
**MAHARASHTRA LAND REVENUE RESTORATION OF
OCCUPANCY (UNAUTHORISEDLY TRANSFERRED BY
OCCUPANTS BELONGING TO SCHEDULED TRIBES) RULES,
1969**

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In exercise of the powers conferred by clause (xiii) 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 the 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 subsection (1), of Section 329 of the said Code, namely

1. Short title :-

These Rules may be called the Maharashtra Land Revenue

Restoration Of Occupancy (Unauthorisedly Transferred By Occupants Belonging To Scheduled Tribes) Rules, 1969.

2. Application under Section 36 (3) 2[for restoration of lands transferred to members of Scheduled Tribes] and procedure for disposal thereof :-

Every application under sub-section (3) of Section 34 2[for restoration of lands transferred to a person belonging to a Scheduled Tribe in contravention of sub-section (2) of Section 36] shall be accompanied by an extract of the relevant entry from the record of rights, and the register of mutations in relation ,to the occupancy and a copy of the deed or document under which possession of the occupancy is alleged to have been transferred.

3. Service of notice :-

After receipt of the application, and after verifying from his records, if the Collector thinks there is reasonable ground for believing that the Collector's sanction was not taken for the transfer of which grounds he shall record in writing), the Collector shall cause notices in Form A to be served on the transferor (if he is not applicant) and on the transferee, calling upon them to show cause why the transfer should not be set aside and the notice shall specify the date for hearing the application.

4. Examination of parties :-

On the date fixed for hearing or any other date to which the hearing may be adjourned, the Collector may examine the parties, and after recording the statements of any witnesses whom they may produce, and making such enquiry as he may consider necessary, shall record a finding whether or not the transfer is made with the previous sanction of the Collector, as required by sub-section (2) of Section 36. If the finding is that the transfer is made with the previous sanction of the Collector, the application shall be rejected.

5. Power of Collector to enquire into application of transfer :-

(1) If the Collector records a finding that the transfer is made without the previous sanction of the Collector, he shall adjourn the proceedings for not less than six weeks, and cause to be served in Form B -

(a) on all persons who seem to him prima facie to have a right in the occupancy equal or prior to that of the applicant; and

(b) on persons to whom the transferor may appeal to be indebted for any dues which form a charge on the occupancy.

(2) The Collector shall at the same time cause a proclamation to be issued in Form C, and shall cause it to be published in the village in which the occupancy is cultivated.

(3) The Collector shall also at the same time direct the Tahsildar concerned to submit a statement of Government claim regarding arrears of land revenue, tagai and other dues which form a charge on the occupancy.

(4) No claim for being placed in possession of an account of any dues which form a charge on the occupancy shall be considered; unless it is put forward on or before the date specified in the notice and the proclamation issued under Rule 5.

6. Power of Collector to record findings and proceedings to be followed thereafter :-

(1) On the date fixed in the notice and proclamation issued under Rule 5 or any other date to which the proceedings may be adjourned the Collector shall consider the objections to the applicant's claim for being placed in possession of the occupancy, and record his findings thereon.

(2) If the finding is that the applicant or any other person is entitled to be placed in possession of the occupancy, the Collector shall prepare a statement in Form 'D' containing arrear of land revenue or any other dues constituting charge on the occupancy and hand it over to such applicant or person who shall make a statement in Form 'E' as to his acceptance of the liability for the same.

(3) If the applicant or such person agrees to pay the arrears of dues mentioned in Form 'D', the Collector shall issue an order for giving possession of the occupancy to him. If the applicant or such person does not agree to pay such arrears, the case shall be filed.

7. Copy of order under Rule 6 to be sent to Tahsildar :-

A copy of the order issued under Rule 6 shall be sent to the Tahsildar concerned who shall direct the Talathi of the village concerned to take necessary action for correcting entries in the record of rights of the village in accordance with such order.

8. Premium for re- classification of occupancy :-

Subject to the provisions of clause (c) of sub-section (1) of Section 29, the premium to be paid under sub-section (4) of Section 36 for re-classifying the occupant as occupant shares shall be 50 per cent, of the difference between the current market value of the occupancy and the occupancy price originally paid plus the value of improvements, if any made by the occupant.

SCHEDULE 1

SCHEDULE

SCHEDULE				
Occupancy	Survey No./ Plot No.	Area	Right	Revenue
1	2	3	4	5

SCHEDULE 2

SCHEDULE

SCHEDULE				
Occupancy No.	Survey No./ Plot No.	Area	Right	Revenue
1	2	3	4	5

SCHEDULE 3

SCHEDULE

SCHEDULE				
Occupancy No.	Survey No./ Plot No.	Area	Right	Revenue
1	2	3	4	5

SCHEDULE 4
SCHEDULE

SCHEDULE							
Name of village with settlement or number	Survey No./Plot No. of the Occupancy	Area	Land revenue payable in respect of the occupancy	Amount of arrears of land revenue	Amount of tagai under appropriate heads	Particulars of other debts charged on the occupancy	Total
1	2	3	4	5	6	7	8
			Rs. P.	Rs. P.	Rs. P.		