

## **Delhi Land Holdings (Ceiling) Rules, 1961**

### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short Title
2. Definitives

#### **CHAPTER 2 :- DETERMINATION, DEMARCATION, VESTING AND ALLOTMENT OF EXCESS LAND**

3. Submission of returns
4. Collection of information through the other agency
5. Filing of complaint for offences under Section 23
6. .
7. Preparation of list under Section 6
8. Selection of excess land out of land transferred
9. Publication of list for objections
10. Application for restoration
11. Manner of Publication under sub-section (3) of Section 9
12. Calling information for determining compensation
13. Verification of information furnished under rule 12
14. .
15. Apportionment of compensation between Bhumidhar and Asami
16. Recovery of Amount from Asami under Section 10(4)
17. Determination of amount
18. Payment of amount
19. Register of amount
20. Payment of amount to charge holders
21. Acquisition of excess land after enforcement of the Act
22. Demarcation of excess land
23. Demarcation of excess land
24. Priorities for allotment of excess land
25. Unit of allotment
26. Limitation of allotment of land.
27. Premium to be charged from allottees
28. Reversion of land on cancellation of registration of co-operative societies
29. Payment of assessment
30. Forfeiture of Land
31. Procedure for allotment
32. Preparation of list of applicants and verification of particulars
33. Manner of allotment
34. Adjournment if allotment not completed

- 35. Effect of refusing the allotment
- 36. Rights of the allottees
- 37. No allotment before demarcation

### **CHAPTER 3 :- MISCELLANEOUS**

- 38. Powers of a Civil Court exercisable by the competent authority
- 39. Service of documents not otherwise provided for
- 40. Court fees
- 41. .
- 42. .
- 43. .

### **SCHEDULE I :- SCHEDULE I**

#### **Delhi Land Holdings (Ceiling) Rules, 1961**

In exercise of the powers conferred by sub-section (3) of Section 1 of the Delhi Land Holdings ( Ceiling) Act, 1960, (Act No. 24 of 1960) the Chief Commissioner, Delhi hereby appoints the 16th day of April, 1962, as the date on which the said Act shall come into force. , No. F. 63/LRO/61-62/178.--In exercise of the powers conferred by Section 27 of the Delhi Land Holdings ( Ceiling ) Act, 1960, the Chief Commissioner, Delhi is pleased to make the following rules, namely

#### CHAPTER 1 PRELIMINARY

##### **1. Short Title :-**

These rules may be called the Delhi Land Holdings ( Ceiling) Rules, 1961.

##### **2. Definities :-**

In these rules, unless the context otherwise requires,

(a) " Act" means the Delhi Land Holdings ( Ceiling ) Act, 1960;

[(aa) "Ordinance" means the Delhi Land Holdings ( Ceiling) Amendment Ordinance, 1975 ( Ordinance No. 27 1975)].

[(b) "Authorised officer" means any officer authorised by the Lieutenant Governor to exercise the powers under sub-section (2) of Section 9 and Section 16 or the Deputy Commissioner].

(c) "Form" means a form appended to these rules;

(d) "landless agricultural labourer" means a person who, together with any member of his family, and, in the case of himself being a member of a joint family, together with his parents also, does not

hold any land or holds land not exceeding 11/2[x x x x ] acres and agricultural labour is the main source of livelihood of that person and his family;

(e) "Section " means a section of the Act.

<sup>1</sup> [ (f) "Prescribed Authority" means an authority notified but the Lt. Governor and includes Reveune Assistant as defined in the Delhi Land Reforms Act, 1954].

1. Substituted by Notification No. F. 11/(12)8 K/C76 dated 14-1-1976.

## CHAPTER 2

### DETERMINATION, DEMARCATION, VESTING AND ALLOTMENT OF EXCESS LAND

#### **3. Submission of returns :-**

<sup>1</sup> [

(1) Every return under Section 4 as amended by the Ordinance shall be submitted in form "A A " within 30 days from the date of notification of these rules, and within 30 days of the person acquiring land more than the Ceiling limit subsequent to the enforcement of these rules either as Bhumidhars or as Asamis or partly in one capacity or partly in another capacity provided that the Competent Authority may, for reason to be recorded in writing, extend the period for submission of returns, in any particular case].

(2) Where a person or any member of his family holds any land jointly with another person who is not a member of his family, the share so held by him or the members of his family shall be shown distinctly in the return.

(3) The competent authority, to whom the return is furnished shall-

(a) issue a receipt therefore in Form 'B' and make a note of it on the return, and

(b) send a copy thereof to the Tehsildar (Mahal) for verification of the entries made therein and for ascerlaining whether any material information has been suppressed or not.

1. Substituted by Notification No. F. 11/(12)8 K/C76 dated 14-1-1976.

#### **4. Collection of information through the other agency :-**

If the return referred to in the preceding rule is not submitted

within the period prescribed in or extended under that rule, the competent authority shall collect the necessary information through the Tehsildar (Mahal). The Tehsildar ( Mahal) shall certify the correctness of the information, after such verification as may be considered necessary by him.

**5. Filing of complaint for offences under Section 23 :-**

The competent authority may file a complaint in the Court of the 1[Metropolitan Magistrate of the area in which the person resides or holds land] for taking action under Section 23 against any person who in its opinion has committed an offence punishable under said section.

**6. . :-**

Where necessary information has been collected under Rule 4, the competent authority shall give the person concerned an opportunity of being heard.

**7. Preparation of list under Section 6 :-**

The competent authority shall, after the return furnished under Rule 3 or the information collected under Rule 4, as the case may be, has been verified, cause a notice to be given to the persons concerned who may be in possession of the land or part of the land and may call for such additional information, evidence or proof from them as it considers necessary. After considering such facts, circumstances and documents which the persons concerned might bring to its notice the competent authority may, with or without any further enquiry, determine the excess land as well as the land to be retained by such persons. The list to be prepared under sub-section (3) of Section 6 shall be in form 'C'.

**8. Selection of excess land out of land transferred :-**

In case the competent authority purposes to select excess land out of the land transferred, it shall do so after giving a notice to the transferee or transferees concerned and after giving him or them an opportunity of being heard. It may also call for such additional information from him or them as may be necessary for determination of the proportion in which the excess land is to be selected out of the land transferred and the transferee or transferees concerned shall furnish the information called for.

**9. Publication of list for objections :-**

(1) The list prepared by the competent authority under sub-section (3) of section 6 shall be published by affixation on a notice board in

the offices of the Deputy Commissioner, the Revenue Assistant, the Tehsildar ( Mahal), the Competent Authority and the Gaon Sabha or Gaon Sabhas concerned,

(2) The competent authority shall serve the relevant extract of the list on the Bhumidhar, the Asami, the mortgagee or other transferee who may be in occupation of the land, or on his duly authorised agent.

(3) If such person or his agent be not available, the extract of the list shall be delivered to any adult member of the family residing in the house in which such person ordinarily resides.

(4) In every case of serving the extract under sub-rule (2) or sub-rule (3), the serving officer shall require the signature of the recipient to be affixed on the body of the returnable copy of the list in token of having received the extract of the list.

(5) If such person ordinarily resides outside the Union territory of Delhi, the extract

(6) If such person or his agent or any adult member of his family is found unwilling to accept the extract of the list or to sign acknowledgment therefor or otherwise tries to evade service, or if he resides outside the Union Territory of Delhi and his address is not known, the extract of the list shall be served by affixing a copy thereof at some conspicuous part of the land to which the extract relates, and such affixation shall be deemed to be sufficient service of the extract of the list.

(7) A report by the serving officer stating the manner and date of service of the extract of the list attested by two persons present at the time of service shall be sufficient proof thereof.

#### **10. Application for restoration :-**

An application for restoration under the proviso to sub-section (4) of Section 8 shall be made within 30 days of the publication of the list in the Official Gazette under subsection (3) of Section 6.

#### **11. Manner of Publication under sub-section (3) of Section 9 :-**

A copy of the list as published in the Official Gazette under sub-section (3) of Section 9 shall be served on the person or persons concerned in the manner laid down in Rule 9 and shall also be published by affixing a copy on a notice board at the Court house

of the Deputy Commissioner or the authorised officer, if any.

**12. Calling information for determining compensation :-**

For the purpose of determining '[amount]' the competent authority shall, as soon as possible after publication of the list under sub-section (3) of Section 9 call upon every person who is either a bhumidhar, asami or transferee of excess land to furnish the following information within 30 days of the receipt of its order:--

(a) Whether there is any building or structure or tree on the excess land and if so, by whom it was constructed or planted;

(b) any other information as may be relevant for the purpose of determining compensation.

**13. Verification of information furnished under rule 12 :-**

The competent authority may verify the information furnished under rule 12 through the Tehsildar (Mahal) or in such manner as it may deem.

**14. . :-**

xxx

**15. Apportionment of compensation between Bhumidhar and Asami :-**

(1) Before apportioning the compensation between a Bhumidhar and Asami in respect of any land under the proviso to sub-section (I) of Section 10, the competent authority shall give them an opportunity of being heard.

(2) In apportioning the compensation as aforesaid the competent authority shall have due regard to the respective shares of the Bhumidhar and the Asami in the net income from such land, and as far as possible the compensation shall be apportioned in the ratio of X: Y as explained hereunder: "A" is the amount of rent payable to Bhumidhar, i.e., 4 times the land revenue or 1/5th of the produce of the land (commuted in the manner prescribed in the Delhi Land Reforms Rules 1954) whichever is less. "X" is equal to "A" minus land revenue. "Y" is equal to the net income minus "A".

**16. Recovery of Amount from Asami under Section 10(4) :-**

Whether an Asami acquires Bhumidhari rights in respect of any excess land and is requiring to pay amount under sub-section (4) of Section 10, the amount shall be recoverable from the Asami at his option either in lump sum or in yearly instalments not exceeding

twenty in number. The first instalment together with interest due under sub-section (3) of section 11 shall be paid by him on the anniversary of the date of possession and the subsequent instalments on the anniversary of the preceding instalment.

(2) A register of all such amounts due for recovery and recovered shall be maintained by the competent authority.

### **17. Determination of amount :-**

(1) On receipt of an application for amount on its own motion, the competent authority shall, prepare a statement of amount for land of which ownership has been vested in the Government or in an Asami.

(2) A copy of the '[amount] statement shall be sent to the Bhumidhar to whom the <sup>1</sup> [amount] is due, and to the Asami, If any, from whom the '[amount is to be recovered, along with notice calling upon each of them to file objections, if any, within the period specified in the notice, provided that each notice shall be of equal duration and shall not be less than 15 days from the date of service thereof.

(3) A copy of the said '[ amount] statement shall be affixed on the notice board of the office of the competent authority in order to enable any other interested person to file objections, if any.

(4) the competent authority shall issue a notice informing the objection and such persons who may be interested, of the date and place fixed for hearing of objections. No objection shall be disposed of without affording the parties interested or their duly authorised representatives, an opportunity of being heard.

Provided that in any case in which an order is made ex-parte, the aggrieved person may apply within 30 days of the making of the order to the competent authority for the setting aside of the same and if he satisfies the competent authority that the notice of objection was not duly served on him, or that he was prevented by a sufficient cause beyond his control from appearing on the date on which the case was heard, the competent authority may make an order, setting aside the original order as against such a person and thereupon may appoint another date for proceeding with the case; but where the ex-parte order is of such nature that it cannot be set aside against such a person and it may be set aside as against all persons involved in the case.

(5) After the expiry of the period specified for filing objections where any objection is filed, when all the objections have been disposed of, a copy of the [amount] statement shall be sent by registered post acknowledgement due to each interested person.

1. Substituted by notification No. F. II/(12)/SK/C/76 dated 14-1-1976.

**18. Payment of amount :-**

The competent authority shall by serving a notice on every person to whom the <sup>1</sup> [amount ] is payable tender the payment thereof after the expiry of the time limit provided in Rule 20 or where any claim has been preferred under the s,aid rule after the dispute has been decided by the court of competent jurisdiction.

1. Substituted by notification No. F. II/(12)/SK/C/76 dated 14-1-1976.

**19. Register of amount :-**

There shall be maintained a register of amount paid under the Act.

**20. Payment of amount to charge holders :-**

Any person have a charge on the amount under sub-section (3) of Section 10 may, within 60 days of the publication of the list in the Official Gazette under sub-section (3) of Section 9, prefer a claim in writing to the competent authority, dealing with amount of the land in question. If there be no dispute between the parties about the factual of the mortgage or other encumbrance or transfer, as the case may be and the mortgage or other encumbrance or transfer, as the case may be and the] amount of the claim, and the parties agree to the payment of any particular sum in full satisfaction of the said charge, such sum shall be paid in accordance with such agreement. Where no such agreement is reached, the parties shall be advised to get the matter decided by a court of competent jurisdiction, and till such decision the amount of the claim or, where such amount exceeds the amount the entire amount shall be kept in deposit in the Government treasury.

**21. Acquisition of excess land after enforcement of the Act :-**

(1) If after the enforcement of Section 3 any person either by himself or through any member of his family as Bhumidhar or Asami acquired land in any manner whatsoever whether by transfer, exchange, lease agreement or succession which with or without the land already held by him or any member of his family



exceeds in the aggregate the limit fixed under Section 3, he shall, within [30 days from the date of such acquisition submit to the [Deputy Commissioner or the Competent Authority] a return in <sup>1</sup> [Form AA] giving particulars of all his land and selecting the land he desires to retain.

(2) If he fails to submit a return and select the land within the period mentioned in sub-rule (1) the competent authority may obtain information as provided under Rule 4. Rules 5 to 13 shall thereupon apply mutatis mutandis.

1. Substituted by notification No. F. II/(12)/SK/C/76 dated 14-1-1976.

## **22. Demarcation of excess land :-**

After the publication the list under sub-section (3) of section 9 if any portion of the land included in the list is not comprised of a complete khasra number, the competent authority shall get such land demarcated by an officer not below the rank of an Assistant Collector of Grade II. In such demarcation effort shall be made as far as possible to allow a person from whose holding the excess land has to be determined, to retain that part of the said khasra number which is adjacent to the land already held by him.

## **23. Demarcation of excess land :-**

## **24. Priorities for allotment of excess land :-**

(i) Excess land, if any, in the village shall be allotted to the landless agricultural labourers particularly those belonging to the scheduled castes and scheduled tribes residing in the same village.

(ii) In case there is no landless agricultural labourer/labourers residing in the same village the landless agricultural labourers (particularly those belonging to the scheduled castes and scheduled tribes) residing in the contiguous village ; and

(iii) In case, there is no landless agricultural labourer in the contiguous village the landless agricultural labourer ( particularly those belonging to the scheduled castes or scheduled tribes) residing in any village in the Union territory of Delhi.]

## **25. Unit of allotment :-**

The unit of land for allotment under these rules shall be not less than one 1[xxxx] acre and not more than two standard acres.

Provided that a unit of land may be reduced in any case to less than one standard acre if it is necessary to do so on account of its small size, peculiar shape or location.

## **26. Limitation of allotment of land. :-**

(1) No person or any member of his family shall be allotted any land in excess of one unit or shall be entitled to further allotment if an allotment to him or to any member of his family has already been made under these rules. <sup>1</sup>[ x x x x x x x]

(2) All allottees shall execute an agreement containing the following conditions:-

(i) that the entire land shall be brought under cultivation or such use for which it has been allotted, within <sup>2</sup> [one year] of the allotment;

(ii) that the allottee shall pay rent or land revenue, as the case may be, in accordance with Rule 29:

Provided that the amount so fixed shall not be less than that chargeable at the circle rate not more than double thereof.

Explanation-For the purpose of this proviso and the first proviso to sub-rule (1) of Rule 29, 'circle rate' will mean the revenue rates, sanctioned by the Government, as given in Appendix 3 to the First Report on the III Revenue Settlement in Delhi District.

(iii) that the allottee shall comply with any other condition that may be specified by the Chief Commissioner in the form of agreement.

1. Omitted by Notification No. F. 1 I/(ii)/SK/C 76.

2. Substituted Notification N. F. 11(12)/SK/C 76 dated 14.1.1976.

## **27. Premium to be charged from allottees :-**

(1) The allottee shall pay premium as calculated by the Competent Authority in accordance with Section 10 as amended by the Delhi Land Holding (Ceiling ) Amendment Ordinance, 1975.

(2) The premium shall be payable in annual instalments not exceeding twenty, together with interest at the rate of 21/4 per cent per annum on the unpaid amount of the

<sup>1</sup> [(3) The first instalment of the premium shall be payable by the allottee within one year of taking possession and subsequent instalment shall be due on the first anniversary of the date when

the first instalment fell due.

(4) Any amount payable under this rule shall, if it remains unpaid by the date, be recoverable as arrears of land revenue and the Competent Authority shall have the right to issue certificate under Section 5 of the Revenue Recovery Act ( Act 1 of 1890).]

1. Substituted by Notification No. F.11(12)SK/C 76 dated 14.1.1976.

### **28. Reversion of land on cancellation of registration of co-operative societies :-**

In case the allottee is a registered co-operative joint farming society, the land allotted to the society shall revert to the Government free from all encumbrances from the date of the cancellation of its registration, if the registration is cancelled within ten years of the date of allotment and any person holding or retaining possession of such land thereafter shall be deemed to be a trespasser.

'(Provided further that where the land allotted is virgin land, no rent shall be charged for the first three years if the allottee has cultivated the land within one year of the date of allotment.)"

### **29. Payment of assessment :-**

(1) Until the rights of a Bhumidhar are conferred on an allottee under sub-rule (2) of Rule 36 every allottee shall pay rent in respect of the land allotted to him at the rate fixed by the Authorised officer;

(2) On conferment of rights of a Bhumidhar under sub-rule (2) of Rule 36, the allottee shall cease to pay rent in accordance with sub-rule (1) but shall be liable to pay thereafter land revenue in respect of the land at such rate as may be assessed in accordance with law.

### **30. Forfeiture of Land :-**

For breach of any of the conditions of the agreement under Rule 26, the land shall be liable to forfeiture subject to refund of the amount of premium paid by the allottee. No [amount] shall be paid for improvement, if any, carried out by the allottee on the land. Failure to pay the instalments of the premium on the due dates or continuous default in payment of the land revenue or rent shall be treated as a breach punishable with forfeiture.

### **31. Procedure for allotment :-**

(1) After the land to be reserved by the Chief Commissioner under Section 15 read with Rule 23 has been determined considering the needs of the Gaon Sabha or village community the remaining excess land may be allotted in accordance with these rules.

(2) The following procedure shall be followed in respect of each such allotment :

(i) The Tehsildar (Mahal) shall prepare a list of such lands after demarcating them in suitable plots. He shall submit that list to the authorised officer after whose aproval a proclamation shall be issued in the village where the land is situate and the village contiguous thereto inviting applications

(ii) The proclamation shall be published by pasting a copy thereof at the village Chaupal, the Panchayat Ghar or any other normal meeting place of the Gaon Pachayat or where there is no such place, at a conspicuous place in village cocerned and villages contiguous thereto on the notice boards of the Tehsil, office of the Deputy Commissioner, Authorised Officer and the Block Development Officer, and also by supplying a copy thereof to the Pradhan of the Goan Sabhas concerned for communication to the members of the Gaon Panchayats and for publicity in their areas giving the following details:

(a) Name of village ;

(b) Khasra number proposed for allotment;

(c) Total area;

(d) Land revenue or rent to be charged for the land :

(e) Date by which, and the name of the officer to whom, application should reach;

(f) Date, time and place where allotment will take place

(iii) The society or individual desirous of being cosidered for allotment of surplus land shall send an application in Form 'D' along with an affidavit appended to it by the dates specified in the notice ;

(iv) All the applications received upto the specified date shall be entered in a register to be maintained by the Tehsildar ( Mahal)

### **32. Preparation of list of applicants and verification of**

**particulars :-**

(1) On the expiry of the last date by which the applications are to be received, the Tehsildar (Mahal) shall prepare a list of all the applicants stating in brief the particulars of land proposed for allotment and forward it to the Gaon Panchayat with a notice in Form 'E' asking it to furnish within 15 days of the receipt of the notice a report on the suitability or otherwise of the applicant for allotment of land. The Gaon Panchayat shall send its recommendations to the Tehsildar within the said period in the form of resolution.

Provided that if the Gaon Panchayat fails to send its recommendations as aforesaid, the Tehsildar ( Mahal) shall proceed further after 15 days of the receipt of the notice in form 'E' by the Gaon Panchayat and shall send his recommendations to the authorised officer for the allotment of the land.]

<sup>1</sup> [(2) The Tehsildar ( Mahal) after considering the report of the Gaon Panchayat, if available, after such further enquiry as may be considered necessary, shall send all applications to the authorised officer indicating therein the applications as are not accompanied by requisite affidavit or which are not otherwise in order.

(3) The authorised officer shall examine applications received from Tehsildar (Ma- hal) under sub-rule (2) of this rule and pass appropriate order rejecting such application as he considers it necessary giving in brief the reasons for doing so.]

(4) With regard to the remaining applications the authorised officer shall take

1. Added by Notification No. F. 11/(12/SK/C/76, dated 14-1-1976.

**33. Manner of allotment :-**

The authorised officer shall make the allotments in the village concerned on the date, time and place notified in the original notice inviting applications after having informed the Pradhan and members of Gaon Panchayat concerned and also after notifying the same by means of beat of drum in the abadi of the village concerned or in contiguous village if the village concerned happens to be uninhabited. The allotment shall be made at the village Chaupal, Panchayat Ghar or any other normal meeting place of the Gaon Panchayat. The allotment shall then be made according to the order or priority provided in Rule 24. If the number of applications

is more than the number in whose favour allotment can be made and all the applicants belong to the same category of applicants, the allotment shall be decided by drawing lots from amongst the applicants of that category.

**34. Adjournment if allotment not completed :-**

If for any reason it is not possible to decide the allotment of land on the date and time fixed by the authorised officer, he may fix any other date and time for the purpose, by giving a fresh notice and by publishing it in the manner specified above.

**35. Effect of refusing the allotment :-**

If any person to whom land has been allotted refuses to accept the same and fails to execute the agreement as required in Rule 26 the authorised officer shall allot the land by drawing lots in the manner indicated above from amongst the remaining applicants. Fresh applications shall not be considered until all the original applicants, whatever their category may be, have been considered :

Provided that if the land is surrendered by an allottee, after he has executed the agreement required under Rule 26 or if it has reverted to Government on account of any breach of terms of allotment or otherwise the re-allotment of the land shall be taken up afresh according to the procedure laid down in Rules 24 to 33 and fresh applications invited.

**36. Rights of the allottees :-**

(1) An allottee shall have permanent and heritable rights and may raise loans on the security of land from the Government or and scheduled bank.

(2) The rights of a Bhumidhar shall be conferred on him as soon as he has completed payment of instalment of compensation or after a period of five years whichever may be later.

(3) If the allottee fails to fulfil the condition contained in sub-rule (2), the land shall revert back to the Government and the allotment shall be cancelled : Provided that the premium, if any, paid by the allottee shall be refunded to him.

**37. No allotment before demarcation :-**

Where the land which is the subject matter of allotment is not clearly demarcated or is a portion of a big plot the allotment shall be taken up after it has been got demarcated by the authorised

officer. is a portion of a big plot the allotment shall be taken up after it has been got demarcated by the authorised officer.

### CHAPTER 3

#### MISCELLANEOUS

### **38. Powers of a Civil Court exercisable by the competent authority :-**

The competent authority and the authorised officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely:-

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents and material objects; and
- (c) issuing commissions for the examination of witnesses.

### **39. Service of documents not otherwise provided for :-**

Where there is a provisions in the Act or these rules for the service of any document on any person and there is no specific provision as to the manner of service, Such document shall be served in the manner provided for service of a summons in the Code of Civil Procedure, 1908.

### **40. Court fees :-**

Every document mentioned in column 3 of Schedule I appended to these rules shall be chargeable with, court fee specified against it in the corresponding column 4 thereof and no document so chargeable shall be entertained or acted upon by any officer or authority unless the full amount of court fee chargeable thereon has been paid.

### **41. . :-**

(1)If any person whose land has been declared excess in consonance with the provisions of Sections 3, 6 and 9 and possession of the said excess land taken over by the Deputy Commissioner in consonance with the provisions of Section 14, such persons (bhumidhar or asami or his agent shall not be entitled to any amount for the crops sown after the date of taking over possession of the excess land by the Deputy Commissioner and he or she or his or her agent shall also be liable to pay such amount as

damages to the Government for the unauthorised use of such excess land, as the Competent Authority may determine keeping in view the illegal benefit derived by such person or persons from such land after giving notice to such person/persons and giving them an opportunity of being heard

.

(2) Such amount shall be recoverable as arrears of land revenue on a certificate to be issued by the Competent Authority and the prosecution under Section 447 IPC will not debar the Competent Authority from determining and recovering such amount as damages.

**42. . :-**

All proceedings relating to determination of excess land and payment of amount therefor under the Principal Act pending immediately before the commencement of the Ordinance (Ordinance No. 27 of 1975) before the Authority shall be continued and disposed of in accordance with the provisions of the Principal Act and in accordance with the Delhi Land Holdings (Ceiling) Rules, 1961 as it stood before the commencement of the aforesaid Ordinance and also before the commencement of the Delhi Land Holdings (Ceiling) (Amendment) Rules, 1976 except the provisions of Rule 2(b) and Rule 41 of these rules.

**43. . :-**

Any person aggrieved by an order passed under Section 9(2) of the Delhi Land Holdings (Ceiling) Act by the Deputy Commissioner or any other officer authorised by the Administrator may file an application for reviving under Section 20 of the said Act within 30 days of the passing of such order. This will not, however, preclude the Administrator from calling any record of the proceedings pending before or disposed of by the Competent Authority or the Deputy Commissioner or any other officer authorised by him.]

**SCHEDULE I**

**SCHEDULE I**

| (See Rule 40)        |                           |   |                    |
|----------------------|---------------------------|---|--------------------|
| <b>SCHEDULE I</b>    |                           |   |                    |
| <b>(See Rule 40)</b> |                           |   |                    |
| <b>S I. No.</b>      | <b>Section of the Act</b> | <b>Description of application and other proceedings</b> | <b>Proper fee</b>  |
| <b>1</b>             | 8 (4) Proviso             | Application for   | Rs. one and twenty |



|             |       |   |   |
|-------------|-------|---|---|
| <b>1.</b>   |       | Application for restoration of excess land or such part thereof as does not exceed the ceiling limit.   | Rupee one and twenty five nP.   |
| <b>2.</b>   | 9(1). | Objection to an entry in the list published under sub-section 3 of Section 6.   | Rupee one and twenty five nP.   |
| <b>3</b>    | 10(4) | Claim for a charge on compensation assessment due to a mortgage or an encumbrances.   | Rupees five.  |
| <b>4.</b>   | 19    | Memorandum of appeal from an original order.  | Rupees five.  |
| <b>. 5.</b> | 20(1) | Application for revision of any order.  | Rupees five   |
| <b>6.</b>   | 26(1) | Application for exemption<br><br>From the operation of Section 3 Any plaint, petition, application, objection or memorandum of appeal not exempted from payment<br><br>of Court fees and<br><br>not specifically provided for in this schedule. | Rupees five<br><br>As in the Court Fees Act, 1870 for the proceedings of that nature. |