

## **Haryana Ceiling On Land Holdings Act, 1972**

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## **Haryana Ceiling On Land Holdings Act, 1972**

### CHAPTER 1

#### PRELIMINARY

#### **1. Short Title And Extent :-**

(1) This Act may be called the Haryana Ceiling on Land Holdings Act, 1972.

(2) It extends to the whole of the State of Haryana.

#### **2. Declaration As To Giving Effect To Certain Directive Principles :-**

It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution of India.

#### **3. Definitions :-**

In this Act, unless the context otherwise requires,--

(a) "adult" means a person who is not a minor;

(b) "agricultural worker" means a person whose principal means of livelihood is the income he gets as wages in cash or kind or partly in cash and partly in kind, in connection with the agricultural operations he performs;

(c) "appointed day" means the twenty-fourth day of January, 1971;

(d) "banjar land" means land which has remained uncultivated for a continuous period of not less than two years immediately preceding the appointed day;

(e) "Collector" means the Collector of a district or any other officer not below the rank of an Assistant Collector of the first grade empowered in this behalf by the State Government;

1[(f) "family" means husband, wife and their minor children or any two or more of them.

Explanation I. - A married minor daughter shall not be treated as a child.

Explanation.-- Child shall include -

(i) child of the husband from his deceased or divorced wife and

living with him;

(ii) child of the wife from her deceased or divorced husband and living with her;

(iii) illegitimate child of the husband or the wife and living with them or either of them;]

(g) "land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes -

(a) the sites of buildings and other structures on such land, and

(b) banjar land;

(h) "landowner" means the owner of land;

(i) "minor" means a person who has not completed the age of eighteen years;

(j) "orchard" means a compact area of land, other than land under grape garden or 2[vine-yard or banana or guava trees], having fruit bearing trees grown thereon in such number that they preclude, or when fully grown would preclude a substantial part of such land from being used for any agricultural purpose;

(k) "Pepsu law" means the Pepsu Tenancy and Agricultural Lands Act, 1955;

(l) "permissible area" means the extent of land specified in section 4 as the permissible area;

(m) "person" includes a company, family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "prescribed authority" means an authority prescribed by rules made under this Act;

(p) "Punjab law" means the Punjab Security of Land Tenures Act, 1953;

1[(q) "separate unit" means an adult son living with his parents or either of them and in case of his death his widow and children, if any;]

3[Explanation.-- The adult son or in case of his death his widow and children shall be deemed to be living with the parents or either of them unless separated;]

(r) "surplus area" means the area in excess of the permissible area;

(s) "tenant" means a person who holds land under another person, and is, or but for a special contract would be, liable to pay rent for that land to that other person, and includes -

(a) the predecessors and successors-in-interest of the tenant; and

(b) sub-tenant;

but does not include a person who is such a relation of the landowner as may be prescribed;

(t) all other words and expressions used herein and not defined but defined in the Punjab Tenancy Act, 1887 (Punjab Act 16 of 1887), or the Punjab Land Revenue Act, 1887 (Punjab Act 17 of 1887), shall have the meanings assigned to them in either of those Acts.

1. Substituted by Haryana Act No. 17 of 1976.

2. Substituted for "vine-yard", by Haryana Act No. 33 of 1973, and shall be deemed always to have been substituted.

3. Added by Haryana Act No. 47 of 1976 and shall always be deemed to have been added.

#### **4. Permissible Area :-**

(1) The permissible area in relation to a landowner or tenant or mortgagee with possession or partly in one capacity or partly in another, of person or family consisting of husband, wife and upto three minor children (hereinafter referred to as "the primary unit of family"), shall be, in respect of--

(a) land under assured irrigation capable of growing at least two crops in a year (hereinafter referred to as the land under assured irrigation), 7.25 hectares;

(b) land under assured irrigation capable of growing at least one crop in a year, 10.9 hectares;

(c) land of all other types including land under orchard, 21.8 hectares.

(2) The permissible area shall be increased by one-fifth of the permissible area of the primary unit of family for each additional member of family:

Provided that the permissible area shall not exceed twice the permissible area of the primary unit of family.

1[(3) The permissible area shall be further increased up to the permissible area of the primary unit of a family for each separate unit:

Provided that where the separate unit also owns any land, the same shall be taken into account for calculating the permissible area.

(4) The permissible area shall be determined on the basis of valuation to be calculated in the prescribed manner taking into consideration the ownership of the means of irrigation, their intensity and such other factors as may be prescribed subject to

the condition that the total physical holding does not exceed 21.8 hectares.]

(5) In determining the permissible area for the purpose of clause (a) of sub-section (1), five hectares of land under irrigation from privately owned tubewells, pumping sets, etc., shall be equal to four hectares of land under irrigation from canal as defined in the Northern India Canal and Drainage Act, 1873 (Central Act 8 of 1873), or from State Tube-well as defined in the Punjab State Tubewell Act, 1954 (Punjab Act 21 of 1954).

1[(6) For evaluating the land of any person at any time under this Act, the land owned by him immediately before the commencement of this Act as well as the land acquired by him after such commencement by inheritance, bequest or gift from a person to whom he is an heir shall be evaluated as if the evaluation was being made on the appointed day and the land acquired by him after the appointed day in any other manner shall be evaluated as if the evaluation was being made on the date of such acquisition.]

1. Substituted by Haryana Act No. 17 of 1976.

## **5. Act Not To Apply To Certain Lands :-**

The provisions of this Act shall not apply to--

1[(a) land owned by, or vested in, the State Government, otherwise than under the provisions of this Act, or the Central Government or the Faridabad Complex Administration or a Municipal Committee or a Cantonment Board or a Gram Panchayat or the National Dairy Research Institute, Karnal, or such organisation under the administrative control of State or Central Government as the State Government may, by notification, specify;]

(b) land belonging to registered co-operative societies formed for the purposes of co-operative farming:

2[Provided that the person joining the society as a member does not own or hold or contribute to the society land in excess of his permissible area and the co-operative society so formed does not own or hold land in excess of the aggregate of the permissible area of its members;]

(c) land belonging to primary agricultural co-operative credit societies, land mortgage banks, the State and the Central Cooperative banks and other banks.

Explanation.-- For the purpose of this clause bank means Banking Company as defined in section 5 of the Banking Regulation Act,

1949, the State Bank of India constituted under the State Bank of India Act, 1955, Subsidiary Banks as defined in the State Bank of India (Subsidiary Banks) Act, 1959, corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and any other financial institution notified by the State Government as a bank for the purpose of this Act;

(d) land leased by the Haryana State Co-operative Land Mortgage Bank Limited, established under the Punjab Co-operative Land Mortgage Bank Act, 1957;

(e) land owned by the Haryana Agricultural University, Hissar, the Kurukshetra University, Kurukshetra, or such other University as the State Government may, by notification, declare.

3[(f) land owned by the Haryana Bhudan Yagna Board established under the Punjab Bhudan Yagna Act, 1955.]

1. Substituted by Haryana Act No. 33 of 1973, and shall be deemed always to have been substituted.

2. Substituted by Haryana Act No. 17 of 1976.

3. Inserted by Haryana Act No. 14 of 1983.

## **5A. Exemption Of Lands Belonging To Religious Or Charitable Institutions :-**

1[Notwithstanding any judgment, decree or order of any court or authority, the provisions of this Act shall not apply to lands belonging to any religious or charitable institution of a public nature in existence immediately before the day of commencement of this Act, but not belonging to the Mahant, Mohatamim or manager thereof:

Provided that the exemptions specified herein shall be admissible till such time only as the land or income therefrom is utilised for the specified purpose of such institution and shall not be admissible to the lessees of such lands:

Provided further that except in the case of land belonging to institutions, registered under the Indian Trusts Act, 1882 (Central Act 2 of 1882), or regulated by any statute such as the Sikh Gurdwaras Act, 1925 (Punjab Act 8 of 1925), the Waqf Act, 1954 (Parliament Act 29 of 1954), or customarily recognised, the onus to prove that the land is exempt under this section, shall lie on the person claiming the exemption.

Explanation.-- For the purposes of this section, religious or charitable institution means -

(i) a temple;

(ii) a Gurdwara;

(iii) a Gowshala;

(iv) a waqf as defined in clause (ii) of section 3 of the Waqf Act, 1954 (Parliament Act 29 of 1954); or

(v) any other religious place of public nature.]

1. Inserted by Haryana Act No. 17 of 1976.

## **6. Act To Over-Ride Other Laws, Decrees, Orders, Etc :-**

Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law or any usage, agreement, settlement, grant, sanad or any decree or order of any court or other authority.

## CHAPTER 2

### CEILING ON LAND AND ACQUISITION AND DISPOSAL OF SURPLUS AREA

#### **7. Ceiling On Land :-**

Notwithstanding anything to the contrary contained in any law, custom, usage or agreement, no person shall be entitled to hold whether as landowner or tenant or as a mortgagee with possession or partly in one capacity or partly in another, land within the State of Haryana exceeding the permissible area on or after the appointed day.

1[Explanation.- Where the person is a family including the separate unit, if any, the land owned or held by such person together with the land owned or held by the members of the family and the separate unit shall be taken into account for the purposes of calculating the permissible area.]

1. Substituted by Haryana Act No. 17 of 1976.

#### **8. Certain Transfers 1[Or Dispositions] Not To Affect Surplus Area :-**

(1) Save in the case of land acquired by the Union Government or the State Government under any law for the time being in force or by a tenant under the Pepsu law or the Punjab law or by an heir by inheritance, no transfer 1[or disposition] of land in excess of -

(a) the permissible area under the Pepsu law or the Punjab law after the 30th day of July, 1958; and

(b) the permissible area under this Act, except a bonafide transfer 1[or disposition] after the appointed day, shall affect the right of the State Government under the aforesaid Acts to the surplus area to which it would be entitled but for such transfer 1[or disposition]:  
Provided that any person who has received an advantage under such transfer 1[or disposition] of land shall be bound to restore it, or to pay compensation for it, to the person from whom he received it.

(2) The burden of proving the transfer 1[or disposition] to be a bonafide one shall be on the transferor.

(3) If any person transfers 1[or disposes of] any land after the appointed day in contravention of the provisions of sub-section (1), the land so transferred 1[or disposed of] shall be deemed to be owned or held by that person in calculating the permissible area. The land exceeding the permissible area so calculated shall be the surplus area of the person and in case of the area left with him after such transfer 1[or disposition of] is equal to the surplus area so calculated, the entire area left with him shall be deemed to be the surplus area. If the area left with him is less than the surplus area so calculated, the entire area left with him shall be deemed to be the surplus area and to the extent of the deficiency in it the land so transferred 1[or disposed of] shall also be deemed to be the surplus area. If there is more than one transferee, the deficiency of the surplus area shall be made up from each of the transferees in the proportion to the land transferred 1[or disposed of] to them.

1. Inserted by Haryana Act No. 17 of 1976.

## **9. Selection Of Permissible Area And Persons Required To Furnish Declaration :-**

(1) Every person, who on the appointed day or at any time thereafter holds land exceeding the permissible area, shall, 1[within a period of three months from such date as the State Government may, by notification, specify in this behalf] or subsequent acquisition of land, furnish to the prescribed authority a declaration supported by an affidavit giving the particulars of all his land and that of the separate unit in the prescribed form and manner and stating therein his selection of the parcel or parcels of land not exceeding in the aggregate the permissible area which he desires to retain:

Provided that in case of a member of the Armed Forces of the Union, 2[the last date for furnishing the declaration shall be the 31st October, 1976].

Explanation I.-- Where the person is a member of the family, he shall include in his declaration the particulars of land held by him and also of land, if any, held by other members of the family 3[and the separate unit].

4[Explanation II.- In calculating the extent of land owned or held by a person, the share of such person in the land owned or held by an undivided family, firm or association of individuals, whether incorporated or not, and the land contributed as share capital or otherwise by him to a co-operative society or a company of which



he may be a member or shareholder, shall be taken into account.]

4[(2) Every person making a selection of the permissible area under sub-section (1), may also select land for the separate unit.

Explanation.-- An adult son, who owns or holds land and is living separately from his parents, shall file the declaration under sub-section (1) and make the selection of permissible area under sub-section (2) separately]

(3) In making the selection such person shall include in the first place the land which had been transferred by him after the appointed day in contravention of the provisions of section 8 and in the second place the land mortgaged by him without possession but shall not include any land -

(i) which is declared surplus;

(ii) which was under the permissible area of a tenant; under the Punjab law or the Pepsu law.

(4) The declaration under sub-section (1) shall be furnished by, --

(a) in the case of an adult unmarried person, such person;

(b) in the case of a minor, lunatic, idiot or a person subject to like disability, the guardian, manager or other person in charge of such person or of the property of such person;

(c) in the case of a family, the husband or in his absence, the wife, or, in the absence of both, the guardian of the minor children;

(d) in the case of any other person, any person competent to act for such person in this behalf.

1. Substituted for the words "within three months of the publication of rules made under this Act" by Haryana Act No. 17 of 1976.

2. Substituted by Haryana Act No. 47 of 1976 and shall always be deemed to have been substituted.

3. Added by Haryana Act No. 17 of 1976.

4. Substituted by Haryana Act No. 17 of 1976.

#### **10. Selection Of Permissible Area By Prescribed Authority :-**

If a person fails to select the permissible area in accordance with the provisions of section 9, the prescribed authority may, after collecting the information in such manner as it may deem fit, by order select the permissible area of such person:

Provided that no such order shall be made without giving all persons interested an opportunity of being heard.

#### **11. Statement Of Permissible And Surplus Areas :-**

1[(1) On the basis of information given in the declaration or such

information, as may be obtained, the prescribed authority shall prepare a statement in the manner prescribed showing, among other particulars, the total area of land owned or held by a person and the separate unit, their permissible area and the surplus area.]

2[(2) The land included in the statement prepared under sub-section (1) as permissible area of the family and the separate unit, shall be owned or held by the members of the family and also the separate unit in the same proportion in which they owned or held land before selection of the permissible area.]

3[(3)] A copy of statement prepared under sub-section (1) shall be sent to the person concerned and to the tenants of the landowner by registered post and shall be given on demand on payment of fee. Copies of such statement shall also be sent to the Tahsildar and such other officer as may be prescribed.

1. Substituted by Haryana Act No, 17 of 1976.

2. Inserted by Haryana Act No. 17 of 1976.

3. Renumber by Haryana Act No. 17 of 1976.

## **12. Vesting Of Surplus Area :-**

(1) The surplus area of a landowner shall, 1[from the date on which it is declared as such shall be deemed to have been acquired by the State Government for a public purpose] and all rights, title and interest (including the contingent interest, if any, recognised by any law, custom or usage for the time being in force) of all persons in such area shall stand extinguished and such rights, title and interest shall vest in the State Government free from any encumbrance:

Provided that where any land within the permissible area of the mortgagor is mortgaged with possession and falls within the surplus area of the mortgagee, only the mortgagee rights shall be deemed to have been acquired by the State Government and the same shall vest in it.

(2) The right and interest of the tenant in his surplus area which is included within the permissible area of the landowner shall stand extinguished.

2[(3) The area declared surplus or tenants permissible area under the Punjab law and the area declared surplus under the Pepsu law, which has not so far vested in the State Government, shall be deemed to have vested in the State Government with effect from the appointed day and the area which may be so declared under the Punjab law or the Pepsu law after the appointed day shall be

deemed to have vested in the State Government with effect from the date of such declaration.]

3[(4) For the purposes of determining the surplus area under this Act, any judgment, decree or order of a court or other authority, obtained after the appointed day and having the effect of diminishing the surplus area shall be ignored.]

1. Substituted by Haryana Act No. 40 of 1976.

2. Inserted by Haryana Act No. 17 of 1976 and substituted by Haryana Act No. 14 of 1977 and shall be deemed to have been substituted from the 23rd day of Dec, 1972.

3. Inserted by Haryana Act No. 17 of 1976.

### **13. Power To Take Possession Of Surplus Area :-**

(1) The prescribed authority may, by order in writing, at any time after the date on which the statement in respect of a landowner or tenant has been prepared and copies thereof sent as required by section 11, direct the person in possession of the surplus area acquired and vested under section 12 to deliver possession thereof within ten days of the service of the order on him to such person as may be specified in the order.

(2) If the person in possession of the surplus area refuses or fails without reasonable cause to comply with the order issued under subsection (1), the prescribed authority may take possession of the surplus area and may for that purpose use such force as may be necessary.

### **14. Power To Separate Shares Of Landowners :-**

(1) Where a landowner owns land jointly with other landowners and his share of such land or part thereof has been, or is to be, declared as surplus area, the officer competent to declare such area, or where such area has been declared, the officer competent to utilize it, may on his own motion, after summary enquiry and affording to the persons interested in such land an opportunity of being heard, separate his share of such land or part thereof in the land owned by him jointly with other landowners.

(2) Where, after the declaration of the surplus area of any person and before the utilization thereof, his land has been subjected to the process of consolidation, the officers referred to in sub-section (1) shall be competent to separate the surplus area of such person out of the area of land obtained by him after consolidation.

## **15. Disposal Of Surplus Area :-**

(1) The surplus area acquired or vested under section 12 shall be at the disposal of the State Government.

(2) The State Government may, by notification, frame a scheme for utilizing the surplus area by allotment of land to members of the Scheduled Castes and Backward Classes, landless persons, agricultural workers, tenants, ex-servicemen, tenants liable to ejectment, or persons owning 1[land measuring less than two hectares of the category specified in clause (c) of sub-section (1) of section 4] or land of equivalent value:

1[Provided that -

(i) a tenant holding land declared as the tenants permissible area under the Punjab law or the Pepsu law, as the case may be, may be allotted land to the extent of the area held by him or the permissible area under this Act, whichever is less;

(ii) a tenant who was allotted and given possession of land in the surplus area by the State Government under the Punjab law or the Pepsu law, may be allotted land to the extent of the area so allotted to him;

(iii) a tenant liable to ejectment as a result of an ejectment order or decree passed against him under clause (i) of sub-section (1) of section 9 of the Punjab law or sub-section (1) of section 7A of the Pepsu law, may be allotted land to the extent of the area mentioned in section 9A of the Punjab law or section 7A of the Pepsu law, as the case may be;

(iv) a tenant, settled on the surplus area by the landowner before Kharif, 1968, who is not-

(a) landowners relation of the category specified in clause (9) of section 2 of the Punjab law or the rules made thereunder; or

(b) the landowners relative of the category specified in the rule made under sub-clause (ii) of clause (g) of section 2 read with section 52 of the Pepsu law; or

(c) the landowners relation of the category specified in the rule made under clause (s) of section 3 read with section 31 of this Act, may be allotted land to the extent of two hectares of the category specified in clause (c) of sub-section (1) of section 4 or land of equivalent value subject to the condition that the land so allotted and the land held by him, if any, do not exceed two hectares of land of the category specified in clause (c) of sub-section (1) of section 4 or land of equivalent value; and

(v) a person from any other eligible category may be allotted land

to the extent of two hectares of the category specified in clause (c) of sub-section (1) of section 4 or land of equivalent value subject to the condition that the land so allotted and the land held by him, if any, do not exceed two hectares of land of the category specified in clause (c) of sub-section (1) of section 4 or land of equivalent value:]

Provided further that where a sub-tenant, except that of a widow, a minor, an unmarried woman, a member of the Armed Forces of the Union or a person incapable of cultivating land by reason of physical or mental infirmity is in possession of land, the allotment shall be made to him to the exclusion of the tenant:

2[Provided further that until the scheme for utilising the surplus area under this Act is finalised and notified, the surplus area and the tenants permissible area vested in the State Government under sub-section (3) of section 12, may be taken possession of and utilized for the resettlement of tenants liable to be ejected from the permissible area, reserved area or exempted area of a landowner under the Punjab law or the Pepsu law.]

(3) Any scheme framed by the State Government may provide for the priorities among the persons mentioned in sub-section (2), the extent of land and the terms and conditions on which the land in the surplus area is to be allotted.

(4) The purchase price of the land, along with interest at the rate of five per centum per annum, shall be payable by the allottee 3[---] in ten annual equated instalments, at the rate not exceeding that mentioned in column 1 of the table in sub-section (1) of section 16.

4[(5) On payment of full price or the first instalment thereof, as the case may be, the prescribed authority, where the allottee is not already in possession of the land, shall put him in possession thereof. The allottee shall, however, become the owner of the land on payment of the full price:

Provided that the allottee shall not be competent to transfer, sell, lease or mortgage the land allotted to him or any part thereof or transfer his rights, title or interest therein, in any manner whatsoever, to any person for a period of five years from the date of his taking possession in pursuance of the allotment under the scheme framed for utilising the surplus area under this Act, even though the full purchase price has been paid in a lump sum or in instalments alongwith interest within the aforesaid period.

(6) Notwithstanding anything contained in sub-section (5) the allottee shall be competent to mortgage or create a charge on the

land allotted to him for raising loan from any co-operative society, bank, scheduled bank or any corporation owned or controlled by the Government, for the purpose of making improvements in the land and for other agricultural purposes.]

5[(7) Notwithstanding anything contained in section 21, a person who secured an allotment by furnishing information which is false or which he knows or has reason to believe to be false or which he does not believe to be true and who is or has at any time been in possession of any surplus area to which he is or was not entitled under the law shall, for the period for which the surplus area remains or has remained in his possession, be charged a licence fee equal to thirty times the land holdings tax, recoverable in respect of this area.]

1. Substituted by Haryana Act No. 40 of 1976.

2. Inserted by Haryana Act No. 17 of 1976.

3. The words "in whose favour the proprietary rights are conferred" omitted by Haryana Act No. 2 of 1987.

4. Substituted by Haryana Act No. 2 of 1987.

5. Inserted by Haryana Act No. 40 of 1976.

## **16. Principles For Payment Of Amount :-**

(1) Where any land 1[is acquired or has vested] under section 12, there shall be paid for it an amount calculated at the rates shown in the table below, namely :-

### **TABLE**

Rate per acre in rupees Value of land as shown in the Schedule to this Act

For first 10 Hectares For next 20 hectares For remaining land Paise or Annas

1 2 3 4 5

2,000 1,760 1,600 100 or more 16 or more

1,875 1,650 1,500 94 15

1,750 1,540 1,400 87 14

1,625 1,430 1,300 81 13

1,500 1,320 1,200 75 12

1,375 1,210 1,100 69 11

1,250 1,100 1,000 62 10

1,125 990 900 56 9

1,000 880 800 50 8

875 770 700 44 7

750 660 600 37 6

625 550 500 31 5

500 440 400 25 4

375 330 300 20 3

250 220 200 12 2

200 160 150 10 1-1/2

2[(1A) Notwithstanding anything contained in sub-section (1), a person who, under section 9, fails to furnish a declaration or furnishes a declaration containing information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, shall be paid for the land for which no declaration is furnished or declaration furnished contains information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, an amount calculated at half the rates shown in the table referred to in subsection (1).]

(2) The prescribed authority shall prepare a statement for the payment of amount in the form and manner prescribed and shall give notice to all persons 3[including the landowner, the tenants or any other person], known to have any interest in the land, on the basis of the entries in the revenue records or otherwise, for which the amount is to be paid, to appear personally or by duly authorised agent before him at a time and place therein mentioned (such time not being earlier than fifteen days after the date of service of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims for such interests. The prescribed authority shall then determine the person or persons having interest in the land and the amount payable to each and the same shall be paid accordingly.

4[(2A) The amount payable to the members of the family and the separate unit, in respect of the surplus area shall, be apportioned between the members of the family as also the separate unit in the same proportion in which they owned or held land before the selection of the permissible area.]

(3) The amount shall be applied firstly to discharge the Government dues, secondly to meet the claims of the secured creditors and lastly to pay the dues of other claimants.

(4) Where mortgagee rights have been acquired by the State Government, the amount payable to the mortgagee shall be the mortgage money due to him or the amount payable for acquisition of land under this section, whichever is less.

(5) Where on the land there is any building, structure, 5[tube-well, water-course including its subsidiary] 6[works, crop or tree

including fruit tree], the owner thereof shall, in addition to the amount payable in respect of the land, be entitled to be paid by the State Government an amount therefor which shall be equivalent to fifty per centum of the market value of such building, structure, 7[tube-well, water-course including its subsidiary] 3[works, crop or tree including fruit tree], as the case may be, and which shall be determined by the 8[prescribed authority]:

Provided that an option in writing shall be given by the prescribed authority to the owner to remove such building, 9[structure, crop or tree including fruit tree] within the period prescribed, and if such building, 9[structure, crop or tree including fruit tree], as the case may be, is removed by the owner within the period prescribed or within such further period as the prescribed authority may extend for the purpose, no amount shall be paid to the owner in respect thereof:

Provided further that the cost incurred in raising the crop shall be the market value of the crop.

1. Substituted for the words "is required" by Haryana Act No. 14 of 1977.
2. Inserted by Haryana Act No. 40 of 1976.
3. Substituted for the words "including the tenants" by Haryana Act No. 17 of 1976 and shall be deemed to have been substituted w.e.f. 23rd day of December 1972.
4. Inserted by the Haryana Act No. 17 of 1976 and shall be deemed to have been inserted w.e.f. 23rd day of December, 1972.
5. Substituted for the word "tube-well" by Haryana Act No. 17 of 1976.
6. Substituted for the words "works or crop" by Haryana Act No. 14 of 1977.
7. Substituted for the word "tube-well" by Haryana Act No. 17 of 1976.
8. Substituted for the word "Collector" by Haryana Act No. 40 of 1976.
9. Substituted for the words "structure or crop" by Haryana Act No. 14 of 1977.

## **17. Payment Of Amount :-**

The amount payable by the State Government, along with interest at the rate of five per centum per annum thereon, shall be given in cash in ten equated annual instalments in the manner prescribed:

1[Provided that in the case of a minor, idiot or lunatic, the equated



annual instalments of the amount payable to such person, from time to time, shall be deposited by the competent authority in the civil court exercising jurisdiction over the area under the Guardians and Wards Act, 1890 (Central Act 6 of 1890), or the Hindu Minority and Guardianship Act, 1956 (Parliament Act 32 of 1956), as the case may be, for payment to such person in accordance with the provisions of either of the said Acts, as may be applicable.]

1. Proviso added by Haryana Act No. 17 of 1976.

### CHAPTER 3

### MISCELLANEOUS

## **18. Appeal, Review And Revision :-**

(1) Any person aggrieved by any decision or order of the prescribed authority, not being the Collector, may, within 1[fifteen days] from the date of the decision or order, prefer an appeal to the Collector in such form and manner as may be prescribed:

Provided that the Collector may entertain the appeal after the expiry of the said period of 1[fifteen days] if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Any person aggrieved by a decision or order of the Collector (whether acting as prescribed authority or not) not being a decision or order made in an appeal under sub-section (1), may, within 1[fifteen days] from the date of the decision or order, prefer an appeal to the Commissioner in such form and manner as may be prescribed:

Provided that the Commissioner may entertain the appeal after the expiry of the said period of 1[fifteen days] if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) 2[-----]

(4) Any person aggrieved by an order of the Collector under subsection (1), may within 1[thirty days] from the date of the order, file a revision petition before the Commissioner so as to challenge the legality or propriety of such order and the Commissioner may pass such order as he may deem fit. The order of the Commissioner shall be final.

(5) 2[----]

(6) Notwithstanding anything contained in the foregoing subsections, the Financial Commissioner may suo motu at any time call for the record of any proceedings or order of any authority

subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or order, and may pass such order in relation thereto as he may deem fit.

(7) 3[-----]

4[(8) Notwithstanding anything contained in section 21, a person who files an appeal or a revision against the order declaring his land as surplus area and the appeal or revision filed by him fails, shall be liable to pay, for the period he is or has at any time been in possession of the land declared surplus to which he is or was not entitled under the law, a licence fee equal to thirty times the land holdings tax, recoverable in respect of this area.]

(9) 5[-----]

1. Substituted for the words "thirty days" by Haryana Act No. 40 of 1976.
2. Omitted by Haryana Act No. 40 of 1976.
3. Omitted vide Haryana Act No. 34 of 1980.
4. Inserted by Haryana Act No. 40 of 1976.
5. Inserted by Haryana Act No. 18 of 1978 and later omitted vide Haryana Act No. 34 of 1980.

### **19. Correction Of Clerical Errors :-**

Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by such officer or authority either of his own motion or on an application received in this behalf from any of the parties.

### **20. Officers Holding Enquiries To Have Powers Of Civil Courts :-**

Any officer or authority holding an enquiry or hearing an appeal or a revision under this Act shall have the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), relating to -

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents;
- (d) issue of commission;

and every such officer or authority shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898. (Central Act 5 of 1898).

## **20A. Inserted :-**

1[----]

1. Inserted by Haryana Act No. 40 of 1976 and later omitted vide Haryana Act No. 18 of 1978.

## **21. Penalty For Making False Statement :-**

(1) If any person fails to furnish a declaration as required by section 9, or during the course of any proceedings under this Act makes a declaration or statement or furnishes any information which is false or which he knows or has reasons to believe to be false or which he does not believe to be true, he shall be punishable with imprisonment which may extend to 1[two years], or with fine which may extend to 2[two thousand rupees], or with both.

3[(2) If any person secures an allotment by furnishing information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, he shall be punished with imprisonment which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

(3) No court shall take cognizance of an offence punishable under sub-section (1) or sub-section (2) except on a complaint made by the prescribed authority.]

1. Substituted for the words "six months" by Haryana Act No. 17 of 1976.

2. Substituted for the words "one thousand rupees" by Haryana Act No. 17 of 1976.

3. Substituted by Haryana Act No. 40 of 1976.

## **22. Summary Eviction And Fine :-**

(1) Any person who is in wrongful or unauthorised possession of any land -

(a) the transfer 1[or disposition] of which to him either by the act of parties or by the operation of law is invalid under the provisions of this Act; or

(b) to the use and occupation of which he is not entitled under the provisions of this Act;

may, after summary enquiry, be ejected by the Collector who may also impose on such person a penalty not exceeding five hundred rupees.

(2) The Collector may direct that the whole or any part of the

penalty imposed under sub-section (1) shall be paid to the person who has sustained any loss or damage by such wrongful or unauthorised possession of the land.

1. Inserted by Haryana Act No. 17 of 1976.

### **23. Certain Officers To Be Public Servants :-**

Every officer acting under or in pursuance of the provisions of this Act or any rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

### **24. Procedure :-**

In all enquiries and proceedings under this Act, the Collector and any other officer shall have such power and follow such procedure as may be prescribed.

### **25. Court Fees :-**

Notwithstanding anything contained in the Court Fees Act, 1870 (Central Act 7 of 1870), every application, appeal or other proceeding under this Act shall bear a court fee stamp of such value as may be prescribed.

### **26. Bar Of Jurisdiction :-**

(1) No civil court shall have jurisdiction to--

(a) entertain or proceed with a suit for specific performance of a contract for transfer of land which affects the right of the State Government to the surplus area under this Act; or

(b) settle, decide or deal with any matter which is under this Act required to be settled, decided or dealt with by the Financial Commissioner, the Commissioner, the Collector or the prescribed authority.

(2) No order of the Financial Commissioner, the Commissioner, the Collector or the prescribed authority made under or in pursuance of this Act shall be called in question in any court.

### **27. Protection Of Action Taken Under This Act :-**

(1) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Act or any rules

made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions contained in this Act or any rules made thereunder.

### **28. Mode Of Recovery Of Amount And Penalty :-**

The amount or other sum payable under this Act and the amount of any penalty imposed under this Act may be recovered as an arrear of land revenue.

### **29. Delegation :-**

The State Government may, by notification, direct that the powers exercisable by it under this Act, shall in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to the State Government.

### **30. Power To Remove Difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make such provision or give such directions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

### **31. Power To Make Rules :-**

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## **32. Withdrawal Of Exemptions Regarding Utilisation Of Surplus Area :-**

1[As from the appointed day], exemptions granted in relation to the utilisation of surplus area under orchards, tea-estates or well run farms by virtue of 2[the provisions of the Punjab law or the Pepsu law or the rules framed or purported to have been framed thereunder], shall stand withdrawn.

1. Substituted for the words "As from the commencement of this Act" by Haryana Act No. 33 of 1973.

2. Substituted by Haryana Act No. 14 of 1977.

## **33. Repeal And Saving :-**

(1) The provisions of the Punjab Security of Land Tenures Act, 1953, and the Pepsu Tenancy and Agricultural Lands Act, 1955, which are inconsistent with the provisions of this Act are hereby repealed.

(2) The repeal of the provisions of the enactments mentioned in subsection (1), hereinafter referred to as the said enactments, shall not affect--

(i) the applications for the purchase of land under section 18 of the Punjab Law or section 22 of the Pepsu Law, as the case may be, pending immediately before the commencement of this Act, which shall be disposed of as if this Act had not been passed;

(ii) the proceedings for the determination of the surplus area pending immediately before the commencement of this Act, under the provisions of either of the said enactments, which shall be continued and disposed of as if this Act had not been passed, and the surplus area so determined shall vest in, and be utilised by, the State Government in accordance with the provisions of this Act;

1[(iii) the revisional power of the Financial Commissioner under section 24 of the Punjab law or under sub-section (3) of section 39 of the Pepsu law, as the case may be, shall be exercised as if this Act had not been passed; and the area declared surplus in exercise of such revisional power shall vest in, and be utilized by, the State Government in accordance with the provisions of this Act;

(iv) the power exercisable under section 5-C of the Punjab law or under section 32-BB of the Pepsu law, as the case may be, shall be exercised as if this Act had not been passed; and the area determined surplus in exercise of such power shall vest in, and be utilised by, the State Government in accordance with the provisions

of this Act:

Provided that the powers of the Pepsu Land Commission under the Pepsu law shall vest in, and be exercised by, the Collector of the district concerned.]

(3) Save as provided in sub-section (2), no authority shall pass an order in any proceedings whether instituted before or after the commencement of this Act which is inconsistent with the provisions of this Act.

1. Inserted by Haryana Act No. 14 of 1977.