

**BOMBAY MERGED TERRITORIES MATADARI TENURE
ABOLITION ACT, 1953**

48 of 1953

[August 26, 1953]

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SCHEDULE 1 :- SCHEDULE

**BOMBAY MERGED TERRITORIES MATADARI TENURE
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An Act to abolish Matadari tenure prevailing in certain parts of the State of Bombay. WHEREAS it is expedient to abolish the tenure on which certain Matadari Estates are held in the merged territories of

the former Bavishi Vatrakkantha and Gadhwada Thanas and to provide for certain consequential and incidental matters hereinafter appearing; It is hereby provided as follows:

1. Short title, extent and commencement :-

(1) This Act may be called the Bombay Merged Territories Matadari Tenure Abolition Act,

(2) It extends to the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas which are included in the districts of Ahmedabad, Kaira and Sabarkantha.

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint in this behalf.

2. Definitions :-

(1) In this Act, unless there is anything repugnant in the subject or context

(i) "Ankdo" means a lump sum paid annually by a Matadar to Government as revenues of a Matadari estate;

(ii) "Bhayati land" means the land assigned to a co-sharer of a Matadar;

(iii) "Code" means the Bombay Land Revenue Code, 1879: (Bom. V of 1879)

(iv) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(v) "Gharkhed land" means the land held by a Matadar as his private or personal property;

(vi) "land register" means a register of lands in a village comprising a Matadari estate maintained in such village;

(viii) "Matadar" means the holder of a Matadari estate and includes his co-sharer;

(viii) "Matadari estate" means a Matadari estate specified in the Schedule appended to this Act;

(ix) "Matadari tenure" means a land tenure on which a Matadari is held by a Matadar.

(x) "prescribed" means prescribed by rules made under this Act,

(xi) "registered occupant" means a person whose name is entered in the land register as the holder of a Sarkari land:

(xii) "Sarkari land" means a land shown in the land register as "Sarkari"

(2) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it in the Code.

(3) Reference in this Act to the incidents of the Matadari tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

1 [(4) If any question arises as to whether any land is Gharkhed, Bhayati or Sarkari, the State Government or an officer authorised by the State Government in this behalf shall decide the question; but where an officer authorised by the State Government so decides, the State Government may call for the record of the enquiry or proceedings of such officer for the purpose of satisfying itself as to the legality, propriety or regularity of such enquiry or proceedings and may pass such order thereon as it may think fit; and the decision of the State Government when it decides the matter, or its decision after having called for the record of the enquiry or proceedings, and (subject thereto) the decision of the officer authorised, shall be final.]

1. This sub-section was substituted for the original by Bom. 29 of 1957, s. 3

3. Abolition of Matadari tenure :-

With effect from and on the date on which this Act comes into force

(1) the Matadari tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished;

(2) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished;

(3) all the villages comprised in the Matadari estates are hereby resumed and all lands in such shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder:

Provided that nothing in this section shall be deemed to affect any Devasthan inafis held for religious or charitable institutions.

1 [Explanation. For the purposes of this section inams held by religious or charitable institutions mean Devasthan or Dharmadaya inams granted or recognised by the ruling authority for the time being for a religious or charitable institution and entered as such in the Matadari Estate].

1. This explanation was inserted and shall be deemed always to have been inserted by Bom. 40 of 1956, s. 34, Second Schedule.

4. Persons to be deemed as occupants :-

(1) In a Matadari estate

(a) in the case of Gharkhed land held by a Matdar, such Matadar

(b) in the case of Bhayati land held by a co-sharer of a Matadar, such co-sharer; and

(c) in the case of Sarkaii, land the registered occupant holding such land; shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for time being in force.

(2) With effect from the date on which this Act comes into force, land in respect of which any person is entitled to the rights of an occupant under sub-section (1) shall be free from the liability for the payment of any amount in respect thereof to the Matadar as an incident of Matadari tenure and all the rights of a Matadar in his capacity as Matadar in such land shall be deemed to have been extinguished.

5. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government :-

For the removal of doubt it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in a Matadari estate and all other kinds of property referred to in section 37 of the Code situate in a Matadari estate, which are not the property of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be

otherwise provided in any law for the time being in force, are, together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be,

6. Method of compensation for the extinguishment or modification of rights of Matadars :-

(1) If a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in a Matadari estate, he may apply to the Collector for compensation.

(2) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(3) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (1) shall be free from the liability for the payment of any amount in respect thereof to the Matadar as an incident of Matadari tenure and all the rights of a Matadar in his capacity as Matadar in such land shall be deemed to have been extinguished.

(4) Subject to the provisions of section 10, the award of the Collector shall be final.

7. Amount of Compensation :-

(1) Where a Matadar was, as an incident of Matadari tenure, entitled to a portion of the revenue of the Matadari estate remaining after payment of the Ankdo to Government, the amount of compensation shall be three times the average of the amount of such portion proved to have been received by the Matadar during the five years immediately before the date on which this Act comes into force,

(2) Where a Matadar was, receiving cash allowance for the collection of revenue of his Matadari estate, the amount of compensation shall be seven times the amount of cash allowance received by the Matadar for the year immediately preceding the date on which this Act comes into force.

8. Method of compensation for extinguishment or modification of rights of any other person :-

(1) If any person other than a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in land and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of six months from the date on which this Act comes into force.

(2) The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(3) Subject to the provisions of section 10, the award of the Collector shall be final.

9. In determining compensation, section 23 and 24 of Act I of 1894 to be applicable :-

1 [(1) In determining the amount of compensation under section 6 or 8, the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894, (1 of 1894).

[(2)

(i) Where the officer making an award under section 6 or 8 is a Collector under this Act but not a Collector appointed under section 8 of the Code and the amount of such award exceeds five thousand rupees, then the award shall not be made without the previous approval of:

(a) the Collector appointed under section 8 of the Code, if the amount of the award does not exceed twenty-five thousand rupees, or

(b) the Commissioner, if the amount of the award exceeds twenty-five thousand rupees but does not exceed one lakh of rupees, or

(c) the State Government, if the amount of the award exceeds one lakh of rupees.

(ii) Where the officer making an award under section 6 or 8 is a Collector under this Act and also a Collector appointed under section 8 of the Code, and the amount of such award exceeds twenty-five thousand rupees, then such award shall not be made without the previous approval of:

(a) the Commissioner, if the amount of the award does not exceed one lakh of rupees, or

(b) the State Government, if the amount of the award exceeds one lakh of rupees.

(iii) Every award under section 6 or 8 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, (I of 1894).

1. Section 9 was re-numbered as sub-section (1) by Bom. 93 of 1958, s. 2, Sch.

10. Appeals against award :-

(1) Any person aggrieved by the award of the Collector made under section 6 or 8 may appeal to the ¹ [Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957], (Bom, XII of 1957).

(2) In deciding an appeal under sub-section (1), the If Gujarat Revenue Tribunal] shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908, [V of 1908].

1. Subs, vide Guj. A.O. 1960.

11. Limitation for appeals :-

Every appeal made under this Act to the ¹ [Gujarat Revenue Tribunal] shall be filed within a period of sixty days from the date of the award of the Collector The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, (IX of 1908), shall apply to the filing of such appeal.

1. Subs, vide Guj. A.O. 1960.

12. Court Fees :-

Notwithstanding anything contained in the Court- fees Act. 1870, (VII of 1870), every appeal made under this Act to the ¹ [Gujarat Revenue Tribunal] shall bear a court-fee stamp of such value as may be prescribed.

1. Subs, vide Guj. A.O. 1960.

12A. Revisional powers in respect of awards made before commencement of Bom. XCIII of 1958 :-

Where any award was made under section 6 or 8 before the

commencement of the Bombay Land Tenure Abolition (Amendment) Act. 1958, (Bom. XCIII of 1958), and no appeal was filed against such award under section 10 then notwithstanding anything contained in sub-section (4) of section 6 or sub-section (3) of section 8 the State Government may call for the record of the inquiry or proceedings relating to such award for the purpose of satisfying itself as to the legality, propriety or regularity of such inquiry or proceedings and if, after giving the interested parties an opportunity to be heard, it is not satisfied as to the legality, propriety or regularity of such inquiry or proceedings, it may cancel the award and direct the Collector to make a fresh award and thereupon all the provisions of this Act relating to the making of an award, the finality of such award and the appeal against such award shall mutatis mutandis apply to such fresh award].

13. Amount of compensation payable in transferable bonds :-

The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed].

14. Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenant in Matadari village :-

Nothing in this Act shall, in any way, be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, (Bom. LXVII of 1948), to any of the lands comprised in any Matadari estate, or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

15. Rules :-

The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the Official Gazette.

16. Saving :-

Nothing contained in this Act shall affect

- (1) any obligation or liability already incurred under an incident of Matadari tenure before the date on which this Act comes into force; or
- (2) any proceeding or remedy in respect of any such obligation or liability and any such proceeding or remedy may be instituted, continued or enforced, as if this Act had not been passed.

SCHEDULE 1

SCHEDULE

SCHEDULE		
Serial	Name of the Matadari Estate.	District.
No.		
1.	Harakhji-na-Muada	Ahmedabad.
2.	Amarji-na-Muada	Do.
3.	Vatva	Do.
4.	Bardoli	Do.
5.	Harsoli	Do.
6.	Palundra	Do.
7.	Dabhoda	Do.
8.	Vadodra	Do.
9.	Salki	Do.
10.	Anguthla	Ahmedabad.
11.	Khanpur	Do.
12.	Rakhial	Do.
13.	Sametri	Do.
14.	Kalyanji-na-Muada	Do.
15.	Sahebji-na-Muada	Do.
16.	Kajodra	Do.
17.	Lihoda	Do.
18.	Siawada	Do.
19.	Lawad	Do.
20.	Ged	Sabar Kantha.
21.	Morwad	Do.
22.	Polajpur	Do.
23.	Chandap	Do.
24.	Gazipur	Do.
25.	Barmuada	Kaira.
26.	Nirmali	Do.
27.	Zer	Do.
28.	Kaprupur	Do.
29.	Mahisa	Do.
30.	Porda	Do.
31.	Dana	Do.

