be similarly attached and sold.

### **61. Notice of sale :-**

(1) Before effecting sale of any land or other immovable property under the provisions of this Chapter, the Collector or the Settlement Officer or the Assistant Settlement Officer shall issue and publish such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed.

(2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

### **62. Sale to be by auction :-**

All sales of property, moveable or immovable, under this Chapter



shall be held by public auction.

**63. Prohibition to bid at auction :-**

No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly, bid for or acquire any property except on behalf of the Government.

**64. Sale of perishables :-**

Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale.

**65. Sale not to be excessive :-**

Every sale of property, moveable or immovable, under the provisions of this Chapter shall, as far as may be practicable be proportionate to the amount of arrear of land revenue to be recovered together with the interest thereon and the expenses of attachment and sale.

**66. Deposit by purchaser of immovable property :-**

In all cases of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately 75 (seventy five) percent of the amount of his bid, and the balance within fifteen days of the date of sale.

**67. Failure to make deposit :-**

(1) In default of payment of deposit referred to in section 66, the property shall be put up for resale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder.

(2) In default of payment of the balance of the bid amount within the period prescribed in section 66, the deposit after defraying therefrom the expenses of the sale shall be forfeited to the Government and the property shall be re-sold.

(3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

## **68. Setting aside sale :-**

Where immoveable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest, may, at any time within thirty days from the date of sale or within such further period not exceeding thirty days as the Collector or the Settlement Officer or the Assistant Settlement Officer may for sufficient cause allow, apply in writing to the Collector or the Settlement Officer or the Assistant Settlement Officer to have the sale set aside on the following grounds:-

- (1) Some materials of irregularity or mistake or fraud resulting in substantial loss or injury to him is established, or
- (2) On his depositing in the Collectors office or the Settlement Officers office or the Assistant Settlement Officers office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser a sum equal to five percent of the purchase money.

## **69. Confirmation of sale :-**

If on the expiration of 30 days from the date of sale of any immovable property or of further period, if any, allowed under section 68, no application has been made for setting aside the sale, or if any such application has been made but rejected, the Collector or the Settlement Officer or the Assistant Settlement Officer shall make an order confirming the sale unless, for reasons to be recorded, the Collector or Competent Authority sets aside the sale notwithstanding that no application has been made.

## **70. Refunds :-**

(1) The Collector or the Settlement Officer or the Assistant Settlement Officer shall order a refund and payment to the purchaser, of:-

- (a) the amounts deposited by him under section 68; and
- (b) the sum equal to 5 percent of the purchase money deposited under Clause (2) of section 68, if the sale is not confirmed or set aside.

(2) The Collector or the Settlement Officer or the Assistant Settlement Officer shall order refund and payment of all the money deposited under Clause (2) of section 68 to the person who made the deposit, if the sale is confirmed:

Provided that the Collector or the Settlement Officer or the

Assistant Settlement Officer may set off the whole or any part of such money against any arrear of land revenue or any other amount recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

#### **71. Certificate of purchase :-**

When a sale is confirmed, the Collector or the Settlement Officer or the Assistant Settlement Officer shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein; and such certificate shall be deemed to be a valid transfer of such property.

#### **72. Application of proceeds of sale :-**

The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

#### **73. Liability of certified purchaser :-**

The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

#### **74. Precautionary measures in certain cases :-**

When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the Collector or the Settlement Officer or the Assistant Settlement Officer may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not.

#### **75. Recovery of other public demands :-**

The following sums of money may be recovered under this Act in the same manner as arrear of land revenue, namely:

- (a) rent, fees and royalties due to the Government for the use or occupation of land or water or any product of land;
- (b) all sums falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as an arrear of a land revenue;
- (c) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

## **CHAPTER 8 PROCEDURE OF REVENUE COURTS : APPEALS AND REVISIONS**

### **76. Revenue Officers to be Revenue Courts :-**

(1) A Revenue Officer, while exercising power under this Act or any other law for the time being in force, will inquire into or to decide on any question of fact or law arising out of orders for determination between the Government and any person or between parties to any proceedings, shall be a revenue court.

(2) Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such order, as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

### **77. Place of Hearing :-**

Any Revenue Officer who is authorized by an order of the government may exercise his powers under this Act at any place within the local limits of his jurisdiction. Provided that a Sub-Divisional Officer or Settlement Officer or Assistant Settlement Officer may inquire into or hear any case only at the headquarters to which he is appointed.

### **78. Power to enter upon and survey land :-**

All Revenue Officers and persons acting under their orders may enter upon and survey any land and demarcate boundaries and do all other acts necessary for the purpose of discharging their duties under this Act or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case as may be required.

### **79. Revenue Tribunal :-**

(1) The Government shall, by notification in the official Gazette,

constitute a Revenue Tribunal to be known as "The Mizoram State Revenue Tribunal" (hereinafter referred to as the Tribunal) for deciding appeals under this Act.

(2) The Tribunal shall consist of one person, or as may be decided by the Government, to be designated as Chairman or Member, as the case may be, of the Tribunal and appointed by notification to be published in the Official Gazette by the Government.

(3) A person shall not be qualified for appointment as the Chairman or Member of the Tribunal, unless he -

(a) has been, or is qualified to be, a Judge of a High Court; or

(b) has held office, either in the Government of India or in a State Government, not lower in rank than that of Secretary to the Government of India, or that of Principal Secretary or Additional Chief Secretary to any State Government for a minimum period of two years, as the case may be, having adequate experience in land and revenue administration.

(4) The Chairman or Member, as the case may be, of the Tribunal shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixtyfive years, whichever is earlier.

(5) The salaries and allowances and the terms and conditions of service of the Chairman or Member shall be as prescribed by rules. Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman or the Member shall be varied to his disadvantage during his term of office.

(6) If, for reasons other than temporary absence, any vacancy occurs in the office of the Chairman or the Member, then the Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(7) A Chairman or Member may, by notice in writing under his hand addressed to the Government resign from his office.

Provided that the Chairman or Member shall, unless he is permitted by the Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(8) A Chairman or Member shall not be removed from his office except by an order by the Government on the ground of proven misbehaviour or incapacity after an enquiry made under the

provisions of the Commission of Inquiry Act, 1952 (60 of 1952) which stands adapted and applied for the purposes of this Act.

(9) No order of the Government appointing any person as Chairman or Member shall be called in question in any manner, and no act or proceeding before the Tribunal shall be called in question in any manner on the ground merely of any defect in the constitution of the Tribunal.

(10) The Government shall provide the Tribunal with such officers and other employees on such conditions of service as may be prescribed by rules.

(11) (a) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of justice and the spirit of the provisions of the Code, and subject to other provisions of this Act and the rules made thereunder, the Tribunal shall have powers to regulate its own procedure including the place at which it will have its sittings.

(b) The Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while disposing of any appeal, in respect of the following matters, namely:-

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) requiring discovery and production of documents;

(iii) receiving evidence on affidavits;

(iv) issuing commissions for the examination of witnesses or documents;

(v) reviewing its decisions;

(vi) dismissing any appeal for default or deciding it ex parte;

(vii) setting aside any order of dismissal of any appeal for default or any order passed by it ex parte; and

(viii) any other matter as may be prescribed by rules.

(c) Every proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code, 1860 (45 of 1860) and the Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(12) The person who preferred an appeal hereinafter called "appellant". An appellant may either appear in person or authorized one or more legal practitioners and, in the case of a Government department or a corporate body, it may authorize in writing any of

its officers or Law Officers to present the case before the Tribunal.

(13) If an appeal is preferred to the Tribunal, the appellant shall deposit appeal fee as fixed by the Government from time to time.

(14) The Chairman and/or Member (s) and the officers and employees of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

#### **80. Power to transfer cases :-**

(1) The Tribunal may transfer any case or class of cases arising under this Act or any other law for the time being in force, from any Revenue Officer to any other Revenue Officer competent to deal with it.

(2) The Collector or the Settlement Officer or the Settlement Officer or the Assistant Settlement Officer may transfer any case or class of cases arising under this Act or any other law for the time being in force for inquiry or decision from his own file or from the file of any Revenue Officer subordinate to him to the file of any other Revenue Officer subordinate to him and competent to deal with such case or class or cases.

(3) The Collector or the Settlement Officer or the Assistant Settlement Officer may withdraw any case or class of cases arising under this Act or any law for the time being in force, from the file of any Revenue Officer subordinate to him to his own file and deal with such case or class of cases himself.

#### **81. Power to take evidence, summon persons to give evidence and produce documents :-**

(1) Every Revenue Officer not lower in rank than a Revenue Circle Officer, while acting as a Revenue Court, shall have powers to take evidence and to summon any person whose attendance he considers necessary, either as a party or as a witness or to produce any document, for the purpose of any inquiry which such officer is legally empowered to make, and all persons so summoned shall be bound to attend either in person or by an authorized agent as such officer may direct, and to produce such documents as may be required.

(2) Summon shall be in writing, signed and sealed by the officer issuing it and shall be in such form and be served in such manner as may be prescribed.

## **82. Enforcement of attendance of witnesses and examination of witnesses :-**

If any person on whom a summon to attend as witness or to produce any document has been served, fails to comply with the summon, the officer by whom the summon has been issued under section 81 may -

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

Provided that the person so summoned may apply for examination as a witness on commission for justifiable reasons or through video conferencing, as the case may be, and in such case, the person may not be liable to any of the measures mentioned above.

## **83. Hearing in ex-parte :-**

(1) If, on the date fixed for hearing a case or proceeding, a Revenue Officer finds that a summon 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 for default of payment of such process fees.

(2) If any party to a case or proceedings before a Revenue Officer does not appear on the date fixed for hearing, the case or proceeding may be heard and determined in his absence or may be dismissed for default;

Provided that where there are more parties than one, and some of them do not appear, the Revenue Officer may permit such case or proceeding to proceed in the same way as if all the parties had appeared, and make such order as he thinks fit.

(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, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing, and the Revenue Officer may, after notice to the opposite party and after making such inquiry as he considers necessary, set aside the order passed.

## **84. Adjournment :-**

(1) A Revenue Officer may, from time to time for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

(2) The date and place of an adjourned hearing shall be intimated



at the time of the adjournment to such of the parties and witnesses as are present.

**85. Power to order payment of cost :-**

A Revenue Officer may direct the parties to pay the cost incurred in any case before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

**86. Use of Force :-**

Where any order is passed under the provisions of this Act directing any person to deliver possession of land or directing the eviction of any person from land or demolition of unauthorized construction, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

**87. Appearance before and applications to Revenue Officers :-**

All appearances before, applications to, and acts to be done before, any Revenue Officer under this Act or any other law for the time being in force may be made or done by the parties themselves or by their authorized agents or by any legal practitioner : Provided that any such appearance shall, if the Revenue Officer so directs, be made by the party in person.

**88. Correction of error or omission :-**

Any Revenue Officer by whom an order was passed in a case or proceeding may, either on his own motion or on the application of a party, correct any error or omission not affecting a material part of the case or proceeding after such notice to the parties as he may consider necessary.

**89. First Appellate authority :-**

Save as otherwise expressly provided, an appeal shall lie from every order passed under this Act:-

(1) If such an order is passed by an officer subordinate to the Assistant Settlement Officer, the appellant may prefer appeal to the

Settlement Officer.

(2) If such an order is passed by the Settlement Officer, the appellant may prefer appeal to the Collector or Director.

(3) If such an order is passed by the Collector or the Director, the appellant may prefer appeal to the Revenue Commissioner or Secretary, Revenue Department.

#### **90. Second Appeal :-**

(1) A Second appeal shall lie against any order passed in first appeal:-

If an order is passed under Section 89, the appeal may be preferred appeal to the Tribunal.

(2) An order passed by the Tribunal shall be final.

#### **91. Limitation of appeals :-**

The limitation period for filing:-

(a) in the case of a first appeal, within thirty days from the date of the order appealed against; and

(b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.

Provided that if there is sufficient or reasonable ground in the delay of preferring appeal, delay may be condoned by the appellate authority.

#### **92. Revision :-**

The Commissioner or the Director, as the case may be, may either on his own motion or on the application of any party, call for the records of any proceeding before any Revenue Officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such Revenue Officer, and may pass such order in reference thereto as he thinks fit; Provided that he shall not vary or reverse any order affecting any right between private persons without having given a notice to the interested parties to appear or to be heard; Provided further that no revision shall lie after the expiry of ninety days from the date of the order proposed to be revised.

#### **93. Rectification of mistake by review :-**

With a view to rectifying any mistake apparent from the record, a Revenue Officer referred to in section 7 may amend any order

passed under the provisions of this Act, either on his own motion or on the application of any party interested subject to the following conditions;

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

(2) An order which has been a subject or appeal or on revision shall not be reviewed or amended by any officer subordinate to the appellate or revision authority. Provided that no order shall be reviewed or amended after expiry of one-hundred eighty days in which the order sought to be amended was passed.

#### **94. Stay of execution of orders :-**

(1) A Revenue officer who has passed any order, or in his absence, his successor-in-office, may, at any time before the expiry of the period prescribed for appeal, direct the stay of execution of such order for such period as he thinks fit, provided that no appeal has been filed in the meantime.

(2) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed from or under revision for such period not exceeding 45 days.

#### **95. Process fees :-**

Every application, appeal or review or other proceedings under this Act shall be accompanied by a process fees of such amount as per the provisions of the Court Fees (Mizoram Amendment) Act, 1996.

#### **96. Exclusive jurisdiction of Revenue Courts and bar of jurisdiction of Civil Courts :-**

(1) Save as otherwise provided in this Act, or any other law for the time being in force, a Revenue Court shall have jurisdiction to determine, decide or dispose of any matter which it is, by or under this Act, empowered to determine, decide or dispose of and no Civil Court shall exercise jurisdiction as to any of such matters.

(2) Subject to the exception hereinafter specified, no civil Court shall exercise jurisdiction as to any of the following matters, namely :-

(a) claims against the Government relating to any property

appurtenant to any office or for any service whatsoever;

(b) objections-

(i) to the amount or incidence of any assessment or collection of land revenue under this Act, or

(ii) to the mode of assessment or levy or collection or to the principle on which such assessment or levy or collection is fixed or made; or

(iii) to the validity or effect of the notification issued under this Act or the Rules made thereunder;

(c) claims connected with or arising out of any proceedings for the realisation of land revenue or other demands recoverable as arrears of land revenue under this Act, or any other law for the time being in force;

(d) claims to set aside, on account of irregularity, mistake, or any other ground, except fraud, sales for arrears of land revenue;

(e) claims against the Government-

(i) to be entered in the revenue survey or settlement records or any land records as liable for the revenue or as holder, occupant, mortgagee, landlord or tenant,

(ii) to have any entry made in any record of a revenue survey or settlement relating to land revenue; or

(iii) to have any such entry omitted or amended;

(f) distribution of land or allotment of land, revenue or partition of any land under this Act or any other law for the time being in force; and

(g) claims against the Government -

(i) to hold land wholly or partially free from payment of land revenue, or

(ii) to receive payments charged on or payable out of the land revenue, or

(iii) to set aside any cess or rate payable under the provisions of any law for the time being in force, or

(iv) respecting the occupation of waste or vacant land belonging to Government.

## **97. Savings of certain suits :-**

Nothing in section 93 shall be held to prevent the Civil Courts from entertaining any of the following suits :-

(a) Suits against the State Government to contest the amount claimed or paid under protest, or recovered as land revenue on the ground that such amount is in excess of the amount authorized in

that behalf by the Government, or that such amount had, prior to such claim, payment or recovery, been satisfied in whole or in part, or that the plaintiff or the person whom he represents is not the person liable for such amount;

(b) Suits between private parties for the purpose of establishing any private right, in case it is affected by any entry in any land record; or

(c) Suits between private parties for possession of any land being in a whole survey number or sub-division of a survey number or a part thereof.

## **CHAPTER 9 TRANSFER OF OWNERSHIP OF LAND**

### **98. Transfer of ownership of land :-**

(1) If a Settlement holder or Periodic Patta holder or Pass holder who is a domicile of the State wants to transfer his land partly or wholly to another, he shall apply using the form as may be prescribed by the Government from time to time and a new certificate or Periodic Patta or Pass will be issued with prior permission of the competent authority. Rates of new recording fees, etc as may be fixed by the Government from time to time shall be paid by the transferee or transferor as the case may be.

(2) No land within the area to which this Act extends, shall be transferred by a tribal to a non-tribal or by a non-tribal to another non-tribal or even by any tribal domicile of the State as described in sub-section (16) and sub-section (45) of section 2 of this Act to a non-domicile tribal except with the previous sanction of the Government;

Provided that the Government, if satisfied, may, from time to time by notification, prohibit any transfer of land within such area or areas as may be specified in the notification and thereupon the competent authority shall not sanction any such transfer of land under the provision of this Act, within such area or areas.

(3) Every notification issued under the proviso to sub-section (2) of this section shall have effect only on the date of its first publication in the official gazette of Mizoram;

(4) No officer required under any law for the time being in force relating to registration of documents or to the recording of any right in or over land shall register any documents or record any right relating to any transfer of land which is contrary to sub-section (1) and (2) of this section.

(5) Any transfer of land made in contravention of the provisions of

this section shall be void and shall not be enforceable in any court.  
Explanation: The expression non-tribal shall include Ministry, Unit, Body, Department, Undertaking, Corporation, Company, Society, Authority and the like under the Central Government or any State Government, any registered firm or society or association or company formed by the tribals, and any other corporate body even if comprised fully of the tribals and religious institution.

### **99. Disposal of applications :-**

(1) In granting or refusing sanction under section 98, the Government shall also take into account the following matters according to the circumstances of each case:-

- (a) whether the non-tribal holds any other land in the State;
  - (b) whether there is any other tribal willing to take the land on transfer at the market value;
  - (c) whether the non-tribal seeking to take the land on transfer is carrying on any business, profession or vocation in or near the area and whether for the purposes of such business, profession or vocation, it is necessary for him to reside in the area;
  - (d) interests of the Scheduled Tribes in the area;
  - (e) whether the land proposed to be transferred is actually required as a place of public religious worship by any community or as burial or cremation ground;
  - (f) whether the land sought to be transferred is for the purpose of implementing a scheme to promote the interests of the tribals in the field of education, health or industry;
- (2) Every order granting or refusing sanction shall be in writing and, in the case of any refusal, shall contain reasons for such refusal.
- (3) Every application for sanction under this section shall be disposed of by the competent authority as early as possible and not later than six months.
- (4) If no order is passed by the competent authority on such application within six months, it shall be deemed that the sanction has been accorded.

### **100. Requirement of registration :-**

All valid transfers of land shall be compulsorily registered within the State under the provisions of the Indian Registration Act, 1908 as amended from time to time and subject to the provisions of the

said Act.

**101. Eviction of persons in unauthorized possession or illegal transfer of ownership of land :-**

(1) If any person is found in possession of any land otherwise than in accordance with the provisions of this Act, the competent authority may serve a notice upon such person requiring him to show cause why he should not be evicted from the land, and, after giving him an opportunity of being heard, require him to vacate the land and to remove any buildings or fences which may have been erected thereon, within such time as may be fixed in this behalf. Provided that annual crops actually growing on the land if any, shall be allowed to remain till they are harvested or reasonable time prescribed by the competent authority.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict such person from the land.

(3) The competent authority, upon such land being vacated, may restore the land to the original transferor or his successor-in-interest on refund of the actual consideration to the transferee or any person claiming through him;

Provided that in case the original transferor or his successor-in-interest refuses or fails to refund the actual consideration to the transferee or any person claiming through him, the land shall vest in the Government free from all encumbrances.

(4) Any person aggrieved by an order passed by the competent authority under sub-section (1) or (2) or (3), may, within a period of thirty days from the date the order is communicated, prefer an appeal to the Commissioner of Revenue.

**102. Sale of land by Court or other authority :-**

No land belonging to any domicile tribal shall be sold in execution of any decree or order passed by a court or any other authority to any non-domicile tribal or non-tribal except with the previous permission of the competent authority.

**103. Penalty :-**

Any person or persons intentionally disobeying an order or requisition to vacate under section 101 shall be liable to a fine which may extend to Rupees ten thousand, and in case such

disobedience is continued, to a further fine which may extend to Rupees five thousand for each day during which such breach continues.

#### **104. Cognizance of offence :-**

All offences punishable under this Act shall be cognizable and bailable.

#### **105. Exemptions :-**

Nothing contained in this Act shall apply to -

(1) Any transfer of land as security for any loan granted by such banking company, non-banking financial institutions, co-operative society or other credit institutions recognized by Reserve Bank of India from time to time.

Provided that a banking company, non-banking financial institution, co-operative society or other credit institutions as notified above by the Government shall not transfer any such land to a person who is non-tribal or non-domicile tribal except with the previous sanction of the competent authority as provided in section 98;

(2) letting out on rent of any building standing on land;

(3) any transfer of land to or in favour of the Government;

(4) any transfer of land to, or in favour of -

(a) any company, corporation, society (including co-operative society), autonomous body or association, wholly or substantially owned and controlled or managed by the Government and which the Government may, by notification, specify in this behalf;

(b) a Municipal Corporation or municipality constituted under any law.

(c) any person or member of a Gorkha community domiciled in the State of Mizoram as described in Section 2(16).

#### **106. Bar of suit in Civil Courts :-**

No suit shall be brought in any civil court to set aside or modify any order made in respect of land revenue assessment, collection of land revenue or taxes or imposition of penalty on arrear.

#### **107. Suit, etc., against authority and officers acting in good faith :-**

No suit, prosecution or legal proceeding shall lie against any authority or officer for anything done in good faith under this



**CHAPTER 10** OWNERSHIP OF AN APARTMENT IN A MULTI STOREYED BUILDING

**108. Apartment or group housing to be heritable and transferable :-**

Each apartment including group housing in a cooperative basis together with the percentage of undivided interest in the common areas and facilities of such apartment shall, for all purposes, constitute heritable and transferable immovable property within the meaning of any law for the time being in force, and accordingly, an apartment owner may transfer his apartment and the percentage of undivided interest in the common areas and facilities of such apartment by way of sale, mortgage, lease, gift, exchange or in any other manner whatsoever in the same manner, to the same extent and subject to the same rights, privileges, obligations, liabilities, legal proceedings, remedies and to penalty, forfeiture and punishment as any other immovable property or make a bequeath of the same under the laws applicable to the transfer and succession of immovable property.

**109. Ownership of apartments :-**

Each group housing or apartment owner shall be entitled to exclusive ownership and possession of his apartment in accordance with the Land Settlement Certificate (Apartment) executed and registered in accordance with the provisions of these Act.

**110. Common areas and facilities :-**

(1) Each group housing or apartment owner shall be entitled to an undivided interest in the common areas and facilities in the percentage specified in the Land Settlement Certificate (Apartment). Such percentage shall be computed by taking as the basis the extent of the plinth area available in the apartment in relation to the total extent of the plinth area available in the building.

(2) The percentage of the undivided interest of each apartment owner in the common areas and facilities, if any, as expressed in the Land Settlement Certificate (Apartment) shall have a permanent character, and shall not be altered without the consent of all the apartment owners.

The percentage of the undivided interest in such common areas and facilities shall not be separated from the apartment to which it appertains, and shall be deemed to be conveyed or encumbered with the apartment whether or not such interest is expressly mentioned in the conveyance or other instrument.

(3) Each apartment owner may use the common areas and facilities in accordance with the purpose for which they are intended without hindering or encroaching upon the lawful rights of the other apartment owners.

(4) The necessary works of maintenance, repairs and replacement of the common areas and facilities and the limited common areas and facilities and the making of any additions or improvements thereto shall be carried out only in accordance with the provisions of this Act and the bye-laws.

### **111. Certain works prohibited :-**

No apartment owner shall do any work or put the apartment to any other use which would jeopardize the soundness or safety of the property, reduce the value thereof nor shall any apartment owner add any material structure or excavate any additional basement or cellar without previously obtaining the unanimous consent of all the other apartment owners.

### **112. Contents of Land Settlement Certificate (Apartment and group housing) :-**

The Land Settlement Certificate (Apartment) shall contain the following particulars:-

(1) Description of the land on which the building and improvements are located (including survey number, plot number etc.); and whether the land is freehold or leasehold and if leasehold, the period of such lease.

(2) Description of the building stating the number of storey and basements, the number of apartments and the principal materials to which it is or is to be constructed.

(3) The apartment number of each and a statement of its location, approximate plinth area, number of rooms and immediate common area to which it has access, and any other particulars necessary for its proper identification.

(4) Description of the common areas and facilities and the percentage of undivided interest appertaining to the apartment in the common areas and facilities.

(5) Total plinth area of the building of each apartment and its owner along with the area of the land on which the building is located and the proportionate area of the land vis-a-vis the proportionate area of the apartment.

(6) Description of the limited common areas and facilities, if any, stating to which apartment their use is reserved.

(7) Any other details in connection with the property which the Government may deem desirable to set forth consistent with this Act.

### **113. Record-of-rights of multi-storeyed building :-**

(1) Subject to the provisions of the Mizoram Land Survey and Settlement Operation Act, 2003 (4 of 2003) as amended from time to time and such rules as may be made by the State Government in this behalf, the Director of Land Records or the Director or the competent authority, as the case may be, shall give effect to allotment or partition of such multi-storied units or flats or apartments of multi-storeyed buildings to legal inheritors or transferees of the land or building, as may be prescribed.

(2) No transfer of multi-storeyed units or flats or apartments of any multi-storied building shall be made by way of sale, exchange, gift, bequest or mortgage with possession, without prior permission from the Government or competent authority.

(3) If the inheritors or transferees of such storeyed property have a joint interest in the land, their names shall be entered as co-holders in the record-of-rights.

### **114. Land Settlement Certificate (Apartment) and copy of Floor plan to be registered :-**

(1) The Land Settlement Certificate (Apartment) and every endorsement thereon relating to the transfer of the apartment including development right and the Floor Plan of the building shall be registered under Registration Act, 1908 (Central Act XVI of 1908) as adapted in the State of Mizoram and for purpose of the said Act, the said documents shall be deemed to be documents of which registration is compulsory.

(2) The floor plan of the multi-storeyed building or group housing shall be registered under building regulations of Municipalities or Local Bodies or any other Authorities under the government.

## **CHAPTER 11 GENERAL AND MISCELLANEOUS**

**115. Right to inspection of copies of documents, statements and registers :-**

All documents, statements and registers maintained under this Act or the rules framed there under shall be open to inspection during such hours and subject to such conditions and payment of fees as may be prescribed. Any person shall, on payment of such fees, be entitled to be furnished with a copy of, or any portion of any such document, statement or register.

**116. Costs :-**

Subject to the provisions of this Act, the cost of and incidence to proceedings before any Revenue Officer or the Tribunal shall be at his/its discretion and he/it shall have full powers to determine by whom or for what property and to what extent such costs are to be paid and to give all necessary direction for the purposes aforesaid.

**117. Service of notice, orders, etc :-**

Every notice or other document required or authorized to be served under this Act may be served either -

- (a) by delivering it to the person on whom it is to be served, or
- (b) by leaving it at the usual or last known place of abode of that person, or
- (c) by sending it in a registered letter addressed to that person at his usual or last known place of abode, or
- (d) in case of a corporate body by delivering it or sending it in a registered letter addressed to the Secretary or other principal functionary of the company or body at its principal office, or
- (e) in such other manner as may be laid down in the Code of Civil Procedure, 1908 (Act V of 1908).

**118. Application of the provisions of section 5 of the Indian Limitation Act, 1963 :-**

Unless otherwise specially provided in this Act, the provision of section 5 of the Indian Limitation act, 1963 shall apply to all proceedings under this Act.

**119. Application of the provisions of the Indian Easements Act, 1882 :-**

Save as otherwise provided in this Act, any of the provisions of

Indian Easements Act, 1882 (Act V of 1882) as amended from time to time shall apply to the proceedings under this Act, subject to the manner prescribed by the Government that it deems expedient to apply such provision to such case or situation or area.

**120. Prohibition against unauthorized dealings with public place or material :-**

(1) No person shall, without authority in that behalf, remove earth, sand or other materials or deposit any matter or make any encroachment from, in, or on any land vested in the State Government, or in any way obstruct the same.

(2) Any encroachment in the manner described in sub-section (1) of this section of public place or public material or public space shall be decided by the Government as per provisions of the Mizoram (Prevention of Government Land Encroachment) Act, 2001 as amended from time to time.

**121. Legal sanctity of computerized land records, maps and documents :-**

(1) Subject to such rules as may be made in this behalf, the land records, maps, registers, accounts and other relevant documents prepared and maintained by means of computer-aided marking such as bar code, biometric record and photo etc. or other electronic device shall be legally valid document and it shall have the same evidential value as a document prepared and maintained in accordance with this Act or in any other laws for the time being in force.

(2) A set of computerized print-out of such records, duly authenticated by the competent authority, shall be taken up for updating and for issue of original or certified copies through computer. Such computerized record-of-right, duly authenticated by the competent authority, shall be presumed to be correct, and on a par with the original copy of record-of-rights.

**122. Delegation of powers by the state Government :-**

The State Government may, by notification in the Official Gazette, delegate any of its powers to be exercised under this Act to any authority subordinate to it subject to such reservations as may be specified in the notification.

**123. Protection of action taken under this Act :-**

(1) No suit, prosecution or legal proceedings shall lie against any person for anything done or intended to be done in good faith in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything done or intended to be done in good faith in pursuance of this Act or any rules made thereunder.

**124. Village Council and Local Councils to keep such records as may be prescribed :-**

The Government may prescribe from time to time what land records, maps, registers, accounts and other records shall be kept by the Village Councils and the Local Councils.

**125. General provisions as to penalties :-**

Whoever contravenes any provision of this Act for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five thousand rupees or imprisonment which may extend up to six months or both.

**126. Powers of Officers dealing with proceedings under this Act :-**

Subject to the provisions of this Act and rules made thereunder, any officer while dealing with proceedings under this Act shall exercise the powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) for the purpose of-

- (a) Summoning and enforcing the attendance of any person and examining him on oath as a witness;
- (b) requiring the discovery and production of any document or record;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any office;
- (e) issuing commission for the examination of witness or documents;
- (f) enforcing of execution orders including an order for restoration of possession as if such orders were decrees of a civil court;
- (g) remanding any case or proceedings to the officer from whose decree the appeal is preferred, and while such officer shall record

the substance of the evidence, if any, taken by him.

**127. Act to override other Laws :-**

Save and except the provisions of any other law to which the provisions of this Act have been subject to, the latter shall have overriding effect over the provisions contained in any other law of the State for the time being in force or in any custom or usage or in any contract, express or implied, or any instrument having effect by virtue of any such State law other than this Act; Provided that in case more than one law have been given the overriding effect and are in conflict, then latest law shall have the overriding effect.

**128. Power to remove difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the state Government may, as occasion may require, by notification in the official Gazette, take any action not inconsistent with the provisions of this Act, which appears necessary or expedient for the purpose of removing the difficulty.

**129. Power of the State Government to give directions :-**

The State Government may give such directions, not inconsistent with the provisions of this Act, to any Collector, Revenue Officer or any other competent authority under this Act as may appear to the Government to be necessary for the purpose of carrying out the provisions of this Act or the rule made thereunder.

**130. Transitory provisions :-**

Any case instituted or pending in a civil court immediately before coming into force of this Act, which would under this Act, shall be exclusively liable to be tried by a Revenue Court, and shall be disposed of by such civil court according to the law in force prior to the commencement of this Act.

**131. Repeal and Savings :-**

(1) On and from the date of commencement of this Act, the following enactments with all amendments thereof as in force in the State shall stand repealed, namely-

(a) The Assam Land and Revenue Regulation, 1886 (Assam Act No. 1 of 1886) as extended to Mizoram and as adapted.

- (b) The Lushai Hills District (House Site) Act, 1953 as adapted.
  - (c) The Lushai Hills District (Jhumming) Regulation 1954 as adapted.
  - (d) The Mizo District (Land and Revenue) Act, 1956 as adapted.
  - (e) The Mizo District (Agricultural Land) Act, 1963, as adapted.
  - (f) The Mizo District (Transfer of Land) Act, 1963 as adapted.
  - (g) The Mizoram Land Holding and Settlement Act, 2000 (Mizoram Act no. 1 of 2001).
  - (h) The Mizoram (Taxes on Land, Building and Assessment of Revenue) Act 2004.
- (2) The repeal of any enactment or part thereof by sub-section (1) shall not affect -
- (a) The previous operation of such enactment or anything duly done or suffered thereunder.
  - (b) Any right, privilege, obligation or liability acquired, accrued or incurred under such enactment.
  - (c) Any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment.
  - (d) Any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment arisen or awarded under any of the enactments as aforesaid, and any such investigation,, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed, as if any such enactment or part thereof had not been repealed.
- (3) Subject to the provisions contained in sub-section (2), any appointment, rule, order, notification, or proclamation made or issued, any lease, permission, rent, right or liability granted, fixed, acquired or incurred and any other thing done or action taken under any of the enactments or parts thereof repealed under sub-section (1) shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued, granted, fixed, acquired, incurred, done or taken under this Act and shall continue to be in force until superseded by anything done or any action taken under this Act.
- (4) Any custom or usage prevailing on the date of commencement of this Act and having the force of law shall, if such custom or usage is repugnant to or inconsistent with any provision of this Act, cease to be operative to the extent of such repugnancy or inconsistency.

**132. Power to make rules :-**



(1) The State Government may, by notification in the official Gazette, make rules for the purpose of carrying out the provisions of this Act.

(3) Every rules made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram while it is in session for a total period of not less than fourteen days which may be comprised in one session or two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rules or decides that the rules shall not be made, then the rules and regulations or notifications if any, made shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rules and regulations or notifications, if any.