

MAHARASHTRA LAND REVENUE (PARTITION OF HOLDINGS) RULES, 1967

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MAHARASHTRA LAND REVENUE (PARTITION OF HOLDINGS) RULES, 1967

In exercise of the powers conferred by clause (xxx) of sub-section (2) of Section 28 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 Partition Of Holdings) Rules, 1967.

2. Application for partition :-

(1) An application by a co-holder for partition of his share in a holding under sub-section (1) of Section 85 shall contain the following particulars :-

(a) the area of each field constituting the holding and its survey number and Hissa number recorded in the record of rights.;

(b) the tenure of the holding, whether/alienated or unalienated, and in case of an unalienated holding, whether held as occupant

Class I, Class II or Government lessee;

(c) the land revenue of holding;

(d) the names and addresses of the co-holders and the extent of their shares.

(2) The application shall be accompanied by a copy of entries in the record of rights.

3. Issue of notice and proclamation :-

(1) On receipt of the application, the Collector shall hear the applicant in person on any day of which due notice shall be given to the applicant or on any day to which hearing may be adjourned; and if after hearing the applicant, it appears to him that the case does not fall under Rule 10, he shall cause to be served in accordance with the provisions of Section 230, a notice in Form 'A' appended to these rules on all the other co-holders requiring them to appear before him and state their objections if any, on a day to be specified in the notice which shall not be, less than thirty or more than sixty days from ¹ [the date of the receipt of the notice by each such co-holder

(2) The Collector shall also cause proclamation in Form 'B' appended to these rules, to be published. A copy of such proclamation shall be posted at the headquarters of the Taluka, and in the village in which the holding is situated; and if necessary, to the Co-operative Bank or the Land Development Bank or both operating within the area in which the holding is situated.

1. Substituted by G.N. of 10-1-1969.

4. Power of Collector to reject application for partition :-

If after hearing the applicant the co-holders and any other persons who appear, the Collector is of opinion that the applicant has no interest in the holding in respect of which the application is made, or the applicant's title to the holding is deputed he shall reject the application, and where the applicant's title to the holding is disputed, direct the applicant to get the question of his title thereto decided by a Civil Court

5. Mode of effecting partition :-

If the Collector does not reject the application, he shall proceed to effect the partition either personally or through such agency as he may appoint. So far as practicable, whole survey numbers or

subdivision of survey numbers shall be allotted and recourse to further division as far as possible, be allotted to each party and care should be taken to ensure that the productivity of the area allotted to each party is in proportion to his share in the holding.

6. Apportionment of assessment :-

The assessment of the holding shall be distributed in proportion to the shares held, in the holding by the co-holders, so however that when the total assessment of all the sub-divisions of any survey number in such holding falls short of, or exceeds, the whole assessment of that survey number, the difference shall be equitably distributed over the sub-divisions by addition or deduction in the assessment so as to make the total equal to the assessment of the patent survey number.

7. Procedure before confirmation of partition :-

After the partition has been completed, the Collector shall hear any objections which the parties may make, and shall either amend or confirm the partition. The partition shall take effect from the commencement of the agricultural year next following the date of such amendment or confirmation of the partition.

8. Recovery of expenses of partition :-

Expenses of partition shall be recoverable by the Collector from the parties in the manner provided in sub-section(5) of Section 58.

9. Partition under decree of Civil Court :-

When any holding is ordered to be partitioned under decree or order of a Civil Court, the provisions of Rules 5, 6 and 7 shall apply in relation to partition of a holding on the application of a co-holder.

10. Saving :-

No holding shall be partitioned under the provisions of these rules, if such partition results in creating a holding less in extent than the standard area determined by the State Government under the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.