

BOMBAY (SAURASHTRA AREA) AGHAT TENURE AND IJARAS ABOLITION RULES, 1959

CONTENTS

1. Short title
2. Definitions
3. Period within which occupancy price to be paid under sections 5 (2) and 6 (2)
4. Payment of occupancy price in instalments
5. Deposit of occupancy price with Mamlatdar
6. Deposits to be held as revenue deposits
7. Form of application for compensation under section 11 (1)
8. Form of application for compensation under section 12
9. Court fee

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1. Short title :-

These rules may be called the Bombay (Saurashtra Area) Aghat Tenure and Ijaras Abolition Rules, 1959

2. Definitions :-

In these rules, unless the context requires,-

- (1) "Act" means the Bombay (Saurashtra Area) Aghat and Tenure and Ijaras Abolition Act, 1959;
- (2) "Form" means a form appended to these rules;
- (3) "Mamlatdar" includes a Mahalkar;
- (4) "Section" means a section of the Act.

3. Period within which occupancy price to be paid under sections 5 (2) and 6 (2) :-

The occupancy price payable under sub-section (2) of section 5 and sub-section (2) of section 6 shall be payable within a period of six years and three years, respectively, from the appointed day.

4. Payment of occupancy price in instalments :-

(1) The occupancy price payable under sub-section (2) of section 5 may be paid in six equal annual installments in the month of January every year.

(2) The occupancy price payable under sub-section (2) of Section 6 may be paid in three equal annual installments in the month of January every year.

5. Deposit of occupancy price with Mamlatdar :-

(1) Where the aghat holder refuses to accept the amount of occupancy price or any installment in respect thereof tendered to him by the person claiming to be a tenant under sub-section (2) of Section 5 , such person shall, within fifteen days from the date of such refusal, deposit with the Mamlatdar the amount payable by him to the aghat holder and shall submit along with the amount an application in Form A for the transfer of the amount of the occupancy price of the installment to the aghat holder.

(2) On receipt of the amount and the application under sub-rule (1), the Mamlatdar shall-

(a) give to the person depositing the amount a receipt in respect of the amount deposited, and

(b) issue a notice in writing to the aghat holder to appear before him within fifteen days from the date of the service of the notice, to receive the amount so deposited or to state the grounds, on which he refused to accept the amount tendered by the person under sub-section (2) of Section 5 .

(3) After giving an opportunity to the parties to be heard and after holding a summary inquiry-

(a) if the Mamlatdar finds that it is not disputed that the person depositing the amount is a tenant, and that the amount deposited under sub-rule (1) is in accordance with sub-section (2) of Section 5 , he shall direct that the amount be paid to the aghat holder;

(b) if the Mamlatdar finds that it is disputed that the person depositing the amount is a tenant, he shall direct the parties to have the dispute decided under sub-section (1) of Section 3 .

(4) If under sub-section (1) of Section 3 , such dispute is decided

(a) in favour of the person depositing the amount, the Mamlatdar shall make an order in accordance with the provisions of clause (a) of sub-rule (3);

(b) against the person depositing the amount, the Mamlatdar shall direct that the amount deposited by such person shall be returned to him.

6. Deposits to be held as revenue deposits :-

The amount deposited with the Mamlatdar under sub-rule (1) of Rule 5 shall be held by the Mamlatdar as revenue deposit and shall in accordance with the order passed by the Mamlatdar under Rule 5, be-

(1) paid to the aghat holder, or

(2) returned to the person depositing it, according to the rules applicable for the refund of the amount of revenue deposits.

7. Form of application for compensation under section 11 (1) :-

The application for compensation under sub-section (1) of section 11 shall be made in Form B if the applicant is an ijardar, and in Form C, if the applicant is an aghat holder.

8. Form of application for compensation under section 12 :-

(1) The application for compensation under sub-section (1) of Section 12 shall be made in Form D.

9. Court fee :-

Every appeal made under the Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of Rs. 3.