

**Madhya Pradesh Land Revenue Code (Amendment) Act,
2011**

42 of 2011

[27 December 2011]

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**Madhya Pradesh Land Revenue Code (Amendment) Act,
2011**

42 of 2011

[27 December 2011]

An Act further to amend the Madhya Pradesh Land Revenue Code, 1959 Be it enacted by the Madhya Pradesh Legislature in the Sixty-second year of the Republic of India as follows :--

1. Short Title :-

This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011.

2. Amendment Of Section 2 :-

In sub-section (1) of Section 2 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), after clause (o), the following clause shall be inserted, namely :--

"(oa) "Market Value" means the value of land assessed according to guidelines issued by the Collector under the Madhya Pradesh Bajar Mulya Margdarshak Siddhanton ka Banaya JanaTatha Unka Punrikshan Niyam, 2000 made under the Indian Stamp Act, 1899 (No. 2 of 1899);".

3. Amendment Of Section 30 :-

In sub-section (1) of Section 30 of the Principal Act, for the words "A Collector, a Sub-Divisional Officer, or a Tahsildar", the words "A Collector or a Sub-Divisional Officer" shall be substituted.

4. Amendment Of Section 34 :-

In section 34 of the Principal Act, in clause (c), for the word "fifty", the words "one thousand" shall be substituted.

5. Amendment Of Section 35 :-

In sub-section (3) of Section 35 of the Principal Act, for the word

"apply", the words "apply along with his affidavit" shall be substituted.

6. Amendment Of Section 36 :-

In sub-section (1) of Section 36 of the Principal Act, for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely :--

"Provided that each party may be granted not more than three adjournments during the entire hearing of the case and each such adjournment should be granted only with cost."

7. Amendment Of Section 46 :-

In clause (a) of Section 46 of the Principal Act, for the words, figures and bracket "the Indian Limitation Act, 1908 (IX of 1908)", the words, figures and bracket "the Limitation Act, 1963 (36 of 1963)" shall be substituted.

8. Amendment Of Section 47 :-

In Section 47 of the Principal Act,--

(i) in clause (a), for the words "forty-five days", the words "thirty days" shall be substituted;

(ii) in clause (b), for the words "sixty days", the words "forty-five days" shall be substituted;

(iii) in clause (c), for the words "ninety days", the words "sixty days" shall be substituted;

(iv) for the first proviso, the following proviso shall be substituted, namely :--

"Provided that where the order, against which the appeal is being preferred, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case appeal shall be entertained within the time limit provided in the Code prior to this said Amendment Act."

9. Amendment Of Section 49 :-

In Section 49 of the Principal Act, for sub-section (3), the following sub-section shall be substituted, namely :--

"(3) After hearing the parties, the appellate authority may confirm, vary or reverse the order appealed against, or may take such additional evidence as it may consider necessary for passing its order :

Provided that the appellate authority shall not remand the case for disposal by any Revenue Officer subordinate to it :

Provided further that all such cases which have been remanded to the sub-ordinate Revenue Officers by the Appellate or Revisional Authorities before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011 shall be heard and decided by such Revenue Officer."

10. Substitution Of Section 50 :-

For section 50 of the Principal Act, the following section shall be substituted, namely :--

"50. Revision.-(1) The Board may, at any time on its motion or on the application made by any party or the Collector or the Settlement Officer may, at any time on his motion, call for the record of any case which has been decided or proceeding in which an order has been passed by any Revenue Officer subordinate to it or him and in which no appeal lies thereto, and if it appears that such subordinate Revenue Officer.--

- (a) has exercised a jurisdiction not vested in him by this Code, or
- (b) has failed to exercise a jurisdiction so vested, or
- (c) has acted in the exercise of his jurisdiction illegally or with material irregularity,

the Board or the Collector or the Settlement Officer may make such order in the case as it or him thinks fit :

Provided that the Board or the Collector or the Settlement Officer shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of the proceeding, except where,--

(a) the order, if it had been made in favour of the party applying for revision to the Board, would have finally disposed of the proceedings, or

(b) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

(2) The Board or Collector or the Settlement Officer shall not, under this section vary or reverse any order against which an appeal lies either to the Board or to any Revenue Officer subordinate thereto.

(3) A revision shall not operate as a stay of proceeding before the Revenue Officer except where such proceeding is stayed by the Board or the Collector or the Settlement Officer, as the case may be.

(4) No application for revision shall be entertained.--

- (a) against an order appealable under this Code;
- (b) against an order to the Settlement Commissioner under section 210;
- (c) unless presented within sixty days to the Board :

Provided that where the order, against which the application for revision is being presented, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case revision shall be entertained within ninety days from the date of order.

(5) No order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard.

(6) Notwithstanding anything contained in sub-section (1),--

(i) where proceedings in respect of any case have been commenced by the Board under sub-section (1), no action shall be taken by the Collector or the Settlement Officer in respect thereof;

(ii) where proceeding in respect of any such case have been commenced by the Collector or the Settlement Officer under sub-section (1), the Board may either refrain from taking any action under this section in respect of such case until the final disposal of such proceedings by the Collector or the Settlement Officer, as the case may be, or may withdraw such proceedings and pass such order as it may deem fit.

Explanation.--For the purpose of this section all Revenue Officers shall be deemed to be subordinate to the Board."

11. Amendment Of Section 51 :-

In clause (iii) of the proviso to sub-section (1) of Section 51 of the principal Act, for the words "ninety days", the words "sixty days" shall be substituted and for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :--

"Provided that where the order, against which the application for review is being presented, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case review shall be entertained within ninety days from the date of order.

12. Amendment Of Section 52 :-

In Section 52 of the Principal Act,--

(i) in sub-section (2), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :--

"Provided that the execution of order shall not be stayed for more than three months at a time or until the date of next hearing, whichever is earlier.";

(ii) in sub-section (3), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :--

"Provided that the execution of order shall not be stayed for more than three months at a time or until the date of next hearing, whichever is earlier."

13. Amendment Of Section 53 :-

In Section 53 of the principal Act for the words, figures and bracket "Indian Limitation Act, 1908 (IX of 1908)", the words, figures and bracket " Limitation Act, 1963 (36 of 1963)" shall be substituted and for the word "review", the words "review and revision" shall be substituted.

14. Substitution Of Section 54 :-

For Section 54 of the principal Act, the following section shall be substituted, namely :--

"54. Pending revisions.-Notwithstanding anything contained in this chapter, all proceedings pending in revision before any Revenue Officer immediately before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011 shall be heard and decided by such Revenue Officer as if this amendment Act had not been passed."

15. Amendment Of Section 57 :-

In Section 57 of the principal Act,--

(i) in sub-section (2), for the words "Sub-divisional Officer" the words "State Government" shall be substituted; (ii) sub-sections (3) and (4) shall be deleted.

16. Insertion Of Section 58-B :-

After Section 58-A of the principal Act, the following section shall be inserted, namely :--

"58-B. Half of the assessed land revenue shall be payable for holding used exclusively for the purpose of a project of micro and small enterprise.-(1) Notwithstanding anything contained in this Code, only half of the assessed land revenue shall be payable in respect of a holding upto two hectares used exclusively for the

purpose of a project of micro and small enterprise.

(2) For the purpose of sub-section (1), the Collector shall, after affording reasonable opportunity of being heard to the persons interested and after making such enquiry as he may deem necessary, decide that the concerning holding is of project of micro and small enterprise.

Explanation.--For the purpose of this Section, the micro enterprise and small enterprise shall have the same meaning as assigned to them in sub-clause (i) and (ii) of clause (a) of sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006 (No. 27 of 2006).".

17. Amendment Of Section 59 :-

In sub-section (1) of Section 59 of the principal Act, for clause (a) to (e), the following clauses shall be substituted, namely :--

"(a) for the purpose of agriculture of such farm house which is situated on holding of one acre or more;

(b) as sites for dwelling houses;

(c) for educational purpose;

(d) for industrial purpose;

(e) for commercial purpose

(f) for the purpose of mining under a mining lease within the meaning of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1959);

(g) for purpose other than those specified in items (a) to (f) above.".

18. Deletion Of Section 78 :-

Section 78 of the principal Act shall be deleted.

19. Amendment Of Section 81 :-

In Section 81 of the principal Act,--

(i) for sub-section (4), the following sub-section shall be substituted, namely :--

"(4) the fair assessment on land used for non-agricultural purpose shall be fixed in accordance with the rules made under section 59.";

(ii) sub-section (6) shall be deleted.

20. Deletion Of Section 97 :-

Section 97 of the principal Act shall be deleted.

21. Substitution Of Section 98 :-

For Section 98 of the principal Act, the following section shall be substituted, namely :--

"98. Fair assessment.-The fair assessment of lands used for agricultural purpose shall be calculated and fixed in accordance with the principles and restrictions set forth in Section 81 and lands used for non-agricultural purpose shall be fixed in accordance with the rules made under section 59."

22. Deletion Of Section 99 :-

Section 99 of the principal Act shall be deleted.

23. Substitution Of Section 100 :-

For Section 100 of the principal Act, the following section shall be substituted, namely:--

"100. Fixation of fair assessment at the time of revision.-In the case of lands which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in the case of agricultural land one and a half times the land revenue or rent and in the case of other lands six times the land revenue or rent payable immediately before the revision the assessment shall be fixed at one and a half times such land revenue or rent in the case of agricultural land and at six times such land revenue or rent in the case of other lands :
Provided that where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made."

24. Amendment Of Section 119 :-

In sub-section (1) of Section 119 of the principal Act, for the word "twenty-five", the words "one thousand" shall be substituted.

25. Amendment Of Section 128 :-

In sub-section (2) of Section 128 of the principal Act, for the words "one rupee", the words "one thousand rupees" shall be substituted.

26. Amendment Of Section 130 :-

In Section 130 of the principal Act, for the word "fifty", the words "one thousand" shall be substituted.

27. Amendment Of Section 132 :-

In Section 132 of the principal Act, for the word "one thousand", the words "ten thousand" shall be substituted.

28. Substitution Of Section 133 :-

For Section 133 of the principal Act, the following Section shall be substituted, namely :--

"133. Removal of obstruction.-If a Tahsildar finds that any obstacle impedes the free use of a recognised road, path or common land of a village or impedes the road or water course or source of water which has been the subject of a decision under section 131, he may order the person responsible for such obstacle to remove it and if such person fails to comply with the order, may cause the obstacle to be removed and may recover from such person the cost of removal thereof and such person shall be liable, under the written order of a Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to ten thousand rupees."

29. Amendment Of Section 143 :-

In Section 143 of the Principal Act, for the word "ten", the word "hundred" shall be substituted.

30. Amendment Of Section 172 :-

In Section 172 of the Principal Act,--

(i) in sub-section (4), for the words "two thousand rupees", the words "twenty per centum of the market value of such diverted land" shall be substituted;

(ii) in sub-section (5), for the words "two thousand rupees", the words "twenty per centum of the market value of such diverted land" and for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

31. Amendment Of Section 200 :-

In Section 200 of the Principal Act, for the words "two hundred", the words "two thousand" shall be substituted.

32. Amendment Of Section 227 :-

In Section 227 of the Principal Act, for the word "twenty", the words "one thousand" shall be substituted.

33. Amendment Of Section 234 :-

In section 234 of the Principal Act,

(i) for sub-section (2), the following sub-section shall be substituted, namely :--

"(2) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the Gram Sabha, it shall be finalised by Sub-Divisional Officer.";

(ii) for sub-section (3), the following sub-section shall be substituted, namely :--

"(3) A copy of the Nistar Patrak so finalised shall be kept in the office of the Gram Panchayat.";

(iii) after sub-section (3), the following sub-section shall be inserted, namely :--

"(4) On a resolution passed by the Gram Sabha by a majority of not less than two thirds of the members present and voting, the Sub-Divisional Officer with the prior sanction of the Collector and also after making any such inquiry as he deems fit, may,--

(a) inter se change the entries in the Nistar Patrak;

(b) record additional unoccupied land under any entry in the Nistar Patrak for fulfillment of further Nistar rights of villagers.".

34. Amendment Of Section 237 :-

In section 237 of the Principal Act,--

(i) sub-section (2) shall be deleted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely :--

"(3) Subject to the rules made under this Code, the Collector after securing the land mentioned in clause (b) of sub-section (1) to minimum two percent of the total agriculture land of that village, may divert such unoccupied land as mentioned in sub-section (1) into abadi or for construction of roads, state highways, national highways, canals, tanks, hospitals, schools, colleges, Goshalas and any other public utility projects as may be determined by the State Government :

Provided that the land set apart for the purposes mentioned in sub-section (1) shall not be diverted and allotted to any person for agriculture purpose.;

(iii) after sub-section (3), the following sub-section shall be inserted, namely :--

"(4) When it becomes indispensable to divert the land set apart for the purposes mentioned in sub-section (1) for such development and infrastructural projects which are owned or approved by the State Government but not covered under sub-section (3), the Collector, after satisfying himself on alternatives available and also on obtaining land of equivalent area for fulfilling the same Nistar rights from the concerned project, may divert the land for such purposes by passing a reasoned order to this effect."

35. Amendment Of Section 241 :-

In sub-section (4) of Section 241 of the Principal Act, for the words "five thousand", the words "fifty thousand" shall be substituted.

36. Amendment Of Section 247 :-

In Section 247 of the Principal Act,--

(i) in sub-section (7), for the word "double", the words "four times" shall be substituted; (ii) proviso to sub-section (7) shall be omitted.

37. Amendment Of Section 248 :-

In Section 248 of the Principal Act,--

(i) in sub-section (1), for the words "five thousand rupees", the words "twenty per centum of the market value of such encroached land" and for the words "twenty rupees", the words "five hundred rupees in non urban area and two thousand rupees in urban area" shall be substituted;

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (2-A), for the words "three months", the words "six months" shall be substituted.

38. Amendment Of Section 250 :-

In section 250 of the Principal Act,--

(i) in sub-section (6), for the words "two hundred and fifty", the words "two thousand" shall be substituted;

(ii) in sub-section (9), for the words "five thousand rupees", the words "twenty per centum of the market value of such land" shall be substituted;

(iii) proviso to sub-section (9) shall be omitted.

39. Amendment Of Section 253 :-

In section 253 of the Principal Act, for the words "five thousand", the words "fifty thousand" shall be substituted.

40. Amendment Of Section 257 :-

In section 257 of the Principal Act, clause (a) shall be renumbered as clause (a-1) and before clause (a-1) as so renumbered, the following new clause shall be inserted, namely :--

"(a) any decision regarding any right under sub-section (1) of Section 57 between the State Government and any person;".