

## **Rajasthan Tenancy (Amendment) Act, 2010**

**23 Of 2010**

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## **Rajasthan Tenancy (Amendment) Act, 2010**

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A Bill further to amend the Rajasthan Tenancy Act, 1955. Be it enacted by the Rajasthan State Legislature in the Sixty-first Year of the Republic of India, as follows :-

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

(1) This Act may be called the Rajasthan Tenancy (Amendment) Act, 2010.

(2) It shall come into force at once.

### **2. Insertion Of New Section 251-A, Rajasthan Act No. 3 Of 1955 :-**

After the existing section 251 and before the existing section 252 of the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955), hereinafter referred to as the principal Act, the following new section shall be inserted, namely:-

"251-A. Laying of underground pipeline or opening a new way through another Khatedars holding or enlarging the existing way.-

(1) Where-

(a) a tenant intends to lay an underground pipeline through the holding of another khatedar for the purpose of irrigation of his holding; or

(b) a tenant or a group of tenants intend to have a new way, or enlargement or widening of an existing way, through the holding of another khatedar to have access to his holding or, as the case may be, their holdings and the matter is not settled by mutual agreement, the tenant or the tenants, as the case may, may apply

for such facility to the Sub- Divisional Officer concerned, and the Sub-Divisional Officer, if he is satisfied after a summary inquiry, that-

(i) the necessity is absolute necessity and it is not for mere convenient enjoyment of holding; and

(ii) particularly in case of a new way through another khatedars holding, that absence of alternative means of access is proved may, by order, allow the applicant , to lay pipeline, at least three feet beneath the surface of the land, along the line demarcated or pointed out by the tenant who holds that land, or to have a new way, not wider than thirty feet, through the land on such track as pointed out by the tenant who holds that land, and if no such track is pointed out, through the shortest or nearest route, or to enlarge or widen the existing way, not exceeding up to thirty feet, on payment of such compensation as may be determined by the Sub-Divisional Officer, in the prescribed manner, to the tenant who holds the land through which the right to lay pipeline or have a new way or enlarge or widen an existing way is granted.

(2) Where a right to have a new way or enlarge or widen an existing way is granted under sub-section (1), the tenancy in respect of the land comprising such way shall be deemed to have been extinguished and the land shall be recorded as rasta in the revenue records.

(3) The persons permitted to avail any of the facilities referred to in sub-section (1) shall not, by virtue of the said facility, acquire any other right in the holding through which such facility is granted."

### **3. Amendment Of Third Schedule, Rajasthan Act No. 3 Of 1955 :-**

In Part II-Application of the Third Schedule of the principal Act, after the existing entry at serial number 81 and before the existing entry at serial number 82, the following new entry shall be inserted, namely:-

"81.A	251-A	Application for laying underground pipeline or opening a new way through another Khatedars holding or enlarging or widening the existing way	None	None	One rupee	Sub-Divisional Officer".
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