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## **BOMBAY TENANCY AND AGRICULTURAL LANDS RULES, 1956**

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## **BOMBAY TENANCY AND AGRICULTURAL LANDS RULES, 1956**

In exercise of the powers conferred by section 82 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay LXVII of 1948), and in supersession of the Bombay Tenancy and Agricultural Lands Rules, 1948, the Government of Bombay is pleased to make the following rules, namely:

### **1. Short title. :-**

These rules may be called The Bombay Tenancy and Agricultural Lands Rules, 1956.

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

These rules, unless there is anything repugnant in the subject or context,

(a) "Act" means the Bombay Tenancy and Agricultural Lands Act, 1948;

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

(c) "Section" means a section of the Act;

(d) words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

### **3. Other allied pursuits. :-**

In addition to the pursuits specified in clause (2 A) of section 2, the

following shall be the allied pursuits for the purposes of the Act:

(i) Wool-making; (ii) Oil-pressing by ghanis by human or animal agency; (iii) Rope-making; (iv) Hand spinning of yarn or hand weaving of cloth or both; (v) Gur-making.

**4. Variation of ceiling area, economic holding or their basis.**  
:-

For the purpose of varying the acreage of the ceiling area or economic holding, or the basis of their determination under section 7, in addition to the factors mentioned in that section regard shall be had to the following additional factors, namely:

(i) climate and rainfall; (ii) standard of husbandry in the area.

**5. Other factors to be taken into consideration for determination of rate of rent.** :-

For the purpose of fixing the rate of rent under section 9, the Mamlatdar shall, in addition to the factors mentioned in sub-section (2) of that section have regard to the following additional factors, namely:

(i) the fact that the land is located in a backward area ; (ii) standard of husbandry.

**6. Determination of the value of crop share or produce.** :-

The value of the rent payable in crop share or produce of the land under section 9C shall be determined in the following manner, that is to say

(1) The total yield of the land shall be determined on the basis of the rates estimated on either of the following, whichever may be lower: (a) the quantity of the average yield per acre of that crop as notified by the Mamlatdar on the basis of actual crop cutting experiments undertaken by the revenue or agricultural department or by both in that year in or near that local area; (b) the actual

yield per acre agreed to by the landlord and the tenant.

(2) The crop share shall be computed on the basis of the total yield determined under clause (1) and the value of such crop share or the produce shall be calculated on the basis of the average market price for the months of January to March as recorded in Taluka Form XVIII-A given in the Manual of Revenue Accounts.

**7. Penalty for the recovery of rent from a tenant in contravention of the provision of section 8, 9, 9A, 9C or 13.**

**:-**

Any landlord who recovers rent from his tenant in contravention of the provisions of section 8, 9, 9A, 9C or 13 shall be liable to pay such penalty to the extent of 10 times the excess amount of the rent recovered by the landlord from such tenant but not so as to be less than Rs. 50, as the Mamlatdar may determine.

**8. Value of one sixth of the produce of the land. :-**

For the purpose of determining the amount which a tenant is entitled to deduct from the rent for any year on the ground that the aggregate amount referred to in second proviso to sub-section (1) of section 9A or in sub-section (2) of section 10A exceeds the value of one-sixth of the produce of the land in that year, the value of such one-sixth produce shall be determined in accordance with the provisions of rule 6.

**9. Manner of verifying surrender of tenancy. :-**

[Deleted].

**10. Forms of certificates under sections 17 and 17B and fees therefor. :-**

(1) The certificate to be granted by the Tribunal under sub-section (3) of section 17 shall be in Form 1.

(2) The certificate to be issued by the Tribunal under-section (6)

of section 17B shall be in Form II.

(3) The certificate to be issued under sub-section (8) of section 17B shall be in Form III.

(4) A fee calculated at the rates specified in the schedule appended to these rules shall be paid for a certificate issued under sub-section (3) of section 17 or sub-section (6) of section 17B.

**11. 1[Deleted]. :-**

**12. Application for adjudication of right to produce of trees naturally growing on land or apportionment of such produce. :-**

An application under sub-section (2) of section 20 for an adjudication of the right to be produce the trees naturally growing on the land or the apportionment of such produce shall be made in Form IV.

**13. Receipt for the rent. :-**

A receipt given under sub-section (2) of section 26 for the amount of rent received in respect of any land shall be in Form V. The receipt shall be given in the regional language of the locality and the counterfoil of such receipt shall be signed by the tenant or his authorised agent in acknowledgement of the correctness of the counterfoil and receipt of the copy.

**14. Application for possession of land or dwelling house or a site used for allied pursuits. :-**

An application for possession of land or dwelling house or a site used for an allied pursuit under sub-section (1) or (2) of section 29 shall be made in Form VI.

**14A. Manner of holding inquiry by Collector under section 29(3A). :-**

On receipt of application under sub-section (3A) of section 29, the Collector shall issue a notice to the tenant and the landlord specifying therein the time, date and place at which he proposes to inquire into the application. On the date so appointed or any other day to which the inquiry may be adjourned by him, the Collector shall hear the parties, and take such further evidence as he may consider necessary.]

**15. Manner of apportioning rent on termination of tenancy in respect of part of land leased. :-**

(1) After the tenancy of a part of land leased to a tenant is terminated by a landlord under sub-section (2) or (3) of section 31 or sub-section (3) or (4) of section 32T and the possession of the land is obtained by him after obtaining an order of a Mamlatdar under sub-section (2) of section 29 the rent for the area remaining with the tenant will be determined in the following manner:

(a) The rent shall be calculated at the rate fixed by the Mamlatdar under section 9 for the village in which the land is situated for the class of land to which such area belongs.

(b) If the Mamlatdar has not fixed the rate of rent under section 9 and the landlord and the tenant do not agree as to the amount of the rent to be paid for such area the landlord shall make an application in Form VII to the Mamlatdar for the apportionment of the rent.

(2) On receipt of an application under sub-rule (1), the Mamlatdar shall issue a notice to the tenant and after holding an enquiry fix the rent of the area of the land left with the tenant after taking into consideration the following factors, namely:

(a) the total area and kind of the land held by a tenant before the termination of his tenancy of a part of such land and the rent paid by him therefor;

(b) the profits of agriculture of similar land in the locality;

(c) the prices, in the locality, of the particular crop for the growing of which the land is leased;

(d) the improvements made in the land by the tenant or the landlord.

**15A. Period within which application under sub-section (1B) of section 32 shall be made. :-**

An application under sub-section (1-B) of section 32 by a tenant specified in that sub-section shall be made within a period of one year from the coming into force of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1972].

**15B. Period within which undertaking under the proviso to sub-section (1B) of section 32 shall be given. :-**

Written undertaking under the proviso to sub-section (1B) of section 32 by the tenant specified in that proviso shall be given within a period of 30 days from the date of intimation given to that effect by the Agricultural Lands Tribunal to him.]

**16. Manner in which tenant to exercise choice under section 32C. :-**

A tenant, who is entitled under section 32C to choose the area and location of the land to be purchased by him from different landlords, shall choose such area and location in such a manner that the pieces of land chosen by him and the land, if any, owned and cultivated by him personally :

(a) form one compact block, or

(b) if they cannot form a compact block, are so situated that none of them is separated from another by a distance of more than five miles.



**17. Notice to be given by the Tribunal after Tillers Day and manner of recording statement of tenants. :-**

(1) The public notice to be given or caused to be given by the Tribunal under section 32G shall be in Form VIII and shall be published in the village by beat of drum and by affixing a copy thereof in the chavdi of the village.

(2) The Tribunal shall record the statement of the tenant under sub-section (2) of section 32G on oath and in the language of the district. Such statement shall be read over or explained to the tenant and his signature taken on it.

**17A. Manner of satisfying whether tenants consent to purchase price is voluntary. :-**

In determining the purchase price under section 32G in accordance with the price mutually agreed upon by the landlord and tenant, the Tribunal shall secure the presence of the tenant, and examine him, when the landlord or his agent is not present, on oath, by putting to him questions for ascertaining

(1) whether the tenant is under any pecuniary obligation of the landlord;

(2) whether the landlord has made any adjustment with the tenant outside the agreement of the purchase price;

(3) whether the tenant has any objection to the agreed price;

(4) the financial position of the tenant;

(5) any other matter which the Tribunal thinks necessary to

ascertain.

**18. Issue of Certificate of purchase by Tribunal to tenant. :-**

The certificate to be issued by the Tribunal to a tenant under section 32-M shall be in Form IX.

**19. Reference by the Tribunal. :-**

(1) The reference to be made by the Tribunal under sub-section (3) of section 32Q regarding any of the matters specified in the said sub-section shall contain the following particulars : (i) Survey number, Pot Hissa number and other description of land; (ii) Name of the tenant; (iii) Name of the landlord; (iv) Name of the holder of the encumbrance; (v) Nature of the encumbrance; (vi) Amount claimed by the holder of the encumbrance; (vii) Brief description of the circumstances of the case; (viii) The question of law regarding the validity of the encumbrance or the claim of the holder of encumbrance or the question regarding the amount due in respect of the encumbrance which is required to be decided by a Judge.

(2) Such reference shall be signed by the Presiding Officer of the Tribunal.

**19A. Terms and conditions on which loan shall be deemed to be granted to the specified tenant by the State Government under Sub-section (2) of Section 32QQ. :-**

Terms and conditions on which the loan shall be deemed to be granted to the specified tenant shall be as follows, namely:

(1) the rate of interest on the loan shall be charged at the rate of 7 percent or as may be determined by the Government from time to time.

(2) the loan shall be recovered in instalments not exceeding ten per annum; if the tenant fails to pay in such instalments, then for each

instalments penal rate of interest may be charged at 2 per cent above the normal rate prescribed in clause (1) above.

(3) The recovery of the first instalment shall commence from the first recovery season following the year in which the loan shall have been deemed to be granted;

(4) the amount of loan shall not be paid in cash to the specified tenant but shall be adjusted by credit to the revenue deposit account, in the name of the landlord. A due intimation of this credit will be given by the Additional Mamlatdar and Agricultural lands tribunal or Collector to the tenant as well as to the Landlord immediately after the amount is deemed to be granted as loan and credited.]

**20. [Deleted]. :-**

**21. Disposal of land by Collector. :-**

(1) When the Collector directs the sale of any land under clause (c) of sub-section (2) of section 32P, he shall publish or cause to be published in the village in which the land is situated a public notice in Form XI stating therein (i) survey number and other description of the land; (ii) the price fixed for the land under sub-section (5) of section 32P and requiring the persons who are included in clause (c) of sub-section (2) of section 32P to intimate to him within one month of the date of publication of notice whether they are willing to accept the land. The notice shall be published in the village by beat of drum and also by affixing a copy of it in the chavdi.

(2)(a) If only one person who is included in the priority list intimates to the Collector his willingness to accept the land for the price fixed, the Collector, if he is satisfied that the person is eligible for such inclusion, shall, after due notice to such person, fixed under sub-section (5) of section 32P the instalments by which the

price shall be payable and shall call upon such person by a notice in writing to pay the first instalment of the price within one month or such further period as he may consider reasonable from the date of receipt of the notice by such person;

(b) If more than one person intimate to the Collector their willingness to accept the land and are eligible for inclusion in the priority list he shall, after giving due notice to the person having the highest priority in the "priority list", laid down in clause (c) of sub-section (2) of section 32P fix the instalments by which the price shall be payable and shall call upon such person by a notice in writing to pay the amount, of the first instalment within one month or such further period as he may consider reasonable from the date of receipt of notice by such person.

(c) Where more than one person having the highest priority in the priority list are willing to accept the land, the Collector shall give notice under clause (b) to such one of them who in his opinion is most suitable having regard to

(i) the agricultural implements in the possession of such person, (ii) other land cultivated by such person personally, if any, (iii) the financial condition of such person, and (iv) any other factor which may be relevant for ascertaining the capacity of such person to cultivate the land.

[(3) The certificate to be issued by the Collector to the purchaser under sub-section (6) of section 32-P, shall be in Form XI-A].

## **22. Application for exchange of tenancies. :-**

An application for exchange of tenancies in respect of the land held by any tenant under sub-section (1) of section 33 shall be in Form XII.

## **23. Terms and conditions for exchange of the lands. :-**

The terms and conditions for exchange of lands by tenants under

section 33 shall be as follows, namely:

(a) The land once exchanged shall not be allowed to be exchanged with the same land;

(b) the land to be exchanged should be adjacent to or at least within a radius of one mile from the land or lands held by the respective tenants as such tenants or as owner in the same or adjacent village;

(c) the tenants or not in arrears of land revenue assessment, local fund cess and irrigation cess, if they are liable to pay them under section 10-A;

(d) the tenants are not in arrears of rent in respect of the lands to be exchanged;

(e) no proceedings have been started against the tenants by their landlords for ejecting them from the lands to be exchanged for breach of the provisions of section 14 or 27 or under section 31 or 32T; and

(f) no amount on account of compensation shall be allowed by the Mamlatdar in sanctioning the exchange of the lands.

#### **24. Certificate of exchange of land between tenants. :-**

A certificate sanctioning the exchange of lands between tenants to be issued by the Mamlatdar under sub-section (2) of section 33 shall be in Form XIII.

#### **24A. 1Deleted] :-**

#### **24B. Period within which and manner in which particulars of land shall be furnished under section 34-A. :-**

(1) The particulars of land under section 34A shall be furnished before the "30th day of September, 1958" in Form XIII-B in duplicate.

(2) On receipt of the particulars of land, the Mamlatdar shall retain with him one copy of the particulars and return the duplicate copy to the person furnishing the particulars, after endorsing thereon his signature in token of having received the particulars and the date of receipt thereof.

**24C. Form of notice under sub-section (1-A) of section 37.**  
:-

Notice to be issued by the Mamlatdar under sub-section (1-A) of section 37 shall be in form XIII-C].

**25. Application for determination of compensation for improvements made by tenants.** :-

An application for determination of compensation for improvements made on the land by a tenant under sub-section (1) of section 41 shall be in Form XIV.

**25A. Procedure for transfer of pending proceedings under section 43-1C.** :-

(1) A landlord within the meaning of section 43-1A whose application for recovery or restoration of possession of land filed under section 31 of 32T was pending immediately before the 1st day of February 1966, before the Mamlatdar, or in appeal before the Collector, on revision before the Gujarat Revenue Tribunal, may make an application to the Mamlatdar, the Collector or as the case may be, the Tribunal, for certifying that such proceeding have stood transferred to the Collector, or, as the case may be the State Government under section 43-1C. Such application shall be made before the thirty-first day of December, 1967.

(2) On receipt of such application, the Mamlatdar, Collector or, as the case may be, the Tribunal shall, after issuing a notice to the tenant and the landlord and after holding such inquiry as may be deemed necessary, decide whether such pending proceeding stood transferred to the Collector, or, as the case may be, the State Government under section 43-1C.

(3) Where no such application has been made by the landlord before the date specified in sub-rule (1), and the Mamlatdar, the Collector or the Gujarat Revenue Tribunal suo motu or on application made by any person has reason to believe that any proceedings pending before him or it, stood transferred from his or its file under section 43-1C he or it, shall, after issuing a notice to the tenant and the landlord and after holding such inquiry as may be deemed necessary, decide whether such pending proceedings so stood transferred.

(4) If the Mamlatdar, Collector or Tribunal decides under sub- rule (2) or (3) that the pending proceedings stood transferred under section 43-1C, he or, as the case may be, it shall forward the poceedings pending with him or it to the Collector, or as the case may be, the State Government for disposal.

**25B. Manner of giving intimation under section 43-1D (2).**

:-

An intimation under sub-section (2) of section 42-1D shall be given in Form XIV-A by hand delivery or by post]

**25C. Circumstances in which and conditions subject to which sanction shall be given by the Collector under section 43 for transfer. :-**

(1) The circumstances in which and the conditions subject to which the previous sanction of the Collector under sub- section (1) of section 43 may be given, shall be as follows, namely:

(a) that the land is required for an agricultural purpose by industrial or commercial undertaking in connection with any industrial commercial operations carried on the such undertakings;

(b) that the transfer is for the benefit of any educational or charitable institution duly registered under the Bombay Public Trusts Act, 1950;

(c) that the land is required by a co-operative framing society;

(d) that the land is being sold in execution of a decree of a Civil Court, or for the recovery of arrears of land revenue under the provisions of the Bombay Land Revenue Code, 1879;

(e) that the land is being sold bona fide for any non- agricultural purpose;

(f) that the land is being sold by land owner on the ground that;

(i) he is in need of contracting his holding either for adequate finance or for intensive cultivation, (ii) he is permanently giving up the profession of agriculturist, or (iii) he is permanently rendered incapable of cultivating the land personally;

(g) that the land is being gifted in favour of, (i) the bodies or institutions mentioned in section 88A and clause (a) and (b) of sub-section (1) of section 88B, or (ii) a member of the landowners family;

(h) that land is being exchanged, (i) with land of equal or nearly equal value owned and cultivated personally by a member of the same family; (ii) with land of equal or nearly equal value situated in the same village or in any other village owned and cultivated personally by another land owner with a view to formig a compact block of his holding or with a view to having better management of



the land :

Provided that the total land held and cultivated personally by any of the parties to the exchange whether as owner or tenant or partly as owner and partly as tenant does not exceed the ceiling area as a result of the exchange;

(i) that the land is being leased by a landowner who is a minor, or a widow or a person subject to any physical or mental disability or a member of the armed forces or among the landowners holding the land jointly;

(j) that land is being partitioned among the heirs or survivors of the deceased landowners: 550

Provided the area allotted to each share is not less than a unit specified by the State Government under clause (c) of sub-section (1) of section 27; or

(h) that the land is being sold by the landowner on the ground that it is situated at such distance from his residence that he is not in a position to look after it.

(2) The sanction of the Collector under clauses (a), (b), (c) and (g) of sub-rule (1) shall be subject to a further condition that the person or institution in whose favour the transfer is made shall use the land for the same purpose for which the transfer has been sanctioned within a period of three months from the date of transfer of land which may be extended upto two years in aggregate by the Collector for genuine reasons to be recorded in writing. If the person fails to comply with the condition within the period so specified, the sanction given under sub- section (1) of section 43 shall be deemed to have been cancelled and transfer shall be deemed to have been made without the previous sanction of the Collector.

(3) The sanction of the Collector under clause (e) of sub-rule (1) shall be subject to a further condition that the person in whose favour the transfer is made shall apply for N.A. permission before a competent authority under the Bombay Land Revenue Code, 1879 for non-agricultural use of the land within six months from the date of transfer of land and this period may be extended upto two years in aggregate by the Collector for genuine reasons to be recorded in writing and that such person shall use the land for the purpose for which the sanction has been granted within three years from the date of grant of non-agricultural permission under the provisions of the said Code, or within such further period not exceeding five years in the aggregate as the Collector for reasons to be recorded in writing may from time to time fix or within such further period exceeding five years as aforesaid as the Collector may fix with the prior approval of the State Government. If the person fails to comply with the condition within the period so specified, the sanction given under sub-section (1) of section 43 shall be deemed to have been cancelled and the transfer shall be deemed to have been made without the previous sanction of the Collector:

Provided that commencement of bona fide steps to use the land for the purpose for which sanction has been granted shall be deemed to be compliance with the condition regarding the use of the land for non-agricultural purpose within the sanctioned period :

Provided further that if the Collector is satisfied that the person in whose favour the transfer is made is unable to make use of the land within the specified period or the purpose for which the sanction has been granted on account of genuine reasons, he may allow him to use the land for a different purpose including agricultural use after specifying such conditions as may be considered necessary and thereupon the person concerned shall use the land for the said purpose within the sanctioned period.

Explanation. Where a question arises whether the steps taken for the purpose of the first proviso were bona fide or not, the decision of the Collector shall be final].

## **26. Approval of industrial or commercial undertakings. :-**

An industrial or commercial undertaking which seeks approval under clause (a) of sub-section

(1) of section 43A shall apply to the State Government through the Collector of the district in which the lands leased to it or for its benefit are situate. It shall state in its application the industrial or commercial operations carried on by it and give all other particulars qualifying it for approval. The Collector shall forward the application with his remarks to the State Government. If the State Government decides to grant the approval such approval shall be notified in the Official Gazette.

## **27. Approval of Co-operative Society by the State Government. :-**

The Co-operative Society which seeks approval under clause (c) of sub-section (1) of section 43A shall apply to the State Government through the District Co-operative Officer. It shall state in its application the object for which the society is founded and give all other particulars qualifying it for approval. The District Co-operative Officer shall forward the application with his remarks to the Collector of the district in which the lands held or leased by the co-operative society are situate. The Collector shall forward the application with his remarks to the Registrar of Co-operative Societies, who shall forward it to the State Government after offering his remarks thereon. If the State Government decides to grant the approval, such approval shall be notified in the Official Gazette.

## **28. Application for determination of reasonable rent. :-**

An application to the Mamlatdar for determination of reasonable rent under section 43-B shall be in Form XV.

## **29. Others factors to be taken into consideration for determining reasonable rent. :-**

In determining the reasonable rent in respect of any land under section 43-B regard shall be had, in addition to the factors mentioned in sub-clauses (a) to (f) of clause (3) of the said section,

to the following factors, namely:

(1) the value of any service or contribution made by (a) the landlord towards the cultivation of a tenants holding, such as protection of crop, grant of seeds or manner, (b) the tenant towards maintenance of, or repairs to bounds; and

(2) the betterment charges payable or paid by the landlord in respect of the land under the Bombay Irrigation Act, 1879.

**30. Notice before the assumption of management of estate under section 44. :-**

(1) Before a notification announcing the intention of the State Government to assume the management of any estate is published under section 44, a notice shall be served on the landholder in the manner prescribed in the Code of Civil Procedure. 1908, for the service of summons and a substance thereof shall be published at convenient places in the locality where the estate is situate.

(2) On the date specified in the notice or on the date to which the inquiry may be postponed, a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879, shall be held by the Collector who shall record the statement of the landholder or any person acting on his behalf as regards the intention of Government to assume the management of the estate.

(3) The Collector shall forward the record and proceedings of the inquiry with his opinion thereon to the State Government which shall be taken into consideration before a notification is published in the manner prescribed by section 44.

**31. Determination of debts and liabilities by the manager. :-**

On the expiry of the period fixed under section 49 read with the

proviso to section 51 for notifying the claims against the estate under management, the Manager shall appoint a day for holding an inquiry into the history and merits of every claim received by him. Notice of the date, time and place of the intended enquiry shall be given to every claimant and to the holder of the estate and shall also be published in the village chavdi where the property is situate. The manager shall then ascertain the nature and extent of all the claims received by him. In case of any dispute as to the fact or extent of debts and liabilities, he shall hold such further inquiry as may be necessary to determine the correct amount of such debts and liabilities due to several claimants.

**32. Manner of notifying liquidation scheme sanctioned by the Collector. :-**

When the Collector sanctions the liquidation scheme under section 56, he shall notify the facts of such sanction in one of the newspapers, having wide circulation in the area, selected by him and also by affixing a copy of the scheme in the regional language at the following places :

- (1) Office of the Collector;
- (2) Office of the Mamlatdar or Mahalkari;
- (3) Office of the Manager;
- (4) Village chavdi where the property is situate.

**33. Permission to sell an estate or part thereof while under management. :-**

When a Manager proposes to sell any estate or any part thereof under section 58, he shall give notice to the landholder to show cause why the estate or a part thereof should not be sold. After hearing the landholder or any person acting on his behalf the Manager shall submit a report to the Collector for his permission for the sale. Before giving the permission for sale the Collector shall also hear the landholder or any person acting on his behalf as to

why the estate or the part thereof should not be sold.

**34. Sale or lease of the estate under management or any part thereof. :-**

The sale or lease of all or any part of the estate under section 58 shall be made by the Manager by public auction, unless such a course is in his opinion unnecessary or inexpedient in view of the size and location of the estate or part of the estate or unless the sale or lease by private negotiation is in his opinion likely to be more advantageous. Any such shall be made by the Manager only if it appears to him that it is not otherwise possible to meet the cost of the management of the estate or if no adequate balance is left for the liquidation of the debts and liabilities of the estate.

**35. Period for continuance of management of estates. :-**

(1) The Manager of an estate of which management has been assumed shall before the 31st day of March following the year in which the management has been assumed send to the State Government a report regarding the management of the estate and shall state whether in his opinion it is necessary to continue the management for the purpose for which it was assumed.

(2) After taking into consideration the report of the Manager made under sub-rule (1), the State Government shall decide whether the management should be terminated under section 61 or continued further and if so, for what period, such period not being in excess of five years at a time.

(3) If the State Government decides to continue the management the Manager shall, from time to time, forward his report through the Collector and shall in any case submit a report not later than two months before the expiry of the current period of the management to enable Government to decide whether the management shall be terminated under section 61 or shall further be continued.

Provided that if the management is to be continued beyond the

expiry of ten years from the date on which it was assumed, the Collector shall hold a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879, and after recording the statement of the land-holder or any person acting on his behalf, shall submit the record and proceedings of the inquiry and his report to the State Government, which shall be taken into consideration by the State Government before it decides to continue the management any further.

**36. Conditions on which permission for sale etc. of land under section 63 may be granted. :-**

(1) The Collector or officer authorised under the proviso to sub-section (1) of section 63 shall not grant permission for sale, gift, exchange, lease or mortgage of any land in favour of a person who is not either an agriculturist or an agricultural labourer or who, being an agriculturist, cultivates personally land not less than the ceiling area whether as owner or tenant or partly as owner and partly as tenant unless any of the following conditions are satisfied:

(a) such a person bona fide requires the land for a non- agricultural purpose, or

(b) the land is required for the benefit of an industrial or commercial undertaking or an educational or charitable institution; or

(c) such land being mortgaged, the mortgagee has obtained from the Collector a certificate that he intends to take to the profession of an agriculturist and agrees to cultivate the land personally; or

(d) the land is required by a Co-operative Society; or

(e) no agriculturist in the village in which the land is situated who, holds lands less than the ceiling area or no agricultural labourer in

such village is prepared to take the land on lease from the owner;  
or

(f) the land is required for cultivating it personally by a person, who, not being an agriculturist, intends to take to the profession of agriculture and to whom the Collector after having regard to the order of priority mentioned in clause (c) of sub-section (2) of section 32P, has given a certificate that such person intends to take to the profession of agriculture and is capable of cultivating land personally; or

(g) the owner of the land has complied with the provisions of section 64; or

(h) such land is being sold

(i) in execution of a decree of a Civil Court, or (ii) for recovering arrears of land revenue or any sums recoverable as arrears of land revenue under the provisions of the Bombay Land Revenue Code, 1879, and no agricultural labourer or agriculturist holding land less than the ceiling area is prepared to bid at such sale; or

(ha) such land is required bonafide by a cattle breeder for the purpose of cattle breeding or (i) such land is being given in gift whether by way of trust or otherwise, and such gift is made bonafide by the owner in favour of a member of his family.

(1A) Where permission is granted on the condition specified in clause (a), (b) or (d) of sub-rule (1)], such permission shall be subject to a further condition that the persons or a co-operative society] in whose favour the sale, gift, exchange, lease or mortgage, as the case may be, of the land is made shall use the land for the purpose for which the permission has been granted within three years from the date on which he takes possession of the land in accordance with the provisions of the Act, or within such further period not exceeding five years in the aggregate as the Collector for reasons to be recorded in writing may from time to



time fix or within such further period exceeding five years as aforesaid as the Collector may fix with the prior approval of the State Government. If the person or a co-operative society] fails to comply with the condition within the period so specified the permission given under sub-section (1) of section 63 shall be deemed to have been cancelled and the sale, gift, exchange, lease or mortgage, as the case may be, shall be deemed to have been made without the previous sanction of the Collector or the Officer concerned authorised to grant such sanction (hereafter referred to in this sub-rule as "the authorised officer"):

Provided that commencement of bona-fide steps to use the land for the purpose for which permission, has been granted shall be deemed to be compliance with the conditions regarding the use of the land for non-agricultural purpose within the sanctioned period;

Provided further that if the Collector or the authorised Officer is satisfied that the person or a co-operative society] in whose favour the transfer is made is unable to make use, of the land within the specified period for the purpose for which the permission has been granted on account of genuine reasons, he may allow him to use the land for a different purpose including agricultural use after specifying such conditions as may be considered necessary and thereupon the person or a co-operative society] concerned shall use the land for the said purpose within the sanctioned period.

Explanation. Where a question arises whether the steps taken for the purpose of the first proviso were bona-fide or not, the decision of the Collector, as the case may be, authorised officer shall be final],

(2) Where permission is granted on any of the conditions specified in clauses (a) (b), (c) and (f)] of sub-rule (1), such permission shall be subject to a further condition that the person in whose favour the sale, gift, exchange, lease or mortgage, as the case may be, of the land is made, shall use the land for the purpose for which the permission has been granted within one year from the date on which he takes possession of the land in accordance with the provisions of the Act or within such further period not exceeding

five years in the aggregate as the Collector for reasons to be recorded in writing may from time to time fix. If the person fails to comply with the condition with the period sanctioned by the Collector the permission given under sub-section (1) of section 63 shall be deemed to have been cancelled and the sale, gift, exchange, lease or mortgage, as the case may be, shall be deemed to have been made without previous sanction of the Collector.

(3) Where permission is granted on the condition specified condition in clause (f) of sub-rule (1) such permission shall be subject to a further condition that as soon as the person in whose favour the sale, gift, exchange, lease or mortgage, as the case may be, of land is made, ceases to cultivate the land personally or transfers his interest in the land by sale, gift, exchange, lease or mortgage without the previous sanction of the Collector the permission given under sub-section (1) of section 63 shall be deemed to have been cancelled.

**37. Other factors to be considered for determination of reasonable price of land. :-**

For fixing the reasonable price of land under section 63A, the Mamlatdar or Tribunal shall in addition to the factors mentioned in sub-section (3) of section 63A, take into consideration the factors prescribed by rule 29 and also the tenure on which the land is held.

**38. Tenant to be party to application under section 64. :-**

Where a landlord applies to the Tribunal under sub-section (1) of section 64 for determining the reasonable price of land which he intends to sell, the tenant in the actual possession of the land shall be joined as party to the application.

**39. Manner of making an offer for sale of land. :-**

(1) The offer for sale of land under sub-section (2) of section 64 shall be made as follows, namely:

(a) the landlord shall make an offer for sale of land to the tenant in actual possession thereof Form XVI ;

(b) the landlord shall simulataneously send to the Mamlatdar a public notice in the regional language signed by him in Form XVII;

(c) on receipt of the public notice the Mamlatdar shall cause copies of the notice to be affixed to some conspicuous place on the land to be sold and to be exhibited at the village chavdi on a date to be affixed by the Mamlatdar and at other prominent places in the village in which the land is situate and intimate to the landlord the date on which the notice is exhibited at the village chavdi;

(d) the date so intimated by the Mamlatdar shall be deemed to be the date on which the offer for sale is received by the persons and bodies mentioned in the notice.

(2) The notice to be given by the landlord under sub-section (4) of section 64 shall be in Form XVIII.

**40. Manner of enquiry for determination of value of estate, land or interest which has been acquired. :-**

(1) After the publication of the notification under sub-section (2) of section 66 regarding the acquisition of any estate, land or interest therein, the Collector shall give notice to the holder of the estate, land or interest, as the case may be, and to all persons known or believed to be interested therein under sub-section (2) of section 66 and shall call upon all such persons to state the nature of their respective interests in the estate or land which has been acquired and the amount and particulars of their claims to compensation for such interest within two months from the date of the notice.

(2) All claims under sub-rule (1) shall be made to the Collector in writing with full particulars thereof and documents, if any, as also

names and addresses of witnesses to be summoned, if any, and shall be delivered within the period prescribed under sub- rule (1).

(3) The Collector shall then hold an inquiry after summoning the claimants and their witnesses, if any, and such other persons known or believed to have interest in the land or estate on a specified day.

(4) On receiving evidence and after taking into consideration the factors mentioned in sub-section (4) of section 66 and the provisions of section 23 of the Land Acquisition Act, 1894, the Collector shall pass an order determining the value of the estate, land or interest, which has been acquired.

#### **41. Application for construction of water course. :-**

An application under section 66-A for the construction of a water course through the land belonging to a neighbouring holder shall be made in Form XIX.

#### **42. Period for execution of agreement and the form of agreement. :-**

(1) After the Mamlatdar has passed an order under sub-section (2) of section 66-A directing the neighbouring holder to permit the applicant to construct the water course, the applicant shall execute the agreement under clause (vi) of sub- section

(2) of section 66-A within three months of the date of such order.  
(2) Such agreement shall be in Form XX.

#### **43. Applicant to supply more copies of applications. :-**

When an application under section 71 is made the applicant shall forward along with the original application as many copies thereof

as there are opponents to enable the Mamlatdar or the Tribunal to furnish to each opponent a copy of such application.

**44. Other procedure to be followed by the Mamlatdar or Tribunal. :-**

In all matters which are not provided for in the Mamlatdars Courts Act, 1906, the Mamlatdar or the Tribunal shall follow the procedure prescribed for holding formal enquiries under the Bombay Land Revenue Code, 1879, except in proceedings by or against a lunatic in which case procedure prescribed in the Order XXXII of the Code of Civil Procedure, 1908 shall also be followed as far as possible, wherever necessary.]

**44A. Manner of making reference and calling for proceedings under section 72-B. :-**

(1) The reference under sub-section (1) of section 72-B shall be made by the Mamlatdar in Form XX-A.

(2) The communication calling for the proceedings of other applications under sub-section (2) of section 72-B shall be in Form XX-B.

**44B. Manner of making reference and calling for details of land under section 72-C. :-**

(1) The reference under sub-section (1) of section 72-C shall be made by the Tribunal in Form XX-C.

(2) The communication calling for the details of land under section 72-C shall be in Form XX-D.

**45. Form and manner of making appeal to the Collector. :-**

(1) Every appeal under section 74 shall be made in the form of a petition addressed to the Collector and shall be drawn up in concise, intellegible and respectful language and shall bear the signature or thumb mark of the applicant or of his duly authorised agent.

(2) Every such appeal shall specify the name and address of the appellant and shall clearly set out in brief and unexaggerated manner the grounds on which the appeal is made.

(3) Every such appeal shall either be presented to the Collector in person or be forwarded to him by registered post.

(4) Every such appeal shall be accompanied by the order of the Mamlatdar or Tribunal, as the case may be, against which the appeal is made. Either the original order or a certified copy thereof will do for the purpose.

#### **46. Return of accompaniments to appeal to appellant. :-**

(1) Where an appeal under section 74 has been disposed of, the original order of the Mamlatdar or Tribunal or the certified copy thereof, as the case may be, accompanying such appeal under sub-rule (4) of rule 45 may be returned to the appellant, if the appellant applies to the Collector in that behalf within a period of sixty days from the date of the order of the Collector in appeal.

(2) The appellant shall give a receipt in writing for the order and certified copy, as the case may be, returned to him under sub-rule (1).

#### **47. Court fees. :-**

(1) Every application made to a Mamlatdar or Tribunal under the Act shall bear a court fees stamp of [fifty paise] and every memorandum of appeal or an application made to the Collector shall bear a court fee stamp of Rs. 2.

(2) Every appeal or revision application made to the Bombay Revenue Tribunal under the Act shall bear a court fee stamp of Rs. 5.

(3) Every application to the Bombay Revenue Tribunal under the Act for the stay of the execution of any award or order against which an appeal or application is made shall bear a court fee stamp of sixty two paise].

(4) Every application for review to the Bombay Revenue Tribunal under the Act shall bear a court fee stamp of Rs. 5. Every appeal or application for revision to the State Government shall bear a court fee stamp of Rs. 4.]

**48. Court fees to be paid by members of Backward Class. :-**

Notwithstanding anything contained in rule 47, when an application or appeal is made by a member of Schedule Caste specified in Part III of the Schedule to the Constitution (Schedule Castes) Order, 1950, or of a Scheduled Tribe specified in Part III of the Schedule to the Constitution (Scheduled Tribes) Order 1950, living in a backward area the value of the Court fee Stamp payable shall be as follows.

(a) every application made to a Mamlatdar or Tribunal under the Act shall bear a court fee stamp of twelve paise]; and every memorandum of appeal or an application made to the Collector shall bear a court fee stamp of fifty paise];

(b) every appeal or revision application made to the Bombay Revenue Tribunal under the Act shall bear a court fee stamp of

rupee one and twenty five paise];

(c) every application to the Bombay Revenue Tribunal under the Act for the stay of execution of the award or order against which an appeal or application is made shall bear a court fee stamp of twelve paise]; and

(d) every application for review to the Bombay Revenue Tribunal under the Act shall bear a court fee stamp of rupee one and twenty five paise].

(e) Every appeal or application for revision to the State Government shall bear a court fee stamp of Re. 1].

**49. Form of certificate under sub-section (2) of section 84-A. :-**

A certificate to be issued under sub-section (2) of section 84-A shall be in Form XXI.

**49A. Period for payment of penalty under sub-section (1) of section 84-A. :-**

The penalty referred to in sub-section (1) of section 84-A shall for the purposes of sub-section (3) of that section be paid on or before the 31st day of December 1960.

**50. Form of notice under section 84-B (1). :-**

A notice to be issued by the Mamlatdar under sub-section (1) of section 84-B shall be in Form XXII.

**50A. Manner of sale of land under sub-section (3) of section 84-B. :-**

Where any land is to be disposed of by sale under sub-section (3) of section 84B, the Mamlatdar shall determine the price of the land in accordance with the provisions of section 63-A and the price so determined shall be payable either in lump sum within one year



from such date, or in annual instalments not exceeding six payable on or before such dates as the Mamlatdar may fix, with simple interest at 4 1/2 per cent, per annum.

**51. Grant of land by the Mamlatdar. :-**

When the Mamlatdar grants land under sub-section (4) of section 84-C he shall so far as may be follow the same procedure as is prescribed under rule 21.

**51A. Form of notice under section 84CC. :-**

Notice to be issued by the Mamlatdar under sub-section (1) of section 84CC shall be in form XXIIA].

**52. Procedure for grant of certificate by the Collector for the purpose of section 88-B. :-**

(1) A trustee in charge of a trust for an educational purpose, a hospital, panjarapole, gaushala or an institution for public religious worship claiming exemption under sub-section (1) of section 88-B may make an application in writing to the Collector within whose jurisdiction all or most of the pieces of land belonging to the trust are situated for the grant of a certificate for the purpose of section 88-B.

(2) The trustee shall state in his application

(a) whether the trust is or is deemed to be registered under the Bombay Public Trust Act, 1950,

(b) the purpose for which the trust is create, and

(c) the manner in which the income from the lands belonging to it is appropriated.

He shall append to his application

- (i) the balance sheet certified by a registered auditor,
- (ii) a list of the lands which are the property of the trust,
- (iii) certified copies of extracts of Records of Rights relating to the lands, and
- (iv) such other documents in support of his request.

(3) On receipt of such application the collector shall hold an inquiry and if he is satisfied that the trust satisfies the conditions laid down in the proviso to sub-section (1) of section 88-B shall issue a certificate to that effect in Form XXIII.

**53. From of application under sub-section (2), section 88-C and the period for making it and the form of certificate. :-**

(1) An application for a certificate under sub-section (2) of section 88-C shall be made in Form XXIV on or before the 31st day of December 1959 ; provided that where a landlord is

(a) a minor, or

(b) a widow, or

(c) a person subject to mental or physical disability, or

(d) a serving member of the armed forces, such application may be made

(A) By the landlord within six months from the date on which

(i) in the case of category (a) he attains majority ;

(ii) in the case of category (c) he ceases to be subject to such mental or physical disability ;

(iii) in the case of category (d) he ceases to serve in such forces; and

(B) in the case of a widow by the successor-in-title within six months from the date on which the widows interest in the land ceases to exist.

(1A. Notwithstanding anything contained insub-rule (1) an application for a certificate under sub-section (2) of section 88C by a landlord

(a) who is a minor or a person subject to mental or physical disability shall, after the specified date be made by such landlord, in a case where the period of six months within which such application may be made under the proviso to sub-rule (1) has commenced, within such period of six months or within a period of six months from the specified date, whichever period expires earlier ;

(b) Who is a widow, whose interest in the land has ceased to exist by reason of her death or otherwise before the specified date, but the period of six months within which her successor in title is entitled to make such application under the provsio to sub-rule (1) has not expired, by the successor-in-title of the widow within a period of six months from the date on which her interest in the land ceased or; within a period of three months from the specified date whichever period expires earlier.

(1B) Where the interest of the widow in the land has ceased to exist on or after the specified date, the right to make an application

under sub-rule (1) shall cease to exist on the date on which her interest so ceases to exist.

Explanation. For the purpose of sub-rule (1A) and (1B) "specified date" means the date of the coming into force of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1972.]

**54. Manner of publication of order under section 88-D. :-**

An order under sub-section (1) of section 88D shall be published in the official Gazette in Form XXVI and a copy thereof alongwith the grounds recorded by Government, shall be served separately on all persons interested including the landlord and the tenant of the land to which the order relates by the Mamlatdar in whose jurisdiction the land is situate.]

**55. Fees for giving copies or extracts. :-**

For giving copies of, or extracts from, any document issued under the Act or record maintained under or for purposes of the Act, there shall be charged fee at the following rates in addition to the postal charges, if any