

## **Madhya Pradesh Gramo Me Ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhiniyam, 1970**

**26 of 1970**

**[23 October 1970]**

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## **Madhya Pradesh Gramo Me Ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhiniyam, 1970**

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An Act to make special provision for allotment of unoccupied land to inhabitants of villages in certain circumstances. Be it enacted by the Madhya Pradesh Legislature in the Twenty-first Year of the Republic of India as follows :-- 1. Received the assent of the Governor on the 23-10-1970; assent first published in the "Madhya Pradesh Gazette", Extraordinary, dated the 24-10-1970.

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

(1) This Act may be called the Madhya Pradesh Gramo Me ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhiniyam, 1970.

(2) It extends to whole of Madhya Pradesh.

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

In this Act, unless the context otherwise requires :--

(a) "Code" means the Madhya Pradesh Land Revenue Code, 1959

(No. 20 of 1959);

(b) "inhabitant of a village" means a person who--

(i) holds land; or

(ii) works as an agricultural artisan or as an agricultural labourer; in such village or in a village usually cultivated from such village;

(c) the words and expressions used in this Act but not defined shall have the meaning assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

### **3. Allotment And Settlement Of Unoccupied Land In Certain Circumstances :-**

All unoccupied lands in a village on which inhabitants of such village have, prior to the 26th day of May, 1970, erected any building for the purpose of residence or purposes ancillary thereto and such building exists on that date shall, notwithstanding anything contained in the Code or the rules made thereunder, be allotted and settled with such inhabitants in Bhumiswami rights in accordance with the provisions of this Act:

Provided that nothing contained in this section shall apply to unoccupied land which is--

(a) within a distance of--

(i) sixteen kilometres from the limits of a municipal corporation declared by or under the Madhya Pradesh Municipal Corporations Act, 1956 (No. 23 of 1956);

(ii) eight kilometres from the limits of a Municipality declared by or under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);

(iii) three kilometres from the limits of urban area other than those specified in (i) and (ii) above;

(iv) one kilometre on both sides of a national highway specified in, or declared under, the National Highway Act, 1956 (XLVII of 1956) or public road notified under Section 2 of the Madhya Pradesh Highway Act, 1956 (XXXIV of 1956).

(b) set apart under Section 237 of the Code for the following purposes--

(i) for burial ground and cremation ground;

(ii) for gaathan;

(iii) for threshing floor;

(iv) for skinning ground;

(v) for bazar;

(vi) for public purpose such as schools, playgrounds, parks, roads,

lanes and drains.

(c) held or reserved by the Central Government or the State Government for any specified purpose.

#### **4. Procedure For Settlement :-**

(1) Every inhabitant of a village to whom Section 3 applies shall make an application to the Tahsildar within such period and in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), proceedings, if any, pending under Section 248 of the Code in respect of the unoccupied land mentioned in the application, may be stayed till such time as the Tahsildar, may think fit.

(3) Subject to the provisions of this Act and the rules made in this behalf, the Tahsildar shall allot and settle unoccupied land with the inhabitant of a village.

(4) On allotment of unoccupied land under sub-section (3) all proceedings pending before the Tahsildar in respect of the said unoccupied land under Section 248 of the Code shall stand abated.

#### **5. Provisions Of Act To Apply To Protected Forest On Its Ceasing To Be So :-**

As from the date fixed in that behalf in the notification issued under Section 34-A of the Indian Forest Act, 1927 (XVI of 1927) as applicable to the State of Madhya Pradesh declaring any forest to be no longer protected forest, the provisions of this Act shall apply to forest land or waste land as were comprised within such protected forest on 1[23rd day of June, 1980] (hereinafter referred to as the said date) as if such land was unoccupied land on the said date.

1. Substituted by M.P. Act No. 1 of 1980.

#### **6. Power To Make Rules :-**

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

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for--

(a) (i) prescription of period and form under sub-section (1) of Section 4;

(ii) prescription of manner of allotment and settlement of unoccupied land under sub-section (2) of Section 4;

(b) prescription of terms and conditions 1[x x x] subject to which unoccupied land shall be allotted and settled.

(5) All rules made under this Act shall be laid on the table of the Legislative Assembly.

1. Omitted by M.P. Act No. 5 of 1972.

## **7. Repeal :-**

The Madhya Pradesh Gramo Me Ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhyadesh, 1970 (No. 4 of 1970) is hereby repealed.