
MAHARASHTRA REALISATION OF LAND RULES, 1966

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MAHARASHTRA REALISATION OF LAND RULES, 1966

In exercise of the powers conferred by 1[clauses (liv), (lv), (lvi), (lvii), (lviii) and (lxiii)] of subsection (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 subsection (1), of Section 329 of the said Code, namely

1. Short title :-

These rules may be called Maharashtra Realisation of Land Rules, 1967.

2. Land revenue where and to whom to be paid :-

(1) All payments of land revenue shall be made to the Talathi of the village in which the land in respect of which such revenue is

due is situated:

Provided that, with the sanction of the Collector, such payment may, in special cases, be made into a Government treasury within the district to which the payment appertains:

Provided further that, where the Commissioner declares any village in a taluka to be a centre for the payment of land revenue in respect of such villages as the Collector specifies in this behalf, payment of the land revenue due in the villages so specified to the Talathis of those villages shall be made at the centre so declared.

(2) Any declaration made by the Collector under sub-rule (1) shall be made known by affixing a copy thereof, in the chavdi or some other public building in the villages concerned or in such other manner as the Collector may deem expedient.

3. Classification of vilalges for payment of land revenue :-

Every Collector shall, for purposes of recovery of land revenue, classify the villages in his district into two classes, that is to say - Class I: Khrif villages, Class II: Rabi villages.

4. Dates on which land revenue to be paid :-

Subject to the provisions of Section 170, land revenue payable in respect of lands shall be paid in one installment only, and the dates on which it shall be paid shall be the 15th January in Class I (Kharif) villages, and the 15th April in Class II (Rabi) villages:

Provided that, in any district or part thereof, where these dates are found unsuitable for payment of land revenue due upon agricultural land, the Collector, may, with the sanction of the Commissioner, fix such other dates as he may deem expedient, according to the circumstances of the season and of the villages concerned, and the character of the crops generally sown therein and thereupon the land revenue due upon non- agricultural land shall also be paid in such district or part thereof on the dates so fixed.

5. Form of notice of demand :-

(1) The notice of the demand to be issued under Section 178 shall be in Form 1.(2) Separate notices of demand shall issue against different defaulters.

6. Form of proclamation and written notice to be issued under Section 179 :-

The proclamation and written notice to be issued under Section 179

shall be in Form 2.

7. Only portion of occupancy etc. to be forfeited :-

Where an arrear of land revenue is due in respect of any occupancy or alienated holding, the Collector shall forfeit only such portion of such occupancy or holding as is, in his opinion, required to satisfy the demand on account of the arrear of land revenue.

8. Remission of arrears of land revenue in certain cases :-

Where any land forfeited for default in payment of land revenue is not disposed of in accordance with the provisions of Section 72, the arrear of land revenue payable by the defaulter shall ordinarily be remitted without having recourse to further compulsory process against him.

9. Form of warrant distraint of defaulters movable property and mode of making such distraint :-

(1) For distraining the defaulter's movable property under Section 180, the Collector shall issue a warrant of distraint in Form 3 to officer referred to in sub-section (2) of that section (hereinafter referred to in this rule as "the distraining officer").

(2) The distraining officer may distrain the defaulter's movable property by actual seizure and shall keep it in his custody or in the custody of any of his subordinates and shall be responsible for the property seized by him:

Provided that, where the movable property seized is subject to speedy and natural decay or where the expenses of keeping it in custody is likely to exceed its value, the distraining officer shall cause it to be sold at once in accordance with the orders of the Collector

Provided further that, whether the movable property seized consists of live-stock, agricultural implements or other articles which cannot be conveniently removed, the distraining officer may if the property is not caused to be sold under the preceding proviso, leave it at the instance of the defaulter or any other person claiming to be interested in the property, in the village or at the place where it is ¹[distrained,]

(i) in the charge of the defaulter or of the pound-keeper, if any, or

(ii) in the charge of the person claiming to be interested in the property or of any other person who in the opinion of the

distraining officer, is respectable and is willing to keep the property in his ²[custody,]on such defaulter or pound keeper, ²[or as the case may be, such person] entering into a bond with one or more sureties in an amount not less than the value of the property and giving an undertaking to produce it before the distraining officer when called for,

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(3) The distraining officer shall make a list of the property distrained and shall obtain thereto the acknowledgement of the person in whose custody the property is left, and if possible of the defaulter and of at least one person who in his opinion, is respectable in attestation of the correctness of the list. If the property distrained included both live-stock and other articles, a separate list of the live-stock shall be prepared and attested as aforesaid.

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(4) Where the live-stock or other movable property is not left charge of the defaulter, the expenses for feeding and watering the livestock or for the safe custody of the other movable property, shall be charged at such as the Collector may by general or special order, fix. The expenses so incurred shall be first charged on the sale proceeds of the property.

1. No. UNF.2367-R-3I-5-1968: M.G.G. Pt. IV-B,Ex. 5/6/1968, p. 748.

2. No. UNF.2367-R-31-5-1968: M.G.G. Pt. IV-B,Ex. 5/6/1968, p. 748.

10. Provisions of Civil Procedure Code to apply :-

The provisions of Rules 46 to 53 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908, regarding the attachment of movable property dealt with in those rules shall, as far as may be, apply to the distraint of movable property made under the Code.

11. Attachment of immovable property :-

(1) The attachment of immovable property under Sections 181, 182 and 185 shall be effected by an order to be issued by the Collector in Form 4 prohibiting the defaulter from transferring or charging the property in any way and prohibiting all other persons from taking any benefit from such transfer or charge.

(2) The order shall be proclaimed by the Tahsildar or Naib-Tahsildar

at some place on or adjacent to such property by beat of drum or other customary mode, and the copy of the order shall be affixed on a conspicuous part of the property and also on the notice board of the office of the Talathi

(3) The order shall take effect as against purchasers for value in good faith from the date when a copy thereof is affixed on the property and against all other transferees from the defaulter from the date on which such order is made.

12. Sales of forfeited, distrained or attached property :-

(1) Sales of forfeited, distrained or attached property shall ordinarily be held in the town or village in which the property is situated.

(2) Proclamations and written notices of such sales shall be issued -

(a) in Form 5 in the case of forfeited property;

(b) in Form 6 in the case of distrained property;

(c) in Form 7 in the case of attached property.

13. Upset price may be fixed :-

Where any land or other property is sold by public auction, an upset price shall, if the Collector thinks fit, be placed thereon.

14. Forms of certificate of sales :-

After the sale of the immovable property is confirmed, a certificate of sale shall be issued to the purchaser,

(a) in Form 8 where the property sold is forfeited property;

(b) in Form 9 where the property sold is attached property.

15. Delivery of movable property after its sale becomes absolute :-

Where the sale of a movable property becomes absolute under Section 199 or 200 the Officer conducting the sale shall -

(a) deliver the property to the purchaser if the property was actually seized, and

(b) make an order vesting such property in the purchaser in any other case.

16. Mode of putting purchaser in possession under section 212 :-

(1) Where the land sold is in possession of the defaulter or of some person on his behalf or of some person claiming under the title created by the defaulter after the attachment of the land or after a certificate in respect thereof is granted under Rule 14. the officer conducting the sale shall, on the application of the purchaser order delivery to be made by putting such purchaser or any person whom the purchaser may appoint to receive delivery on his behalf, in possession of the land, and, if need be, forcibly remove any person, who refuses to vacate the same.

(2) Where such land is in the possession of a tenant or other person entitled to occupy the same, the Officer conducting the sale shall, on the application of the purchaser, order delivery to be made by affixing a copy of the certificate granted under Rule 14 in some conspicuous place on the land and by proclaiming to the person in possession, by beat of drum or other customary mode, that the interest of the defaulter, has been transferred to the purchaser.

17. Procedure for recovering sums recoverable as arrear of land revenue :-

(1) Where any sum due to any department of Government or a local authority or a co-operative society is recoverable as an arrear of land revenue from any defaulter, such department, local authority or, as the case may be, co-operative society may send a requisition in writing for recovering the sum to the Tahsildar of the taluka in which the defaulter resides or has property.

(2) Such requisition shall contain the following particulars, namely -

(a) Full name and address of the defaulter;

(b) The sum to be recovered;

(c) The provision of law under which the sum is recoverable as an arrear of land revenue;

(d) The process by which the sum may be recovered;

(e) The property against which the process may be executed.

(3) On receipt of such requisition, the Tahsildar shall dispose it of in accordance with the provision of the Code and these rules.