
Maharashtra Revenue Patels (Abolition Of Office) Act, 1962

35 of 1962

[04 September 1962]

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SCHEDULE 1 :- SCHEDULE

Maharashtra Revenue Patels (Abolition Of Office) Act, 1962

35 of 1962

[04 September 1962]

PREAMBLE

Amended by Mah. 21 of 2002 (6th May, 2002)

Amended by Mah. 19 of 2008 (9th May, 2008)

An Act to abolish the office of revenue patels whether hereditary or stipendiary and to abolish watans appertaining to the office of hereditary patel.

WHEREAS, it is expedient to abolish the office of revenue patels whether hereditary or stipendiary, and to abolish watans appertaining to the office of hereditary patel; It is hereby enacted in the Thirteenth Year of the Republic of India as follows:-

[1] For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1962, Part V. Page 181.

PART 1 PRELIMINARY

1. Short title, and commencement :-

(1) This Act may be called the Maharashtra Revenue Patels (Abolition of Office) Act, 1962.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

PART 2 ABOLITION OF OFFICE OF HEREDITARY PATEL AND OF WATANS APPERTAINING THERETO

2. Definitions :-

(1) In this Part, unless the context otherwise requires,--

(a) "appointed day" means the date of commencement of this Act;

(b) "authorised holder" means a person in whom the ownership of

watan, land, which has been validly alienated permanently by the watandar, whether by sale or gift or otherwise, under the existing watan law, vests;

(c) "Collector" includes any officer specially appointed by the State Government to exercise the powers and perform the functions of the Collector under this Part;

(d) "existing watan law", in relation to any area, includes any enactment, ordinance, rule, by-law, regulation, order, notification Vat-Hukum or any instrument, or any custom or usage, having the force of law, relating to patel watan and which is in force in that area immediately before the appointed day;

(e) "patel Watan" means office of patel of a village held hereditarily under the existing watan law, together with the tenure of watan property, if any, and the rights, privileges and liabilities attached thereto;

(f) "Prescribed" means prescribed by rules made under section 24;

(g) "relevant Code" means.-

(i) in relation to the Bombay area of the State, the Bombay Land Revenue Code, 1879 (Bom. V of 1879);

(ii) in relation to the Hyderabad area of the State, the Hyderabad Land Revenue Act (Hyd. VIII of 1317F);

(iii) in relation to the Vidarbha region of the State, the Madhya Pradesh Land Revenue Code, 1954 (M.P. II of 1955);

(h) "relevant tenancy law" means.-

(i) in relation to the Bombay area of the State, the Bombay Tenancy and Agricultural Lands Act, 1948(Bom. LXVII of 1948);

(ii) in relation to the Hyderabad area of the State, the Hyderabad Tenancy and Agricultural Lands Act, 1950(Hyd. XXI of 1950);

(iii) in relation to the Vidarbha region of the State, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958(Bom. XCIX of 1958);

(i) "representative watandar" means a watandar registered or recognised under the existing watan law, as having a right to perform the duties of the hereditary office of patel of a village;

(j) "unauthorised holder" means a person in possession of a watan land without any right, or in possession under a lease, mortgage, sale, gift or any other kind of alienation which is null and void under the existing watan law;

(k) "watandar" means a person having under the existing watan law a hereditary interest in patel watan of a village;

Provided that, where any watan has been entered in a register of record under the existing watan law as held by the whole body of

watandars, the whole of such body shall be deemed to be a watandar;

(l) "watan land" means the land forming part of watan property;

(m) "watan Property" means the movable and immovable property held, acquired or assigned under the existing watan law for providing remuneration for the performance of the duty appertaining to the hereditary office of patel of a village, and includes cash payments made voluntarily by the State Government and subject to periodical modification or withdrawal.

(2) Words or expressions used but not defined in this Part, shall have the meanings assigned to them in the relevant Code.

(3) References in this Part to the incidents of patel watans shall, notwithstanding the abolition of those watans, be construed as references to the incidents as they were in force immediately before the appointed day.

3. Abolition of patel watans together with incidents thereof :-

Notwithstanding anything in any usage, custom, settlement, grant, agreement, or sanad or in any decree or order of a court, or in the existing watan law, with effect from the appointed day,--

(a) all patel watans shall be and are hereby abolished;

(b) all incidents appertaining to the said watans (including the right to hold office and watan property and the liability to render service) shall be and are hereby extinguished;

(c) subject to the provisions of sections 5, 6, and 9, all watan lands shall be and are hereby resumed, and accordingly shall be subject to the payment of land revenue under the provisions of the relevant Code and the rules made thereunder, as if they were unalienated land:

Provided that, such resumption shall not affect the validity of any alienation of any such watan land duly made in accordance with the provisions of the existing watan law, nor shall such resumption affect the rights or interest of the alienee thereof, or of any person claiming under or through him.

4. Powers of Collector to decide certain questions and appeals :-

(1) If any question arises.-

(a) whether any grant is a patel watan;

(b) Whether any land is watan land;

- (c) whether any person is a watandar, or representative watandar;
- (d) whether any watan, land is assigned for the remuneration of officiator;
- (e) whether any person is an authorised holder or unauthorised holder,-

the Collector shall, after giving the party affected an opportunity of being heard and after holding an inquiry, decide the question.

(2) Any person aggrieved by such decision may, within ninety days of such decision, file an appeal to the State Government.

(3) The decision of the Collector, subject to an appeal under sub-section (2), and the decision of the Government in appeal under that sub-section, shall be final.

5. Regrant of watan land to watandar :-

(1) Watan land resumed under section 3 shall, on an application therefor (in cases not falling under sections 6 and 9), be regranted to the watandar of the watan to which it appertained, on payment by or on behalf of the watandar to the State Government of the occupancy price equal to twelve times the amount of the full assessment of such land, within the prescribed period, and in the prescribed manner; and the watandar shall thereupon be an occupant within the meaning of the relevant Code in respect of any such land, and shall be primarily liable to pay land revenue to the State Government in accordance with the provisions of that Code and the rules thereunder; and all the provisions of that Code and rules relating to unalienated land shall, subject to the provisions of this Act, apply to such land;

Provided that, in respect of any watan land, which was not assigned under the existing watan law as remuneration of an officiator, occupancy price equal to six times the amount of the full assessment of such land shall be paid by or on behalf of the watandar for the regrant of such land.

(2) If there be failure to pay the occupancy price under sub-section (1), within the prescribed period and in the prescribed manner, the watandar shall be deemed to be unauthorisedly occupying the land, and shall be liable to be summarily evicted therefrom by the Collector in accordance with the provisions of the relevant Code.

[1][(3) [2] [(a)] On or after the commencement of the Bombay Paragana and Kulkarni Watans (Abolition), the Bombay Service Inams (Useful to Community) Abolition, the Bombay Merged Territories Miscellaneous Alienations Abolition, the Bombay Inferior

Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Act, 2000 (hereinafter, in this section, referred to as "the commencement date"), the occupancy of the land regranted under sub-section (1) may be transferred by the occupant for agricultural purpose, and no previous sanction or no objection certificate from the collector or any other authority shall be necessary for such transfer. After such transfer, the land shall be continued to be held by such transferee occupant on new and impartible tenure (Occupant Class II), in accordance with the provisions of the Code:

[3][(b) Before the commencement date, if any such occupancy has already, without previous sanction or no objection certificate from the Collector or any other authority, been transferred by the occupant, for agricultural purpose, such transfer may be regularized on the production of registered instruments such as sale deed, gift deed, etc., as a proof thereof, for such transfer. After such regularization, the occupancy of such land shall be held by the transferee occupant on new and impartible tenure (Occupant Class II), in accordance with the provisions of the Code:]

Provided that, any such occupancy held on new and impartible tenure (Occupant Class II) may, after the commencement date, be converted into old tenure (Occupant Class I) by the occupant by making payment of fifty per cent of the amount of the current market value of such land to the Government, and after such conversion, such land shall be held by the occupant as Occupant Class I, in accordance with the provisions of the Code:

Provided further that, if on the commencement date, any such occupancy has already, with the prior permission of the Collector or any other competent authority on payment of the appropriate amount as Nazarana, been transferred for non-agricultural use, such transfer of occupancy shall be deemed to have been made under the first proviso and the land shall be deemed to be held by the occupant as an Occupant Class I, in accordance with the provisions of the Code, with effect from the date of such transfer:

Provided also that, if on the commencement date, any such occupancy has already, without prior permission of the Collector or any other competent authority and without payment of the amount equal to fifty per cent of the current market value of such land as Nazarana, been transferred for non-agricultural use, such transfer may be regularised on payment of an amount equal to fifty per cent of the current market value of such land for non-agricultural use as Nazarana, and an amount equal to fifty per cent of such

Nazarana, as a fine, and on such payment, the occupant shall hold the land as an Occupant Class I, in accordance with the provisions of the Code.]

[1] Sub-section (3) substituted by Mah. 21 of 2002, dated 6th May, 2002, Section 7.

[2] Sub-section (3) renumbered as clause (a) by Mah. 19 of 2008, Section 7, w.e.f. 9.5.2008.

[3] Clause (b) inserted by Mah. 19 of 2008, Section 7, w.e.f. 9.5.2008.

6. Regrant of watan land to authorised holder :-

When any watan land resumed under section 3 is held by an authorised holder, it shall on an application therefor be regranted to the authorised holder on payment by him to the State Government of the occupancy price mentioned in section 5 and subject to the like conditions and consequences; and all the provisions of section 5 shall apply mutatis mutandis in relation to the regrant of the land under this section to the authorised holder, as if he were a watandar.

7. Special rule of succession to be void :-

Any provision of law, usage or practice relating to the succession of any patel watan, whereby contrary to the personal law governing the parties the rule of primogeniture was followed and the female heirs were postponed in favour of male heirs, shall on and from the appointed day, be void and cease to be in force.

8. Application of existing tenancy law :-

If any watan land has been lawfully leased and such lease is subsisting on the appointed day, the provisions of the relevant tenancy law shall apply to the said lease, and the rights and liabilities of the holder of such land and shall his tenant or tenants shall, subject to the provisions of this Part, be governed by the provisions of that law:

Provided that, for the purposes of application of the provisions of the relevant tenancy law in regard to the compulsory purchase of land by a tenant, the lease shall be deemed to have commenced from the date of the regrant of the land under section 5 or 6 or 9, as the case may be.

Explanation.-For the purposes of this section, the expression "land"

shall have the same meaning as is assigned to it in the relevant tenancy law.

9. Eviction of unauthorised holder and regrant of watan land to him in certain circumstances and disposal of land not regranted :-

(1) Where any watan land resumed under section 3, is in the possession of an unauthorised holder, such holder may be summarily evicted therefrom by the Collector in accordance with the provisions of the relevant Code:

Provided that, where in the case of any unauthorised holder, the State Government is of opinion that in view of the investment made by such holder in the development of the land, or in the non-agricultural use of the land, or otherwise, the eviction of such holder from the land will work undue hardship on him, it may direct the Collector to regrant the land to such holder on payment of such amount, and subject to such terms and conditions, as the State Government may determine, and the Collector shall regrant the land to such holder accordingly.

(2) Watan land which is not regranted under sub-section (1), shall be disposed of in accordance with the provisions of the relevant Code and the rules made thereunder, applicable to the disposal of unoccupied unalienated land.

10. Regrant of land subject to Maharashtra Act, XXVII of 1961 :-

Where resumed land is regranted under any of the foregoing provisions it shall be regranted subject to the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 so that by such regrant the land held by the grantee shall not be after regrant exceed the ceiling area permissible for his holding under that Act; and any land or part thereof which cannot be regranted accordingly, shall be disposed of in accordance with the provisions of the relevant Code and rules applicable to the disposal of unoccupied unalienated land, and any person in possession shall be liable to be summarily evicted therefrom by the Collector in accordance with the provisions of that Code.

11. Compensation to representative watandar :-

A representative watandar who in consequence of the provisions of

this Part ceases to be entitled to the right to perform the duties of the hereditary office of patel of a village, shall be entitled to the payment of compensation equal to seven times the total amount of the annual emoluments, which were paid or were payable to him during the year immediately preceding the appointed day:

Provided that, where the emoluments consisted in whole or in part of the profits of the watan land assigned for the remuneration of the officiator, for the purpose of calculating compensation payable to the representative watandar, the profits of the assigned watan land shall be taken to be equal to the amount of full land revenue leviable or levied on it in accordance with the provisions of the relevant Code and the rules thereunder.

12. Method of awarding compensation to the representative watandar :-

(1) A representative watandar entitled to compensation under section 11 shall, within the prescribed period and in the prescribed form, apply to the Collector for determining the compensation amount payable to him under that section.

(2) On receipt of an application under sub-section (1), the Collector shall, after holding an inquiry in the manner laid down in the relevant Code for the holding of a formal inquiry make an award determining the amount of compensation payable to the applicant.

13. Method of awarding compensation for abolition etc., of rights of any other person in property :-

(1) If any person is aggrieved by the provisions of this Part, as abolishing, extinguishing or modifying any of his rights to, or interest in, property, and if compensation for such abolition, extinguishment or modification has not been provided for in the foregoing provisions, such person may apply to the Collector for compensation.

(2) The application under sub-section (1) shall be made to the Collector within the prescribed period and in the prescribed form. The Collector shall, after holding an inquiry in the manner laid down for the holding of a formal enquiry under the relevant Code, make an award determining the amount of compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894(I of 1894).

(3) Nothing in this section shall entitle any person to compensation

on the ground that any watan land, which was wholly or partially exempt from the payment of land revenue, has been under the provisions of this Part made subject to the payment of full assessment in accordance with the provisions of the relevant Code.

14. Provisions of Land Acquisition Act applicable to the form of award and previous approval required in certain cases :-

(1) Every award made under section 12 or 13 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894(I of 1894), and the provisions of that Act shall, so far as may be, apply to the making of such award.

(2) Where the officer making an award under this Part is Collector, but not a Collector appointed under the relevant Code, and the amount of such award exceeds five thousand rupees, then the award shall not be made without obtaining the previous approval of the Collector appointed under that Code.

15. Appeal against award of the Collector :-

Notwithstanding anything in the Bombay Revenue Tribunal Act, 1957, an appeal against an award made by the Collector under this Part shall lie to the Maharashtra Revenue Tribunal constituted under that Act.

16. Procedure before Revenue Tribunal :-

(1) The Maharashtra Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(2) In decision an appeal, the Revenue Tribunal shall exercise all the powers which a court has, and shall follow the same procedure which court follows, in deciding an appeal from decree or order of an original court under the Code of Civil Procedure, 1908(V of 1908).

17. Limitation :-

Every appeal made under this Part to the Maharashtra Revenue Tribunal shall be filed within sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12, and 14 of the Indian Limitation Act, 1908(IX of 1908), shall apply to the filing of such appeal.

18. Court-fees :-

Notwithstanding anything in the Bombay Court-fees Act, 1959(Bom. XXXVI of 1959), every appeal made under this Part to the Maharashtra Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

19. Finality of award and decision of Revenue Tribunal :-

An award made by the Collector under this Part subject to an appeal to the Maharashtra Revenue Tribunal, and the decision of the Maharashtra Revenue Tribunal on an appeal under section 15, shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

20. Inquiries and proceedings to be judicial proceedings :-

All inquiries and proceedings before the Collector and the Maharashtra Revenue Tribunal under this Part shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 223 of the Indian Penal Code (XLV of 1860).

21. Mode of payment of compensation :-

Subject to provisions of the next succeeding section, the amount of compensation payable under this Part shall be payable in cash, if it does not exceed one thousand rupees. Where such amount exceeds one thousand rupees, the first one thousand rupees shall be payable in cash, and the remaining amount may be payable in transferable bonds, which shall carry interest at the rate of three per cent. per annum from the date of issue of the bonds repayable by equated annual instalments of principal and interest within a period of twenty years from that date. The bonds shall be of such denomination and shall be in such form as may be prescribed.

22. Amount of arrears of land revenue etc., to be deducted from the amount of compensation :-

Before making payment of any compensation amount under this Part to any person, it shall be lawful for the Collector to deduct therefrom-

(a) all amounts of arrears of land revenue, cesses or dues in respect of any watan land, which are certified by the Collector to have had become due for payment by such person on or before the

appointed day, and

(b) the whole or part of the amount of any loan advanced by the State Government together with interest thereon, if any, which is certified by the Collector to have had become due for repayment by such person on or before the appointed day:

Provided that, the total amount so deducted shall not exceed one-third of the amount of compensation awarded.

23. Delegation of powers :-

The State Government may, subject to such restrictions and conditions as it may impose, by notification in the Official Gazette, delegate to any of its officers not below the rank of Collector, all or any of its powers conferred on it by or under this Part.

24. Rules :-

(1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purpose of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) under section 5, the period within which and the manner in which the occupancy price shall be paid;

(b) under sections 12 and 13, the period and form in which an application for compensation shall be made;

(c) under section 18, the value of court-fee stamp on an appeal;

(d) under section 21, the denomination and form of bonds;

(e) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following, and publish in the Official Gazette.

25. Savings :-

Nothing in this Part shall affect.-

(1) any obligation or liability already incurred under an incident of any patel watan before the appointed day, or

(2) any proceeding or remedy in respect of such obligation or

liability,

and any such proceeding may be continued or any such remedy may be enforced as if this Act had not been passed.

PART 3 ABOLITION OF OFFICE OF STIPENDIARY REVENUE PATEL

26. Abolition of office of stipendiary revenue patel and construction of references :-

With effect from the commencement of this Act,--

(a) the office of stipendiary revenue patel (by whatever name called) in the State shall be and is hereby abolished, and all appointments to such offices under the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Hyderabad Land Revenue Act (Hyd VIII of 1317 F) or the Madhya Pradesh Land Revenue Code, 1954 (M.P. II of 1955), or under any other law, or order having the force of a law, are hereby terminated, and

(b) any liability to render such service is extinguished; and accordingly,

any reference by whatever form of words to a revenue patel (whether hereditary or stipendiary) in any law for the time being in force, or in any instrument or document, shall, after the commencement of this Act, be construed as a reference to the village accountant, patwari or any other agency entrusted with the work of collecting land revenue of the village.

PART 4 CONSEQUENTIAL PROVISIONS

27. Amendment of relevant Codes :-

The enactments specified in column 1 of the Schedule hereto appended are hereby amended in the manner and to the extent shown in column 2 thereof.

SCHEDULE 1

SCHEDULE

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THE SCHEDULE

(SEE SECTION 27)

Act 1	Amendments 2
<p>1. The Bombay Land Revenue Code, 1879 (Bom. V of 1879).</p>	<p>1. In section 16;--</p> <p>(a) in sub-section (1),--</p> <p>(i) for the portion beginning with the words "It shall be lawful for the State" and ending with the words "subordinate revenue officers.", the following shall be substituted, namely:-</p> <p>"It shall be lawful for the State Government to appoint a village accountant for a village or a group of villages. The village accountant shall perform all the duties of village accountant as hereinafter prescribed by this Act or any other law for the time being in force and shall hold his situation under the rules in force with regard to a subordinate revenue officer.";</p> <p>(ii) the words "Patels and" shall be deleted;</p> <p>(b) in the marginal note, the words "and stipendiary Patel" shall be deleted.</p> <p>2. In section 17, the words "by the Patel of his village or" shall be deleted.</p> <p>3. In section 58,--</p> <p>(a) in sub-section (1), the words "and every hereditary Patel" shall be deleted;</p> <p>(b) in sub-section (3), the words "hereditary patel and" and "patel or" shall be deleted.</p> <p>4. In section 85,--</p> <p>(a) in sub-section (1),--</p> <p>(i) for the words "in which there are a hereditary Patel and a village accountant" the words "in which there is a village accountant" shall be substituted;</p> <p>(ii) the words "Patel and" shall be deleted;</p> <p>(b) in sub-section (2), for the words "Patel and accountant fail" the words "accountant fails" shall be substituted:</p> <p>(c) in sub-section (3), the words "Patel or", at both places where they occur, shall be deleted;</p> <p>(d) in sub-section (4), the words "Patel or" shall be deleted.</p> <p>5. In section 94A, in sub-section (1), for the words "there are a hereditary Patel and a village accountant" the words "there is a village accountant" shall be substituted.</p> <p>6. In section 118, the words "Patels and other", at both places</p>

<p>2. The Hyderabad Land Revenue Act (Hyd. Act VIII of 1317 F.).</p>	<p>where they occur, shall be deleted.</p> <ol style="list-style-type: none"> 1. In section 2, in clause (15), the words "Patel and" shall be deleted. 2. In section 37-A, in sub-section (1), the words "Patel or", at both places where they occur, and the words "as the case may be," shall be deleted. 3. In section 90, the words "Patels and" shall be deleted. 4. In section 92, the words "Patel and" shall be deleted.
<p>3. The Madhya Pradesh land Revenue Code, 1954 (M.P. Act II of 1955).</p>	<ol style="list-style-type: none"> 1. In section 120, in sub-section (1), for the words "Patel of the village" the word "Patwari" shall be substituted. 2. In section 130, the words "Patel or", at both places where they occur, and the words "Patel or" in the marginal note shall be deleted. 3. Section 205 to 210 (both inclusive) and the heading "A-Patels" above them shall be deleted. 4. In section 211, the words "or the performance of the duties entrusted to a Patel", shall be deleted. 5. In section 218, in sub-section (8), for the words "such of the duties of the Patel or any other" the word "any" shall be substituted. 6. Section 234 shall be deleted. 7. In section 237, in sub-section (2):- <ol style="list-style-type: none"> (a) in clause (xxxi), the words "Patel or" shall be deleted. (b) clause (xlix) shall be deleted.