

MAHARASHTRA AGRICULTURAL LANDS (CEILING ON HOLDINGS) RULES, 1962

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MAHARASHTRA AGRICULTURAL LANDS (CEILING ON HOLDINGS) RULES, 1962

MAHARASHTRA AGRICULTURAL LANDS (CEILING ON HOLDINGS) RULES, 1962

1. Short title :-

These rules may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) Rules, 1962.

2. Definitions :-

In these rules, unless the context otherwise requires :-

- (a) "Act" means the Maharashtra Agricultural Lands (Ceiling on Holdings) Act. 1961;
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a section of the Act;
- (d) "Mamlatdar" includes a Mahalkari a Tahsildar and a Naib-Tahsildar;
- (e) "Words and expressions used but not defined shall have the same meanings as in the Act;

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6. Form V Form Particulars of land to be retained and form in which they are to be furnished under section 17 (3) :-

The particulars of land to be retained by a holder under section 16 shall be furnished to the Collector in Form VI.

7. Form VI Form of notification to be issued under section 21 (2) :-

The notification to be issued under sub-section (2) of section 21 shall be in form VII.

8. Collector authorises an officer to take possession of surplus land Manner of taking possession of surplus land under section 21 (4) :-

(1) The Collector may for the purpose of taking possession of surplus land under sub-section (4) of section 21, authorise an officer not below the rank of a Circle Inspector or Revenue Inspector (hereinafter referred to as the authorised officer) to take possession of the land which is delimited as surplus land.

(2) The authorised officer shall thereupon give public notice in Form VIII at a convenient place on or near the land stating that he intends to take possession of the land on the date and at the time

and place therein mentioned and that the holder of the surplus land and all other persons interested therein should remain present on the date and at the time and place so specified. The authorised officer shall also publish the notice by beat of drum in the village in which the surplus land is situate and by affixing copies thereof in village chavadi:

(3) The authorised officer shall also serve notice to the same effect on the holder of land in the manner provided in section 32.

(4) On the appointed date and at the time and place specified in the notice the authorised officer shall, in the presence of the holder of the land and other persons interested therein who may be present make a panchnama in respect of the following matters, namely :-

(a) Whether the land or any part thereof was cultivated for a continuous period of three years immediately before the appointed day ;

(b) whether the land or any part thereof is used for grazing;

(c) whether there are any standing crops on the land ; and if so, the estimated cost of cultivation thereof;

(d) whether there is a mill in the land; and if so, the estimated cost of cultivation thereof;

(e) whether there are any structures or embankments constructed or permanent fixtures on the land;

(f) whether there are any trees standing on the land.

(5) After the panchnama is made, the authorised officer shall take over possession of the land from the holder. If the holder fails to be present at the appointed time and place, the officer shall take over possession of the surplus land in the presence of the panchas, and make a panchnama of his having taken over possession of the said land. After the possession of the land is taken the officer shall make a report to that effect to the Collector and forward the Panchnama or as the case may be, panchnama. along with the report.

9. Form of public notice to be given under section 24 (1) :-

The public notice to be given under sub-section (1) of section 24 shall be in Form IX.

10. Preparation of statement of applicants for grant of

surplus land under section 27 :-

(1) As soon as may be after the date on which any land is declared to be surplus land under section 21. or where any land provisionally omitted under sub-rule(6) from the statement of surplus lands available for distribution becomes so available the Collector or the authorised officer shall issue a public notice in Form X containing a list of surplus lands (not being grazing lands or lands to be disposed of under section 28) that are available for distribution in the village and call upon persons and bodies mentioned in sub-section (2) to (5) of section 27 to submit to him within one month from the date of publication of the notice applications in Form XI for grant of any land included in the list.

(2) The public notice under sub-rule (1) shall be published in the village in which the land is situate, and also in the village within a radius of five miles from such village by beat of drum. Copies of the notice shall also be affixed on the notice board in the office of the Collector, the authorised officer, the Mamlatdar and of the village panchayat and in the village chavdi. and where a village has no panchayat, at any prominent place in the village.

(3) On the expiry of the period specified in the public notice, the Collector or the authorised officer shall, as soon as may be, scrutinise the applications received in pursuance of the notice, and having regard to the provisions of sub-section (7) of section 27, draw up a provisional statement in Form XII indicating therein each land and the applicants therefor (arranged according to the order of priority provided by section 27) who are eligible for the grant of that land and publish the provisional statement in the manner provided in sub-rule (2), along with a notice in Form XII, calling upon the persons concerned to submit to him within one month from the date of publication of the notice their objections in relation to any matter provided in the provisional statement and inviting applications in Form XI for grant of surplus land in respect of which there are no applicants .

(4) The Collector or the authorised officer shall also send a copy of the provisional statement to the District Deputy Registrar of Co-operative Societies. On receipt of such copy the District Deputy Registrar of Co-operative Societies shall after making such inquiry as he deems fit forward to the Collector or the authorised officer within one month from the receipt of the copy of the statement his suggestions or recommendations regarding suitability or otherwise

of the joint farming societies or farming societies which have applied for grant of land.

(5) After the expiry of the period referred to in sub-rules (3) and (4), the Collector or the authorised officer -

(a) shall consider -

(i) the objections if any, received in relation to the matters provided in the provisional statement;

(ii) new applications received for grant of land in pursuance of notice issued under sub-rule (3); and

(iii) the suggestions or recommendations submitted by the District Deputy Registrar of Co-operative Societies under sub-rule (4), and

(b) shall, after holding such further inquiry as he may deem fit, and after ascertaining the requirements of persons under sub-rule (6), amend or modify if necessary, any entry in the provisional statement, and draw up a final statement in Form XII.

(6) If at the time of drawing up a final statement it comes to the notice of the Collector or the authorised officer that-

(a) any land included in the statement has not been finally declared as surplus land, or

(b) an appeal against the declaration of any land as surplus land is still pending, he shall omit such land from the final statement, and thereupon the Collector or the authorised officer shall, ascertain from the applicant for land so omitted whether he wants any other surplus land available for distribution; and include his name in the final statement.

11. Notice in Form XIV Grant of surplus land under section 27 :-

(1) As soon as may be, after the final statement is drawn up under sub-rule (5) of rule 10, the Collector or the authorised officer shall publish it along with a public notice in Form. XIV informing all persons whose names are included in the final statement and also other persons interested in such lands, the time and place at which, and the date (such date being not earlier than fifteen days after the date of publication of the notice) on which, the land shall be granted and calling upon all persons concerned to remain present on the date and at the time and place appointed as aforesaid. The

statement and the public notice shall be published in the manner provided in sub-rule (2) of rule 10.

(2) On the date fixed under sub-rule (1) or on any other day to which the proceedings for grant of land may be adjourned, the Collector or the authorised officer shall, in the presence of all persons present, and subject to the provisions of section 27, select persons for grant of land in the following manner namely :

(i) if there is only one applicant who has applied for any particular land, the land shall be granted to him;

(ii) if there are more than one applicants in respect of the same land, the land shall be granted to the person having the highest order of priority ;

(iii) if there are more than one applicants having the same order of priority in respect of the same land, the land shall be granted after drawing lots in the manner provided in rule 12 ;

(iv) the land for which no application has been received shall be offered to persons who are present and who are eligible for the grant which shall subject to the provision of sub-section (7) of section 27 and clause (iii) above, be made to a person having the highest order of priority and who is willing to accept the land.

(3) If the person to whom the land is to be granted refuses to agree to pay the occupancy price under sub-section (9) of section 27. the land shall . subject to the provisions of section 27, be offered to any other person who has previously applied for the grant of the land and who is willing to agree to pay the occupancy price :

Provided that, if more than one person accept the offer, the land shall, subject to the provision of clause (iii) of sub-rule (2), be granted to the person having the highest order of priority.

12. Manner of choosing by lot allottee for grant of surplus land :-

(1) Where the Collector or the authorised officer has to select a person for grant of land by lot, he shall in the presence of applicants concerned and all other persons interested who are present at the proceedings for grant of land under rule 11:-

(a) prepare as many identical slips of paper as there are applicants

for the land:

(b) write the name of each applicant on a separate slip on one side and fold all such slips in identical manner so as to completely enclose the name written thereon ;

(c) place all the slips in an empty box of a suitable size, and thoroughly mix them by shaking the box ;

(d) ask one of the applicants or any other person who may be present to draw from the box with hand but without looking at the box, one of the folded slips in the box.

(2) The applicant whose name appears on the slip so drawn shall eligible for grant of the land in question,

12A. The Collector or the authorised officer shall :-

(i) where the land is situated in the Vidarbha area of the State grant a certificate in Form XIV-A to the grantee :

(ii) where the land is situated in the Hyderabad area of the State, get an agreement in Form XIV-B executed by the grantee; and

(iii) where the land is situated in the rest of the State, get an agreement in Form XIV-C executed by the grantee.

12B. . :-

x x x

12C. . :-

x x x

13. Provision for transfer of land under section 29 :-

Under section 29, the Collector may sanction transfer of land in any of the following circumstances, that is to say :-

(a) if the land is required by an industrial undertaking in connection with any bona fide industrial operations carried on or to be carried on by such undertaking;

(b) if the land is required for the benefit of any educational or charitable institution ;

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

(d) if the land is being exchanged -

(i) for land of equal or nearly equal value owned and cultivated

personally by a member of the donor's family, or

(ii) for land of equal or nearly equal value in the same village owned and cultivated personally by a land owner with a view to forming compact block of his holding or better management thereof; Provided that the total land held and cultivated personally by any donee 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 ;

(e) if the land is being leased by a lessor who is a person under disability ;

(f) if the land being partitioned among the heirs or survivors of the deceased grantee of the land, and no party, after the shares are defined on partition, gets land which is a fragment:

Provided that no sanction shall be accorded to any transfer of land falling under clauses (a), (b) or (c) unless the transferor agrees to the condition to pay to the State Government a premium equal to 40 times the assessment of the land.

14. Manner of approval of public trust for purpose of section 47 (1)(c) :-

(1) Any trustee of a public trust established for the purpose of a panjrapole or gaushala functioning before the appointed day shall, within six months from that day, or such reasonable time which the State Government may allow] make an application in writing to the State Government through the Collector within whose jurisdiction all or a major portion of the lands held by the trust are situated, for its approval under clause (c) of sub-section (1) of section 47, accompanied by -

(i) the latest balance sheet audited under section 33 of the Bombay Public Trusts Act, 1950, and duly certified to be a copy of the accounts so audited by the person referred to in sub-section (2) of that section ;

(ii) a list of lands which are held by the trust;

(iii) a certified copy of extract of Record of Rights relating to such land, and

(iv) such other document (including a copy of a certificate, if any granted under the relevant tenancy law evidencing exemption from

that law) in support of his request.

(2) The application shall contain the following particulars, that is to say :-

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

(b) the purpose for which the trust is established ;

(c) whether the trust was functioning for the said purpose before the appointed day ;

(d) the manner in which the income from the lands held by the trust is appropriated.

(3) The Collector shall forward the application to the State Government along with his remarks thereon.

(4) The approval of the State Government shall be notified in the Official Gazette.

15. Procedure for claiming exemption by a public trust under section 47 (1) (d) and form of undertaking to be given by it :-

(1) Any trustee of a public trust seeking exemption under clause (d) of sub-section (1) of section 47 in respect of lands held by the trust shall, within six months from the appointed day, or such reasonable time which the State Government through the Collector (within whose jurisdiction all or a major portion of the lands held by the trust are situated) for the grant of a certificate stating that the lands are exempt from the provisions of the Act. The application shall be accompanied by -

(i) the latest balance sheet audited under section 33 of the Bombay Public Trust Act, 1950 and duly certified to be a copy of the accounts so audited by the person referred to in sub-section (2) of that section,

(ii) a list of lands held by the trust,

(iii) a certified copy of extract of Record of Rights relating to each land,

(iv) an undertaking in Form XV, if necessary, and

(v) such other document (including a copy of a certificate, if any,

granted under the relevant tenancy law evidencing exemption of the land from that law) in support of his request.

(2) The application shall contain the following particulars, namely :
-

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

(b) the purpose for which the trust is established ;

(c) the manner in which the income from the lands held by the trust is appropriated;

(d) if the major portion of the income of the lands held by the trust is not appropriated for the purpose of education or medical relief, and undertaking in Form XV.

(3) On receipt of the application the State Government shall if it is satisfied that there is no objection to exempt the lands of the trust under clause (d) of sub-section (1) of section 47 issue a certificate to the trustee in Form XVI.

(4) A trustee holding a certificate on the basis of an undertaking in Form XV shall, within three months from the expiry of the period of two years referred to in clause (d) of sub-section (1) of section 47, submit to the State Government through the Collector referred to in sub-rules (1) a statement of accounts of the trust, duly audited under section 33 of the Bombay Public Trusts Act. 1950, and certified to be a true copy of the accounts so audited by the person referred to in sub-section (2) of the said section 33, indicating clearly how the undertaking given by it has been fulfilled.

(5) If the statement of accounts is not submitted within the prescribed time limit as required by sub-rule (4). or if the State Government is satisfied that undertaking given by it in Form XV has not been fulfilled, the State Government shall, after giving to the trustee a show cause notice, cancel the certificate given to it under sub-rule (3) and on such cancellation, the lands in respect of which the certificate was given, shall cease to be exempt from the provisions of the Act.

16. Manner of approval of regimental farms and stud farms under section 47(1) :-

The person incharge of a regimental farm or a stud farm seeking approval of the State Government under clause (e) and (f) of

subsection

(1) of section 47 in respect of lands held by the farm shall apply to the State Government through the Collector within whose jurisdiction all or major portion of the lands in the farm are situate. The application shall be accompanied by -

- (i) a list of lands in the farm,
- (ii) a certified copy of extract of Record of Rights relating to each land.

(2) The application shall contain the following particulars, that is to say -

(a) in case of an application for approval of a stud farm -

- (i) the number of animals maintained in the farm during the three years immediately preceding the year of application ;
- (ii) the area of land under fodder crops and the total quantity of fodder produced therein during each of such three preceding years ;
- (iii) the total quantity of fodder required by the animals on the farm ;
- (iv) whether the land in the farm or any portion thereof is used for a purpose other than that of stud farm;

(b) in case of an application for approval of a regimental farm :-

- (i) the name of the owner of the lands in the farm ;
- (ii) the name of the person managing the farm: and
- (iii) how the produce from the farm is utilised.

(3) The approval of the State Government shall be notified in Official Gazette.

16A. Manner of approval of dairy farms under section 47 (ff) :-

(1) The person in charge of a dairy farm seeking approval of the State Government under clause (ff) of sub-section (1) of section 47 in respect of lands held by the farm on the 27th day of November, 1964, shall apply to the State Government through the Collector within whose jurisdiction all or major portion of such lands are

situated. The application shall be accompanied by -

(i) a list of lands which were held by the farm on the 27th day of November, 1964;

(ii) a list of lands which are held by the farm at the time of submission of the application :

(iii) a certified copy of extract of the Record of Rights relating each land referred to in the above list.

(2) The application shall contain the following particulars, that is to say :-

(i) the number of animals maintained in the farm during the three years immediately preceding the year of application :

(ii) the area of land under fodder crops and the total quantity of fodder produced therein during each of such three preceding year ;

(iii) the total quantity of fodder required by the animals on the farm ;

(iv) whether the lands comprised in the farm of any portion thereof is used for a purpose other than that of dairy farming ; and

(v) how the produce from the farm is utilised.

(3) Where any dairy farm is approved by the State Government the fact about such approval shall be notified in the Official Gazette.

17. Procedure for notifying land under section 47 (1) (k) :-

(1) An industrial undertaking seeking exemption from the provisions of the Act in respect of the land held by it or to be acquired by it, shall make an application in writing to the State Government through the Collector within whose jurisdiction all or major portion of the land held by it or to be acquired by it are situate.

(2) The application shall contain the following particulars, that is to say :-

(i) the industrial operations carried on by the undertaking or proposed to be carried on by it;

(ii) the survey number, hissa number, area and assessment of the land, which is sought to be notified under clause (k) of sub-section (1) of section 47 ;

(iii) the survey number, hissa number, area and assessment of all lands already in possession of the undertaking as well as of those in possession of its subsidiary or associated concerns in the State the manner in which the land was acquired, that is to say, whether by purchase, lease or compulsory acquisition under the Land Acquisition Act, 1894, and the purpose for which the land is utilised giving details under the following heads :-

- (a) for purpose of buildings;
- (b) for office ;
- (c) for godown ;
- (d) for other ancillary purposes ;
- (e) for road or railway siding ;
- (f) for open space ;
- (g) for expansion needs ;
- (h) for housing ;
- (i) for effluent discharge ;
- (j) for any other purpose.

(3) Where the application is made for notifying land to be acquired by the industrial undertaking, the application shall [in addition to the particulars specified in sub-rule (2)], contain the following particulars, that is to say, -

- (a) the details of land intended to be acquired by the undertaking the manner in which it will be acquired and the purpose for which the land will be utilised giving details as contained in clause (iii) of sub-rule (2);
- (b) if the need for land has arisen due to shifting of the undertaking from the City of Bombay, the relevant particulars of the existing undertaking and its location;
- (c) if the applicant industrial undertaking is an undertaking to which the Industrial (Development and Regulation) Act, 1951, applies, then -
 - (i) a true copy of any licence issued by the Central Government to the undertaking under the said Act; or

(ii) where a licence has not been issued and the application is pending a true copy of the application made by the undertaking to the Central Government together with a true copy of the letter of the Central Government conveying preliminary approval to the scheme :

(d) if the applicant industrial undertaking is an undertaking to which the Industrial (Development and Regulation) Act, 1951, does not apply, then, the details of the progress made in the execution of the proposed scheme, that is to say, procurement of machinery, raw materials and the like ;

(e) if the area to be acquired is within the limits of any Municipality, whether the Municipality has given necessary building permission

(f) If the land is being acquired otherwise than under the Land Acquisition Act, 1894, the name and address of the person from whom the land is to be acquired,

(4) The application shall be accompanied by layout plants showing clearly the area presently occupied, the existing structures thereon, and the buildings proposed to be erected by the undertaking

.

(5) The Collector shall forward the application to the State Government along with his remarks.

(6) The State Government on being satisfied, after making such inquiry as it deems fit, that the land held or to be acquired by the industrial undertaking is for bona fide industrial or other non-agricultural use, may notify the land in the Official Gazette.

18. Manner of publicity of order under section 47 (2) :-

The State Government shall publish an order made by it under the proviso to sub-section (2) of section 47 in the Official Gazette and send a copy thereof to the industrial undertaking holding or acquiring land in respect of which the said order is issued.