

## **MAHARASHTRA LAND REVENUE (BOUNDARIES AND BOUNDARY MARKS) RULES, 1969**

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## **MAHARASHTRA LAND REVENUE (BOUNDARIES AND BOUNDARY MARKS) RULES, 1969**

In exercise of the powers conferred by clause (xlili), (xlv), (xlv), (xlvi) and (lxiii) of sub-section (2) of Section 328 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and in supersession of all previous rules made in this behalf and continued in force by virtue of third proviso to Section 336 of the said Code, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (1), of Section 329 of the said Code, namely

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

These rules may be called the Maharashtra Land Revenue (Boundaries and Boundary Marks) Rules, 1969.

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

In these rules ,-

- (a) "Code" means the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966);
- (b) "Director" means a Director of Land Records;
- (c) "District Inspector" means the District Inspector of Land Records;
- (d) "Form" means a form appended to these rules;
- (e) "Section" means a Section of the Code;
- (f) "Superintendent" means the Superintendent of Land Records.

### **3. Authorised boundary marks and survey marks :-**

The following boundary marks and survey marks are authorised:-

#### **(A) Boundary Marks - Continuous Marks:**

- (1) A boundary strip,
- (2) Dhuras, Sarbandhas or hedges and other permanent continuous structures such as walls.
- (3) Roughly dressed long stones,
- (4) Pillars of cut stone, or masonry pillars of cement, mortar or burnt brick in cement or mortar embedded in the ground with the foundations stepped down,
- (5) Prismatic, rectangular or conical earthen mounds or cairns (buruz) of loose stones,
- (6) Any other marks found suitable for special localities which may be sanctioned by the Director such as teak posts in the marine marshes on the Konkan coasts:

Provided that, the Collector may permit the holders of land to substitute for one kind of mark any other authorised mark within such limits as the Director by any general or special order define in that behalf.

#### **(B) Survey Marks -**

- (1) Roughly dressed traverse stones of such size as may from time to time be prescribed by the Director with a cross cut on the head.
- (2) Any other survey mark that may be prescribed by the Director to suit the requirement of any area specified by him in this behalf.

#### **4. Maintenance of continuous boundary marks :-**

The boundary strips, dhuras, or ridges shall not be ploughed up or otherwise injured by cultivation; they shall also be kept free from tree growth, any young plants being destroyed at inspection time. The minimum width and height of boundary strips and of dhuras or sarbandhas shall be as follows, namely:- Boundary strip:- In dry crop lands, 0.46 metre wide and 0.61 metre high. In rice and garden lands 0.23 metre wide and 0.61 metre high. Dhuras or Sarbandhas:- 1.22 metres wide and 0.61 metre high:

Provided that,-

(i) where the boundaries of such lands are well defined by banks, hedges or the like, the actual width of the strip covered by such bank, hedges or the like shall be sufficient for the purpose of this rule.

(ii) where the boundary of a survey number also forms the boundary of any adjoining State, the minimum width prescribed above shall be maintained for the portion of the boundary strip on the side of this State; and

(iii) where village boundaries have been defined at the time of survey by double lines of boundary marks, the whole of the intermediate strip shall be maintained as a boundary strip.

#### **5. Maintenance of discontinuous marks :-**

(1) Where the length of the boundary between the corners of a survey number is less than 252.46 metres no discontinuous mark should be raised in the interval, but in case there are bends, a stone should be fixed at each bend.

(2) Where the line of boundary between the corners of a survey number is more than 252.46 metres and less than 504.92 metres in length, one discontinuous mark should be raised midway between the corners, and stones should be fixed at all intermediate bends if any. It is not, however, necessary to place the intermediate mark exactly half way between the corners.

(3) Where a line of boundary between the corners of a survey number is more than 504.92 metres in length an intermediate mark should be raised at every 201.71 metres interval.

#### **6. Demarcation of road passing through survey number :-**

Where a car-track or foot-path or a road for laden animal passes

through a survey number, stones of such size as may be prescribed by the Director shall be fixed on the common boundary at points where such a foot-path or road enters and leaves a survey number; such stones shall be fixed on both sides of the common boundary of survey numbers traversed by such roads.

#### **7. Village road boundaries :-**

In the case of road, the boundary between the land held by a person and the village road adjoining terms and conditions shall be demarcated by fixing stones or planting trees, irrespective of the fact whether the road passes through any survey number or not. Fixing of stones or planting of trees should be done within the area of the private land adjoining such road. Every stone to be fixed shall be 0.15 metre square and 0.76 metre in length of which at least 0.61 metre shall be sunk in the ground.

#### **8. System of single boundary marks when to be introduced :-**

In villages where not less than half the number of holders of land therein desire it, a system of single boundary marks may be introduced, in place of those specified in Rules 3 to 5. Such single boundary marks may be of the following description:-

(1) Stones not less than 0.91 metre long and 0.18 metre square embedded in rubble and mortar with not more than 0.30 metre above the ground level.

(2) Masonry pillars of cement, mortar or burnt brick in cement mortar 0.30 metre square and 0.91 metre high of which 0.61 metre should be embedded in the ground with the foundations stepped down.

(3) Of such other description as may be approved from time to time by the State Government. One such boundary mark shall be fixed at each corner of a survey number and at each bend and in the middle of each boundary exceeding 252.46 metres in length.

#### **9. Cost of staff, materials and labour to be recovered from holder :-**

In order to cover the cost of any staff employed for determining the position of single boundary marks, fee not exceeding the following scale may, if the Collector so directs, be recovered from the holder of each survey number, in addition to the cost of materials and labour- Survey numbers on which the land revenue assessed is less than Rs. 10- Rs. 2. Survey numbers on which the land revenue

assessed is Rs. 10 or more - Rs. 4

Provided that, in cases of survey numbers, which have been already divided into sub-divisions, the fees and cost levied under this rule shall be distributed amongst the holders of sub-divisions in proportion to land assessed on each sub-division.

**10. Determination of responsibility for maintenance of boundary marks :-**

(1) The responsibility of the several land holders for maintenance boundary marks on a common boundary lies on the holder of the survey number which is numerically lowest:

Provided that, the Collector may declare two or more holders jointly responsible for the maintenance of boundary marks or make distribution as appears equitable or may recognise the existing customary distribution. His decision shall be recorded in the survey papers.

Provided further that, where any survey number is unoccupied or assigned for public or Government purpose, the responsibility for repair of the marks on its periphery shall lie on the landholder on the other side of the boundary except that where the marks in disrepair lie between survey numbers each of which has no holder except the State Government, repairs shall be made at Government expenses, and in such case the village Kotwals shall be responsible for their maintenance.

(2) Within each survey number, the holders of each sub-division are responsible for the marks, if any have been prescribed, on the periphery of that sub-division to the same extent as the holder or holders of survey numbers are responsible under sub-rule (1).

(3) A mark which is on the common boundary of two or more villages shall be repaired by the holders of the land in the village which is under restoration when the marks found out of repair.

**11. What boundary marks to be considered out of repair and how to be repaired :-**

The following boundary marks shall be considered out of repair, and shall be repaired in the manner prescribed for each kind, as follows, namely:-

(1) A continuous mark (strip, sarbandh, dhura, hedge or any like mark) if it deviates more than 0.91 metre from the true straight

line of the boundary. A boundary strip of less width than that prescribed in Rule 4. Mode of Repairs : Either the deviation shall be rectified or the continuous mark not being a boundary strip must be replaced or supplemented by discontinuous marks. The boundary strip shall be made 0.46 metre or 0.23 metre wide and 0.61 metre high throughout.

(2) Any conical mound or cairn less than 0.76 metre in height and 1.83 metres in diameter at the base. Mode of Repair : It shall be raised to 0.91 metre in height and 1.83 metres in width at the base.

(3) Any rectangular mound less than 0.61 metre high or less than 1.52 long and 1.22 metres wide at the base. Mode of Repair : The mound shall be raised to full dimensions, that is 0.76 metre high, 1.83 metres long and 1.52 metres wide at the base.

(4) Any mound, conical or rectangular, within 1.22 metres of which earth has been dug for repairs, and such excavation has affected the stability of the mark or allows water to lodge. Mode of Repairs: The excavation shall be filled up.

(5) Any pillar (i) less than 0.30 metre square or 0.69 metre in depth (ii) broken down, or (iii) rising less than 0.10 metre or more than 0.23 metre inches clear above the adjacent ground level. Mode of Repairs: (i) Replace by one of proper dimensions, (ii) rebuild, (iii) raise the pillar or clear away or make up the group.

(6) Any stone less than 0.61 metre long and 0.15 metre thick. Mode of Repairs: A stone of proper size shall be substituted.

(7) Any stone out of the ground or buried less than two-thirds of its length and loose. Mode of Repairs: The stone shall be replaced or fixed firmly.

(8) Any mark considerable out of proper position or so repaired or erected as to indicate a materially incorrect line of boundary. Mode of Repairs: The mark shall be correctly placed.

(9) Any mark overgrown or surrounded by vegetation of any kind so as not to be easily visible. Mode of Repairs: The vegetation shall be cleared away, until the mark is easily visible.

(10) Any sarbandh, dhura or continuous embankment less than 0.61 metre high and 1.22 metre wide at the bottom. Mode of Repairs: The sarbandh shall be made full 0.61 metre high and 1.22

metre wide at the bottom throughout, unless the occupant prefers the substitution by authorised discontinuous marks.

(11) Any hedge or other continuous mark which by reason of want of continuity or disrepair fails to define the boundary. Mode of Repairs: The necessary renewals shall be made or other authorised marks substituted.

(12) Any boundary strip or ridge which has been ploughed up or otherwise obliterated, or the dimensions of which are less than those prescribed by Rule 4. Mode of Repairs: The landholder shall be ordered to restore the strip or ridge within a prescribed period by leaving it unploughed and undisturbed, and on his failure to comply, he may be punished with fine not exceeding one thousand rupees as the Collector may, after giving such person an opportunity to be heard, deem fit to impose.

(13) Missing Marks. Mode of Repairs: New marks shall be erected;

Provided that, in any case, where a boundary mark cannot, owing to flooding of a nala, or river, the breaking away of the bank or other causes be kept in repair, another kind of authorised mark may be substituted. Where even that is impracticable, the direction of the boundary shall be fixed by a pair of discontinuous marks erected at an adequate distance back from the abandoned position, either both on the same side, or one on each opposite side thereof.

## **12. What survey marks to be considered out of repair and how to be repaired :-**

The following survey marks shall be considered to be out of repair and shall be repaired in the manner prescribed for each kind as follows:-

(1) Any stone less than such size as may from time to time be prescribed by the Director with a cross-cut on the head. Mode of Repairs: A stone of proper size shall be substituted.

(2) Any stone out of the ground or displaced from its correct position or buried less than two-thirds of its length and loose. Mode of Repairs: The stone shall be replaced or fixed firmly at its correct place.

## **13. Demarcation of boundary marks on application :-**

(1) If the holder of, or any person interested in, a survey number or a sub-division, wishes to have it demarcated and boundary

marks constructed thereon, he may apply in writing to the Collector.

(2) The application shall be accompanied by fees according to the scale prescribed from time to time in that behalf by the Director.

(3) On receipt of the application, the Collector shall cause the survey number or sub-division to be measured by the District Inspector, and get the boundary marks fixed thereon in accordance with the provisions of these rules, on the basis of measurements noted in the land record.

(4) The cost of material and labour incurred for fixation of boundary marks shall be paid by the holder of the survey number or subdivisions.

**14. Survey officers to furnish details of boundary marks to Collector :-**

On the introduction of a survey settlement or survey for the record of rights or of final town planning scheme or improvement scheme or a scheme for the consolidation of holding under the provision of the Code or of any law for the time being in force in the State, the Superintendent shall furnish to the Collector a map, scheme and statements showing the position and description of the boundary marks erected or laid down by or under the orders of the Director. It shall be the duty of the Superintendent to amend these maps in accordance with any subsequent alteration of boundaries in a revision survey or any other authorised occasion.

**15. Plan for straightening crooked boundaries :-**

(1) A copy of the plan prepared by the District Inspector for the purpose of straightening or regularising the boundary under Section 137 shall be published in the village by the District Inspector at the chavdi or other prominent place in each village in Marathi and in the office of the District Inspector. It shall also be proclaimed in the village by beat of drums that a plan for straightening or regularising the boundaries is prepared and published and that objections, if any, should be submitted to the District Inspector within 15 days from the date of publication of the plan and its proclamation. An individual notice will also be served on the person interested as ascertained from the Record of Rights.

(2) In revision the boundaries, the District Inspector shall take into consideration the natural line of the land on both the sides of the



boundary line and the proportionate benefit that may accrue in the interest of better cultivation and the reduction in the number of boundary marks by the proposed regulation of straightening of boundaries.

(3)

(a) The village committee to be constituted under sub-section (i) of clause (a) of sub-section (4) of Section 137 shall consist of, if the number of persons who suffer loss of land on account of the revision of boundary under sub-section (2) of Section 137 including the applicant (hereinafter referred to as "the persons interested") ,-

(i) does not exceed ten, three numbers;

(ii) exceeds ten but does not exceed twenty five members;

(iii) in any other case, seven members.

(b) No person shall be eligible to be elected on the committee unless such person is ordinarily residing in the village where the field or holding whose boundary is being revised is situated, and his name appears in the electoral roll of the Maharashtra Legislative Assembly prepared under the provisions of the Representation of the Peoples Act, 1950 and in force on the date of the election for such part of the constituency of the Assembly as included in such village.

(c) Not later than seven days before the date on which an election is to be held, at a meeting of persons interested held in this behalf the District Inspector shall issue a notice to the persons interested in Form 'A'.

(d) Not less than two hours before the time fixed for the meeting for the election of members of the village committee, the persons interested nominate any person who is eligible for being elected as a member of the village committee by delivering to the District Inspector a nomination paper duly completed in Form 'B' No person interested shall nominate more persons than the number of persons to be elected for constituting the village committee.

(e) After the commencement of the meeting, the District Inspector shall scrutinize all nomination papers delivered to him under sub-rule (d) and read out to the meeting the names of persons who in his opinion have been duly nominated together with those of their proposers.

(f) Where the number of candidates duly nominated is equal to the number of persons to be elected, the District Inspector shall forthwith declare all such candidate to be duly elected to the village committee.

(g) Where the number of validly nominated candidates exceeds the number of persons to be elected, the District Inspector shall declare the candidates who stand among the first three, five, or as the case may be, seven candidates according to the number of valid votes obtained by them to have been duly elected. When an equality of valid votes is found to exist between any two or more candidates and the addition of one vote will entitle any of them to be declared elected, the determination of the candidate to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the District Inspector in such manner as he may determine.

(h) The District Inspector shall, for the purpose of holding the election under the preceding sub-clause cause the ballot paper to be prepared in the following form:-

BALLOT PAPER		Village Committee of _____ Village in _____ Taluka _____ District _____		Serial
Names of candidates	No. validly nominated	1.	2.	3.
4.	Signature of District Inspector	Ballot paper shall be duly signed by the District Inspector and shall be handed over to the persons interested.		

(i) Each person interested shall be entitled to cast such number of votes as is equivalent to the number of candidates to be elected. The person interested shall record his vote by marking the cross (X) against the name of the candidate for whom he wishes to vote, fold the ballot paper so as to conceal his vote and insert the folded ballot paper into the box with a slit kept for the purpose at the place of the meeting. The ballot paper shall not be signed by the voter nor be marked by him in any other way that would reveal his identity.

(j) A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be inconveniently used as a ballot paper may on returning it to the District Inspector and on satisfying him on the inadvertance obtained another ballot paper and the ballot paper so returned shall be marked "spoiled canceled" by the District Inspector. All such cancelled ballot papers shall be kept in a separate packet.

(k) The decision of the District Inspector on any matter connected

with the election shall, subject to an appeal to the Superintendent of Land Records to be made within seven days from the date of the election be final.

(4) The District Inspector shall select one of the members of the village committee to be the Chairman of the Committee. The village committee shall meet as and when required by the District Inspector and shall decide the amount of compensation payable by and recoverable from each person by a majority of votes of the members present and voting, the Chairman shall have a casting vote in case of equality of votes. The quorum for a meeting shall be three.

(5) Where the persons concerned failed to elect the representatives, the District Inspector shall, after recording the reasons in writing, nominate the representatives to the village committee.

(6) The committee shall stand dissolved after the amount of compensation payable is determined by the Committee.

**16. Programme for repairs of boundary marks and survey marks :-**

(1) A quinquennial programme for the repairs of the boundary marks and survey marks shall be fixed sufficiently in advance by the Collector, who shall send copies of the programme to the Director. In selecting the villages for the programme, the Collector shall select them by Circles so that each Circle Inspector will have 8 to 10 villages or such number as the Collector may determine in his charge for this work, every year.

(2) In villages where boundary marks are due for repairs in accordance with the programme fixed under sub-rule (1), a general notice shall be given by the Tahsildar not later than 1st November, stating that the boundary marks and survey marks are due for repairs, intimating what the authorised marks are and asking the holders to take necessary steps to complete the repairs by 30th November next following. This date shall apply both to the Khariff and Rabi villages. The notice shall be pasted in the chavdi and published by beat of drum.

(3) Between 1st December to 31st December, the Circle Inspector accompanied by the Talathi and as many holders as possible, shall jointly inspect every boundary or survey mark in each survey

number in the village and shall prepare a list of defective or missing marks. The Talathi shall thereafter issue individual notices to the holders concerned in Form 'C', requiring them to carry out the repairs within a period of one month from the date of notice, failing which the repairs would be carried out by Government at the cost of the holders.

(4) After 31st December, the Talathi shall proceed to check about the repairs to the marks actually carried out by the holders as required by the notice under sub-rule (3); and shall strike off from the list of defective and missing marks, all the marks which are duly repaired or constructed. Not later than 1st February, the Talathi shall submit to the Circle Inspector an amended list of marks which are still to be repaired or constructed, and simultaneously give a notice to the holders of survey numbers of subdivisions included in the amended list asking them to select a contractor to repair or reconstruct the marks within ten days of the notice. If a contractor is selected, the Talathi shall get the work completed before the 31st March next following.

(5) If no contractor is selected by the holders, the Talathi shall send a report to the Tahsildar through the Circle Inspector before the 15th February for taking requisite orders. On receipt of such a report, the Tahsildar may, after such enquiry as he may consider necessary, order the Talathi to have the marks repaired or constructed either by hired labour or through a contractor to be appointed by the Tahsildar so as to complete the work before 31 st March and recover the cost from the holders concerned.