
Maharashtra Land Revenue Record Of Rights And Registers (Preparation And Maintenance) Rules, 1971

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Maharashtra Land Revenue Record Of Rights And Registers (Preparation And Maintenance) Rules, 1971

1. Short Title :-

These rules may be called The Maharashtra Land Revenue Record of Rights and Registers (Preparation and Maintenance) Rule 1971

2. Definitions :-

(1) In these rules, unless the context otherwise requires-

(a) "certifying officer" means a revenue or survey officer competent to certify entries in the register of mutation under sub section (6) of Section 150;

(b) "Code" means The Maharashtra Land Revenue Code, 1966;

(c) "Form "means a Form appended to these rules;

(d) "Section" means section of the code.

(2) Words and expressions used in the Code and not defined in these rules shall have the meaning respectively assigned to them under the Code.

Form of record of rights in areas other than those surveyed under Section 126

3. Form Of Record Of Rights :-

In areas other than those surveyed under Section 126, a record of rights shall be prepared and maintained in the form of a separate card in Form I for each survey number or, as the case may be, subdivision of survey number.

Procedure for preparation of the first record of rights in areas other than those surveyed under Section 126.

4. Issue Of Notice :-

(1) Where no record of rights] exists in respect of lands in any village and it is to be prepared for the first time, the Talathi of that village shall issue a public notice in Form II calling upon all persons who have any interest in the lands in such village, furnish to him either in writing or orally, information on all or any of the following points within thirty days from the date of the public notice, namely:-

(i) the survey number and subdivision number, if any, of the land in which he has any interest as holder, occupant, owner, tenant, landlord, mortgagee, government lessee, assignee of rent or

revenue or in any other manner;

(ii) the nature of interest in the land, that is to say, whether the land is held as holder, occupant, owner, tenant, landlord, mortgagor, mortgagee, or *[assignee] or in any other manner;

(iii) the tenure on which the land is held, that is to say, whether the land is alienated or un-alienated, and *[in case of unalienated land], whether held as Occupant Class I, Occupant- ClassII, or as government lessee;

(iv) the encumbrances or charge, if any, on the land, and the name of the holder of such encumbrances or charge.

(2) The notice under sub-rule (1) shall be published in the village by beat of drum and by affixing copies thereof in the office of the Panchayat of the village and in the Chavadi.

5. Preparation Of Rough Copy Of First Record Of Rights :-

1) The Talathi shall, on the basis of the information received under Rule 4, or such information as he may collect by making local inquiry, prepare a rough copy of the record of rights, in Form I.

2) If from the information received under Rule 4 or collected by making local inquiry, it appears to the Talathi that there are conflicting claims in respect of any entry proposed to be made in the rough copy, the Talathi shall leave such entry blank and shall record the particulars of conflicting claims in the register of disputed cases, which shall be maintained in Form III.

3) The rough copy of the record of rights, prepared under Sub-rule (1) shall, after being checked by the Circle Inspector or a survey officer not below the rank of a Circle Inspector, be published by issuing a notice in Form IV, in the manner provided in Sub-Rule (2) of Rule 4 for inviting objection, if any, to the particulars, entered in the rough copy.

4) If any objection to any particulars entered in the rough copy of the record of rights is received, the Talathi shall record it in a register of disputed cases, and shall serve, individual notices in Form V, on all persons like to be affected by, or interested in, the objection and inform them by such notice of the nature of the objection and call upon them to be present at the place, on the date and at the time fixed for hearing the objection and for taking decision in respect thereof. Similar notices shall also be served on all persons likely to be interested in the disputes entered in the register of disputed cases under Sub-Rule (2)

5) On the date, at the place and the time fixed for having the

objections, any revenue or survey officer not below the rank of an Aval Karkun shall read a loud in the presence of the persons assembled, all the particulars entered in the rough copy of the record of rights for the village. He shall then inform them of the lands in respect of which objections and disputes have been raised, and ask them, whether they admit the entries in respect of the remaining lands. If they admit such entries, the revenue or survey officer aforesaid, shall record a remark to the effect against such entries in the rough copy. If in respect of any entry, any error is pointed out by any person, and the error is not disputed by anybody else, the entry shall be corrected, and a remark to that effect shall be recorded in the rough copy of the record of rights.

6) After following the procedure laid down in sub-rule(5) and after verifying whether notices were duly served by the Talathi as required by sub-rule(4), the said officer shall proceed to decide objections recorded in the register of disputed cases, and record therein his decision in respect of each objection, and shall announce his decision to the persons assembled. Where the said officer finds that notices were not duly served by the Talathi as required by sub-rule (4), he shall postpone his decision, till the procedure laid down in that sub-rule and in sub-rule(5), is followed.

7) After the decisions are taken by the revenue or survey officer Under sub-rule (6), the Talathi shall correct the entries or, as the case may be, fill in the blank entries in the rough copy of the record of fights in red ink according to the said decisions, and shall also prepare a fair copy of the record of rights as so corrected.

8) The fair copy of the record of rights prepared under sub-rule(7) shall be published by issuing a notice in Form VI in the manner provided in sub-rule(2) of Rule 4 for inviting objections, if any, to the particulars entered in the fair copy.

9) If any objection to any particulars entered in the fair copy of the record of rights is received from any person, the Talathi shall acknowledge the receipt thereof, and shall serve notices on all other persons likely to be affected by, or interested in, the objection informing them of the nature of the objection and calling upon them to be present at the place and on the date and at the time fixed for hearing the objection and taking decision in respect thereof.

10) On the date, at the place and time fixed for hearing the objections, any revenue or survey officer not below the rank of a Deputy Collector shall consider the objection received by the Talathi, and shall take decision thereon after hearing the persons

affected by, or interested in, the objection. After the decision is taken, the said Officer shall get the entries in the fair copy of the record of rights corrected in red ink in accordance with the decision taken by him, and authenticate such corrections by his, signature and date in the presence of any revenue or survey officer. When any clerical errors are brought to the notice of the said officer, he shall rectify such errors in a like manner.

11) After the fair copy of the record of rights is corrected as aforesaid, such revenue or survey officer shall cause such portion thereof as the persons present may desire to be read out in their presence, and after carrying out in the manner provided for in sub rule (10), such correction as he may deem *[necessary], shall put his signature and date on the fair copy of the record of rights in the presence of any revenue or survey officer and add at the end of the copy a certificate that it has been duly approved and promulgated. Preparation of new record of rights in place of existing record of rights in areas other than those surveyed under Section 126

6. Preparation Of New Records Of Rights :-

1) Where a record of rights prepared before the commencement of these rules (hereafter referred to as "the existing records of rights") in respect of lands in any village in areas other than those surveyed under Section 126, is not in accordance with form I, the Talathi shall cause the existing record of rights to be replaced by a new record of rights in Form I by transferring from the existing record of rights to the new record of rights, the entries in respect of each survey number and sub-division of a survey number. The new record of rights so prepared shall be checked by the Circle Inspector.

2) The Talathi shall, then publish, in the manner provided in sub-rule(2) of Rule 4, a notice informing all persons interested in the lands in the village that the existing record of rights and the new record of rights are kept open for inspection on the dates and times and at a place (being a place convenient to the villagers) to be specified in the notice, and that the new record of rights will be promulgated by a revenue or survey officer not below the rank of a Tahsildar on the date and time to be specified in the notice, and calling upon them to be present on the occasion.

3) On the appointed date, time and place, the officer concerned shall check the entries in the new record of rights with the corresponding entries in the existing record of rights and correct

the entries, where necessary. He shall then proclaim to the people assembled that with effect from the said date, the new record of rights in Form I shall be the record of rights of the village.

4) If a record of rights in Form I is prepared by any Consolidation Officer in respect of any *[holding] under Section 24 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 that record of rights shall be deemed to be new record of rights prepared under these rules for that holding.

7. Rewriting Of Record Of Rights :-

1) The record of rights shall ordinarily be rewritten after a period of ten years. The sub-Divisional Officer may direct the record of rights to be rewritten at the end of a shorter period if he considers that in view of the number of entries made in the record of rights in respect of a large number of survey numbers or sub-divisions of survey numbers in the village, it will be difficult for the Talathi to make any further entries therein.

2) When the record of rights is to be rewritten, the Talathi shall transfer the entries in the record of rights as they stand up to date to fresh copies of record of rights in Form I. The record of rights so prepared shall be checked by the Circle Inspector.

3) After the record of rights is so prepared the provision of sub-rules (2) and (3) of Rule 6 shall mutatis mutandis apply.

Maintenance of record of rights and register of mutations in areas other than those surveyed under Section 126

8. Responsibility For Maintenance Of Record Of Rights And Register Of Mutations :-

In areas other than those surveyed under Section 126 the Tahsildar shall be responsible for the up to date maintenance of the record of rights and of the register of mutations in all villages within his jurisdiction, and for that purpose, for the timely and systematic compliance of the provisions hereinafter appearing.

9. Form Of Acknowledgement Of Report Under Section 149 :-

The acknowledgement of the receipt of the report made by any person under Section 149 shall be made in Form VII.

10. Form Of Register Of Mutations :-

A register of mutations shall be in Form VIII

11. Talathi To Make Entries In Register Of Mutations :-

As soon as an intimation regarding registration of documents referred to in Section 154 is received by a Talathi, he shall make separate entries in the register of mutations in respect of the mutation effected by each of the said documents.

12. Recording Mutations In Certain Cases :-

Where rights in any land are acquired as a result of transfer of such land, and such transfer is required for the previous permission of the Collector, the Talathi shall require the person making the report to him under Section 149 to produce before him such permission or such evidence of the order by which such permission or evidence is produced, the Talathi shall record this fact at the end of the entry in column 2 of the mutation register. If the permission is obtained but not produced, or such permission is not at all obtained, the Talathi shall record this fact also as aforesaid.

13. Pencil Indications In Record Of Rights :-

Whenever an entry is made in the register of mutations under sub-section(1) of Section 150 in relation to any land, the Talathi shall indicate, in pencil the number of that mutation entry against the entry relating to that land appearing in the record of rights with the remark that the mutation entry has not been duly certified.

14. Form Of Intimation To Be Given Under Section 150 :-

The Intimation which a Talathi is required to give under sub-section (2) of Section 150 shall be in Form IX.

15. Form Of Acknowledgement For Objections :-

The acknowledgement for objections received in respect of entries made under 1[sub-section (1)] of Section 150 shall be given in Form X.

16. Form Of Register Of Disputed Cases :-

The register of disputed cases referred to in sub-section (3) of Section 150 shall be maintained in Form III

17. Procedure To Be Followed For Certifying Entries In Register Of Mutations And Deciding Disputes :-

1) Before proceeding to decide disputes entered in the register of disputed cases as provided in sub-section(4) of Section 150 and certifying the entries in the register of mutations, the certifying officer shall inform the Talathi to that effect in Form XI. On receipt of such information, and at least fifteen days before the date fixed for deciding disputes entered in the register of disputed cases, and for certifying entries made in the register of mutations, the Talathi shall issue notices in Form XII to all persons likely to be interested in such disputes or entries and call upon them to be present at the place 2[along with their Khate Pustikas] on the date and at the time fixed for deciding disputes and for certifying entries.

2) On the date and at the place and time fixed for deciding disputes, the certifying officer shall read out the mutation entries which are undisputed in the presence of the persons present.

If the correctness of such entries is admitted by all the persons present the certifying officer shall record such admission in the register of mutations, and add an endorsement under his signature that the entries have been duly certified.

If any error in respect of any entry entered in the register of mutations is noticed by the certifying officer, and such error is admitted by the persons interested in the entry who may be present, the certifying officer may correct that entry and certify the corrected entry as aforesaid.

The certifying officer shall then hold a summary enquiry and decide each dispute entered in the register of disputed cases on the basis of possession, that is to say if a person actually holds possession under a claim of title, he shall be recorded as occupant class I, occupant class II or, as the case may be, government lessee in the register of disputed cases. If there is a doubt as to the actual possession, the person with the strongest title shall be so recorded. He shall also record in the register of mutations, the order passed by him in respect of the mutation entry disputed, and make an endorsement under his signature to the effect that the mutation entry as modified by his order is certified by him. The order shall contain the names of the parties and witnesses and a brief summary of the evidence produced by either side, together with his findings thereon.

18. Transfer Of Certified Entries From Register Of Mutations

To Record Of Rights :-

Immediately after an entry in the register of mutations is certified, under Rule 17, the Talathi shall record it in the record of rights, * [and simultaneously copy out the relevant entry in the Khate pustika also]

19. Supervision By Circle Inspector :-

It shall be the duty of a Circle Inspector to visit every village in his Circle and check whether the Talathi has prepared and maintained the mutation register in accordance with the provisions of the Code and these rules; and if it has not been so prepared or maintained, cause it to be so prepared and maintained.

Record of rights and register of mutations in areas surveyed under Section 126.

20. Form Of Record Of Rights And Register Of Mutations :-

In areas surveyed under Section 126, a record rights and register of mutations shall be prepared in the form of "Property Card" prescribed by Rule 7 of the Maharashtra Land Revenue (Village, Town and City Survey) Rules, 1969 and maintained as provided in Rules 21 to 28.

21. Responsibility For Maintenance Of Record Of Rights And Register Of Mutations :-

In areas surveyed under Section 126, the survey officer not below the rank of a District Inspector of Land Records shall be responsible for the up to date maintenance of record of rights and register of mutations in all surveyed cities, towns and villages within his jurisdiction.

22. Form Of Acknowledgement Of Report Under Section 149 :-

The acknowledgement of the receipt of the report made by any person under Section 149 shall be made in Form VII.

23. Entries In Register Of Mutations :-

The reports and intimations of acquisition or transfer received by the Talathi under sub-section (1) of Section 150 shall be entered

by him in the Property Card.

24. Notice Of Mutation :-

As soon as a mutation is entered in the Property Card under Rule 23, the Talathi shall post up a complete copy of the entry in the Village Chavdi or where there is no Chavdi in a conspicuous place in the Village, Town or City. He shall also simultaneously give notice in Form IX to all persons appearing from the Property Card to be interested in the mutation and to any other person whom he has reason to believe to be interested therein, requiring them to send their objections, if any, to the entry either orally or in writing within fifteen days from the date of receipt of such notice.

25. Form Of Acknowledgement For Objections And Of Register Of Disputed Cases :-

The acknowledgement for objections received in response to the notice given under Rule 24 shall be given in Form X and the register of disputed cases in which such objections should be entered shall be in Form III.

26. Disposal Of Disputes And Certification :-

The disputes entered in the register of disputed cases shall be decided and the mutations in the Property Card certified by a revenue or survey officer not below the rank of an Aval Karkun in the manner provided in Rule 17.

27. Transfer Of Existing Record Of Rights To Property Card :-

The existing record of rights referred to in Section 159 of such villages, towns and cities as may be specified by a revenue or survey officer not below the rank of the Collector in this behalf, shall be transferred to the Property Card in accordance with the provisions of the Code and these rules; and if it has not been so prepared or maintained, cause it to be so prepared and maintained.

28. Supervision :-

It shall be the duty of a Circle Inspector or a survey officer not below the rank of a Circle Inspector to check whether the Talathi has *[prepared] and maintained the mutations register in

accordance with the provisions of the Code and these rules; and if it has not been so prepared or maintained, cause it to be so prepared and maintained.

Register of crops, register of persons other than persons deemed to be in possession according to the record of rights and register of tenancies in areas other than those surveyed under Section 126.

29. Register Of Crops :-

A register of crops showing the crops grown in the land and the area in which they are grown shall be maintained in every village. It shall be in the form of a separate card in Form XIII in respect of each survey number or sub-division of a survey number and the contents thereof shall be incorporated at the end of Form I. Entries in the register shall be made every year in the manner provided in Rule 30.

30. Procedure Of Making Entries In Register Of Crops :-

1) Every year at any time, during the period when the crops grown in a village are standing in the fields and during such other period as may be directed by the Collector for different crops, Talathi shall, subject to the orders of the Collector in this behalf, visit the village for the purpose of inspection of the crops and making entries in the register of crops in Form XIII.

2) Subject to the provisions of sub-rule (1), the Talathi shall fix a date of his visit to the village for the purpose of that sub-rule at least seven days in advance and arrange to inform the villagers by beat of drum or by any other suitable method, about the date of his visit and its purpose and to call upon the villagers to be present in their fields 1[along with their khatē pustika] and witness the entries being made in the register of crops. He shall likewise give an intimation of his visit to the Sarpanch of the Village Panchayat, if any, and through him request the members of the Village Panchayat to accompany him during the crops inspection.

3) On the date fixed for his visit to the village, the Talathi shall visit every field in the village in the presence of the villagers, the members of the Village Panchayat and the Sarpanch, if any, as may be present there and make entries in the register of crops in respect of each survey number or sub-division of a survey number after actual inspection. He shall allow the persons interested in the Land to see the entries made by him in respect of each land. 2[He shall simultaneously copy out the relevant entries in Khatē Pustika

also]

4) As soon as may be practicable after the Talathi has made entries in the register of crops, any revenue or survey officer not below the rank of a Circle Inspector shall, for purpose of verification of the said entries, visit the village of which advance intimation as aforesaid shall be given to the villagers, and after due enquiry correct the entries which may be found to be incorrect. 2[He shall cause the Talathi to make resultant changes in the entries in the respective Khate Pustika also]

31. Register Of Persons In Possession Other Than The Persons Deemed To Be In Possession According To The Record Of Rights :-

1) During course of inspection of crops under Rule 30, the Talathi shall verify whether the person in actual possession of a survey number or sub-division of a survey number is the one whose name is recorded in the record of rights. If the Talathi finds that the person in actual possession is other than the persons who according to the entries in the record of rights is entitled to cultivate the land, he shall enter his name in the register of persons in possession other than the persons who should have been in possession of the land according to the record of rights. The register shall be in Form XIV. As soon as may be practicable after any entries are made in the register, the Talathi shall forward the relevant extract thereof to the Tahsildar for necessary action.

2) On receipt of the register in Form XIV, under sub-rule (1), the Tahsildar shall visit the village for making necessary enquiries about the possession of the land by the persons mentioned in the said register. He shall give prior intimation of the date and time of his visit to the Talathi and the Sarpanch of the village panchayat if any, at least seven days in advance. The Talathi shall arrange to inform all the interested persons of the Tahsildars visit and shall call upon them to remain present in the village Chavdi 1[along with their Khate Pustika] at the appointed date and time.

3) On the appointed date and time, the Tahsildar shall hear the persons interested and after holding further enquiry as he deems necessary decide the matter. 2[After the resultant entries are made in the record, he shall cause necessary entries to be made in the relevant Khate Pustika]

32. Register Of Tenancies :-

A register of tenancies shall be maintained by the Talathi in Form XV for each agricultural year separately. The entries therein shall be tested by the Circle Inspector when he examines the crops, and by other officers of higher rank. When any error is discovered by any of these inspecting officers, they may correct it and initial the corrected entry.

Provided that no entry shall be corrected unless the person affected by such entry is given an opportunity to be heard.

Miscellaneous provisions applicable to all areas

33. Provision Regarding Intimation To Be Given By Registering Officer :-

1) The intimation to be given to the Talathi and Tahsildar under Section 154 by a registering officer registering any document under the Indian Registration Act, 1908 shall be given in duplicate in Form XVI separately in respect of lands included in a village. Such intimation shall be given in the 1st week of each month in respect of documents registered in the preceding month.

2) On receipt of such intimation, the Talathi shall maintain the mutation entries effected in accordance with the intimation in column 13 of Form XVI and send a duplicate copy of such intimation to the Tahsildar.