# THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT

[*Text as on 31st December 2024*]

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2. Amended by Bom. 4 of 1960
3. Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
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6. Amended by Mah. 2 of 1962
7. Amended by Mah. 26 of 1963
8. Amended by Mah. 44 of 1963
9. Amended by Mah. 39 of 1964
10. Amended by Mah. 4 of 1966
11. Amended by Mah. 17 of 1966
12. Amended by Mah. 41 of 1966
13. Amended by Mah. 49 of 1969
14. Amended by Mah. 35 of 1974 (6-7-1974)
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17. Amended by Mah. 5 of 1982 (5-2-1982)
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19. Amended by Mah. 25 of 2005[2] (17-5-2004)
20. Amended by Mah. 24 of 2012 (22-8-2012)
21. Amended by Mah. 1 of 2014 (7-2-2014)
22. Amended by Mah. 10 of 2014 (27-5-2014)
23. Amended by Mah. 1 of 2016 (1-1-2016)
24. Amended by Mah. 20 of 2016[3] (7-5-2016)
25. Amended by Mah. 56 of 2018 (1-1-2016)

1 Maharashtra Ordinance No. III of 1994 was repealed by Mah. 28 of 1994, s. 7.

2 Maharashtra Ordinance No. XVI of 2004 was repealed by Mah. 25 of 2005, s. 5.

3 Section 8 of Mah. 20 of 2016 reads as under :—

**"8. Power to remove difficulty.—** (*1*) If any difficulty arises in giving effect to the provisions of the Maharashtra Tenancy and Agricultural Lands Act (LXVII of 1948), the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. Act XXI of 1950) and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act (XCIX of 1958), as anything not inconsistent with the provisions of the said Acts, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be after it is made, before each House of the State Legislature."

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

**ACT No. XCIX OF 1958**[1]

[THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT.]

[This Act received the assent of the President on the 25th December 1958; the assent was first published in the *Bombay Government Gazette*, Extraordinary No. 102, Part IV, on the 26th December 1958.]

**An Act to amend the law relating to tenancies of agricultural lands and sites used for allied pursuits in the** [2]**[Vidarbha Region of the State of Maharashtra] and to make certain other provisions in regard to those lands.**

WHEREAS it is expedient to amend the law which governs the relations of landlords and tenants of agricultural lands and sites used for allied pursuits in the [3][Vidarbha Region of the State of Maharashtra] with a view to bringing the status and rights of tenants as far as possible in line with those prevailing in certain other parts of the State;

AND WHEREAS it is expedient in the interests of the general public to regulate and impose restrictions on the transfer of agricultural lands and of dwelling houses and lands appurtenant thereto and sites used for allied pursuits belonging to or occupied by agriculturists, agricultural labourers, artisans and persons carrying on allied pursuits in the [4][Vidarbha Region of the State of Maharashtra] and to provide for the assumption of the management of agricultural lands in certain circumstances and to make provisions of certain other matters hereinafter appearing; It is hereby enacted in the Ninth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

**1. Short title, extent and commencement.—** (*1*) This Act may be called the [5][Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act.]

[6][(*2*) This Act extends to the Vidarbha Region of the State of Maharashtra].

(*3*) It shall come into force on such [7]date as the State Government may, by notification in the *OfficialGazette*, appoint.

**2. Definitions.—** In this Act, unless the context requires otherwise,—

(*1*) "agriculture" includes,—

(*a*) the raising of annual or periodical crops and garden produce,

(*b*) horticulture,

(*c*) the Planting and upkeep of orchards,

(*d*) the reserving or using of land for fodder, or thatching grass, and

(*e*) the use by an agriculturist of the land held by him or a part thereof for grazing of his own cattle;

but does not include allied pursuits or the cutting of wood only;

1 For Statement of Objects and Reasons of the L. A. Bill No. LXXI of 1958, *seeBombay Government Gazette*, 1958, Extraordinary No. 75, Part V, dated the 20th August 1958, pages 695-699.

2 These words were substituted for the words "Vidarbha Region and the kutch area of the state of Bombay" by Mah. 26 of 1963, s. 3, second Schedule.

3 These words were substituted for the words "Vidarbha Region and the kutch area of the state of Bombay" by Mah. 26 of 1963, s. 3, second Schedule.

4 These words were substituted for the words "Vidarbha Region and the kutch area of the state of Bombay" by Mah. 26 of 1963, s. 3, second Schedule.

5 The short title "The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 was amended by Mah. 24 of 2012, ss. 2 and 3, Schedule, entry 72, with effect from 1st May 1960".

6 Sub-section (*2*) was substituted for the original by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

7 30th day of December 1958 *vide* G. N., R. D., No. TNC. 3758/223477, dated the 29th December 1958.



(*2*) "agricultural labourer" means a person whose principal means of livelihood is manual labour on land;

(*3*) "agriculturist" means a person who cultivates land personally;

(*4*) "allied pursuits" means dairy farming, poultry farming, breeding or livestock, grazing (other than the pasturage of one's own agricultural cattle) and such other pursuits as may be prescribed;

(*5*) "appointed day" means the 20th day of August 1958;

(*6*) "Collectors" includes an Additional Collector and an Assistant or Deputy Collector performing the duties and exercising the powers of a Collector under the Code [1][or any other officer specially empowered by the State Government to perform the functions of the Collector under this Act];

(*7*) "Code" means the [2]Madhya Pradesh Land Revenue Code, 1954 (M. P. Act II of 1955);

(*8*) "Commissioner" includes an Additional Commissioner;

(*9*) "Co-operative Society" means a society registered under the provisions of the [3]Co-operative Societies Act, 1912 (II of 1912);

(*10*) "Co-operative farming society" means a society registered as such under the [4]Co-operative Societies Act, 1912 (II of 1912);

(*11*) "to cultivate" means to carry on any agricultural operation;

(*12*) "to cultivate personally" means to cultivate on one's own account,—

(*i*) by one's own labour, or

(*ii*) by the labour of any member of one's family, or

(*iii*) under the personal supervision of one-self or of any member of one's family by hired labour or by servants on wages payable in cash or kind but not in crop share;

*Explanation I.*— A widow or a minor or a person who is subject to any physical or mental disability, or a serving member of the armed forces shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labourer;

*Explanation II*.— In the case of a joint family the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family;

(*13*) "family holding" in relation to any local area constituted under section 3 means a family holding determined under section 4 in respect of lands situated in that local area;

(*14*) "fragment" means a fragment as defined in sub-section (*4*) of section 2 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947);

(*15*) "improvement" means, with reference to a holding, any work which adds to the letting value of the holding which is suitable thereto and consistent with the purpose of which it is held and which, if not executed on the holding, is either executed directly for its benefit; or is after execution, made directly beneficial to it; and, subject to the foregoing provisions, includes,— (*a*) the construction of tanks, wells, water-channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(*b*) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water;

1 This portion was added by Bom. 4 of 1960, s. 2.

2 *See* now the Maharashtra Land Revenue Code, 1966. 3 *See* now the Maharashtra Co-operative Societies Act, 1960. 4 *See* now the Maharashtra Co-operative Societies Act, 1960.



(*c*) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land;

(*d*) the erection of buildings on or in the vicinity of the holding, elsewhere than in the abadi or urban area, required for the convenient or profitable use or occupation of the holding; and

(*e*) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto;

but does not include,—

(*i*) temporary wells and such water-channels, embankments, levellings enclosures or other works, or petty alterations in, or repairs to, such works, as are commonly made by cultivators of the locality in the ordinary course of agriculture; or

(*ii*) any work which substantially diminishes the value of any land, wherever situated, in the occupation of any other person, whether as tenure-holder or tenant;

*Explanation*.— A work which benefits several holdings may be deemed to be an improvement with respect to each of such holdings;

(*16*) "joint family" means an undivided Hindu Family and in the case of other persons a group or unit the members of which by custom or usages are joint in estate or residence;

(*17*) "land" means,—

(*a*) land which is used or capable of being used for agricultural purposes and includes the sites of farm building appurtenant to such land; and

(*b*) for the purposes of sections 16, 22, 23, 24, 25, 26, 32, 34, 36, 37, 55, 89, 91, 121, and 122,—

(*i*) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;

(*ii*) the sites of structures used by agriculturists for allied pursuits;

(*18*) "landholder" means a tenure-holder whom the State Government has declared on account of the extent and value of the land or his interest therein to be a landholder for the purposes of this Act;

(*19*) "landless person" means a person who holding no land for agricultural purposes, whether as tenure-holder or tenant earns his livelihood principally by manual labour and intends to take to the profession of agriculture and is capable of cultivating land personally;

(*20*) "occupancy tenant" means a person recognised to be an occupancy tenant under sub-section (*3*) of section 6;

(*21*) "person" includes joint family;

(*22*) "physical or mental disability" means physical or mental disability by reason of which the person subject to such disability is incapable of cultivating land by personal labour or supervision;

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

(*24*) "profits of agriculture" in respect of any land means the balance remaining with the holder after deducting from the gross produce the cost of cultivation estimated by taking into account the following elements, namely:—

(*a*) the depreciation of stock and buildings,

(*b*) the money equivalent of the holder and his family labour and supervision,

(*c*) all other expenses usually incurred in cultivation of the land, and

(*d*) interest of the cost of buildings and stock and on expenditure for seed and manure, and on cost of agricultural operations paid for in cash;

(*25*) "protected lessee" means a person recognised to be a protected lessee under sub-section (*2*) of section 6;

(*26*) "rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(*27*) "Scheduled area" means an area declared to be a scheduled area under paragraph 6 of the Fifth Schedule to the Constitution of India;

(*28*) "serving member of the armed forces" means a person in the service of the armed forces of the Union, provided that if a question arises whether any person is a serving member of the armed forces of the Union, such question shall be decided by the State Government, and its decision shall be final;

(*29*) "small-holder" means an agriculturist cultivating land less in area than a family holding who earns his livelihood principally by agriculture or by agricultural labour;

(*30*) "Tahsildar" includes a Naib-Tahsildar and any other officer whom the State Government may appoint to perform the duties of a Tahsildar under this Act:

Provided that, the State Government may, by notification in the *Official Gazette*, direct that in the areas specified therein the powers of the Tahsildar under this Act shall be exercised by the Sub-Divisional Officer;

(*31*) "tenancy" means the relationship of landlord and tenant;

(*32*) "tenant" means a person who holds land on lease and includes,—

(*a*) a person who is deemed to be a tenant under section 6, 7 or 8,

(*b*) a person who is protected lessee or occupancy tenant, and the word "landlord" shall be construed accordingly;

(*33*) "Tribunal" means the Agricultural Lands Tribunal constituted under section 97; (*34*) words and expressions used in this Act but not defined shall have the meanings assigned to them in the Code and the Transfer of Property Act, 1882 (IV of 1882), as the case may be.

**3. Delimitation of local areas.—** The State Government may by notification in the *Official Gazette* specify and delimit areas each of which shall constitute a local area for the purposes of this Act.

**4. Determination of family holding.—** (*1*) The State Government shall determine for all or any class of land in each local area the area of a family holding on the following basis in the prescribed manner :—

(*a*) The extent of land which a family of five persons including the agriculturist himself would normally cultivate under the existing conditions of agricultural technique and practice with the aid of a pair of bullocks shall first be determined for all or any class of land in each local area.

(*b*) The extent of land so determined may be varied having regard to the following factors:– (*i*) the situation of land;

(*ii*) its productive capacity;

(*iii*) the soil and climate characteristics;

(*iv*) the fact that the land is located in the scheduled area;

(*v*) such minimum limit of net annual income from the land as may be prescribed;



(*vi*) any other factors which may be prescribed.

(*c*) The areas so determined shall be the family holding.

[1][(*3*) Where different classes of land are held in the same local area or any class or classes of land are held in different local areas, the manner of calculating the family holding in such case shall be as prescribed by rules.]

## CHAPTER II

## GENERAL PROVISIONS REGARDING TENANCIES

**5. Application of Chapter V of Transfer of Property Act.—** The provisions of Chapter V of the Transfer of Property Act, 1882 (IV of 1882), shall, in so far as they are not inconsistent with the provisions of this Act, apply to the tenancies and leases of lands to which this Act applies.

**6. Persons deemed to be tenants.—** (*1*) A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not—

(*a*) a member of the owner's family, or

(*b*) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family, or

(*c*) a mortgagee in possession.

(*2*) For the purposes of this Act, a person shall be recognised to be a protected lessee if such person was immediately, before the commencement of this Act, deemed to be a protected lessee under section 3 of the Berar Regulation of Agricultural Leases Act, 1951 (M. P. Act XXIV of 1951).

(*3*) For the purposes of this Act a person shall be recognised to be an occupancy tenant, if such person was immediately before the commencement of this Act deemed or declared to be an occupancy tenant under section 169 of the Code.

*Explanation*.— A person to whom only the right to cut grass or to graze cattle or to grow singhara (*Trapa bipinosa*) or to propagate or collect lac is granted in any land shall not be deemed to be a tenant for the purposes of this Act.

**7. Certain persons deemed to be tenants for purposes of this Act.—** (*1*) Every person who by himself or through his predecessor-in-interest—

(*a*) held alienated land for a continuous period of three years immediately before the year 1950-51 from, superior holder as an annual tenant within the meaning of section 74 of the Berar Land Revenue Code, 1928, as then in force or as an ordinary tenant within the meaning of section 60 of the Berar Alienated Villages Tenancy Law, 1921 as then in force, or

(*b*) held as a tenant land belonging to any public trust of a religious or charitable nature for a continuous period of three years immediately before the 1st day of April 1957, and

(*c*) is in possession of the land referred to in clause (*a*) or as the case may be, clause (*b*) on the appointed day or was dispossessed from the said land at any time but has been re-instated under sub-section (*2*),

shall be deemed to be a tenant of the said land for the purposes of this Act.

(*2*) (*a*) Any person who held any alienated land as provided in clause (*a*) or any land belonging to a trust as provided in clause (*b*) of sub-section (*1*) but who has been dispossessed subsequently may, if

1 Sub-section (*3*) was added by Mah. 5 of 1961, s. 2.



the said land is in the actual possession of the superior holder or his successor-in-interest or as the case may be of the trust and is not put to a non-agricultural use on or before the appointed day apply 1[before the expiry of a year from the date of commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) (Amendment) Act, 1961 (Mah. II of 1962)] to the Tahsildar to be placed in possession of the said land.

(*b*) The Tahsildar shall, after holding an inquiry, restore possession to such person as tenant.

(*3*) Any suit or other proceeding pending on the date on which this Act comes into force in which any person is sought to be ejected from any alienated land on the ground that he had ceased to be a tenant of such land on the expiry of the agricultural year 1950-51, shall be referred under section 125 to the competent authority and decided as if this section were in force on the date of the institution of such suit or proceedings.

(*4*) In this section—

(*a*) "alienated land" means land which immediately before the coming into force of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (M. P. Act I of 1951) was alienated land as defined in sub-section (*1*) of section 3 of the Berar Alienated Villages Tenancy Law, 1921 and in clause (*2*) of section 2 of the Berar Land Revenue Code, 1928;

(*b*) "superior holder" means a person who immediately before the coming Act into force of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (M. P. Act I of 1951), held alienated land and who became an occupant under section 68 of that Act and has become a Bhumiswami under section 146 of the Code and includes his successor-in-interest.

**8. Record of rights of ordinary tenants.—** (*1*) As soon as may be after this Act comes into force the Tahsildar shall cause a list of persons, other than occupancy tenants, and protected lessees, who are deemed to be tenants under sub-section (*1*) of section 6 to be prepared for entry in the Record of Rights in accordance with the provisions of Chapter IX of the Code.

(*2*) After such list is prepared it shall be published in the prescribed manner and if no application is made by the landlord or the tenant or any other person interested within a period of six months of the date of such publication disputing the correctness or omission of any entry, such list shall be final.

(*3*) If an application is made to the Tahsildar by the landlord or the tenant or any other person interested in the prescribed manner within the aforesaid period, disputing the correctness or omission of such entry, the Tahsildar shall decide the dispute in accordance with the provisions of sub-section (*2*) of section 100 of this Act and such decision subject to appeal or revision under this Act shall, notwithstanding section 106 of the Code, be final.

(*4*) In deciding the question referred to in sub-section (*3*), the Tahsildar shall, notwithstanding anything contained in section 92 of the Indian Evidence Act, 1872 (I of 1872), or in section 49 of the Indian Registration Act, 1908 (XVI of 1908) or in any other law for the time being in force, have power to inquire into and determine the real nature of the transaction and shall be at liberty, notwithstanding anything contained in any law as aforesaid, to admit evidence of any oral agreement or a statement or unregistered document with a view to such determination.

**9. Tenancy not to be terminated by efflux of time.—** No tenancy of any land [2][other than the tenancy of land duly sanctioned under section 36 or section 36A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966)] shall be terminated merely on the ground that the period fixed for its duration whether by agreement or otherwise has expired.

1 This portion was substituted for the words "within one year from the date of the commencement of this Act" by Mah. 2 of 1962, s. 2.

2 This portion was inserted by Mah. 35 of 1974, Schedule.



**10. Restoration of possession to tenants dispossessed after 1st January 1953 in certain circumstances.—** (*1*) A person who or whose predecessor-in-title held land as tenant or protected lessee [1][on the first day of January 1953 or thereafter] and who has subsequently been dispossessed by a surrender of tenancy before the date of the commencement of this Act [2]□□ □ may within a period of one year [3][from the date of the commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch area) (Amendment) Act, 1960 (Mah. V of 1961)] apply to the Tahsildar for the restoration of his tenancy on the same terms and conditions on which he held the land before such surrender unless the land has been put to a non-agricultural use on or before the appointed day.

(*2*) On receipt of such application the Tahsildar shall enquire into the circumstances in which and the procedure under which such dispossession took place and if he is satisfied that such dispossession took place as a result of surrender and the consent of the tenant was procured by fraud, deceit, false representation or undue influence or pressure of any kind whatsoever or was otherwise in contravention of the provisions of the law applicable for the time being, he shall order the restoration of the possession of the land and the tenancy thereof to the tenant.

(*3*) Sub-sections (*1*) and (*2*) shall have effect notwithstanding that another person may be in possession of the land as a protected lessee or a tenant or otherwise, and where such other person is so in possession he shall be liable to be evicted.

**11. Maximum rent.—**Notwithstanding any agreement or usage or any decree or order of a court or any law, the maximum rent payable by a tenant shall not exceed,—

(*a*) three times the land revenue on the land in respect of which announcement of the Settlement has been made at any time within [4][thirty-five years] immediately preceding the commencement of this Act or is made at any time after such commencement;

(*b*) four times the land revenue on the land in any other case.

**12. Rent.—**The rent payable by a tenant shall, subject to the maximum fixed under section 11, be the rent agreed upon between such tenant and his landlord or in the absence of any such agreement the rent payable according to the usage of the locality or if there is no such agreement or usage, or where there is a dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent determined by the Tahsildar in the prescribed manner having regard to the rents prevalent in the locality, the productivity of the land, the prices of commodities and such other factors as may be prescribed:

Provided that the Tahsildar may after inquiry on an application by the tenant or landlord at any time during the currency of the tenancy,—

(*i*) reduce the rent, if he is satisfied that on account of the deterioration of the land by flood, or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for cultivation, or

(*ii*) subject to the provisions of section 11, enhance the rent, if he is satisfied that on account of any improvement made in the land, at the expense of the landlord, there has been an increase in the agricultural produce thereof.

**13. Commutation of rent in crop share into cash rent.—** (*1*) [5][Save as otherwise provided in sub-section (*3*) a tenant] who pays rent in crop share or a landlord to whom the rent is so payable may

1 These words and figures were substituted for the words, figures and letters "on the 1st day of January 1953" by Mah. 5 of 1961, s. 3(*a*).

2 The portion beginning with the words "and such surrender has not been verified in the manner prescribed" and ending with the words "of section 177 of the Code," was deleted by Mah. 5 of 1961, s. 3(*b*).

3 This portion was substituted for the words "from the date of such commencement" by Mah. 5 of 1961, s. 3(*c*). 4 These words were substituted for the words "thirty years" by Mah. 5 of 1961, s. 4.

5 This portion was substituted for the words "A tenant" by Bom. 4 of 1960, s. 3(*1*).



at any time apply to the Tahsildar for commuting the same into cash rent. Such application shall be made in such form as may be prescribed.

(*2*) On receipt of an application under sub-section (*1*), the Tahsildar shall after holding an enquiry commute such rent into cash, subject to the provisions of section 11, by an order in writing and after such commutation no rent shall be recoverable in crop share.

[1][(*3*) (*a*) If a tenant, who pays rent in crop share, is willing to pay rent in cash at the relevant maximum rate specified in section 11, he may after giving to the landlord an intimation in writing in that behalf and sending a copy of such intimation to the Tahsildar, pay to the landlord rent in cash at the relevant maximum rate, in lieu of rent in crop share.

(*b*) Once a tenant pays rent in cash under clause (*a*), the rent in crop share shall be deemed to have been commuted into cash rent and no rent shall thereafter be recoverable in crop share.]

**14. Prohibition for receiving rent in terms of service of labour.—**(*1*) Any landlord receiving rent from any tenant in terms of service or labour shall within twelve months from the date of the coming into force of this Act apply to the Tahsildar for commuting such rent into cash. Such application shall be made in such form as may be prescribed.

(*2*) On receipt of an application under sub-section (*1*), the Tahsildar shall after holding an inquiry by order in writing commute such rent into cash rent subject to the provisions of section 11.

(*3*) Notwithstanding anything contained in any agreement, usage, decree or order of a court or any law, no landlord or person on behalf of the landlord shall recover or receive rent in terms of service or labour after a period of twelve months from the date of the coming into force of this Act.

**15. Refund of rent recovered in contravention of provisions of the Act and other penalties.—**If any landlord or any person on his behalf recovers rent from any tenant in contravention of the provisions of sections 11, 12, 13 or 14, landlord shall forthwith refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar in this behalf and shall also be liable to such penalty as may be prescribed by rules made under this Act.

**16. Abolition of all cesses, etc.—**Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, vero, huk or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

**17. Liability of tenants to pay land and canal revenue and cesses.—** (*1*) Subject to the provisions of sub-section (*2*), every tenant shall be liable to pay in respect of the lands held by him as tenant—

(*a*) the land revenue in accordance with provisions of the Code;

(*b*) the canal revenue in accordance with provisions of the Central Provinces Irrigation Act, 1931 (C. P. Act III of 1931);

(*c*) the cess levied under section 85 of the Central Provinces and Berar Local Government Act, 1948 (C. P. & Berar Act XXXVIII of 1948);

2[(*d*) the cess levied under section 127 of the Bombay Village Panchayats Act, 1958 (Bom III of 1959)].

(*2*) If the aggregate amount of—

(*i*) the land revenue payable by a tenant under clause (*a*) of sub-section (*1*),

(*ii*) the cess payable by him under clauses (*c*) and (*d*) of sub-section (*1*), and

1 Sub-section (*3*) was inserted by Bom. 4 of 1960, s. 3(*2*).

2 This clause was substituted for the original by Bom. 4 of 1960, s. 4.



(*iii*) the rent payable by him to the landlord under section 12, 13 or 14 as the case may be,

for any year exceeds the value of one-sixth of the produce of such land in that year as determined in the prescribed manner, the tenant shall be entitled to deduct from the rent for that year the amount so in excess, and the quantum of rent payable by the tenant to his landlord for that year shall be deemed to have been reduced to the extent of such deductions.

(*3*) Nothing in sub-sections (*1*) and (*2*) shall apply to any lands held by a tenant in a Scheduled area.

**18. Suspensions or remissions of rent.—** (*1*) Notwithstanding anything contained in section 132 of the Code, whenever from any cause the payment of the whole land revenue payable to Government in respect of any lands is suspended or remitted, the landlord shall 1[unless the State Government by and general or special order otherwise directs,] suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If in the case of such land the land revenue is partially suspended or remitted, the landlord shall 2[unless the State Government by and general or special order otherwise directs,] suspend or remit the rent payable by the tenant of such land in the same proportion.

(*2*) If no land revenue is payable to Government in respect of such land and if from any cause, the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Collector shall, subject to the general or special orders of Government, in the manner provided in sub-section (*1*), suspend or remit, as the case may be, the payment to the land due in respect of such land.

(*3*) No suit shall lie and no decree of a civil court shall be executed for recovery by a landlord of any rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(*4*) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the Tahsildar for the recovery of the amount and the Tahsildar may after making an inquiry make an order for the refund.

**19. Termination of tenancy.—** (*1*) Notwithstanding any agreement, usage, decree or order of a court of law, the tenancy of any land held by a tenant shall not be terminated—

(*I*) unless such tenant—

(*a*) (*i*) has failed to pay in any year, before the 31st day of March of that year, the rent of such land for that year, or

(*ii*) if an application for the determination of reasonable rent is pending before the Tahsildar under section 12, has failed to deposit within thirty days from the aforesaid date with the Tahsildar, a sum equal to the amount of rent which he would have been liable to pay for that year if no such application had been made, or

(*iii*) in case the reasonable rent determined under section 12 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Tahsildar;

(*b*) has done any act which is destructive or permanently injurious to the land;

(*c*) has sub-divided the land in contravention of section 33;

1 These words were inserted by Mah. 5 of 1982, s. 7.
2 These words were inserted by Mah. 5 of 1982, s. 7.



(*d*) has sub-let 1[or assigned] the land or failed to cultivate it personally; or

(*e*) has used such land for a purpose other than agriculture 2[or allied pursuits]; and

(*II*) unless the landlord has given three months' notice in writing informing the tenant of his decision to terminate the tenancy and the particulars of the ground for such termination and within that period the tenant has failed to remedy the breach for which the tenancy is liable to be terminated.

(*2*) Notwithstanding anything contained in sub-section (*1*), the tenancy of any land held by a tenant who is a widow or a minor or who is subject to physical or mental disability or who is a serving member of the armed forces shall not be liable to be terminated under the said sub-section only on the ground that such land has been sub-let on behalf of the said tenant.

**20. Termination of tenancy by surrender thereof.—**A tenant may terminate the tenancy at any time by surrendering his interest as a tenant in favour of the landlord :

Provided that, such surrender shall be in writing and shall be verified before the Tahsildar in the prescribed manner.

**21. Land or portion thereof which landlord is not entitled to retain on surrender to be declared as surplus.—**(*1*) Subject to the provisions of this section, where a tenancy is terminated by surrender under section 20, the landlord shall be entitled to retain so much only of such land as will prevent the total area which he cultivates personally, whether as tenure-holder or tenant, or both from exceeding three family holdings.

(*2*) The Tahsildar shall hold an inquiry and declare whether the whole, or what part (if any) of the land surrendered the landlord is entitled to retain under sub-section (*1*), and notwithstanding anything in

that sub-section, he may adjust by reduction or increase the area of any such part to be retained, but only so as to ensure that such part is not a fragment. The Tahsildar shall declare any land surrendered, which the landlord is not entitled to retain under the provisions aforesaid, to be surplus land.

(*3*) In respect of a surrender made by a tenant any time during the period commencing from the first day of August 1957, and ending on the date of the commencement of this Act, the landlord who has obtained possession of the land as a result of such surrender shall within three months from the date of the commencement of this Act, intimate the fact of such surrender in the prescribed manner and in the prescribed form to the Tahsildar.

(*4*) On receipt of such intimation the Tahsildar shall, notwithstanding anything contained in section 10, hold an inquiry and decide whether the surrender has been made validly in accordance with the law then applicable to such surrender and where the surrender is found to have been made validly, the Tahsildar shall decide the extent of land which the landlord shall be allowed to retain in his possession in accordance with the provisions of sub-section (*2*) as if the surrender had taken place after the commencement of this Act and shall declare any land surrendered, which the landlord is not entitled to retain under the provisions aforesaid, to be surplus land.

(*5*) Where the landlord fails to give intimation as required under sub-section (*3*) or where the surrender is found to be invalid as a result of the inquiry held under sub-section (*4*), the Tahsildar shall order the restoration of the possession of the land and the tenancy thereof to the tenant.

**22. Bar to eviction from dwelling house.—** (*1*) If in any village a tenant is in occupation of dwelling house built at the expense of such tenant or his predecessor-in-title on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment) unless,—

(*a*) the landlord proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title; and

1 These words were inserted by Bom. 4 of 1960, s. 5.

2 These words were inserted by Bom. 4 of 1960, s. 5.



(*b*) such tenant makes three defaults in the payment of rent, if any, which he has been paying for the use and occupation of such site.

(*2*) The provisions of sub-section (*1*) shall not apply to a dwelling house which is situated on any land used for the purposes of agriculture from which the tenant has been evicted under [1][section 38, 39 or 39A].

**23. Tenant to give first option of purchasing site on which he has built a dwelling house.—**(*1*) If a landlord to whom the site referred to in section 22 belongs intends to sell such site, the tenant at the expense of whom or whose predecessor-in-title, a dwelling house is built thereon shall be given in the manner provided in sub-section (*2*) the first option of purchasing the site at a value determined by the Tribunal.

(*2*) The landlord intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from the date of service of such notice whether he is willing to purchase the site.

(*3*) If within the period of three months so specified the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Tribunal for the determination of the value of the site. On receipt of such application the Tribunal after giving notice to the tenant and after holding an inquiry shall determine the value of the site. The Tribunal may by an order in writing, require the tenant to deposit the amount of value of such site within three months from date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Tribunal shall on payment of the prescribed fees grant a certificate in the prescribed form to such tenant specifying therein the site so transferred and the name of such tenant.

(*4*) If the tenant fails to intimate his willingness to purchase the site, within the time specified in sub-section (*2*) or fails to deposit the amount of the value within the time specified in sub-section (*3*), the tenant shall be deemed to have relinquished his right of first option to purchase the site unless he expresses such willingness before the Tahsildar under section 36 and deposits with him the amount of the value within the prescribed period and the landlord shall then be entitled to evict the tenant either on payment of such compensation for the value of the structure of such dwelling house as may be determined by the Tribunal or allow the tenant at his option to remove the materials of the structure.

(*5*) Any sale of a site held in contravention of this section shall be invalid.

**24. Power to apply sections 22 and 23 to dwelling houses occupied by agricultural labourers, etc.—**The State Government may, by notification in the *Official Gazette*, direct that the provisions of sections 22 and 23 shall apply,—

(*a*) to the dwelling houses or sites thereof occupied by agricultural labourers and artisans; or

(*b*) to the lands held on lease by person, carrying on an allied pursuit for the purpose of such pursuit, in any particular area specified in the notification.

**25. Tenant's right to trees planted by him.—**If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and the wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for the said trees as may be determined by the Tahsildar:

Provided that, a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant:

Provided further that, the landlord shall, during the continuance of the tenancy, be entitled to the rent of the land as if the trees had not been planted.

1 This portion was substituted for the words and figures "section 38 or 39" by Mah. 2 of 1962, s. 3.



**26. Right to produce of naturally growing trees.—** (*1*) If the landlord has any right to the trees naturally growing on the land held by his tenant, the tenant shall during the continuance of his tenancy be entitled to two-thirds of the total produce of such trees, the landlord being entitled to one-third of the produce of such trees.

(*2*) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce as provided under sub-section (*1*), the tenant or the landlord may apply to the Tahsildar. Such application shall be made in such form as may be prescribed.

(*3*) On receipt of such application, the Tahsildar shall, after holding an inquiry, pass such order thereon as he deems fit.

1**[27. Responsibility of tenant to maintain boundary marks, etc.—**Notwithstanding anything contained in Chapter X of the Code, the tenant shall be responsible for the maintenance and proper repair of boundary and survey marks of the land held by him, and shall be liable to pay any charges reasonably incurred on account of service by revenue officers for the alteration, removal or repair of such marks, and also penalty, if any, imposed under that Chapter.]

**28. Repairs of protective bunds.—**(*1*) Notwithstanding any agreement, usage or custom to the contrary, if it appears to the State Government that the construction, maintenance or repairs of any bunds protecting any land held by a tenant is neglected due to a dispute between the landlord and the tenant or for any other reason, it may by an order in writing direct that the construction, maintenance or repairs shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

(*2*) The persons from whom the costs are recovered under sub-section (*1*) shall be entitled to recover the same or any part thereof from any person who under any agreement, usage or custom is wholly or partially liable to construct, maintain or repair the bunds.

(*3*) Notwithstanding anything contained in sub-section (*1*), it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his costs and the costs so incurred by him shall on application made by him to the Tahsildar be recoverable by him from the landlord according to his liability under the agreement, usage or custom. The costs of the proceedings of the tenant's application shall also be recoverable from the landlord in case the landlord is held wholly or partially liable to pay the costs incurred by the tenant for construction, maintenance or repairs to the bunds.

**29. Relief against termination of tenancy in certain cases.—** Where any tenancy of any land held by any tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceeding for ejectment against such tenant shall lie unless and until the landlord has served on the tenant a notice in writing specifying the act of destruction or injury complained of and the tenant fails within a period of one year from the service of notice to restore the land to the condition in which it was before such destruction or injury.

**30.Relief against Termination of tenancy for non-payment of rent.—** (*1*) Where any tenancy of any land held by any tenant is terminated for non-payment of rent and the landlord files any proceeding to eject the tenant, the Tahsildar shall call upon the tenant to tender to the landlord the rent in arrears together with the costs of the proceeding, within three months from the date of the order, and if the tenant complies with such order, the Tahsildar shall, in lieu of making an order for ejectment, pass an order directing that the tenancy had not been terminated and thereupon the tenant shall hold the land as if the tenancy had not been terminated :

Provided that, if the Tahsildar is satisfied that in consequence of total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Tahsildar may, for reasons to be recorded in writing, direct that the arrears of rent together with the costs of the proceedings if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period,

1 Section 27 was substituted for the original by Mah. 5 of 1961, s. 2.



the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.

(*2*) Nothing in this section shall apply to any tenant whose tenancy has been terminated for non-payment of rent, if such tenant has failed for any three years to pay rent and the landlord has given intimation to the tenant to that effect within a period of three months on each default.

**31. Tenancy to be in abeyance during usufructuary mortgage in favour of tenant.—**If any land is mortgaged by a landlord by way of a usufructuary mortgage to a tenant cultivating such land, the tenancy of such land shall be in abeyance during the period the mortgage subsists. After the expiry of the said period it shall, notwithstanding any other law for time being in force, be lawful to the tenant to continue to hold the land on the terms and conditions on which he held it before the mortgage was created.

**32. Receipts for rent.—**(*1*) In the absence of an express intimation in writing to the contrary by tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

(*2*) When any amount or rent is received in respect of any land by a landlord or by a person on behalf of such landlord, the landlord or, as the case may be, the person shall, at the time when such amount is received by him, give a written receipt therefor in such form and in such manner as may be prescribed.

**33. Sub-division, sub-letting and assignment prohibited.—** (*1*) No sub-division or sub-letting of the land held by a tenant or assignment of any interest therein shall be valid:

Provided that if the tenant dies,—

(*i*) if he is a member of a joint family, the surviving members of the said family, and

(*ii*) if he is not a member of a joint family, his heirs,

shall be entitled to partition and sub-divide the land leased subject to the following conditions, namely :—

(*a*) each sharer shall hold his share as a separate tenant,

(*b*) the rent payable in respect of the land leased shall be apportioned among the sharers, as the case may be, according to the share allotted to them,

(*c*) the area allotted to each sharer shall not be less than the unit which the State Government may, by general or special order, specify in this behalf having regard to the productive capacity and other circumstances relevant to the full and efficient use of the land for agriculture.

(*d*) if such area is less than the unit referred to in clause (*c*), the sharers shall be entitled to enjoy the income jointly but the land shall not be divided by *metes* and *bounds*,

(*e*) if any question arises regarding the apportionment of the rent payable by the sharers, it shall be decided by the Tahsildar whose decision shall be final.

(*2*) Notwithstanding anything contained in sub-section (*1*), it shall be lawful for a tenant,—

(*a*) who is a widow, minor or a person subject to any physical or mental disability, or a serving member of the armed forces, to sub-let such land held by her or him as a tenant;

(*b*) who is a member of a co-operative farming society and as such member to sub-let, assign, mortgage or to create a charge on his interest in the land in favour of such society.

(*3*) Notwithstanding anything contained in sub-section (*1*), it shall also be lawful for a tenant to mortgage or create a charge on his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883 (XIX of 1883), the Agriculturists Loans Act, 1884 (XII of 1884), or the Bombay Non-agriculturists Loans Act, 1928 (Bom. III of 1928), or in favour of a co-operative society, in consideration of a loan advanced to him by such co-operative society and without prejudice to any



other remedy open to the State Government or the co-operative society, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government or the co-operative society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

**34. Bar to attachment, seizure or sale by process of court.—**Save as expressly provided in this Act or as provided in the Co-operative Societies Act, 1912 (II of 1912), for the recovery of loans permitted under section 33, any interest in the land held by him as a tenant shall not be liable to be attached, seized or sold in execution of a decree or order of a Civil Court.

**35. Where land is sold for recovery of loan advanced under any law the right of tenant to stand extinguished.—**Notwithstanding anything contained in this Act, where any land is attached and sold for the recovery of any loan advanced before the commencement of the Berar Regulation of Agricultural Leases Act, 1951 (M. P. Act XXIV of 1951), in the districts of Akola, Amravati, Buldhana and Yeotmal or the Code, in the district of Nagpur, Chanda, Wardha and Bhandara, under the Land Improvement Loans Act, 1883 (XIX of 1883) or the Agriculturists Loans Act, 1884 (XII of 1884), the right of any person as a tenant of such land shall stand extinguished.

**36. Procedure of taking possession.—**(*1*) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house or site used for any allied pursuit under any of the provisions of this Act or as a result of eviction in contravention of sub-section (*2*) may apply in writing for such possession to the Tahsildar. The application shall be made in such form as may be prescribed and within a period of [1][three years] from the date on which the right to obtain possession of the land, dwelling house or site is deemed to have accrued to the tenant, agricultural labourer or artisan, as the case may be.

(*2*) [2][Save as otherwise provided in sub-section (*3*), no landlord] shall obtain possession of any land, dwelling house or site used for any allied pursuit held by a tenant except under an order of the Tahsildar.

For obtaining such order he shall make an application in the prescribed form and within a period of two years from the date on which the right to obtain possession of the land, dwelling house or site, as the case may be, is deemed to have accrued to him.

3[illegible]

(*3*) On receipt of an application under sub-section (*1*) or (*2*), the Tahsildar shall, after holding an inquiry, pass such order thereon as he deems fit :

Provided that where an application under sub-section (*2*) is made by a landlord in pursuance of the right conferred on him under section 38, the Tahsildar may first decide as preliminary issue, whether the conditions specified in clauses (*c*) and (*d*) of sub-section (*3*) and clauses (*b*), (*c*) and (*d*) of sub-section (*4*) of that section are satisfied. If the Tahsildar finds that any of the said conditions are not satisfied, he shall reject the application forthwith.

4[(*3a*) Where a landlord proceeds for termination of the tenancy under sub-section (*1*) of section 57B, then notwithstanding anything contained in this Act, the application for possession of the land shall be made to the Collector, who shall after holding an inquiry in the prescribed manner, pass such order thereon as he deems fit.]

(*4*) Any person taking possession of any land, dwelling house, or site used for any allied pursuit except in accordance with the provisions of 5[sub-section (*1*), (*2*) or as the case may be, (*3a*)] shall be liable to forfeiture of crops, if any, grown in the land in addition to payment of costs as may be directed by the Tahsildar or by the Collector and also to the penalty prescribed in section 117.

1 These words were substituted for the words "two years" by Mah. 5 of 1961, s. 6.

2 These words were substituted for the words "No landlords" by Mah. 39 of 1964, s. 2, Schedule.

3 The proviso was deleted by Mah. 5 of 1961, s. 7.

4 Sub-section (*3a*) was inserted by Mah. 39 of 1964, s. 2, Schedule.

5 This portion was substituted for the words, brackets and figures "sub-section (*1*) or (*2*), as the case may be" by Mah. 39 of 1964, s. 2, Schedule.



**37. Rights and privileges of tenants not to be affected.—**Save as provided in this Act, the rights and privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a Court or otherwise howsoever shall not be limited or abridged.

## CHAPTER III

## TERMINATION OF TENANCY BY LANDLORDS AND SPECIAL RIGHTS OF TENANTS

### (*1*) *Termination of Tenancy for Personal Cultivation.*

**38. Termination of tenancy by landlord for cultivating land personally.—** (*1*) Notwithstanding anything contained in section 9 or 19 but subject to the provisions of sub-sections (*2*) to (*5*), as 1[2[landlord (not being a landlord within the meaning of Chapter III-A) may] after giving to the tenant a notice in writing at any time on or before the 15th day of February 1961, and making an application for possession under section 36 on or before the 31st day of March 1961, terminate the tenancy] of the land held by a tenant other than an occupancy tenant if he *bona fide* requires the land for cultivating it personally:

3[Provided that, where any notice has been given at any time before the commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch area) (Amendment) Act, 1960 (Mah. V of 1961), then notwithstanding that the period of one year mentioned in the notice has not expired, the landlord, in order to terminate the tenancy under this section, shall make an application for possession not later than the 31st day of March 1961.]

(*2*) Where the landlord is of the following category, namely :—

(*a*) a minor,

(*b*) a widow,

4[illegible]

(*d*) a person subject to any physical or mental disability,

then, if he has not given a notice and made an application as required by sub-section (*1*), such notice may be given and such application may be made—

(*A*) by the landlord within one year from the date on which—

(*i*) in the case of category (*a*) he attains majority;

5[ ]

(*iii*) in the case of category (*d*) he ceases to be subject to such physical or mental disability; and

(*B*) In the case of widow by the successor in title within one year from the date on which the widow's interest in the land ceases to exist:

Provided that where a person of such category is a member of a joint family, the provisions of this sub-section shall not apply if at least one member of the joint family is outside the categories mentioned in that sub-section unless the share of such person in the joint family has been separated by *metes* and *bounds* before the prescribed date and the Tahsildar on inquiry is satisfied that the share of such person in the land is separated, having regard to the area, assessment, classification and value of the land, in the same proportion as the share of that person in the entire joint family property, and not in a larger proportion:

1 This portion was substituted for the portion beginning with "landlord may" and ending with "terminate the tenancy" by Mah. 5 of 1961, s. 8(*a*)(*i*).

2 This portion was substituted for words "landlord may" by Mah. 39 of 1964, s. 2, Schedule. 3 This proviso was added by Mah. 5 of 1961, s. 8(*a*)(*ii*).

4 Clause (*c*) was deleted by Mah. 39 of 1964, s. 2, Schedule.

5 Item (*ii*) was deleted by Mah. 39 of 1964, s. 2, Schedule.



Provided further that where land is held by two or more joint landlords, the provision of this sub-section shall not apply if at least one joint holder is outside the categories specified in clauses (*a*) to (*d*) of this sub-section.

(*3*) The right of a landlord to terminate a tenancy under sub-section (*1*) shall be subject to the following conditions, namely :—

(*a*) If the landlord at the date on which the notice is given and on the date on which it expires has no other land of his own or has not been cultivating personally any other land, he shall be entitled to take possession of the land leased to the extent of three family holdings.

(*b*) If the land cultivated by him personally is less than three family holdings, the landlord shall be entitled to take possession of so much area of the land leased as will be sufficient to make up the area in his possession to the extent of three family holdings.

(*c*) The income by the cultivation of the land of which he is entitled to take possession is the principal source of 1[income for the maintenance of such landlord (not being a landlord whose total holding whether as tenure holder or tenant or partly as tenure holder and partly as tenant does not exceed one family holding and who earns his livelihood principally by agriculture or agricultural labour)].

(*d*) The land leased stands in the record of rights or in any public record or similar revenue record on the 1st day of August 1957 and thereafter during the period between the said date and the date of the commencement of this Act in the name of the landlord himself or any of his ancestors, 2[but not of any other predecessor-in-title from whom title is derived, whether by assignment or Court sale or otherwise] or if the landlord is a member of a joint family, in the name of a member of such family.

(*e*) If more tenancies than one are held under the same landlord, then the landlord, shall be competent to terminate only the tenancy or tenancies which are the shortest in point of duration.

(*4*) In no case a tenancy shall be ter

(*a*) in such manner as will result in leaving with a tenant, after termination, less than half the area of the land leased to him:

[3][Provided that,—

[4][(*i*)] where the total holding of a landlord exceeds one-third of a family holding but does not exceed one family holding, the landlord shall be entitled to resume for personal cultivation one-third of the family holding or half of the land leased by him, whichever is more;

[5][(*ii*)] where the total holding of a landlord is equal to or less than one-third of a family holding, the landlord shall be entitled to resume for personal cultivation the entire land leased by him;

(*b*) in such a manner [6][as will, except in cases of land resumed under the proviso to clause (a), result] in contravention of the [7]Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 or making any part of the land leased a fragment within the meaning of that Act,

(*c*) if the tenant has become a member of a co-operative farming society and so long as he continues to be such member, or

1 This portion was substituted for the words "income for his maintenance" by Mah. 5 of 1961, s. 8(*b*).

2 This portion was inserted and deemed always to have been inserted by Bom. 4 of 1960, s. 6.

3 This proviso was substituted for the original by Mah. 5 of 1961, s. 8(*c*).

4 The brackets and figures "(*i*)" and "(*ii*)" were substituted for the brackets and letters "(*a*)" and "(*b*)" by Mah. 2 of 1962, s. 4(*a*).

5 The brackets and figures "(*i*)" and "(*ii*)" were substituted for the brackets and letters "(*a*)" and "(*b*)" by Mah. 2 of 1962, s. 4(*a*).

6 This portion was substituted for the words "as will result" by Mah. 2 of 1962, s. 4(*b*).

7 The short title of the Act has been amended as "the Maharashtra Prevention of fragmentation and Consolidation of Holdings Act" by Mah. 24 of 2012, Sections 2 and 3, Schedule, entry 29, w.e.f. 1-5-1960.



(*d*) if the tenant is a co-operative farming society.

[1][(*4A*) The provisions of sub-section (*3*) (except clauses (*a*) and (*b*) thereof) and of sub-section (*4*) shall not apply to a landlord who, on ceasing to be a serving member of the armed forces, applies for possession of land as provided in this section in order to terminate the tenancy of this tenant.]

(*5*) The tenancy of any land left with the tenant after the termination of the tenancy under this section shall not at any time afterwards be liable to termination again, on the ground that the landlord *bona fide* requires that land for personal cultivation.

(*6*) If, in consequence of the termination of the tenancy under this section, any part of the land leased is left with the tenant, the rent shall be apportioned in the prescribed manner in proportion to the area of the land left with the tenant.

[2](7) Nothing in this section shall confer on a tenure-holder who has acquired any [3][land by transfer or partition] after the 1st day of August 1953, a right to terminate the tenancy of a tenant who is a protected lessee and whose right as such protected lessee had come into existence [4][before such transfer or partition].

**39. Right of certain landlords to terminate tenancy for cultivating personally.—**(*1*) Notwithstanding anything contained in section 9, 19 or 38 but subject to the provisions of sub-section (*2*), a landlord who holds an area not exceeding a family holding, may terminate such tenancy created by him not earlier than the first day of April 1957 as could have been terminated but for the provisions of the Bombay Vidarbha Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Laws) Ordinance, 1957 (Bom. Ord. IV of 1957) or the Bombay Vidarbha Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Laws) Act, 1957 (Bom. IX of 1958), by giving to the tenant a notice in writing and making an application for possession as provided in sub-section (*2*) of section 36 [5][within one year from the date of the commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) (Amendment) Act, 1960 (Mah. V of 1961)] if he *bona fide* requires the land for cultivating it personally.

(*2*) The right of the landlord to terminate a tenancy under sub-section (*1*) shall be subject to the conditions contained in clauses (*c*), (*d*) and (*e*) of sub-section (*3*) of section 38 and the following other conditions, namely :—

(*a*) If the landlord at the date on which the application for possession is made by him has no other land of his own or has not been cultivating personally any other land he shall be entitled to take possession of the land leased to the extent of a family holding.

(*b*) If the land cultivated by him personally is less than a family holding, the landlord shall be entitled to take possession of so much area of the land leased as will be sufficient to make the area in his possession equal to a family holding.

6(*3*) Nothing in this section shall confer on a tenure-holder who has acquired any 7[land by transfer or partition] after the first day of August 1953 a right to terminate the tenancy of a tenant who is a protected lessee and whose right as such protected lessee had come into existence 8[before such transfer or partition].

1 Sub-section (*4A*) was inserted by Mah. 5 of 1961, s. 8(*d*).

2 Sections 38 and 39 amended by Mah. 44 of 1963 shall also apply as respects all suits, appeals and proceedings which are pending before any authority, tribunal or Court on the date of the commencement of Mah. 44 of 1963 (*see* s. 6 of Mah. 44 of 1963).

3 These words were substituted for the words “land by transfer” by Mah. 44 of 1963, s. 2.

4 These words were substituted for the words “before the transfer” by Mah. 44 of 1963, s. 2.

5 This portion was substituted for the words and figures “before the 30th day of September 1959” by Mah. 5 of 1961 s. 9. 6 Sections 38 and 39 amended by Mah. 44 of 1963 shall also apply as respects all suits, appeals and proceedings which are pending before any authority, tribunal or Court on the date of the commencement of Mah. 44 of 1963 (*see* s. 6 of Mah. 44 of 1963).

7 These words were substituted for the words “land by transfer” by Mah. 44 of 1963, s. 3.

8 These words were substituted for the words “before the transfer” by Mah. 44 of 1963, s. 2.



**1[39A. Special right of certain landlords to terminate tenancy for personal cultivation.—**

(*1*) Notwithstanding anything contained in section 9, 19, 38 or 39, but subject to the provisions of this section, a landlord who before the 15th day of February 1961 held as tenure-holder land not exceeding one-third of a family holding and who earns his livelihood principally by agriculture or by agricultural labour may terminate the tenancy of his tenant (not being an occupancy tenant), if the landlord *bona fide* required the land for cultivating it personally.

(*2*) The landlord shall, for terminating the tenancy, give such tenant notice in writing within one year from the date of the commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) (Amendment) Act, 1961 (Mah. II of 1962) and make an application for possession as provided in sub-section (*2*) of section 36 before the 1st day of April 1963, notwithstanding that in respect of the same tenancy an application of the landlord made in accordance with sub-section (*1*) of section 38 or of section 39,—

(*i*) is pending before the Tahsildar or in appeal before the Collector, or in revision before the Maharashtra Revenue Tribunal on the date of the commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) (Amendment) Act, 1961 (Mah. II of 1962) (hereinafter referred to in this section) as (“the commencement date”), or

(*ii*) has been rejected by any authority before the commencement date.

(*3*) Where a landlord belongs to any of the following categories, that is to say,—

(*a*) a minors,

(*b*) a widow,

2[ ]

(*d*) a person subject to any physical or mental disability,

and, if the notice is not given or the application is not made, as required by sub-section (*2*), then such notice may be given and such application made—

(*A*) Within one year from the date on which—

(*i*) in the case of category (*a*), the landlord attains majority;

[3]

(*iii*) in the case of category (*d*), he ceases to be subject to such physical or mental disability; and

(*B*) in the case of a landlord who is a widow, by the successor-in-title within one year from the date on which the widow's interest in the land ceases to exist:

Provided that, where a person of any such category is a member of a joint family the provisions of this sub-section shall not apply if at least one member of the joint family is outside any such category unless the share of such person in the joint family has been separated by *metes* and *bounds* before the prescribed date, and the Tahsildar on inquiry is satisfied that the share of such person in the land is separated, having regard to the area, assessment, classification and value of the land, in the same proportion as the share of that person in the entire joint family property, and not in a larger proportion:

Provided further that, where land is held by two or more joint landlords, the provisions of this sub-section shall not apply if at least one joint holder is outside the categories specified in [4][clauses (*a*), (*b*) and (*d*)] of this sub-section.

1 Section 39A was inserted by Mah. 2 of 1962, s. 5.

2 Clause (*c*) was deleted by Mah. 39 of 1964, s. 2, Schedule.

3 Item (*ii*) was deleted by Mah. 39 of 1964, s. 2, Schedule.

4 This portion was substituted for the words, brackets and letters "clauses (*a*) to (*d*)" by Mah. 39 of 1964, s. 2, Schedule.



(*4*) The right of a landlord to terminate the tenancy under sub-section (*1*) shall be subject to the conditions contained in clause (*d*) of sub-section (*3*) of section 38 and clauses (*a*) and (*b*) of sub-section (*2*) of section 39.

(*5*) The provisions of sub-sections (*4*), (*5*), (*6*) and (*7*) of section 39 shall apply to the termination of tenancy under this section, as they apply for termination of tenancy under that section.]

**40.Provisions of section 38 not to affect right of tenant to purchase land.—** (*1*) Nothing in section 38 shall be deemed to affect the right of a tenant to purchase under section 41 land held by him as tenant:

Provided that where the tenant makes an offer to the landlord under section 43 in respect of such land, the landlord may, within three months from the date of receipt of such offer, select the land for cultivating personally and give an intimation in writing to the tenant of his intention to terminate the tenancy of such land:

Provided further that the landlord's right to terminate the tenancy shall be subject to the provisions of section 38.

(*2*) The question whether the landlord is entitled to terminate the tenancy of the land in preference to the right of the tenant to purchase such land shall be decided by the Tahsildar.

(*2*) *Right of tenant to purchase land.*

**41. Right of tenant to purchase land.—**(*1*) Notwithstanding anything to the contrary in any law, usage or contract but subject to the provisions of sections 42 to 44 (both inclusive) a tenant other than an occupancy tenant shall, in the case of land held by him as a tenant, be entitled to purchase from the landlord the land held by him as a tenant and cultivated by him personally.

(*2*) Where the landlord is of the following category, namely :—

(*a*) a minor,

(*b*) a widow,

(*c*) [1]

(*d*) a person subject to any physical or mental disability,

such tenant shall be entitled to purchase the landlord's interest under this section after the expiry of two years from the date on which—

(*i*) the landlord of category (*a*) attains majority,

(*ii*) [2]

(*iii*) the landlord of category (*d*) ceases to be subject to such disability, and

(*iv*) the interest of the landlord of category (*b*) in the land ceases to exist:

Provided that where land is held by the tenant under two or more joint landlords, this sub-section shall not apply if at least one joint landlord is outside the categories specified in [3][clauses (*a*), (*b*) and (*d*)] of this sub-section:

Provided further that where a person of any such category is a member of a joint family this sub-section shall not apply, if at least one member of the joint family is outside such categories, unless the share of such person in the joint family has been separated by *metes* and *bounds* before the prescribed date and the Tahsildar on inquiry is satisfied that the share of such person in the land is separated having regard to the area, assessment, classification and value of the land in the same proportion as the share of that person in the entire joint family property and not in larger proportion.

1 Clause (*c*) was deleted by Mah. 39 of 1964, s. 2, Schedule.

2 Item (*ii*) was deleted by Mah. 39 of 1964, s. 2, Schedule.

3 This portion was substituted for the words, brackets and letters "clauses (*a*) to (*d*)" by Mah. 39 of 1964, s. 2, Schedule.



(*3*) Nothing in section 91 shall affect the right of a tenant to purchase under this section the land held by him on lease.

**42. Extent of land which tenant may purchase under section 41.—** The right of a tenant under section 41 to purchase from his landlord the land held by him as a tenant shall be subject to the following conditions, namely :—

(*a*) if the tenant does not hold and cultivate personally any land, as a tenure holder the purchase of the land by him shall be limited to the extent of three family holdings;

(*b*) if the tenant holds and cultivates personally any land as at tenure holder the purchase of the land by him shall be limited to such area as will be sufficient to make up the area of the land held by him as a tenure-holder to the extent of three family holdings;

[1]

**43. Tenant to make an offer, determination of purchase price, mode of payment, etc.—**(*1*) (*a*) A tenant who desires to exercise the right conferred by section 41 shall make an offer to the landlord stating the price at which he is prepared to purchase the land, such price not exceeding twelve times the rent payable by him and the depreciated value of any structures, wells and embankments constructed and permanent fixtures made and the value of any trees planted on the land by the landlord after the period of the last Settlement or where no such Settlement is made during the period of thirty years before the commencement of this Act and the amount of the arrears of rent, if any, lawfully due on the day on which the offer is made.

(*b*) Where the tenant is entitled to purchase a part of the land held by him as tenant, he shall, subject to the rules made by the State Government in this behalf, choose the area and location of the land to be purchased from the landlord and state in the offer the part which he has so chosen for being purchased:

Provided that the land so chosen shall not, as far as may be practicable, be other than a survey number or a sub-division of a survey number.

(*2*) If the landlord refuses or fails to accept the offer and to execute the sale deed within three months from the date of the offer, the tenant may apply to the Tribunal for the determination of the reasonable price of the land.

2[(*3*) The Tribunal shall, after giving an opportunity to the tenant and the landlord and all other persons interested in such land to be heard and after holding an inquiry, determine the purchase price of such land, which shall consist of,—

(*a*) the price of such land determined by the Tribunal in accordance with the provisions of section 90, and

(*b*) the amount of the arrears of rent, if any, determined by the Tribunal as lawfully due on the date on which the tenant has made an application under sub-section (*2*).]

(*4*) On the determination of the purchase price under sub-section (*3*) the tenant shall deposit with the Tribunal 3[the entire amount of such purchase price]—

(*a*) either in lump sum within one year from such date, or

(*b*) in such annual instalments not exceeding twelve with simple interest at the rate of 4 ½ per cent. per annum on or before such dates,

as may be fixed by the Tribunal and the Tribunal shall direct that the amount deposited in lump sum or the amount of instalments deposited shall, subject to the provisions of section 44, be paid to the landlord.

1 Clause (*c*) was deleted by Mah. 2 of 1962, s. 6.

2 Sub-section (*3*) was substituted for the original by Bom. 4 of 1960, s. 7(*1*).

3 These words were substituted for the original by Bom. 4 of 1960, s. 7(*2*).



(*5*) If such tenant is unable to deposit with the Tribunal 1[the purchase price] in lump sum within the period fixed by the Tribunal, the tenant may deposit with the Tribunal within the said period an amount equal to one-twelfth of 2[the purchase price] and the interest for one year at the rate of 4 1/2 per cent. per annum on the balance amount of 3[the purchase price] and apply to the Tribunal for the facility of payment of 4[the purchase price] in instalments. On such deposit being made the facility shall be granted by the Tribunal.

(*6*) During any period of which payment of rent is suspended or remitted under section 18, the tenant shall not be bound to pay the purchase price in lump sum or the amount of any instalments fixed under this section or any interest thereon, if any.

(*7*) Where a tenant is in arrears of four instalments, he may within a period of three months from the date of the default of the last instalment apply to the Tribunal to condone the default on the ground that he, for reasons, beyond his control was incapable of paying the instalments and if the Tribunal after holding such inquiry as it may think fit, is so satisfied, the Tribunal may allow further time for the payment of the arrears and may for that purpose increase the number of instalments to sixteen.

(*8*) On the deposit of 5[the purchase price] in lump sum of the last instalment of such price, the Tribunal shall issue a certificate of purchase in the prescribed form, to the tenant in respect of the land. Such certificate shall be conclusive evidence of purchase.

(*9*) If the tenant fails to pay 6[the entire amount of the purchase price] within the period fixed under sub-section (*4*) or (*7*) or is in arrears of four instalments under sub-section (*4*) or (*7*) the amount of the purchase price remaining unpaid and the amount of the interest thereon, if any, shall be recoverable as arrears of land revenue and on such recovery the Tribunal shall issue the aforesaid certificate.

(*10*) In the event of failure of recovery as arrears of land revenue under sub-section (*9*) the purchase shall not be effective and the amount deposited by the tenant shall be refunded to him after deducting the rent due from him for the period:

Provided that if the land is situated in a scheduled area the tenant shall also be refunded the amounts of land revenue and the cesses referred to in clauses (*c*) and (*d*) of sub-section (*1*) of section 17 paid by him.

(*11*) Until the deposit of the entire amount is made in lump sum or until the year in which the first instalment becomes payable the liability of the tenant to pay the rent due in respect of the land shall continue and shall not be affected. The tenant holding land in a Scheduled area shall be liable to pay the land revenue, canal revenue and other cesses referred to in section 17 due in respect of the land on deposit of the entire amount or from the year in which the first instalment thereof becomes payable.

(*12*) Where any purchase of land becomes ineffective, the landlord shall be entitled to recover from the tenant the rent of the land as if the land had not been purchased [7][and the rent due; if not paid within the period or extended period referred to in sub-section (*13*), shall be recovered from the tenant as an arrear of land revenue and paid to the landlord]. The amount of rent so recoverable shall be deducted from the amount, if any, to be refunded to the tenant.

(*13*) If within three months from the date on which the purchase of any land has become ineffective or such further period not exceeding one year as may be allowed by the Tribunal having regard to the total amount refundable to the tenant the landlord fails to refund to the tenant the amount paid after deducting any rent due to him, it shall be recovered from him as an arrear of land revenue and paid to the tenant.

1 These words were substituted for the words "the price" by Bom. 4 of 1960, s. 7(*3*).

2 These words were substituted for the words "the price" by Bom. 4 of 1960, s. 7(*3*).

3 These words were substituted for the words "the price" by Bom. 4 of 1960, s. 7(*3*).

4 These words were substituted for the words "the price" by Bom. 4 of 1960, s. 7(*3*).

5 These words were substituted for the words "the price" by Bom. 4 of 1960, s. 7(*3*).

6 These words were substituted for the words "the entire amount of the price and the arrears of rent" by Bom. 4 of 1960, s. 7(*4*).

7 These words were inserted by Mah. 5 of 1961, s. 10.



(*14*) After the issue of the certificate under sub-section (*8*) the Tribunal shall declare the tenant to be Bhumiswami or Bhumidhari, according as the land was held by the landlord with effect from the agricultural year next following the date of issue of the certificate.

[1][(*14-A*) If a tenant fails to exercise his right of purchase under section 41 in respect of any land or the purchase of any land becomes ineffective, the land shall be deemed to have been surrendered to the landlord, and thereupon the provisions of sub-sections (*1*) and (*2*) of section 21 and Chapter VII shall apply to such land as if the land was surrendered by the tenant under section 20.]

(*15*) If at any time after the purchase of land under this section the purchaser fails to cultivate the land personally he shall, unless the Collector condones such failure for sufficient reasons, be evicted and the land shall be declared as surplus land.

**44. Amount of purchase price to be applied towards satisfaction of debts.—** (*1*) During an inquiry held under sub-section (*3*) of section 43 the Tribunal shall determine any encumbrances lawfully subsisting on the land on the date of the application made by the tenant under sub-section (*2*) of that section.

(*2*) (*a*) If the total amount of the encumbrances is less than the purchase price so determined,—

(*i*) where the purchase price is paid in lump sum, it shall be deducted from the purchase price and the balance paid to the landlord;

(*ii*) where the purchase price is made payable in instalments, the Tribunal shall deduct such amount from such instalments towards the payment of the encumbrances :

Provided that where under any agreement, award, the decree or order of a Court or any law, the amount of the encumbrances is recoverable in instalments, the Tribunal shall deduct such amount as it deems reasonable from the instalments so payable.

(*b*) If the total amount of the encumbrances is more than the amount so determined, the purchase price in lump sum or the instalments, as the case may be, shall be distributed in the order of priority. If any person has a right to receive maintenance or alimony from the profits of the land, the Tribunal shall also make deductions for payments out of the purchase price.

(*3*) If such question involves any question of law regarding the validity of the encumbrance or the claim of the holder of the encumbrance or any question regarding the amount due in respect of encumbrance, then notwithstanding anything contained in section 124, the Tribunal shall in the manner prescribed refer the question for decision to the Civil Judge within the territorial limits of whose jurisdiction the land is situate. On receipt of such reference the Judge concerned shall, after giving notice to the parties concerned, try the questions referred to and record findings thereon and send the same to the Tribunal. The Tribunal shall then give the decision in accordance with the said findings.

(*4*) Nothing in this section shall affect the rights of holder of any such encumbrances to proceed to enforce against the landlord his right in any other manner or any other law for the time being in force.

**45. Power to declare occupancy tenants as tenure holder.—** (*1*) An occupancy tenant shall be entitled to purchase the right in the land of a tenure-holder from whom he holds the land in accordance with the provisions of this section.

(*2*) An occupancy tenant desiring to purchase the right of the tenure-holder in the land may apply to the Tribunal in the prescribed form and deposit with application a sum equal to ten times the rent if he holds the land from a Bhumiswami and seven times the rent if he holds the same from a Bhumidhari.

(*3*) On such deposit being made, the Tribunal shall declare such tenant to be Bhumiswami or Bhumidhari, as the case may be, of the land in question, fix the amount of land revenue payable for such land and pay tenure-holder the amount deposited by the tenant.

1 Sub-section (*14-A*) was inserted by Mah. 2 of 1962, s. 7.



(*4*) The declaration made under sub-section (*3*) shall take effect from the commencement of the agricultural year next following the date of such declaration and from such date the rights of the tenure-holder in the land shall stand extinguished.

(*5*) No mortgage, charge or encumbrance subsisting on the land on the date of the application made under sub-section (*2*) by the occupancy tenant shall be affected by the declaration made under sub-section (*3*).

(*3*) *Compulsory transfer of ownership of land to tenants.*

**46. Transfer of ownership of land to tenants from specified date.—**(*1*) Notwithstanding anything in this Chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, with effect on and from the first day of April 1961, the ownership of all lands held by tenants which they are entitled to purchase from their landlords under any of the provisions of this Chapter shall stand transferred to and vest in, such tenants and from such date such tenants shall be deemed to be the full owners of such lands:

Provided that if on such date any such tenant is of the following category, namely :—

(*a*) a minor,

(*b*) a widow,

(*c*) a serving member of the armed forces, or

(*d*) a person subject to any physical or mental disability,

the ownership of the land shall stan

(*i*) to the tenant on the expiry of one year from the date on which the tenant of category (*a*) attains majority, the tenant of category (*c*) ceases to serve in such force, the tenant of category (*d*) ceases to be subject to such disability; and

(*ii*) in the case of a widow to her successor-in-title on the expiry of one year from the date on which the widow's interest in the land ceases to exist:

Provided further that where in respect of any such land, any proceeding under sections 19, 20, 21, 36 or 38 is pending on the date specified in sub-section (*1*) the transfer of ownership of such land shall take effect on the date on which such proceeding is finally decided and the tenant retains possession of the land in accordance with the decision in such proceeding.

[1][(*1A*) (*a*) Where a tenant who is evicted from the land before the 1st day of April 1961 and not in possession thereof on that date, has made or makes an application for possession of the land within the period specified in sub-section (*1*) of section 36, then if the application is allowed by the Tahsildar, or in appeal by the Collector, as the case may be, or in revision by the Maharashtra Revenue Tribunal, the ownership of such land shall stand transferred to and vest in the tenant on the date on which the final order allowing the application is made.

(*b*) Where such tenant has not made the application within the period aforesaid or the application is finally rejected under this Act, and the land is held by any other person as tenant on the date of expiry of the said period or on the date of final rejection of the application, then the ownership of the land shall stand transferred to and vest in such other person on the relevant date aforesaid.]

(*2*) In respect of the land the ownership of which stands transferred to and vest in a tenant under sub-section (*1*) the tenant shall continue to be liable to pay to the landlord the rent of such land until the amount of the purchase price payable by the tenant to the landlord is determined under section 48.

1 Sub-section (*1A*) was inserted by Mah. 2 of 1962, s. 8.



**47. Purchase price.—** In respect of any land, the ownership of which stands transferred to or vests in the tenant under section 46, the tenant shall pay to the landlord the price of the land which shall be reckoned as follows :—

(*1*) The aggregate shall be taken of the following amounts, that is to say—

(*i*) an amount—

(*a*) equal to ten times the rent of the land in the case of an occupancy tenant holding the land from a Bhumiswami,

(*b*) equal to seven times the rent of the land in the case of an occupancy tenant holding the land from a Bhumidhari, and

(*c*) not exceeding twelve times the rent of the land in the case of any other tenant;

(*ii*) the amount of the arrears of rent, if any, lawfully due on the date on which the ownership of the land stands transferred to the tenant under section 46;

(*iii*) the depreciated value of any structures, wells and embankments constructed and other permanent fixtures made and trees planted by the landlord on the land after the period of the last Settlement or where no such Settlement is made during the period of thirty years before the commencement of this Act, if the purchase is by a tenant other than an occupancy tenant;

(*iv*) the amounts, if any, paid by or recovered from the landlord as land revenue, canal revenue and cesses referred to in sub-section (*1*) of section 17, in the event of the failure on the part of the tenant to pay the same.

(*2*) Where a tenant to whom sub-section (*3*) of section 17 applies, has, after the commencement of this Act, paid in respect of the land held by him as tenant, land revenue and other cesses referred to in sub-section (*1*) of that sectio f the landlord to pay the same, a sum

equal to the total amount so paid by the tenant until the date of the determination of the purchase price shall be deducted from the aggregate of the amount determined under clause (*1*).

(*3*) (*a*) On the aggregate amount arrived at in accordance with the provisions of clauses (*1*) and (*2*) there shall be calculated interest at 4½ per cent. per annum for the period between the date on which the ownership of the land stands transferred to and vests in the tenant under section 46 and the date of the determination of the purchase price.

(*b*) (*i*) The amount of interest so calculated shall be added to the aggregate amount so arrived at, and (*ii*) the amount of rent, if any, paid by the tenant to the landlord and the value of any products or trees planted by the landlord if such products are removed by the landlord during the said period shall be deducted from the aggregate amount so arrived at.

**48. Tribunal todeterminethe extentof landtransferredto tenantandpurchaseprice thereof.—** (*1*) As soon as may be after the date specified in sub-section (*1*) of section 46, the Tribunal shall publish or cause to be published a public notice in the prescribed

form in each village within its jurisdiction calling upon—

(*a*) all tenants to whom the ownership of lands stands transferred under section 46,

(*b*) all landlords of such lands, and

(*c*) all other persons interested therein,



to appear before it on the date specified in the notice. The Tribunal shall also issue a notice individually to each such tenant, landlord and also, as far as practicable, other persons calling upon each of them to appear before it on the date specified in the public notice.

(*2*) The Tribunal shall thereupon hold an inquiry and determine in respect of each tenant—

(*a*) the land which stands transferred to and vests in him under section 46 and

(*b*) the purchase price thereof, in accordance with section 47:

Provided that where the purchase price in accordance with the provisions of section 47 is mutually agreed upon by the landlord and the tenant, the Tribunal after satisfying itself in such manner as may be prescribed that the tenant's consent to the agreement is voluntary may make an order determining the purchase price and providing for its payment in accordance with such agreement.

**49. Provisions of sections 43, 44 and 45 to apply to transfer of ownership under section 46.—** Save as provided in sub-section (*2*) of section 46, the provisions of sub-section (*4*) to (*15*) of section 43, section 44 and sub-sections (*2*), (*3*), (*4*) and (*5*) of section 45 shall *mutatis mutandis* apply to the transfer of ownership of land under section 46.

[1]**[49A. Ownership of certain lands to stand transferred to tenants on 1st day of April 1963.—** (*1*) Notwithstanding anything contained in section 41 or 46, or any custom, usage, decree, contract or grant to the contrary but subject to the provisions of this section, on and from the 1st day of April 1963 the ownership of all land held by a tenant (being land which is not transferred to the tenant under section 46 or which is not purchased by him under section 41 or 50) shall stand transferred to and vest in, such tenant who shall, from the date aforesaid, be deemed to be the full owner of such land, if such land is cultivated by him personally, and

(*i*) the landlord has not given notice of the termination of tenancy in accordance with the provisions of sub-section (*1*) of section 38 or section 39 or sub-section (*2*) of section 39A; or

(*ii*) the landlord has given such notice but has not made an application thereafter under section 36 for possession as required by those sections; or

(*iii*) the landlord (being a landlord not belonging to any of the categories specified in sub-section (*2*) of section 38) has not terminated the tenancy on any of the grounds specified in section 19; or has so terminated the tenancy but has not applied to the Tahsildar on or before the 31st day of March 1963 under section 36 for possession of the land:

Provided that, where the landlord has made such application for possession, then the tenant shall, on the date on which the application is finally decided be deemed to be the full owner of the land which he is entitled to retain in possession after such decision.

(*2*) (*a*) Where a tenant, who is evicted from the land before the 1st day ofApril 1963, and is not in possession thereof on that date, has made or makes anapplication for possession of the land within the period specified in sub-section (*1*)of section 36 then, if the application is allowed by the Tahsildar, or in appeal by theCollector or, as the case may be, in revision by the Maharashtra Revenue Tribunal,he shall be deemed to be the full owner of the land on the date on which the finalorder allowing the application is made.

(*b*) Where such tenant has not made the application within the aforesaidperiod or any application made by him is finally rejected under this Act, and theland is held by any other person as tenant on the date of expiry of the said periodor on the date of final rejection of the application then, such other

1 Section 49A was inserted by Mah. 2 of 1962, s. 9.

person shallbe deemed to be the full owner of the land on the date of expiry of the period,or as the case may be, on the date of the final rejection of the application.

(*3*) Where the landlord, belonging to any of the categories specified insub-section (*2*) of section 38, has not given notice of termination of tenancy inaccordance with the said sub-section (*2*) or sub-section (*3*) of section 39A or hasgiven such notice but has not made an application thereafter under section 36 forpossession, such tenant shall be deemed to be the full owner of land held by him on the expiry of the period specified in sub-section (*3*) of section 39A:

Provided that, where the tenancy is terminated and application for possessionis made in accordance with the provisions of sub-section (*2*) of section 38 or sub-section (*3*) of section 39A, the tenant shall, on the date on which such applicationis finally decided, be deemed to be the full owner of the land which he is entitledto retain in possession after such decision.

(*4*) The ownership of land shall stand transferred to the tenant under sub-section (*1*), subject to the following conditions, that is to say :—

(*a*) if the tenant does not hold and cultivate personally any land as tenure-holder, the transfer of ownership of land to him shall be limited to the extent ofthree family holdings; and

(*b*) if the tenant holds and cultivates personally any land as tenure-holder,the transfer of ownership of land shall be limited to such area as will be sufficientto make up with the area of land held by him as tenure-holder to the extent ofthree family holdings.

(*5*) The land the ownership of which is not transferred under sub-section (*1*),shall be deemed to have been surrendered to the landlord, and thereupon theprovisions of sub-sections (*1*) and (*2*) of section 21 and Chapter VII shall apply inrelation to such land, as if the land was surrendered by the tenant under section 20.

(*6*) Save as provided in sub-sections (*1*) and (*5*), the provisions of sub-sections (*4*) to (*14*), (*14A*) and (*15*) of section 43, section 44, sub-sections (*2*), (*3*),(*4*) and (*5*) of section 45, and of sections 47 and 48 shall *mutatis mutandis* applyto the transfer of ownership of land under this section.]

[1][**49B. Transfer of possession and ownership of lands to certain dispossessed tenants.—**Where a tenant referred to in section 46 or section 49A was in possession on the appointed day but is not in possession of the land held by him on the relevant date on account of his being dispossessed before that date, otherwise than in the manner and by an order of the Tahsildar as provided in section 36, and the land is in the possession of the landlord or his successor-in-interest on the 31st day of July 1969 and is not put to a non-agricultural use on or before the last mentioned date, then, the Tahsildar shall, notwithstanding anything contained in section 36, either *suo motu* or on the application of the tenant, hold an inquiry, and direct that such land shall be taken from the possession of the landlord, or as the case may be, his successor-in-interest, and shall be restored to the tenant, and the provisions of sections 46 to 49A shall, in so far as they may be applicable apply thereto, as if the tenant had held the land on the relevant date, subject to the modification that the ownership of land shall stand transferred to, and vest in, the tenant and such tenant shall be deemed to be the full owner of the land, on the date on which the land is restored to him:

Provided that, the tenant shall be entitled to restoration of the land under this section only if he undertakes to cultivate the land personally, and of so much thereof as together with other land held by him as owner or tenant, shall not exceed three family holdings.

1 Section 49B was inserted by Mah. 49 of 1969, s. 2, Schedule.



*Explanation1*.— In this section, the expression “relevant date” means in relation to a tenant referred to in section 46, the 1st day of April 1961, and in relation to a tenant referred to in section 49A, the 1st day of April 1963.

*Explanation2*.— In this section, "successor-in-interest" means a person who acquired the interest by testamentary disposition or devolution on death.]

**50. Right of tenants holding land under tenancy [1][restored or]created after specified date to purchase land.—**[2][(*1*)] [3][Where a tenancy is restored under section 7, 10, 21, [4][52], or 128A or is created by a landlord [5][(not being a landlord within the meaning of Chapter III-A)] in any area], after the date specified in [6][sub-section (*1*) of section 49A], every tenant holding land under such tenancy and cultivating it personally shall be entitled to purchase within one year from the commencement [7][or as the case may be, the restoration] of the tenancy so much of such land as he may be entitled to purchase under section 41 and the provisions of sections 41 to 44 (both inclusive) shall *mutatis mutandis* apply to such purchase.

[8][ ]

(*4*) *Other rights and liabilities of tenants and landlords.*

**51. Right of tenants to exchange land.—** (*1*) Notwithstanding anything contained in this Act or any other law or any agreement or usage, the tenants holding lands as such tenants may agree and may make an application to the Tahsildar in the prescribed form for the exchange of their tenancies in respect of the lands held by them as tenants.

(*2*) On receipt of the application, the Tahsildar after giving notice to the landlords concerned and after making an inquiry may sanction the exchange on such terms and conditions as may be prescribed and may issue certificates in the prescribed form to the applicants:

Provided that where as a result of the exchange the rights under this Act of the landlords of the lands to be exchanged are likely to be adversely affected the Tahsildar shall not sanction the exchange except with the consent of the respective landlords.

(*3*) The Certificates so issued shall be conclusive of the fact of such exchange against the landlords and all persons interested in the lands exchanged.

(*4*) Each of the two tenants shall on exchange hold the land on the same terms and conditions on which it was held by the original tenant immediately before the exchange subject to such modifications as may have been sanctioned by the Tahsildar.

(*5*) Nothing in the foregoing provisions of this section shall be deemed to authorise the exchange of the tenancies between tenants who do not belong to the same class.

1 These words were inserted by Mah. 5 of 1961, s. 11(*3*).

2 Section 50 was renumbered as sub-section (*1*) of that section by Mah. 5 of 1961, s. 11.

3 These words were substituted for the words "In the case of a tenancy created in any area" by Mah. 5 of 1961, s. 11(*1*)(*a*). 4 These figures were inserted by Mah. 2 of 1962, s. 10(*a*).

5 These portion was substituted for the brackets and words "(not being a serving member of the armed forces)" by Mah. 39 of 1964, s. 2, Schedule.

6 This portion was substituted for the words, brackets and figures "sub-section (*1*) of section 46" by Mah. 2 of 1962, s. 10(*b*).

7 These words were inserted by Mah. 5 of 1961, s. 11(*b*).

8 Sub-section (*2*) was deleted by Mah. 39 of 1964, s. 2, Schedule.



**52. Landlord to restore possession if he fails to cultivate within one year.—** (*1*) Where after terminating the tenancy of any land under section 9 of the Berar Regulation of Agricultural Leases Act, 1951 (M. P. ActXXIV of1951), or under [1][section 38, 39 or 39A] of this Act, the landlord has taken possession of such land and he fails to use the land for the purpose specified in the notice given under the said section 9 or as the case may be, [2][section 38, 39 or 39A] within one year from the date on which he took possession or ceases to use it at any time for any of the aforesaid purposes within twelve years from the date on which he took such possession, the landlord shall forthwith restore possession of the land to the tenant whose tenancy was terminated by him, unless he has obtained from the tenant his refusal in writing to accept the tenancy on the same terms and conditions or has offered in writing to give possession of the land to the tenant on the same terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof:

Provided that no refusal of the tenant shall be valid unless it has been verified before the Tahsildar in the prescribed manner.

(*2*) After the tenant has recovered possession under sub-section (*1*) he shall subject to the provisions of this Act, hold such land on the same terms and conditions on which he held it at the time his tenancy was terminated.

(*3*) If the landlord has failed to restore possession of the land to the tenant as provided in sub-section (*1*), he shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar for the loss suffered by the tenant on account of eviction.

(*4*) If at any time the tenant makes an application to the Tahsildar and satisfies him that the landlord has failed to comply within a reasonable time with the provisions of sub-section (*1*) the tenant shall be entitled on a direction by the Tahsildar to obtain immediate possession of the land and to such compensation as may be awarded by the Tahsildar for any loss caused to the tenant by eviction and by failure on the part of the landlord to restore or give possession of the land to him as required by sub-section (*1*).

[3][(*5*) The provisions of this section shall not apply to a landlord who becomes a serving member of the armed forces; and on that account fails to use the land or ceases to use it, for the purpose specified in the notice referred to in sub-section (*1*) and within the period specified in that sub-section.]

**53. Circumstances in which landlord shall be deemed to cultivate personally.—** If a landlord after taking possession of the land after the termination of the tenancy under section 9 of the Berar Regulation of Agricultural Leases Act, 1951 (M. P. ActXXIV of1951), or under [4][section 38, 39 or 39A] of this Act dies leaving as his heir a widow or a minor or a person who is subject to physical or mental disability such heir shall be deemed to cultivate the land personally, if such land is cultivated by her or his servants or by hired labour.

**54. Rights of tenants to be heritable.—** (*1*) Where a tenant dies, the landlord shall be deemed to have continued the tenancy—

(*a*) if such tenant was a member of an undivided Hindu family to the surviving member of the said family, and

(*b*) if such tenant was not a member of an undivided Hindu family, to his heirs, on the same terms and conditions on which such tenant was holding at the time of his death.

1 These words and figures were substituted for the words and figures "section 38 or 39" by Mah. 2 of 1962, s. 11. 2 These words and figures were substituted for the words and figures "section 38 or 39" by Mah. 2 of 1962, s. 11. 3 Sub-section (*5*) was added by Mah. 39 of 1964, s. 2, Schedule.

4 These words and figures were substituted for the words and figures "section 38 or 39"by Mah. 2 of 1962, s. 12.



(*2*) Where the tenancy is inherited by heirs other than the widow of the deceased tenant, such widow shall have a charge for maintenance on the profit of such land.

(*3*) The interest of an occupancy tenant is his holding shall on his death pass by inheritance or survivorship in accordance with his personal law.

**55. Compensation for improvement made by tenant.—** (*1*) A tenant who has made an improvement on the land held by him shall if his tenancy is terminated under the provisions of this Act, be entitled to compensation for such improvement. For determining the amount of the compensation the tenant shall apply to the Tahsildar in the prescribed form.

(*2*) The compensation which a tenant shall be entitled under sub-section (*1*) shall be the depreciated value of such improvement at the time of the termination of his tenancy. In estimating such value regard shall be had to,—

(*a*) the amount by which the value of the land is increased by the improvement;

(*b*) the present condition of the improvement and the probable duration of its effects;

(*c*) the labour and capital provided or spent by the tenant for the making of the improvement; and

(*d*) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement including permanent fixtures.

**56. Tenant's right to erect farm house.—** A tenant shall be entitled to erect a farm-house on the land held by him as a tenant.

**57. Restriction on transfers of land purchased or sold under this Act.—** (*1*) No land purchased by a tenant under section 41 or 46 [1][or 49A [2][57D]] or 130 or sold to any person under section 91 or 122 shall be transferred by sale, gift, exchange, mortgage, lease or assignment [3][ □□□□] without the previous sanction of the Collector. Such sanction shall be given by the Collector in such circumstances and subject to such conditions as may be prescribed by the State Government.

[4][Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(*a*) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government;

(*b*) the purchaser shall be an agriculturist;

(*c*) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961); and

1 This was inserted by Mah. 2 of 1962, s. 13.

2 This was inserted by Mah. 39 of 1964, s. 2, Schedule.

3 The words "or partitioned" shall be deemed always to have been deleted by Mah. 5 of 1982, s. 8(*1*)(*a*). 4 This proviso was added by Mah. 1 of 2014, s. 4.



(*d*) the provisions of the [1]Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947) shall not be violated.]

(*2*) Any transfer [2][ □□□ ] of land in contravention of sub-section (*1*) shall be invalid:

Provided that nothing in this section shall apply to the lands purchased by an occupancy tenant.

## [3][CHAPTER III A]

### SPECIAL PROVISIONS FOR TERMINATION OF TENANCY BY LANDLORDS WHO ARE OR HAVE BEEN SERVING MEMBERS OF THE ARMED FORCES; AND FOR PURCHASE OF THEIR LANDS BY TENANTS

**57A. Definition.—** In this Chapter, unless the context required otherwise "landlord" means a landlord who is, or has ceased to be, a serving member of the armed forces; and in relation to the land of a landlord who is dead, includes his widow, son, son's son, unmarried daughter, father or mother.

**57B. Right of landlord to terminate tenancy.—**(*1*) Notwithstanding anything contained in the foregoing provisions of this Act, but subject to the provisions of this section, it shall be lawful to a landlord at any time after the commencement of the Tenancy and Agricultural Lands Laws (Amendment) Act, 1964 (Mah. XXXIX of 1964), to terminate the tenancy of any land and obtain possession thereof, but—

(*a*) of so much of such land as will be sufficient to make up the total land in his actual possession equal to three family holding; and

(*b*) where the landlord is a member of a joint family, only to the extent of his share in the land (not exceeding three family holdings) held by the joint family, provided that the Tahsildar on inquiry is satisfied that such share has (regard being had to the area assessment, classification and value of

land), been separated by means and bounds in the same proportion as his share in the entire joint family property, and not in a larger proportion.

(*2*) No tenancy of any land shall be terminated under sub-section (*1*), unless a notice in writing is given to the tenant and an application for possession under sub-section (*3A*) of section 36 is made to the Collector:

Provided that in the case of a landlord who has ceased to be a serving member of the armed forces, such notice shall be given and application made within two years from the date of such cessor and if he dies before the expiry of these two years without giving such notice or making such application, then within two years from the date of his death.

(*3*) Nothing in this Chapter shall,—

(*a*) apply to a tenancy of land created (after obtaining possession thereof under the provisions of this Chapter) by a landlord who has ceased to be a serving member of the armed

1 The short title of the Act has been amended as "the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act" by Mah. 24 of 2012, sections 2 and 3, Schedule, Entry 29, w.e.f. 1-5-1960.

2 The words "or partition" shall be deemed always to have been deleted by Mah. 5 of 1982, s. 8(*1*)(*b*).
Section 8(*2*) of Mah. V of 1982 reads as under :—
"Notwithstanding the amendment of section 57 of the Vidarbha Tenancy Act made by sub-section (*1*) of this section, where any orders have been made, by the Collector or any officer exercising the powers of the Collector under the said section 57, declaring partition of any land as invalid and the person concerned has been evicted by the Collector or such officer from such land before the commencement of this Act, then such orders shall not be affected by the amendment aforesaid, but shall continue, to be in operation as before."

3 Chapter III A was inserted by Mah. 39 of 1964, s. 2, Schedule.



forces; but the provisions of section 50 shall apply to such tenancy as they apply in relation to tenancy created after the date referred to in sub-section (*1*) of section 49A;

(*b*) entitle a landlord who has ceased to be a serving member of the armed forces (as a result of his being duly dismissed or discharged after a court martial or on account of bad character or as a result of desertion) or who has not been attested, to terminate the tenancy of his land under this section.

1 □ □ □ □

(*4*) Nothing in the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), shall affect the termination of any tenancy under this Chapter.

**57C. Transfer of pending proceeding to Collector and State Government.—** All proceedings for recovery or restoration of possession of land filed under section 38 or 39A by a landlord pending immediately before the commencement of Tenancy and Agricultural Lands Laws (Amendment) Act, 1964 (Mah. XXXIX of 1964), before a Tahsildar, shall (subject to any rules made as respects such transfer or any matter incidental thereto), on such commencement, stand transferred to the Collector, and all such proceedings pending in appeal before the Collector or in revision before the Maharashtra Revenue Tribunal shall likewise stand transferred to the State Government; and such proceedings shall be deemed to have been instituted for restoration of the land before the Collector under section 57B or as the case may be pending in revision before the State Government under section 106A and be disposed of accordingly.

**57D. Right of tenant to purchase land from landlord.—** (*1*) Notwithstanding anything contained in the foregoing provisions of this Act, or any law, agreement, custom or usage to the contrary, but subject to the provisions of this section, a tenant holding land from a landlord shall, subject to the provisions of section 42, be entitled to purchase from the landlord,—

(*a*) where the landlord fails to make an application as required by section 57B, the entire land so held by him; and

(*b*) in any other case, such part of the land held by the tenant as is left with him after the termination of tenancy under section 57B.

(*2*) The right to purchase land under sub-section (*1*) shall be exercised within one year from the date on which possession of the land is obtained by the landlord in pursuance of the provisions of section 57B; or as the case may be, after the expiry of the period referred to in the proviso to sub-section (*2*) of section 57B; and intimation of exercise of the right shall be sent to the landlord and the Tribunal in the prescribed manner within the period aforesaid.

(*3*) The provisions of sections 43 and 44 shall apply to the purchase of the land by a tenant under sub-section (*1*) as those provisions apply in relation to the purchase of land under section 41.

**57E. Saving.—** Nothing in this Chapter shall apply in relation to land, which before the commencement of the Tenancy and Agricultural Lands Laws (Amendment) Act, 1964 (Mah. XXXIX of 1964), is purchased by any tenant under the provisions of this Act.]

1 The short title of the Act has been amended as "the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act" by Mah. 24 of 2012, sections 2 and 3, Schedule,Entry 29, w.e.f. 1-5-1960.



## CHAPTER IV

## SPECIAL PROVISIONS FOR LANDS HELD ON LEASE BY INDUSTRIAL OR COMMERCIAL UNDERTAKINGS AND BY CERTAIN PERSONS FOR THE CULTIVATION OF SUGARCANE AND OTHER NOTIFIED AGRICULTURAL PRODUCE

**58. Some of the provisions not to apply to leases of land obtained by industrial or commercial undertakings, certain co-operative societies or for cultivation of sugarcane, fruits, flowers, etc.—** (*1*) The provisions of sections 9, 10, 11, 12, 13, 19, 22, 23, 24, 33, 38, 39, 1[39A,] 40, 41 to 50 (both inclusive), 57, 81 to 88 (both inclusive), 89, 90, 91 and 92 shall not apply to—

(*a*) lands leased to or held by any industrial or commercial undertaking (other than a co-operative society) which in the opinion of the State Government *bona fide* carries on any industrial or commercial operations and which is approved by the State Government;

(*b*) land leased to or held by bodies or persons for coffee plantation approved by the State Government;

(*c*) leases of land granted to any bodies or persons other than those mentioned in clause (*a*) or (*b*) for the cultivation of sugarcane or the growing of fruit trees or fruits or flowers or vegetables or betel leaves or for the breeding of livestock;

(*d*) to lands held or leased by such co-operative societies as are approved in the prescribed manner by the State Government which have for their objects the improvements of the economic and social conditions of peasants or ensuring the full and efficient use of land for agriculture and allied pursuits.

(*2*) The State Government may by notification in the *Official Gazette* in this behalf direct that the provisions of the said sections shall not apply to a lease of land obtained by any person for growing any other class of agricultural produce to which it is satisfied that it will not be expedient in the public interest to apply the said provisions. Before the issue of such notification, the State Government shall direct an inquiry to be made by an officer authorised in this behalf by the State Government and shall give all persons who are likely to be affected by such notification, an opportunity to submit their objections.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), it shall be lawful for the State Government to direct, by notification in the *Official Gazette* that the leases or lands, as the case may be, to which the provisions of sub-sections (*1*) and (*2*) apply, shall be subject to such conditions as may be specified in the notification in respect of—

(*a*) the duration of the lease;

(*b*) the improvements to be made on the land and the formation of co-operative farming societies for that purpose and financial assistance to such societies;

(*c*) the payment of land revenue, [2][canal revenue], local fund cess and any other charges payable to the State Government or any local authority; or

(*d*) any other matter referred to in sections mentioned in sub-section (*1*).

**59.Reasonable rent of land to which section 58 applies.—** Notwithstanding any agreement, usage, decree or order of a court or any other authority, in the case of any land to which section 58 applies, the rent payable shall be reasonable rent as determined under the following clauses :—

1 These figures and letter were inserted by Mah. 2 of 1962, s. 14.

2 These words were substituted for the words "irrigation cess" by Bom. 4 of 1960, s. 9.



(*1*) A landlord or a tenant of such land may make an application in writing to the Tahsildar for the determination of the reasonable rent in respect of such land.

(*2*) On receipt of such application, the Tahsildar shall give notice thereof to the other party to the lease and after holding an inquiry shall determine the reasonable rent.

(*3*) In determining the reasonable rent regard shall be had to the following factors :—

(*a*) profits of agriculture of similar lands in the locality,

(*b*) prices in the locality of the particular crop for the growing or which the land is leased,

(*c*) the improvements made in the land by the lessee or the landlord,

(*d*) the assessment payable in respect of land,

(*e*) the profits realised by the lessee on account of the lease of the land,

(*f*) profits earned by an industrial or commercial undertaking by the manufacture or sale of articles made out of the produce of the land leased,

(*g*) such other factors as may be prescribed.

(*4*) The reasonable rent determined by the Tahsildar under clause (*2*) shall with effect from the date specified by the Tahsildar in that behalf, be deemed to be the rent fixed under the lease in lieu of the rent, if any, agreed between the parties.

## CHAPTER V

## SPECIAL PROVISIONS IN RESPECT OF AREAS WITHIN THE LIMITS OF AMUNICIPALITY

**60. Certain provisions not to apply to municipal areas.—** Nothing in sections [1][38, 39 and 39A and sections 40 to 44] (both inclusive), 46 to 50 (both inclusive) and section 57 shall apply to lands in the areas within the limits of a municipality constituted under the Central Provinces and Berar Municipalities Act, 1922 (C. P. and Berar Act II 1922), and within the limits of the City of Nagpur as constituted under the City of Nagpur Corporation Act, 1948 (C. P. and Berar Act II 1950) excluding the areas of the villages specified in Schedule IV:

Provided that if any person has acquired any right under the Berar Regulation of Agricultural Leases Act, 1951 (M. P. Act XXIV of 1951), the said right shall not be deemed to have been affected by this section [2]□ □ □ □□.

**61.**[3]□□ □ □

## CHAPTER VI

## MANAGEMENT OF HOLDINGS HELD BY LANDHOLDERS

**62.Power to assume management of landholder's holding.—** Notwithstanding any law for the time being in force, usage or custom or the terms of contract or grant, when the State Government is satisfied that on account of the neglect of a landholder or disputes between him and his tenants, the cultivation of his holding has seriously suffered, or when it appears to the State Government that in the

public interest it is necessary for the purpose of improving the cultivation or ensuring the full and efficient use of land for agriculture to assume management of any landholder's holding for such period

1 This portion was substituted for the figures and word "38 to 44" by Mah. 2 of 1962, s. 15. 2 The words and figures "save as provided in section 61" were deleted by Mah. 10 of 1977, s. 4. 3 Section 61 was deleted by Mah. 10 of 1977, s. 5.



as it may think fit, a notification announcing such intention and stating such period shall be published in the *Official Gazette* and the Collector shall cause notice of the substance of such notification to be given at convenient places in the locality where the holding is situated. Such notification shall be conclusive.

**63. Vesting of holding in management.—** (*1*) On the publication of the notification under section 62, the holding in respect of which the notification has been published shall, so long as the management continues, vest in the State Government. Such management shall be deemed to commence from the date on which the notification is published and the State Government shall appoint a Manager to be in charge of such holding.

(*2*) Notwithstanding the vesting of the holding in the State Government under sub-section (*1*), the tenants holding on lease the lands comprised in the holding shall, save as otherwise provided in this Chapter, continue to have the same rights and shall be subject to the same obligations, as they have or are subject under the preceding Chapters in respect of the lands held by them on lease.

**64.Effect of declaration of management.—** On the publication of the notification under section 62, the following consequences shall ensue :—

(*1*) All proceedings then pending in any civil court in respect to the debts and liabilities enforceable against the holding shall be stayed; and the operation of all processes, executions and attachments then in force for in respect of such debts and liabilities shall be suspended;

(*2*) so long as the management continues no fresh proceedings, processes, executions or attachments shall be instituted in or issued, enforced or executed by any civil court in respect of such debts and liabilities;

(*3*) so long as the management continues the holder of the holding shall be incompetent—

(*a*) to enter into any contract involving the holding in pecuniary liability,

(*b*) to mortgage, charge, lease or alienate the property under management or any part thereof, or

(*c*) to grant valid receipts for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this section shall be deemed to preclude the Manager from letting and the holder from taking the whole or a part of such holding on such terms consistent with this Act as may be agreed upon between the parties;

(*4*) so long as the management continues, no person other than the Manager shall be competent to mortgage, charge, lease or alienate such holding or any part thereof.

**65. Manager's powers.—** (*1*) The Manager shall during the management of the holding have all the powers, which the holder thereof might as such have exercised and shall receive and recover all rents and profits due in respect of the property under management.

(*2*) For the purposes of recovering such rents and profits the Manager shall have, in addition to any powers possessed by the holder, all the powers possessed by the Collector under law for the time being in force for securing and recovering land revenue due to Government.

**66. Manager to pay costs of management, etc.—** (*1*) From the sums received or recovered under section 65, the Manager shall pay—

(*i*) the costs of management including the cost of necessary repairs;

(*ii*) the Government revenue and all debts and liabilities for the time being due or incurred to the Government in respect of the property under management;

(*iii*) the rent, if any, due to any superior holder in respect of the said holding;

(*iv*) such periodical allowance as the Collector may from time to time fix for the maintenance and other expenses of the holder and of such members of his family as the Collector directs;

(*v*) the costs of such improvements of the said holding as he thinks necessary and as approved by the Collector.

(*2*) The residue shall be retained by the Manager for the liquidation, in the manner hereinafter provided, of the debts and liabilities other than those mentioned in sub-section (*1*) and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the Manager under this Act. The balance, if any, shall be paid to the holder.

**67. Notice to claimants.—** On the publication of the order of management, the Manager shall publish in the *Official Gazette*, a notice calling upon all persons having claims against the holding under management to notify the same in writing to such Manager within two months from the date of the publication of such notice. He shall also cause copies of such notice to be exhibited at such several places as he thinks fit.

**68. Claim to contain full particulars.—** (*1*) Every such claimant shall, along with his claim, present full particulars thereof.

(*2*) Every document on which the claimant founds his claim or on which he relies in support thereof shall be delivered to the Manager along with the claim.

(*3*) If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

(*4*) If any document in possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

**69.Claim not duly notified to be barred.—** Every such claim other than the claim of the Government not communicated to the Manager within the time and in the manner required by such notice shall except as provided hereinafter, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that when proof is made to the Manager that the claimant was unable to comply with the provisions of section 67, the Manager may receive such claim within the further period of two months from the expiration of the original period of two months.

**70.Determination of debts and liabilities.—** The Manager shall inquire into the history and merits of every claim received under the preceding sections and shall in accordance with the rules to be made under this Act determine the amount of the debts and liabilities, if any, justly due to the several claimants.

**71. Power to rank debts and fix interest.—** If such amount cannot be paid at once, the Manager shall then proceed to rank such debts and liabilities according to the order in which they shall



be paid, and to fix the interest, if any, to be paid thereon, respectively from the date of the final decision thereon, to the date of the payment and discharge thereof.

**72.Scheme for liquidation.—** When the total amount of the debts and liabilities including those due and incurred to the Government has been finally determined, the Manager shall prepare and submit to the Collector a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the power hereinafter conferred, or partly in one of such ways and partly in

**73.Provisions of scheme.—** Every liquidation scheme shall further provide for the continuance of the payments to be made by the Manager and for the repayment of money, if any, which the Manager proposes to borrow from Government under this Act and may provide for the improvement of the holding under management either from the said income or with the aid of the funds raised as aforesaid or partly in one of such ways and partly in the other.

**74. Effects of sanctioning scheme.—** When the Collector sanctions the liquidation scheme, he shall notify fact of such sanction at such place and in such manner as the State Government may from time to time by rule direct; and thereupon—

(*i*) all proceedings, processes, executions and attachments stayed or suspended under section 64 shall be forever barred;

(*ii*) every debt or liability due or owing to any person which was provable before the Manager shall be extinguished, and such person shall be entitled to receive under the liquidation scheme the amount, if any, finally awarded to him under the preceding sections in respect of such debt or liability.

**75.Power to remove mortgage in possession.—** (*1*) If the holding under management or any part thereof be in the possession of a mortgage or a conditional vendee, the Manager, at any time after liquidation scheme has been sanctioned as aforesaid, may by an order in writing require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue year.

(*2*) If such incumbrancer refuses or neglects to obey such order, the Manager may without resorting to a Civil Court enter upon the property and summarily evict therefrom the said incumbrancer or any other person obstructing or resisting on his behalf.

(3) Nothing in this section shall be held to affect the right of any incumbrancer to receive under the liquidation scheme the amount, if any, awarded to him under this Act.

**76.Power to sell or lease.—** Subject to the rules made under this Act, the Manager, after the liquidation scheme has been sanctioned as aforesaid, shall have power to sell or grant on lease all or any part of the holding under the management:

Provided that the holding or any part thereof shall not be sold or leased for a period exceeding ten years without the previous permission of the Collector:

Provided further that the Collector shall not give such permission unless he is satisfied that such sale or lease is necessary for the benefit of the holding or unless such sale is in favour of a tenant under section 41 or 91. The decision of the Collector shall be final.



**77. Manager's receipt for a discharge.—** The Manager's receipt for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom or from being concerned to see to the application thereof.

**78. Death of landholder not to affect management.—** (*1*) If the landholder dies after the publication of the order of management, the management shall continue and proceed in all respects as if the holder were still living.

(*2*) Any person succeeding to the whole or any part of the holding under management shall, while such management continues, be subject in respect of such holding to the disabilities imposed under this Act.

(*3*) No Civil Court shall, during the continuance of the management, issue any attachment or other process against any portion of the holding under management for or in respect of any debt or liability incurred by any such person either before or after his said succession.

**79. Termination of management.—** (*1*) If, before the expiry of the period specified in the notification published under section 62, the State Government is of opinion that it is not necessary to continue the management of the estate, it may by order published in the *Official Gazette* direct that the said management shall be terminated.

(*2*) On the expiry of the said period or as the case may be on the termination of management under sub-section (*1*) the holding shall be delivered into the possession of the holder, or, if he is dead, of any person entitled to the said holding together with any balances which may be due to the credit of the said holder. All acts done or purporting to be done by the Manager during the continuance of the management of the holding shall be binding on the holder or on any person to whom the possession of the holding has been delivered.

**80.Manager deemed to be public servant.—** The Manager appointed under this Chapter shall be deemed to be a public servant under section 21 of the Indian Penal Code (LXV of 1860).

[1]**[80A. Assumption of management of land which remained uncultivated.—** (*1*) Where it appears to the State Government that for any two consecutive years, any holding by reason of any default of the holder or any other cause whatsoever not beyond his control has remained uncultivated, or the full and efficient use of the holding has not been made for the purpose of agriculture, the State Government may, after making such inquiry as it thinks fit, declare that the management of such holding shall be assumed by Government, and thereupon the Government shall assume the management accordingly. The declaration so made shall be conclusive.

(*2*) On the assumption of management as aforesaid, the holding shall vest in the State Government during the continuance of the management and thereupon the foregoing provisions of this Chapter shall apply *mutatis mutandis* as they apply in relation to a holding, the management of which is assumed under section 62:

Provided that, the Manager may in suitable cases give such holding on lease at rent even equal to the amount of the assessment thereof:

Provided further that, where the management of a holding has been assumed under sub-section (*1*) due to default of the tenant, the tenant shall cease to have any right or privilege under Chapter II or III, as the case may be, in respect of such holding with effect from the date on which such management has been assumed.]

1 Section 80A was inserted by Mah. 5 of 1961, s. 12.



## CHAPTER VII

## ASSUMPTION OF MANAGEMENT OF SURPLUS LANDS

[1]**[81. Assumption of management of surplus land and payment of compensation therefor.—** (*1*) Where any land has been declared to be surplus land under any of the provisions of this Act, the State Government shall be deemed to have assumed the management of such land for a public purpose from the date of the declaration.

(*2*) In this section "public purpose" includes settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of cultivation and management.

(*3*) The amount of compensation payable for the assumption of management of a surplus land shall consist of a recurring payment of sum equal to the reasonable rent to be determined in accordance with the provisions of section 12 and of a further sum equal to one-half of such reasonable rent to compensate the holder of surplus land for all or any of the following matters, namely :—

(*i*) pecuniary loss due to assumption of management;

(*ii*) expenses on account of vacating the land the management of which has been assumed;

(*iii*) expenses on account of reoccupying the land on the termination of the management;

(*iv*) damage, if any, caused to the land during the period of management including the expenses that may have to be incurred for restoring the land to the condition in which it was at the time of the assumption of management:

Provided that where such surplus land was held by the holder as a tenant, one third of the compensation shall be paid to such holder and the balance shall be paid to the person from whom the land was held as tenant by such holder.]

**82.Appointment of Manager.—**[2]□□□□□ the Collector shall appoint a Manager to be in charge of the land assumed under management:

Provided that in any village or group of villages, the State Government may appoint a Village Panchayat or a Co-operative Farming Society to be the Manager in charge of surplus lands in such village or group of villages.

**83.Provisions which shall have effect during management.—** During the period of management of any surplus land, that is to say, the period commencing [3][with the declaration as surplus land] in respect of such land and ending with the termination of the management, the following provisions shall have effect, namely :—

(*a*) all legal proceedings pending and all processes, executions or attachment in force in respect of debts and liabilities enforceable against the land shall be suspended and no fresh proceedings, processes, executions or attachments shall be instituted, enforced or executed in respect thereof;

(*b*) the holder of the land shall be incompetent and the Manager shall be competent—

(*i*) to enter into any contract with respect to the land;

(*ii*) to mortgage, charge, lease or alienate the land or part thereof;

(*iii*) to grant valid receipts for rents or profits accruing from the land;

(*c*) all powers, which if the management had not been assumed would have been exercisable by the holder of the land, shall be exercisable by the Manager who shall receive and recover all rents and profits due in respect of the land and for the purpose of recovering the same may

1 Section 81 was substituted for the original by Mah. 27 of 1961, s. 48, Second Schedule.

2 The words, brackets and figures "On the publication of an order under sub-section (*8*) of section 81" were deleted by Mah. 27 of 1961, s. 48, Second Schedule.

3 These words, brackets and figures were substituted for the words "with the publication of an order under sub-section (*8*) of section 81" by Mah. 27 of 1961, s. 48, Second Schedule.



exercise in addition to the powers exercisable by the holder the powers exercisable by a Collector for the recovery of land revenue;

(*d*) from the sums received on account of the land, the Manager shall pay,—

(*i*) the costs of management including the cost of necessary repairs;

(*ii*) the Government revenue and all sums due to Government in respect of the land;

(*iii*) the compensation payable to the holder of the land in accordance with the provisions of [1][sub-section (*3*)] of section 8;

(*iv*) the cost of such improvement of the land as he thinks necessary and is approved by the Collector;

(*e*) if any proceedings in respect of debts and liabilities enforceable against the land have been suspended under clause (*a*), the manager may deposit an amount not exceeding the amount estimated to be required for meeting such debts and liabilities with the Court in which the proceedings were pending;

(*f*) the manager's receipt for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom or from being concerned to see to the application thereof.

**84. Order of priority for leasing out surplus lands.—** Where any surplus land is to be leased, it shall be leased to persons in the followin

(*i*) a person from whom any land held by him as tenant has been resumed by the landlord under section 9 of the Berar Regulation of Agricultural Leases Act, 1951 (M. P. Act XXIV of 1951) or under [2][section 38 or 39] of this Act and as a consequence thereof whose total holding whether as tenure-holder or tenant or partly as tenure-holder and partly as tenant has been reduced to an area less than one family holding;

(*ii*) Co-operative farming society, the members of which are agricultural labourers, landless persons or small holders or a combination of such persons;

(*iii*) agricultural labourers;

(*iv*) landless persons;

(*v*) small holders;

(*vi*) co-operative farming society of agriculturists (other than small holders) who hold either as tenure-holder or tenant or partly as tenure-holder and partly as tenant land less in area than a family holding and who are artisans;

(*vii*) an agriculturist (other than a small holder) who holds either as tenure-holder or tenant or partly as tenure-holder and partly as tenant land less in area than a family holding and who is an artisan;

(*viii*) any other co-operative farming society;

(*ix*) any agriculturist who holds either as tenure-holder or as tenant or partly as tenure-holder and partly as tenant land larger in area than a family holding but less in area than three family holdings;

(*x*) any person, not being an agriculturist who intends to take to the profession of agriculture.

1 These words, brackets and figures were substituted for "sub-section (*9*)" by Mah. 27 of 1961, s. 48, Second Schedule. 2 These words and figures were substituted for the word and figures "section 38" by Bom. 4 of 1960, s. 11.



**85. Termination of management and the consequences.—** (*1*) On the termination of management of any land, the possession of the land shall be delivered to the holder from whom the management was assumed or if such person is dead, to any person entitled to the land, together with any balances which may be due to the credit of such holder.

(*2*) All acts done by the manager during the period of such management shall be binding on the holder or on the person to whom the possession of the land has been delivered.

**86.Period of management to be excluded in computing period of limitation.—** The period during which the institution of any proceeding remained suspended under clause (*a*) of section 83 shall be excluded from the computation of the period of limitation for the institution of such proceeding.

**87. Manager to be public servant.—** The manager appointed under this Chapter shall be deemed to be a public servant under section 21 of the Indian Penal Code (XLV of 1860).

**88.** (*Provisions of Chapter VII to apply to lands declared surplus under section 21 or 43*). *Deleted by Mah. 27 of 1961, s. 48, Second Schedule*.

## CHAPTER VIII

## RESTRICTIONS ON TRANSFERS OF AGRICULTURAL LANDS AND ACQUISITION OF HOLDINGS AND LANDS

**89.Transfer to non-agriculturists barred.—** (*1*) Save as provided in this Act,—

(*a*) no sale (including sales in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift, exchange or lease of any land or interest therein, or

(*b*) no mortgage of any land or interest therein, in which the possession of the mortgaged property is delivered to the mortgagee,

shall be valid in favour of a person who is not an agriculturist or who being an agriculturist [1][will, after such sale, gift, exchange, lease or mortgage, hold land as tenure-holder or tenant or partly as tenure-holder and partly as tenant [2][exceeding the ceiling area] determined under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961] [3][as amended by the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Amendment) Act, 1972] or who is not an agricultural labourer:

Provided that the Collector or an officer authorised by the State Government in this behalf may grant permission for such sale, gift, exchange, lease or mortgage, in such circumstances [4][and subject to such conditions] as may be prescribed. [5][Such permission shall not be granted, where land is being sold to a person who is not an agriculturists for agricultural purposes, if the annual income of such person from other sources is Rs. 12,000 or more].

[6][*Explanation*.— For the purpose of this sub-section, the expression "agriculturist" shall include any person and his heirs whose land has been acquired for a public purpose and who as a result of such acquisition has been rendered landless from the date of such acquisition.]

[7][(*1A*) Where any condition subject to which permission to transfer was granted is contravened, then the land in respect of which such permission was granted shall be liable to be forfeited in accordance with the provisions of section 122A.

1 This portion was substituted for the words "cultivates personally land not less than three family holdings whether as tenure-holder or tenant or partly as tenure-holder and partly as tenant" by Mah. 27 of 1961, s. 48, Second Schedule. 2 These words were substituted for the words "exceeding two-thirds of the ceiling area" by Mah. 21 of 1975, Second Schedule (*a*).

3 These words and figures were inserted by Mah. 21 of 1975, Second Schedule (*b*).

4 These words were inserted by Mah. 2 of 1962, s. 17(*a*).

5 This was added by Mah. 21 of 1975, Second Schedule (*c*).

6 This *Explanation* was substituted by Mah. 10 of 2014, s. 4.

7 Sub-sections (*1A*) and (*1B*) were inserted by Mah. 2 of 1962, s. 17(*b*).



(*1B*) Where permission is granted to any transfer of land under sub-section (*1*), any subsequent transfer of such land shall also be subject to the provisions of sub-section (*1*).]

[1][(*1C*) Nothing in sub-section (*1*) shall apply to the land situated within the limits of a Municipal Corporation or a Municipal Council, or within the jurisdiction of a Special Planning Authority or a New Town Development Authority appointed or constituted under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force, and also to any land allocated to residential, commercial, industrial or any other non-agricultural use in the draft or final Regional Plan or Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force:

Provided that, any transfer of land in favour of a person who is not an agriculturist for any non-agricultural use such as residential, commercial, industrial or any other non-agricultural use, shall be subject to the condition that such land shall be put to such non-agricultural use within a period of five years from the date of transfer, and due entry of such condition shall be made in the Record of Rights of such land:

Provided further that, in respect of land transferred for any non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value shall be calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time:

Provided also that, if the transferee, including subsequent transferee, if any, fails to put the land to non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning

Scheme, as the case may be, within a period of five years or, where non-utilization charges as aforesaid have been paid, within the total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting transferee, and the land so resumed by the Collector shall vest in the Government free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such original land holder before its transfer for such non-agricultural use and at the same price at which it had been transferred by the original land holder for such non-agricultural use:

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be; and in both the cases, the defaulting transferee shall only be entitled to compensation equal to the price at which such land had been purchased by him and the Collector shall remit such compensation to the defaulting transferee within a period of ninety days from the date of receipt of payment under the said auction:

Provided also that, if a person who is not an agriculturist fails to utilize the said land for the non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, fully or partly, and wants to sell the same subsequently, before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso, be permitted by the Collector to do so for any non-agricultural use permissible in the draft or final Development plan or Regional Plan or Town Planning Scheme, as the case may be, for the remaining period out of the specified period of ten years, from the date of first transfer of the said land for such non-agricultural use, subject to the condition that the transferee shall have to deposit transfer charges at the rate of twenty-five per cent. of the market value of such land as per current Annual Statement of Rates.]

1 Sub-section (*1C*) was added by Mah. 1 of 2016, s. 6.



(*2*) Nothing in this section shall be deemed to prohibit the sale, gift, exchange or lease of a dwelling house or the site thereof or any land appurtenant to it in favour of an agricultural labourer or an artisan.

(*3*) Nothing in this section shall apply to a mortgage of any land or interest therein effected in favour of a co-operative society as security for the loan advanced by such society.

(*4*) Nothing in section 90 shall apply to any sale made under sub-section (*1*).

1**[89A. Transfer to non-agriculturist for *bona-fide* Industrial use.—** (*1*) Notwithstanding anything contained in section 89, it shall be lawful for a person to sell land without permission of the Collector, to any person who is or is not an agriculturist and who intends to convert the same to a *bona-fide* industrial use 2[or for Integrated Township Projects, as the case may be,] where such land is located within,—

3[(*i*) the agricultural zone of a draft or final Regional plan or draft or final Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force, and plans or schemes and the development control regulations or rules framed under such Act or any of such laws for the time being in force permit industrial use of land; or]

(*ii*) the area where no such plan or scheme as aforesaid exists or;

4[(*iii*) the area taken over by a private developer for development 5[of an Integrated Township Project]:

6[Provided that, where such purchase of land is for *bona fide* industrial use, it shall be subject to the condition that such land shall be put to *bona fide* industrial use within a period of five years from the date of purchase:

Provided further that, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value is calculated as per the Annual Statement of Rates published under the [7][Maharashtra] Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time:

Provided also that, if the purchaser fails to put the land to *bona fide* industrial use within a period of five years or, where non-utilization charges as aforesaid have been paid, within a total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting purchaser, and the land so resumed by the Collector shall vest in the Government, free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such land holder before its sale for such *bona fide* industrial use and at the same price at which it had been sold by the original land holder for such *bona fide* industrial use:

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the Development plan or Regional plan or Town Planning Scheme, as the case may be, if any, sanctioned under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force; and in both the cases, the defaulting purchaser shall only be entitled to compensation equal to the price at which such land had been purchased by him, and the Collector shall

1 Section 89A was inserted by Mah. 28 of 1994, s. 5.

2 These words were substituted for the words "or for special township project, as the case may be," by Mah. 1 of 2016, s. 7(*I*)(*a*).

3 Clause (*i*) was substituted for the existing clause (*i*) by Mah. 1 of 2016, s. 7(*I*)(*b*).

4 Clause (*iii*) was inserted by Mah. 25 of 2005, s. 4(*a*)(*iii*).

5 These words were substituted for the words "of a special township project" by Mah. 1 of 2016, s. 7(*I*)(*c*).

6 These provisos were substituted for the first and second proviso by Mah. 1 of 2016, s. 7(*I*)(*d*).

7 This word was substituted by Mah. 56 of 2018, s. 4(*1*).



remit such compensation to the defaulting purchaser within a period of ninety days from the date of receipt of payment under the said auction:]

Provided also that, the purchaser who fails to put the land to *bona-fide* industrial use within five years from the date of the purchase and is on the date of coming into force of the Maharashtra Tenancy and Agricultural Lands Laws (Amendment) Act, 2004 (Mah. XXV of 2005), holding such land without having been put to *bona-fide* industrial use, shall be permitted to put such land to *bona-fide* industrial use within the remaining period from the total period of fifteen years, subject to the condition that,—

(*a*) If the land purchased under sub-section (*1*) was held by the seller as the Occupant Class-II, such purchaser land holder shall pay an additional amount equal to 48 per cent. of the price for which it was originally purchased and three times of an annual assessment of non-agricultural tax payable under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) as a non-utilisation tax per year;

(*b*) If the land purchased under sub-section (*1*) was held by the seller as the Occupant Class-I, the purchaser land holder shall pay three times of an annual assessment of the non-agricultural tax payable under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) as a non-utilisation tax per year:

Provided also that, the provisions of this sub-section shall not apply to the areas notified as the Eco-sensitive Zone by the Government of India:]

Provided also that, where the land being sold is owned by a person belonging to the Scheduled Tribe, such sale of land shall be subject to the provisions of sections 36 and 36A of the Maharashtra Land

Revenue Code, 1966 (Mah. XLI of 1966) and of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah. XIV of 1975).

(*2*) If the land being purchased under sub-section (*1*) is held by Occupant-Class II, the purchaser shall pay to the collector, an amount equal to [1][two per cent. of the purchase price, in case the purchase of land is for *bona-fide* industrial use and fifty per cent. of the purchase price, if the purchase of land is [2][for Integrated Township Project]] within [3][Ninety Days] of the execution of the sale-deed irrespective of the tenure of such land. This payment shall be in lieu of any *nazarana* or such other charges which may otherwise be payable by such Occupant-Class II by or under the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966). In addition, the purchaser of such land shall pay the non-agricultural assessment as may be levied by the Collector under sections 67 and 115 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966):

[4][Provided that, if such purchaser fails to deposit such amount within [5][Ninety Days], then such purchaser shall pay to the Government an amount equal to seventy-five per cent. of the purchase price or the market value of the land as per the Annual Statement of Rates of that year, whichever is higher.]

[6][*Explanation*.— While computing the period of ninety days, the period, if any, spent in ascertaining from the office of the Collector the amount to be paid under this sub-section, the Head of account in which it is to be paid or issuing a Challan for that purpose shall be excluded.]

(*3*) The person purchasing the land under sub-section (*1*) for conversion thereof for a *bona-fide* industrial use [7][or for Integrated Township Project, as the case may be,] shall give intimation of the date, on which the change of user of the land commenced, within thirty days from such date to the Collector.

(*4*) If the person fails to inform the Collector within the period specified in sub-section (*3*), he shall be liable to pay in addition to the non-agricultural assessment which may be leviable by or under

1 These words were substituted for the words "two per cent. of the purchases price," by Mah. 25 of 2005, s. 4(*b*). 2 These words were substituted for the words "for special township project" by Mah. 1 of 2016, s. 7(*II*)(*a*).

3 These words were substituted by Mah. 56 of 2018, s. 4(*2*)(*a*).

4 This proviso was added by Mah. 1 of 2016, s. 7(*II*)(*b*).

5 These words were substituted by Mah. 56 of 2018, s. 4(*2*)(*a*).

6 This explanation was added by Mah. 56 of 2018, s. 4(*2*)(*b*).

7 These words were substituted for the words "or for special township project, as the case may be," by Mah. 1 of 2016, s. 7(*III*).



the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) such penalty not exceeding twenty times the amount of non-agricultural assessment, as the Collector may, subject to the rules, if any, made by the State Government in this behalf, direct.

[1][(*5*) If the person purchasing the land under sub-section (*1*) for conversion thereof for a *bona fide* industrial use, fails to utilize the said land for *bona fide* industrial use, fully or partly, and wants to sell the same before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso to sub-section (*1*), be permitted by the Collector to do so for the remaining period out of the specified period of ten years from the date of original purchase, subject to the following conditions, namely :—

(*i*) Where the said land is to be sold for *bona fide* industrial use, the transferor shall have to deposit with the Collector transfer charges at the rate of twenty-five per cent. of the market value of such land as per the current Annual Statement of Rates;

(*ii*) where the said land is to be sold for any non-agricultural purpose other than the *bona fide* industrial use, which is consistent with the draft or final Development plan or Regional plan or Town Planning Scheme, if any, made under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XLI of 1966) or any other law for the time being in force, the transferor shall have to deposit with the Collector conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates and in case of Occupant Class-II land, an additional amount equal

to forty-eight per cent. of the price at which such land was originally purchased, in lieu of the *nazarana*.]

*Explanation*.— For the purposes of this section,—

(*a*) the expression "*bona-fide* industrial use" means the activity of manufacture, preservation or processing of goods, or any handicraft, or industrial business or enterprise, carried on by any person, [2]['or the activity of tourism within the areas notified by the State Government as the tourist place or hill station,'] and shall include construction of industrial buildings used for the manufacturing process or purpose, or [3][power projects and ancillary industrial usages like research and development units pertaining to *bona fide* industrial use, godown, canteen, office building of the industry concerned] or providing housing accommodation to the workers of the industry concerned or establishment of an industrial estate including a co-operative industrial estate, service industry, cottage industry, *gramodyog* units or *gramodyog vasahats*;

[4][(*aa*) "Integrated Township Project" means the Integrated Township Project or projects under the Regulations framed for development of Integrated Township by the Government under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force;]

(*b*) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India and persons who belong to the tribes or tribal communities or parts of or groups within tribes or tribal communities specified in Part IX of the Schedule to the Order made under the said article 342, but who are not resident in the localities specified in that Order who nevertheless need the protection of this section (and it is hereby declared that they do need such protection) shall for the purposes, of this section, be treated in the same manner as members of the Scheduled Tribes.]

[5][(*6*) If a person purchasing the land under sub-section (*1*) for conversion thereof for a *bona fide* industrial use, fails to utilize the said land for *bona fide* industrial purpose, fully or partly, and intends to utilize the same, before the expiry of the total specified period of ten years, for any alternative non-agricultural purpose other than the *bona fide* industrial use, which is consistent with the draft or

1 Sub-section (*5*) was added by Mah. 1 of 2016, s. 7(*IV*).

2 These words were inserted by Mah. 25 of 2005, s. 4(*d*)(*I*).

3 These words were substituted for the words "power projects and ancillary industrial usages like research and development, godown, canteen, office building of the industry concerned" by Mah. 1 of 2016, s. 7(*V*)(*i*).

4 Clause (*aa*) was inserted by Mah. 1 of 2016, s. 7(*V*)(*ii*).

5 Sub-section (*6*) was added by Mah. 56 of 2018, s. 4(*3*).



final Development Plan or Regional Plan, if any, made under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), so as to put such land to the intended alternative use within the remaining period out of the specified period of ten years from the date of original purchase, he may be permitted by the Collector to do so subject to payment of,—

(*i*) non-utilization charges specified in second proviso to sub-section (*1*);

(*ii*) conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates published under the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995; and

(*iii*) in case of Occupant-Class II lands, an additional amount equal to forty eight per cent. of the price at which such land was originally purchased, in lieu of the *nazrana* payable to the Government.]

**90.Reasonable price of land for the purpose of its sale or purchase.—** (*1*) Except as otherwise expressly provided in this Act, the price of any land sold or purchased under the provisions of this Act shall consist of the following amounts, namely :—

(*a*) an amount not exceeding twelve times the rent of the land as payable under section 12,13 or 14;

(*b*) the depreciated value of any structures, wells and embankments constructed and permanent fixtures made and the value of any trees planted on the land by the landlord or the tenant after the period of the last Settlement or where no such Settlement is made, during the period of thirty years before the commencement of this Act.

(*2*) Where in the case of a sale or purchase of any land under this Act, the Tribunal or the Tahsildar or any other officer has to fix the price of such land under this Act, the Tribunal or the Tahsildar or such other officer, as the case may be, shall, subject to the quantum specified in sub-section (*1*), fix the price having regard to the following factors, namely :—

(*a*) the structures and wells constructed and permanent fixtures made and trees planted, on the land by the landlord or tenant;

(*b*) the profits of agriculture of similar lands in the locality;

(*c*) the prices of crops and commodities in the locality;

(*d*) the improvements made in the land by the landlord or the tenant;

(*e*) the tenure, on which the land is held; and

(*f*) such other factors as may be prescribed.

**91.Sale of agricultural land to particular person.—** (*1*) Where a landlord intends to sell any land, leased to tenant he shall apply to the Tribunal for determining the reasonable price thereof. The Tribunal shall thereupon determine the reasonable price of the land in accordance with the provisions of section 90. The Tribunal shall also direct that the price shall be payable either in lump sum, or in annual instalments not exceeding six carrying simple interest at 4½ per cent. per annum.

(*2*) After the Tribunal has determined the reasonable price, the landlord shall simultaneously in the prescribed manner make an offer—

(*a*) in the case of agricultural land to—

(*i*) the tenant in actual possession of the land, and

(*ii*) all persons and bodies mentioned in the priority list in section 84;

(*b*) in the case of a dwelling house, or a site of a dwelling house or land appurtenant to such house when such dwelling house, site or land is not used or is not necessary to carry on agricultural operations in the adjoining lands—

(*i*) to the tenant thereof, and



(*ii*) to the person residing in the village who is not in possession of any dwelling house:

Provided that if there are more than one such person the offer shall be made to such person or persons and in such order of priority as the Collector may determine in this behalf having regard to the needs of the following persons, namely :—

(*i*) an agricultural labourer,

(*ii*) an artisan,

(*iii*) a person carrying on an allied pursuit,

(*iv*) any other person in the village.

(*3*) The persons to whom such offers are made shall intimate to the landlord within one month from the date of receipt of the offer whether they are willing to purchase the land at the price fixed by the Tribunal.

(*4*) (*a*) If only one person intimates to the landlord under sub-section (*3*) his willingness to accept the offer made to him by the landlord under sub-section (*2*), the landlord shall call upon such person by a notice in writing in the prescribed form to pay him the amount of the reasonable price determined by the Tribunal or to deposit the same with the Tribunal within one month or such further period as the landlord may consider reasonable from the date of receipt of the notice by such person.

(*b*) If more than one person intimate to the landlord under sub-section (*3*) their willingness to accept the offers made to them by the landlord under sub-section (*2*), the landlord shall by a notice in writing in the prescribed from, call upon the person having the highest priority in the order of priority given in sub-section (*2*) to pay him the amount of the reasonable price determined by the Tribunal or to deposit the same with the Tribunal within one month or such further period as the landlord may consider reasonable from the date of receipt of the notice by such person.

(*5*) If the person to whom a notice is given by the landlord under sub-section (*4*) fails to pay the amount of the reasonable price to the landlord or to deposit the same with the Tribunal within the period referred to in sub-section (*4*), such person shall be deemed to be not willing to purchase the land and the landlord shall in the manner provided in sub-section (*4*) call upon the person who stands next highest in the order of priority and who has intimated his willingness to the landlord under sub-section (*3*).

(*6*) If any dispute arises under this section regarding—

(*a*) the offer made by the landlord under sub-section (*2*), or

(*b*) the notice given by the landlord under sub-section (*4*) or (*5*), or

(*c*) the payment or deposit of the reasonable price, or

(*d*) the execution of the sale deed,

such dispute shall be decided by the Tribunal.

(*7*) (*a*) Notwithstanding anything contained in the foregoing provisions of this section, a landlord may, after obtaining the previous permission of the Tribunal as provided in the next succeeding clause (*b*), sell any land, notwithstanding the fact that such land is a fragment, to the tenant in actual possession thereof at a price mutually agreed upon between him and the tenant subject to the provisions of section 90.

(*b*) The landlord shall make an application in writing to the Tribunal for permission to sell the land at such price. On receipt of the application, the Tribunal shall grant the permission if, on holding an inquiry, it is satisfied that the price has been agreed to voluntarily by the tenant.

(*8*) Any sale made in contravention of this section shall be invalid.

(*9*) If a tenant refuses or fails to purchase the land or a dwelling house offered to him under this section and the land or the dwelling house, as the case may be, is sold to any other person under this section, the landlord shall be entitled to evict such tenant and put the purchaser in possession:



Provided that no refusal of the tenant shall be valid unless it has been verified before the Tahsildar in the prescribed manner.

[1]**[91-A. Exemption to sales by or in favour of co-operative societies.—** Nothing in sections 89 and 91 shall apply to sales effected by, or in favour of, a Co-operative Bank registered under the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925).]

**92.Acquisition of holding or land under management or interest therein.—** (*1*) If at any time it appears to the State Government that any holding or land, the management of which has been assumed under the provisions of this Act or the interest of any other person in such holding or land should, in the public interest, be compulsorily acquired, it shall be lawful for the State Government to publish a notification to that effect in the *Official Gazette*. The notification so published shall be conclusive that the holding or interest needs to be acquired in the public interest.

(*2*) For the purposes of this section 'public interest' means the grant of land to persons to whom it is leased under section 84, the settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of cultivation and such other purposes connected with village community life as may be prescribed by the State Government in this behalf.

(*3*) On the publication of such notification the Collector shall cause publicity to be given to it at convenient places in the locality and also given notices to the holder of the holding, land or interest and to all persons known or believed to be interested therein.

[CHAPTER IX

CONSTRUCTION OF WATER COURSE THROUGH LAND OF ANOTHER]

*Deleted by Mah. 41 of 1966, s. 334* (*Schedule K*)

CHAPTER X

2[PROCEDURE AND JURISDICTION OF TRIBUNAL,TAHSILDAR AND COLLECTOR; APPEALS AND REVISION]

**97. Tribunal.—** (*1*) For the purpose of this Act, there shall be a Tribunal called the Agricultural Lands Tribunal for each tahsil or taluka or for such area as the State Government may think fit:

3[Provided that it shall be lawful for the State Government, by notification in the *Official Gazette*, from time to time, to alter the local limits of the jurisdiction of the Tribunal or to abolish the Tribunal so constituted or reconstitute the Tribunal for such area as may be specified in the notification; and in any such case, to arrange for transfer of proceedings pending before any Tribunal on the date of such alteration or reconstitution.]

(*2*) The State Government may appoint an officer not below the rank of a Tahsildar to be the Tribunal and to exercise the powers and perform the duties and functions of the Tribunal under this Act in a tahsil or taluka or any other area referred to in sub-section (*1*):

Provided that the State Government may for any area constitute a Tribunal consisting of not less than three members of whom—

(*a*) at least one shall be a person who is holding or has held a judicial office not lower in rank than that of a civil judge or who is qualified to practise as a lawyer in the State of Bombay, and

(*b*) one shall be appointed to be the President of the Tribunal; and the Tribunal so constituted shall exercise the powers and perform the duties and functions of the Tribunal under this Act.

1 Section 91-A was inserted by Mah. 5 of 1961, s. 13.

2 This heading was substituted for the heading "PROCEDURE AND JURISDICTION OF TRIBUNAL AND TAHSILDAR AND APPEALS" by Mah. 39 of 1964, s. 2, Schedule.

3 This proviso was added by Mah. 44 of 1963, s. 4.



*Explanation*.— In this section 'lawyer' means any person entitled to appear and plead for another in Court in the State and includes an advocate, a vakil and an attorney of the High Court of 1[Maharashtra].

**98. Duties of Tribunal.—** It shall be the duty of the Tribunal—

(*a*) to determine the value of the site of a dwelling house under section 23;

2[(*aa*) to decide any dispute whether the ownership of any land is transferred to, and vests in, a tenant under section 46, section 49A or section 49B];

(*b*) to decide any dispute as to the particular area of land to be purchased under sections 41 3[46, and 49A];

(*c*) to determine the reasonable price of the land under section 43 and section 91;

(*d*) to determine in the prescribed manner dispute regarding—

(*i*) the priority or any other right in relation to the purchase of land under section 41 among tenants *inter se* or between the tenant and the landlord, or

(*ii*) the kind, extent or location of any particular area of land to be purchased or the amount of the price or any in ited;

(*e*) to perform such other functions as are imposed on it by the provisions of this Act or as may be prescribed or as may be directed by the State Government.

**99. Powers of Tribunal.—** (*1*) The Tribunal shall have the same powers in making inquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908 (V of 1908), in trying a suit, namely:—

(*a*) proof of facts by affidavits;

(*b*) summoning and enforcing the attendance of any person and examining him on oath; and

(*c*) compelling the production of documents.

(*2*) The Tribunal shall have also such other powers as may be prescribed. The Tribunal shall have powers to award costs.

(*3*) The orders of the Tribunal shall be given effect to in the manner provided in section 106.

**100. Duties of Tahsildar.—** For the purpose of this Act, the following shall be the duties and functions to be performed by the Tahsildar :—

(*1*) to decide whether a persons is an agriculturist;

(*2*) to decide whether a [4][person is or was at any time in the past, a tenant], a protected lessee or an occupancy tenant;

(*3*) to decide a dispute regarding rent under section 12;

(*4*) to commute rent in crop share into cash rent;

(*5*) to commute rent in terms of service or labour into cash rent under section 14;

(*6*) to determine the amount of compensation under section 15;

(*7*) to determine the amount to be refunded to a tenant under section 18(*4*);

(*8*) to decide whether any land should be declared as surplus under section 21;

1 This word was substituted for the word "Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 Clause (*aa*) was deemed always to have been inserted by Mah. 49 of 1969, s. 2, Schedule.

3 This was substituted for the word and figures "and 46" by Mah. 2 of 1962, s. 18.

4 These words were deemed always to have been substituted for the words "person is a tenant" by Mah. 49 of 1969, s. 2, Schedule.



(*9*) to determine the amount of compensation for trees under section 25;

(*10*) to determine any dispute regarding the right to produce of trees under section 26;

(*11*) to determine the costs of repairing protective bunds under section 28;

(*12*) to decide an application for possession under section 36;

[1][(*12A*) to hold an inquiry and restore possession of land under section 49B;]

(*13*) to sanction exchange of tenancies under section 51;

(*14*) to determine compensation to be paid under section 52;

(*15*) to fix the price of land under section 90;

(*16*) to decide whether the transfer or acquisition is or is not invalid under section 122;

(*17*) to dispose of land under section 122;

(*18*) to take measures for putting the tenant or the landlord or the agricultural labourer or artisan or person carrying on allied pursuit into the possession of the land or dwelling house or site under this Act; and

(*19*) to decide such other matters as may be referred to him by or under this Act.

**101. Commencement of proceedings.—** Save as expressly provided by or under this Act, all inquiries and other proceedings before the Tahsildar or Tribunal shall be commenced by an application which shall contain the following particulars :—

(*a*) the name, age, profession and place of residence of the applicant and the opponent;

(*b*) a short description and situation of the property of which possession is sought, or the amount of the claim, as the case may be;

(*c*) the circumstances out of which the cause of action arose;

(*d*) a list of the applicant's documents, if any, and of his witnesses, and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of the hearing;

(*e*) such other particulars as may be prescribed.

**102. Procedure.—** In all inquiries and proceedings commenced on the presentation of applications under section 101, the Tahsildar or Tribunal shall exercise the same powers as the Mamlatdar's Courts under the Mamlatdars' Courts Act, 1906 (Bom. II of 1906), and shall save as provided in section 36 follow the provisions of the said Act, as if the Tahsildar or the Tribunal were a Mamlatdar's Court under the said Act and the application presented was a plaint presented under section 7 of the said Act. In regard to matters which are not provided for in the said Act, the Tahsildar or the Tribunal shall follow such procedure as may be prescribed by the State Government. Every decision of the Tahsildar or the Tribunal shall be recorded in the form of an order which shall state the reasons for such decision.

**103. Power of Collector to transfer proceedings.—** The Collector may, after due notice to the parties, by order in writing transfer any proceeding under this Act pending before a Tahsildar in his district from such Tahsildar to any other Tahsildar in his district and the Tahsildar to whom the proceeding is so transferred shall thereupon exercise jurisdiction under the Act in such proceeding:

Provided that any order issued to village officers under sub-section (*2*) of section 106 shall be issued by the Tahsildar to whom such village officers are subordinate.

1 Sub-clause (*12A*) was inserted by Mah. 49 of 1969, s. 2, Schedule.



**104. Application for possession of land made to different Tahsildars to be heard by designated Tahsildar.—** (*1*) If in the course of the hearing of an application for possession of any land made by a landlord under 1[sections 38, 39 or 39A], the Tahsildar of one area finds that the landlord had made a similar application to the Tahsildar of another area for possession of other land held by him in that area, then the Tahsildar shall refer the case to the Collector if the other land is in the same district, and to the Commissioner if the other land is in another district.

(*2*) On receipt of the reference the Collector or the Commissioner, as the case may be, shall—

(*a*) call for the proceedings of the other application from the Tahsildar concerned;

(*b*) having regard, among other matters, to the extent of the land of which possession is sought under the different applications, transfer all the applications and proceedings to one of the Tahsildars for hearing and disposal; and

(*c*) give an intimation of the transfer to the Tahsildar, the landlord and the tenants concerned.

(*3*) The Tahsildar to whom the applications are so transferred shall exercise jurisdiction in respect thereof under this Act:

Provided that any order to be issued to village officers under sub-section (*2*) of section 106 shall be issued by or through the Tahsildar to whom such village officers are subordinate.

2**[104A. Designated Tribunal to conduct proceedings in respect of land held by the same tenant in different areas.—** (*1*) If in the course of a proceeding under section 48 in respect of any tenant, the Tribunal finds that such tenant holds as a tenant other land outside its jurisdiction, then the Tribunal shall refer the case in the prescribed manner to the Collector if the other land is in the same district, and to the Commissioner, if the other land is in another district.

(*2*) On receipt of the reference, the Collector, or as the case may be, the Commissioner shall—

(*a*) call for the details of such land in the prescribed form from the Tribunal within whose jurisdiction the land is situate;

(*b*) after taking into consideration the extent of land held by the tenant as tenant situate within the jurisdiction of different Tribunals, direct that the proceeding under sections 43, 44, 45, 48 and 50 in respect of all the lands held by the tenant as tenant shall be conducted and disposed of by the Tribunal designated for the purpose, and transfer the case accordingly; and

(*c*) give intimation of the transfer to the Tribunal, the landlords and the tenant concerned.

(*3*) The Tribunal designated under sub-section (*2*) shall exercise jurisdiction under this Act in respect of all the said lands:

Provided that any order to be issued to village officers under sub-section (*2*) of section 106 shall be issued by or through the Tahsildar to whom such village officers are sub-ordinate.]

**105. Distribution of business amongst Tahsildars.—** Where in any tahsil, in addition to the Tahsildar appointed under section 16 of the Code, one or more officers are appointed by the State Government to perform the duties of a Tahsildar under this Act in such tahsil, each such officer shall dispose of such inquiries or proceedings commenced under section 101 as the Tahsildar subject to the control of the Collector, may by general or special order, refer to him.

**106. Execution of order for payment of money or for restoring possession.—** (*1*) Any sum the payment of which has been directed by an order of the Tahsildar or the Tribunal including an order awarding costs shall be recoverable from the person ordered to pay the same as an arrear of land revenue.

1 This was substituted for the word and figures "section 38" by Mah. 2 of 1962, s. 19. 2 Section 104A was inserted by Mah. 44 of 1963, s. 5.



(*2*) An order of the Tahsildar or the Tribunal awarding possession or restoring the possession or use of any land shall be executed in the manner provided in section 21 of the Mamlatdars' Courts Act, 1906 (Bom. II of 1906), as if it was the decision of the Tahsildar under the said Act:

Provided that such order shall not be executed till the expiry of the period of appeal as provided in section 114.

1[(*3*) Any order or decision of the Tahsildar in execution proceedings conducted under sub-section (*2*) shall, subject to appeal (if any) to the Collector, be final.]

2[**106A. Powers of Collector of inquiries under sub-section (*3A*) of section 36. Provision as respect revision and execution of orders.—** (*1*) For the purposes of an inquiry under sub-section (*3A*) of section 36 the Collector shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908 (V of 1908), in trying a suit, namely :—

(*a*) a proof of facts by affidavits,

(*b*) summoning and enforcing attendance of any person and examining him on oath, and

(*c*) compelling the production of documents.

(*2*) The order of the Collector under sub-section (*3A*) of section 36 shall, subject to revision under sub-section (*3*), be final.

(*3*) The State Government may, *suo motu* or on an application from any person interested in the land, call for the record of any such inquiry, for the purpose of satisfying itself as to the legality or propriety of the order passed by the Collector and pass such order thereon as it deems fit:

Provided that no such order shall be modified, annulled or reversed, unless an opportunity has been given to the interested parties to appear and to be heard.

(*4*) Every such order of the Collector or of the State Government in revision awarding possession of any land shall be executed in the manner provided for the execution of the orders of the Tahsildar or Tribunal under section 106.]

**107.Appeals.—** (*1*) An appeal against the order of the Tahsildar or Tribunal may be filed to the Collector in the following cases:—

[3][(*a-i*) order under section 6,]

(*a*) an order under section 7,

(*b*) an order under section 8 or 10,

(*c*) an order under section 12,

(*d*) an order under section 13,

(*e*) an order under section 14,

(*f*) an order under section 15,

(*g*) an order under section 18,

(*h*) an order under section 20,

(*i*) an order under section 21,

(*j*) an order under section 23,

(*k*) an order under section 25,

(*l*) an order under section 26,

1 Sub-section (*3*) was inserted by Mah. 5 of 1961, s. 14.

2 This section was inserted by Mah. 39 of 1964, s. 2, Schedule. 3 This clause was inserted by Mah. 17 of 1966, s. 2.



(*m*) an order under section 28,

(*n*) an order under section 30,

(*o*) an order under section 36,

(*p*) an order under [1][section 38, 39 or 39A],

(*q*) an order under section 40,

(*r*) an order under section 43 [2][48, [3][49A or 49B]],

(*s*) an order under section 44 or 45,

(*t*) an order under section 51,

(*u*) an order under section 52,

(*v*) an order under section 55,

(*w*) an order made pursuant to a notification issued under sub-section (*3*) of section 58 or an order under section 59,

(*x*) an order under section 61,

(*y*) an order under section 91,

[4][(*ya*) an order under section 121],

[5]

(*za*) an order under section 122, and

(*zb*) an order under section 125.

Provided that where an order has been passed by a Sub-Divisional Officer exercising powers of a Tahsildar under a notification issued under sub-section (*30*) of section 2, an appeal against such order shall lie to the Collector in charge of the District.

(*2*) every petition for an appeal under sub-section (*1*) shall be in the prescribed form and shall be accompanied by a certified copy of the order to which objection is made unless the production of such copy is dispensed with.

(*3*) On the filing of an appeal under sub-section (*1*), the Collector may either admit it or, after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it: Provided that the Collector shall not be bound to call for the record where the appeal is time-barred or does not lie.

(*4*) If the appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the respondent in the prescribed manner.

(*5*) After hearing the parties, if they appear, the Collector may confirm, vary or reverse the order appealed against or may direct such further investigation to be made, or such additional evidence to be taken, as he may think necessary; or may himself take such additional evidence or may remand the case for disposal with such directions as he may think fit. The Collector shall also have power to award costs.

(*6*) The Collector may, pending decision of the appeal, direct the execution of the order appealed against to be stayed for such time as he may think fit and subject to compliance with such conditions (including a condition of furnishing security) as he may think fit to impose.

1 This was substituted for the words and figures "section 38 or 39" by Mah. 2 of 1962, s. 20(*a*).

2 This was substituted for the words and figures "or 48" by Mah. 2 of 1962, s. 20(*b*).

3 These figures, letters and words were substituted for the words, figures and letter "or 49A" by Mah. 49 of 1969, s. 2, Schedule.

4 Clause (*ya*) was inserted by Bom. 4 of 1960, s. 13.

5 Clause (*z*) was deleted by Mah. 41 of 1966, s. 334 (Schedule K).



(*7*) The Collector may set aside or modify any direction made under sub-section (*6*).

**108.Powers of Collector to transfer and withdraw appeals.—** The Collector may, after due notice to the parties, by order in writing,—

(*a*) transfer any appeal pending before him or before any Assistant or Deputy Collector subordinate to him to any Assistant or Deputy Collector specified in such order, performing the duties and exercising the powers of a Collector and upon such transfer the Assistant Collector or the Deputy Collector, as the case may be, shall have power to hear and decide the appeal as if it was originally filed to him; or

(*b*) withdraw any appeal pending before any Assistant or Deputy Collector and himself hear and decide the same.

**109.Appeal against award of Collector.—** (*1*) An appeal against the award of the Collector made under section 92 may be filed to the 1[Maharashtra Revenue Tribunal], notwithstanding anything contained in the Bombay Revenue Tribunal Act, 1957 (Bom. XXXI of 1958).

(*2*) In deciding appeals under sub-section (*1*), the 2[Maharashtra Revenue Tribunal] shall exercise all the powers which a Court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908 (V of 1908).

**110. Revisional powers of Collector.—** (*1*) Where no appeal has been filed within the period provided for it, the Collector may, *suo motu* or on a reference made in this behalf by the Commissioner or the State Government, at any time,—

(*a*) call for the record of any inquiry or the proceedings of any Tahsildar or Tribunal for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of such Tahsildar or Tribunal, as the case may be, and

(*b*) pass such order thereon as he deems fit:

Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Tahsildar or Tribunal shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.

(*2*) Where any order under section 81 is made by an Assistant or Deputy Collector performing the duties or exercising the powers of the Collector or by an officer specially empowered by the State Government to perform the functions Act, such order shall be subject to

revision by the Collector and the provisions of sub-section (*1*) shall apply to the proceedings of the Assistant or Deputy Collector or Officer concerned, as they apply to the proceedings of a Tahsildar or Tribunal.

**111. Revision.—** (*1*) Notwithstanding anything contained in the Bombay Revenue Tribunal Act, 1957 (Bom. XXXI of 1958), an application for revision may be made to the [3][Maharashtra Revenue Tribunal] constituted under the said Act against any order of the Collector on the following grounds only :—

(*a*) that the order of the Collector was contrary to law;

(*b*) that the Collector failed to determine some material issue of law; or

(*c*) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

1 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.



(*2*) In deciding applications under this section the [1][Maharashtra Revenue Tribunal] shall follow the procedure which may be prescribed by rules made under this Act after consultation with the [2][Maharashtra Revenue Tribunal].

**112.Court-fees.—** Notwithstanding anything contained in the Court fees Act, 1870 (VII of 1870), every application or appeal made under this Act to the Tahsildar, Tribunal, Collector or [3][Maharashtra Revenue Tribunal] shall bear a court-fee stamp of such value as may be prescribed.

**113. Orders in appeal or revision.—** (*1*) The [4][Maharashtra Revenue Tribunal] in appeal under section 109 and in revision under section 111 may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(*2*) The orders of the Collector in appeal or of the [5][Maharashtra Revenue Tribunal] in appeal or revision shall be executed in the manner provided for the execution of the orders of the Tahsildar and Tribunal under section 106.

**114. Limitation.—** Every appeal or application for revision under this Act shall be filed within a period of sixty days, from the date of the order of the Tahsildar, Tribunal or Collector as the case may be. 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 or application for revision.

**115. Inquiries and proceedings to be judicial proceedings.—** All inquiries and proceedings before the Tahsildar, the Tribunal, the Collector and the [6][Maharashtra Revenue Tribunal] shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

**116.** [*Pleaders, etc. excluded from appearance.*] *Deleted by Mah. II of 1962, s. 21.*

## CHAPTER XI

### OFFENCES AND PENALTIES

**117.Offences and penalties.—** (*1*) Whoever contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following Table shall, on conviction, for each such offence, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said Table.

*Explanation*.— The entries in the second column of the said Table headed "subject" are not intended as the definitions of offences described in the sections, sub-sections and clauses mentioned in the first

column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

1 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

5 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

6 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.



TABLE

| Section, sub-section or clause. | Subject. | Fine which may be imposed. |
|---|---|---|
| (1) | (2) | (3) |
| | | Rs. |
| Section 13 | … Recovery of rent by way of crop-share or in excess of commuted cash-rent. | 1,000 |
| Section 14 | … Receipt of rent in form of labour or service | 1,000 |
| Section 16 | … Levy of cess, rate, vero, huk, tax or service which has been abolished. | 1,000 |
| Section 32 | … Failure to give written receipt for the amount of rent received. | 100 |
| Section 36 | … Taking possession of land or dwelling house contrary to section 36. | 1,000 |

[1]

(*2*) An offence for the contravention of the provisions of section [2][14, 16 or 36] shall be cognizable.

## CHAPTER XII

## MISCELLANEOUS

**118. Rules.—** (*1*) The State Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :—

(*i*) the other factors to be prescribed under section 4;

(*ii*) the manner in which the value of produce shall be determined under section 11;

(*iii*) the other factors to be prescribed under section 12;

(*iv*) the form of application to be made under section 13;

(*v*) the penalty to be recovered under section 15;

(*vi*) the manner of verifying the surrender of a tenancy under section 20;

(*vii*) the fees to be paid for th e form of such certificate under

section 23;

(*viii*) the form of application under section 26;

(*ix*) the form of application to be made under section 36;

(*x*) the manner of apportioning rent under section 38;

(*xi*) the manner in which the Tribunal shall refer a question for decision to the Civil Judge under section 44;

(*xii*) the form of public notice under section 48;

(*xiii*) the form of application to be made under section 51;

1 Entry relating to section 93 was deleted by Mah. 41 of 1966, s. 334, (Schedule K).

2 These figures and word were substituted for the figures and word "14 or 16" by Bom. 4 of 1960, s. 14.

(*xiv*) the terms and conditions subject to which exchange of tenancies may be sanctioned and the

form in which certificates may be issued under section 51;

(*xv*) the form of application to be made under section 55;

(*xvi*) the manner of determination of debts and liabilities under section 70;

(*xvii*) the place at which and the manner in which the Collector shall notify the fact of sanction under section 74;

(*xviii*) the sale or grant of lease of land under management under section 76;

(*xix*) the circumstances in which permission for sale, etc., of land may be granted under section 89;

[1][(*xix-A*) the rules subject to which the Collector may impose penalty under sub-section (*4*) of section 89A];

(*xx*) the other factors to be taken into consideration in fixing price of land under section 90;

(*xxi*) the manner in which the landlord shall make an offer of land under section 91;

(*xxii*) the form of notice to be given by a landlord under section 91;

(*xxiii*) the manner in which inquiry shall be made by the Collector under section 92;

(*xxiv*) the other matter to be taken into consideration by the Collector in determining value of land, acquired under section 92;

(*xxv*) the other functions of the Tribunal under section 98;

(*xxvi*) the other powers of the Tribunal under section 99;

(*xxvii*) the other particulars which an application made under section 101 shall contain;

(*xxviii*) the procedure to be followed by the [2][Maharashtra Revenue Tribunal] under section 111;

(*xxix*) the value of court-fee stamp under section 112;

(*xxx*) the manner in which land shall be granted under section 122;

(*xxxi*) the manner in which an order under section 131 shall be published;

(*xxxii*) any other matter which is or may be prescribed under this Act.

(*4*) All rules made under this section shall be laid before each House of the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following [3][and publish in the *Official Gazette*.]

**119. Delegation of powers [4][and duties].—** 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 an Assistant or Deputy Collector, all or any of the [5][powers conferred or duties imposed] on it by this Act.

1 This clause was substituted by Mah. 28 of 1994, s. 6.

2 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 These words were added by Mah. 5 of 1961, s. 15.

4 These words were added by Mah. 5 of 1961, s. 16(*b*).

5 These words were substituted for the words "powers conferred" by Mah. 5 of 1961, s. 16(*a*).



**[1][119A. Holders of land to furnish particulars of land to Tahsildars.—** (*1*) Every person holding land in the charge of more than one Patwari whether as tenure-holder or tenant or partly as tenure-holder and partly as tenant on the 31st day of March 1960 shall within the prescribed period furnish in the

prescribed manner true particulars of all the land so held by him to each of the Tahsildar within whose jurisdiction any piece of such land is situate.

(*2*) If any person liable to furnish particulars of land under sub-section (*1*) fails to furnish the particulars or furnishes such particulars as he knows to be false, he shall, on conviction, be punished with a fine which may extend to twenty-five rupees.

**119B. Acquisition of land under invalid transfer or partition to be invalid.—** Where any transfer of land or of any interest therein, whether by sale, gift, exchange, mortgage, lease or otherwise, or partition of land is invalid under any of the provisions of this Act, the acquisition of such land under such transfer to or partition shall also be invalid and the person acquiring the land shall be liable to the consequences in section 120 or 122, as the case may be.]

**120. Summary eviction.—** Any person unauthorisedly occupying or wrongfully in possession of any land—

(*a*) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act,

(*b*) the management of which has been assumed under the said provisions, or

(*c*) to the use and occupation of which he is not entitled under the said provisions and the said provisions do not provide for the eviction of such person,

may be summarily evicted by the Collector after such inquiry as he deems fit.

[2]**[120A. Validation of certain transfers and acquisitions.—**(*1*) A transfer or acquisition of any land in contravention of the provisions of section 89 or 91 made before the 21st day of November 1961, shall not be deemed or declared to be invalid merely on the ground that such transfer or acquisition was made in contravention of those provisions if the transferee pays to the State Government a penalty equal to one per cent. of the consideration or one hundred rupees, whichever is less:

Provided that, if such transfer is made by the landlord in favour of a tenant in actual possession, the penalty payable in respect thereof shall be one rupee:

Provided further that, if any such transfer is made by a landlord in favour of any person other than a tenant in actual possession, and such transfer is made either after the unlawful eviction of such tenant, or results in the eviction of the tenant in actual possession then, such transfer shall not be deemed to be validated, unless such tenant has failed to apply for possession of the land under sub-section (*1*) of section 36 within three years from the date of his eviction from the land.

(*2*) On payment of the penalty, the Tahsildar shall issue a certificate to the transferee that the transfer or acquisition is not invalid.

(*3*) Where the transferee fails to pay the penalty, within such period as may be prescribed, the transfer or as the case may be, the acquisition shall be declared by the Tahsildar to be invalid, and thereupon the provisions of sub-sections (*3*) to (*5*) of section 122 shall apply.]

**121. Invalidation of certain transfers or acquisitions of land.—**[3][(*1*)] Where a transfer or acquisition (other than by way of surrender of tenancy) of any land such as would, if made after the commencement of this Act, be invalid under any provisions of this Act, is made between the appointed day and the date of the commencement of this Act, it shall be deemed to be invalid :

1 Sections 119A and 119B were inserted by Bom. 4 of 1960, s. 15.

2 Sections 120A was inserted by Mah. 2 of 1962, s. 22.

3 Section 121 was renumbered as sub-section (*1*) and sub-sections (*2*) to (*6*) were inserted by Bom. 4 of 1960, s. 16.



Provided that if such a transfer or acquisition,—

(*i*) would have required the previous sanction of the Collector had it been made after the commencement of this Act, or

(*ii*) would have been subject to any conditions had it been made after the commencement of this Act—

Such a transfer or acquisition shall not be declared to be invalid if—

(*a*) in the case of category (*i*) the transferee or the person acquiring such land makes an application for necessary sanction within the prescribed period and such sanction is subsequently accorded by the Collector;

(*b*) in the case of category (*ii*) the transferee or the person acquiring such land gives within the prescribed period an intimation in writing to the Collector about the fact of such transfer or acquisition, as the case may be, and his willingness to accept the conditions applicable to such transfer or acquisition under this Act and takes within such period not exceeding three months as may be allowed by the Collector such proceedings as may be necessary to give effect to these conditions.

[1][(*2*) In respect of a transfer or acquisition deemed to be invalid under sub-section (*1*) the Tahsildar, *suo motu* or on the application of any person interested in such land, shall after giving a notice to the transferor, the transferee or the person acquiring such land, as the case may be, hold an enquiry and decide whether the transfer or acquisition is or is not valid.

(*3*) If after holding such enquiry the Tahsildar declares the transfer or acquisition to be invalid, he shall direct that the land shall be restored to the person from whom it was acquired and that the amount of consideration paid, if any, shall be recovered as an arrear of land revenue from the transferor and paid to the transferee and until the amount is so fully paid, the said amount shall be a charge on the land:

Provided that where the transfer of land was made by the landlord to the tenant in possession of the land, the Tahsildar shall not declare such transfer to be invalid if—

(*i*) the price of the land received by the landlord does not exceed the reasonable price thereof under section 90 and the transferee pays to the State Government a penalty of one rupee within such period not exceeding three months as the Tahsildar may fix, or

(*ii*) the price of the land received by the landlord exceeds the reasonable price thereof under section 90 and the transferor as well as the transferee pays to the State Government each a penalty equal to one-tenth of the reasonable price within such period as the Tahsildar may fix.

(*4*) If the person to whom the land is directed to be restored refuses to take possession of the land, the Tahsildar shall declare it to be surplus land.

(*5*) The amount of recurring compensation or reasonable price realised in respect of land declared as surplus land under sub-section (*4*), shall be payable to the transferor.

(*6*) If the transferee refuses to accept the amount paid to him under sub-section (*3*) or the transferor refuses to accept the amount paid to him under sub-section (*5*), the amount shall be forfeited to Government.]

**122. Disposal of land, transfer or acquisition of which is invalid.—** (*1*) Where in respect of the transfer or acquisition of any land [2][made on or after the commencement of this Act] the Tahsildar *suo motu* or on the application of any person interested in such land has reason to believe that such transfer or acquisition is or becomes invalid under any of the provisions of this Act, the Tahsildar shall issue a notice in the prescribed form to the transferor, the transferee or the person acquiring such land, as the case may be, to show cause as to why the transfer or acquisition should not be declared to be invalid and shall hold an inquiry and decide whether the transfer or acquisition is or is not invalid.

1 Section 121 was renumbered as sub-section (*1*) and sub-sections (*2*) to (*5*) were inserted by Bom. 4 of 1960, s. 16. 2 These words were inserted by Bom. 4 of 1960, s. 17.



(*2*) If after holding such inquiry, the Tahsildar comes to a conclusion that the transfer or acquisition of land is invalid, he shall make an order declaring the transfer or acquisition to be invalid:

Provided that where the transfer of land was made by the landlord to the tenant in possession of the land and the area of the land so transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed three family holdings, the Tahsildar shall not declare such transfer to be invalid if,—

(*i*) the price of the land received by the landlord does not exceed the reasonable price thereof under section 90 and the transferee pays to the State Government a penalty of one rupee within such period not exceeding three months as the Tahsildar may fix, or

(*ii*) the price of the land received by the landlords exceeds the reasonable price thereof under section 90 and the transferor as well as the transferee pays to the State Government each a penalty equal to one-tenth of the reasonable price within such period as the Tahsildar may fix.

(*3*) On the declaration made by the Tahsildar under sub-section (*2*),—

(*a*) the land shall be deemed to vest in the State Government, free from all encumbrances lawfully subsisting thereon on the date of such vesting, and shall be disposed of in the manner provided in sub-section (*4*); the encumbrances shall be paid out of the occupancy price in the manner provided in section 44 for the payment of encumbrances out of the purchase price of the sale of land, but the right of the holder of such encumbrances to proceed against the person liable for the enforcement of this right in any other manner shall not be affected;

(*b*) the amount which was received by the transferor as the price of the land shall be deemed to have been forfeited to the State Government and it shall be recoverable as an arrear of land revenue; and

(*c*) the Tahsildar shall, in accordance with the provisions of section 90, determine the reasonable price of the land.

(*4*) After determining the reasonable price, the Tahsildar shall dispose of the land by sale at a price equal to the reasonable price determined under sub-section (*3*) in the prescribed manner in following order of priority :—

(*i*) the tenant in actual possession of the land;

(*ii*) the persons or bodies in the order given in section 84:

Provided that where the transfer of land was made by the landlord to the tenant in possession of the land and the area of the land so transferred together with the area of the other land, if any, cultivated personally by the tenant did not exceed three family holdings, then—

(*a*) if the price of the land received by the transferer does not exceed the reasonable price, the amount forfeited under sub-section (*3*) shall be returned to the transferor and the land restored to the transferee on payment to the State Government of a penalty of one rupee; and

(*b*) if the price of the land received by the transferor exceeds the reasonable price, he Tahsildar shall grant the land to the transferee on payment of price equal to one-tenth of the reasonable price and out of the amount forfeited under sub-section (*3*), the transferor shall be paid back an amount equal to nine-tenths of the reasonable price.

(*5*) The amount of the price realised under sub-section (*4*) shall, subject to the payment as aforesaid of any encumbrances subsisting on the land, be credited to the State Government:

Provided that where the acquisition of any excess land was on account of a gift or bequest, the amount of the price realised under sub-section (*4*) in respect of such land shall, subject to the payment of any encumbrances subsisting thereon, be paid to the donee or legatee in whose possession the land had passed on account of such acquisition.



[1][(*6*) Notwithstanding anything contained in sub-sections (*1*) to (*5*), the transfer or acquisition of any land shall not be declared invalid by the Tahsildar, if,—

(*i*) the proceedings under sub-section (*1*), in respect of transfer or acquisition of such land are initiated after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (Mah. XX of 2016) (hereinafter in this sub-section referred to as "the commencement date"), or had been initiated before the commencement date, but no order under sub-section (*2*) had been made on or before the commencement date; and

(*ii*) the area of such land including other land, if any, held by the transferee, who is an agriculturist, is not in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961); and

(*iii*) the land so transferred or acquired,—

(*a*) is being used only for the agricultural purposes and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates; or

(*b*) is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

*Explanation*.— For the purposes of this sub-section, the term "Annual Statement of Rates" means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (*a*) or (*b*), as the case may be, of this clause.]

[2]**[122A. Disposal of land, transfer or acquisition of which is invalid for breach of condition.—** (*1*) Where the Collector *suo motu* or on an application made to him in this behalf has reason to believe that there has been a breach of any of the conditions subject to which permission to transfer land was granted under section 89, he shall issue a notice and hold an enquiry, and after giving an opportunity of being heard to the person in whose favour such transfer was made decide whether there has been any breach of condition of transfer, and on his holding in the affirmative, make an order declaring the transfer to be invalid unless he holds that the breach was occasioned for reasons beyond the control of such person.

(*2*) On making an order under sub-section (*1*) the land shall stand forfeited and transferred to, and shall vest without further assurance in, the State Government.

(*3*) The land vesting in the State Government under sub-section (*2*) shall be disposed of by the Collector to persons or bodies in the order given in section 84 or in such other manner as the State Government may, by general or special order, direct; and the encumbrances lawfully subsisting thereon on the date of the vesting shall be paid out of the occupancy price in the manner provided in section 44 for the payment of encumbrances out of the purchase price of the sale of land, but the right of the holder of such encumbrances to proceed against the person liable, for enforcement of his right in any other manner shall not be affected.]

[3][(*4*) Notwithstanding anything contained in sub-sections (*1*) to (*3*), the transfer of land shall not be declared invalid by the Collector, where the transferee fulfills the requirements under sub-section (*1*) of section 89, if,—

(*i*) the proceedings under sub-section (*1*) are initiated, after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands

1 Sub-section (*6*) was added by Mah. 20 of 2016, s. 6.
2 Section 122A was inserted by Mah. 2 of 1962, s. 23.
3 Sub-section (*4*) was added by Mah. 20 of 2016, s. 7.



and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (Mah. XX of 2016) (hereinafter in this sub-section referred to as "the commencement date") or

such proceedings had been initiated prior to the commencement date, but no order under the said sub-section (*1*) had made on or before such commencement date, for breach of any conditions, subject to which permission to transfer such land was granted under section 89; and

(*ii*) (*a*) the land so transferred is being used for agricultural purposes only and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates; or

(*b*) the land so transferred is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent of the market value of such land as per the Annual Statement of Rates.

*Explanation*.— For the purposes of this sub-section, the term "Annual Statement of Rates" means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (*a*) or (*b*), as the case may be, of this clause.]

**123. Leases of land liable to be disposed of under section 122.—** (*1*) Where any land has become liable to be disposed of under section 122 the Tahsildar considers that such disposal is likely to take time and that with a view to preventing the land remaining uncultivated it is necessary to take such a step, he may lease the land for cultivation to any agriculturist who has under personal cultivation land less than three family holdings subject to the following conditions :—

(*i*) the lease shall be for a period of one year;

(*ii*) the lessee shall pay rent at the rate fixed by the Tahsildar subject to the provisions of section 11;

(*iii*) the lessee shall be liable to pay the land revenue and other cesses payable in respect of the land;

(*iv*) if the lessee fails to vacate the land on the expiry of the term of the lease, he shall be liable to be summarily evicted by the Tahsildar.

(*2*) The person holding land on lease under sub-section (*1*) shall not be deemed to be a tenant within the meaning of this Act.

(*3*) The amount of rent realised under sub-section (*1*) shall be forfeited to Government.

**124. Bar of jurisdiction.—** (*1*) No Civil Court shall have jurisdiction to settle, decide or deal with any question [1][(including a question whether a person is, or was at any time in the past, a tenant and whether the ownership of any land is transferred to, and vests in, a tenant under section 46 or section 49A or section 49B)] which is by or under this Act required to be settled, decided or dealt with by the Tahsildar or Tribunal, a Manager, the Collector or the [2]Maharashtra Revenue Tribunal] in appeal or revision or the State Government in exercise of their powers of control.

(*2*) No order of the Tahsildar, the Tribunal, the Manager, the Collector or the [3]Maharashtra Revenue Tribunal] or the State Government made under this Act shall be questioned in any Civil or Criminal Court.

*Explanation*.— For the purposes of this section, a Civil Court shall include a Mamlatdar's Court constituted under the Mamlatdars' Courts Act, 1906 (Bom. II of 1906).

1 These brackets, words, figures and letters were deemed always to have been inserted by Mah. 49 of 1969, s. 2, Schedule. 2 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.



**125. Suits involving issues required to be decided under this Act.—** (*1*) If any suit instituted in any Civil Court, involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or this Act (hereinafter referred to as the

"competent authority"), the Civil Court shall stay the suit and refer such issues to such competent authority for determination.

(*2*) On receipt of such reference from the Civil Court, the competent authority shall deal with and decide such issues in accordance with provisions of this Act and shall communicate its decision to the Civil Court and such court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

*Explanation*.— For the purpose of this section a Civil Court shall include a Mamlatdar's Court constituted under the Mamlatdar's Courts Act, 1906 (Bom. II of 1906).

**126. Control.—** In all matters connected with this Act, the State Government and the Commissioner shall have the same authority and control over the Tahsildars and the Collectors acting under this Act as they have and exercise over them in the general and revenue administration.

**127. Indemnity.—** No suit 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 this Act.

**128. Act not to apply to certain lands and areas.—** Nothing in the foregoing provisions of this Act shall apply,—

(*a*) to lands belonging to or held on lease from the Government;

(*b*) to any area which the State Government may, from time to time, by notification in the *Official Gazette*, specify as being reserved for non-agricultural or industrial development;

(*c*) land granted on lease in compliance with the provisions of section 5A [1][or section 5AA] of the Central Provinces and Berar Cultivation of Fallow Land Act, 1948 (C. P. and Berar Act XVIII of 1948), till the period of the said lease is over;

(*d*) to the lands transferred to or by the Madhya Pradesh Bhudan Yagna Board constituted under the Madhya Pradesh Bhudan Yagna Act, 1953 (M. P. Act XV of 1953);

(*e*) to a holding taken under the management of the Court of Wards or of a Government officer appointed in his official capacity as a guardian under the Guardians and Wards Act, 1890 (VIII of 1890) [2][□□□□□]:

Provided that on and after the expiry of the period of lease of any land referred to in clause (*c*), the lessee thereof shall be deemed to be a tenant under section 6 and the foregoing provisions of this Act shall apply to such land and the lease thereof, subject to the modification that the landlord shall be entitled to terminate such lease under section 38 within two years from the date on which the provisions of this Act became applicable thereto:

[3][Provided further that with effect from the date on which the management of a holding referred to in clause (*e*) is terminated, the foregoing provisions of this Act shall apply to such holding subject to the following modifications, namely :—

(*a*) if on the date of the termination of the management, any land comprised in such holding is in the possession of a tenant holding it from the landlord immediately before the assumption of the management or where such tenant is dead, in the possession of his successor-in-title, and if the management had been assumed before the landlord could exercise the right to terminate the tenancy under section 38, then the landlord shall be entitled to terminate such tenancy under section 38 within two years from such date;

1 This portion was inserted by Mah. 5 of 1961, s. 17(*i*).

2 The portion beginning with "or to the lands taken under management temporarily" and ending with "rightful holders" was deleted by Mah. 5 of 1961, s. 17(*ii*).

3 The second proviso was substituted for the original by Bom. 4 of 1960, s. 18.



(*b*) if on the date of the termination of the management, any land comprised in such holding is in the possession of a lessee holding it under a lease granted by the Court of Wards, Government Officer, Civil, Revenue or Crimin y be, the receiver, the lessee shall be

deemed to be a tenant of such land under section 6 and the landlord shall be entitled to terminate such tenancy under section 38 within two years from such date.]

[1][128A. **Special provision for land taken under management by Courts, etc.—** (*1*) In respect of any land taken under management by a civil, revenue or criminal court,—

(*a*) where the land was taken under management before the commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region [2]) Act, 1958 (Bom. XCIX of 1958), and on such commencement there was a tenant on the land, or

(*b*) where the land is taken under management at any time after the commencement of that Act, and any person is a tenant thereon on the date of the taking over of the management,

and, if the tenant aforesaid has been evicted (otherwise than on any grounds specified in section 19), then he may within one year from the Commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) (Amendment) Act, 1960 (Mah. V of 1961), be entitled to apply to the Tahsildar to be placed in possession of the land.

(*2*) The Tahsildar, after holding an enquiry, restore possession of such land to the person who applies to him under sub-section (*1*), and upon such restoration the person shall be deemed to be a tenant for the purposes of this Act:

Provided that, if there be some other person already in possession as tenant, the Tahsildar shall only restore possession of the land after the expiry of that tenancy.

(*3*) The provisions of this section shall not apply if the land described in clause (*a*) of sub-section (*1*) has been sold at any time during the period of management but before the commencement of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) (Amendment) Act, 1960 (Mah. V of 1961)].

**129. Exemption from certain provisions to lands held by local authorities, Universities, trusts, etc.—** Nothing in the foregoing provisions except section 2, the provision of Chapter II (excluding sections 21, 22, 23, 24 and 37) and section 91 and the provisions of Chapters X and XII in so far as the provisions of the said Chapters are applicable to any of the matters referred to in sections mentioned above, shall apply—

(*a*) to lands held or leased by a local authority, or university established by law in the State;

(*b*) to lands which are the property of a trust for an educational purpose, hospital, Panjarpole, Gaushala, or an institution for public religious worship, provided the entire income of such lands is appropriated for the purposes of such trust; and

(*c*) to lands assigned or donated by any person before the commencement of this Act for the purpose of rendering any of the following services useful to the community, namely—

maintenance of water works, lighting or filling of water troughs for cattle.

[3][(*d*) to any land taken under management by a civil, revenue or criminal court:

Provided that, from the date on which the land referred to in clause (*d*) is released from such management, all the provisions of this Act shall apply thereto, but subject to the following modifications, that is to say,—

(*i*) in the application of section 38 to such land, for the time mentioned in sub-section (*1*) thereof (for giving notice to the tenant and making an application for possession), there shall be substituted a period of one year from the date of the release of land from such management, and

1 Section 128A was inserted by Mah. 5 of 1961, s. 18.

2 The words "and Kutch Area" were deleted by Mah. 26 of 1963, s. 3, Second Schedule. 3 Clause (*d*) was inserted by Mah. 5 of 1961, s. 19.

the said section shall not apply so as to entitle a landlord to terminate a tenancy of a tenant (or his successor-in-title) in respect of whom he had an opportunity to terminate under section 38;

(*ii*) if on the date on which the land was taken under management, the landlord was personally cultivating the land then on the release of the land from management the tenancy of any person subsisting at the date of the release shall be deemed to be terminated, and the land shall be restored to the possession of the landlord;

(*iii*) the right of the tenant to purchase the land under the relevant provisions relating thereto shall be exercised within one year from the expiry of the period during which the landlord is entitled to terminate the tenancy as provided in clause (*i*).]

*Explanation*.— For the purpose of clause (*b*), a certificate granted by the Collector, after holding an inquiry, that the conditions mentioned in the said clause are satisfied by a trust shall be the conclusive evidence in that behalf.

**130. Certain provision of the Act not to apply to holdings and lands assumed under managements under Chapter VI or VII.—** (*1*) In the case of any holding or surplus land, the management of which has been assumed under Chapter VI or Chapter VII, the foregoing provisions of this Act, except those of Chapter VI or as the case may be, Chapter VII and of sections 92, 116, 118, 119, 120, 124, 126 and 127 shall not apply to such holding or land so long as such management continues.

(*2*) On the termination of management, the foregoing provisions of this Act shall apply to such holding or as the case may be, to such surplus land subject to the following modifications, namely:—

(*a*) if on the date of the termination of the management, any land comprised in such holding is in the possession of a tenant holding it from the landlord immediately before the assumption of the management or where such tenant is dead, in the possession of his successor-in-title [1][and if the management had been assumed before the landlord could exercise the right to terminate the tenancy under section 38], the landlord shall be entitled to terminate the tenancy under section 38 within two years from the date of the termination of the management;

(*b*) if on the date of the termination of the management, any land comprised in such holding or, as the case may be, the surplus land is in the possession of a lessee holding it under a lease granted by the Manager, then on the expiry of the period of the lease the person, to whom the possession of such holding or surplus land is delivered under section 79 or 85, shall be entitled to take possession of such land unless the said lessee within a period of three months from the expiry of the lease offers to purchase the land. Such offer shall be made in the manner provided in section 43 and thereupon the provisions of that section shall *mutatis mutandis* apply to such purchase as if the said lessee were a tenant applying under section 43:

Provided that, where by such purchase, the interest of the tenure holder as well as the interest of the tenant, if any, holding from the tenure-holder is acquired by the lessee, the amount payable to the landlord under sub-section (*4*) of section 41 shall be apportioned by the Tribunal between the tenure-holder and the tenant and paid accordingly.

[2][**130A. Provisions of Act not to apply in relation to certain leases.—** Notwithstanding anything contained in this Act, a person who does not belongs to a Scheduled Tribe shall, after the commencement of the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 (Mah. XXXV of 1974), not have the right to purchase under this Act the land duly leased to him with the previous sanction of the Collector under the provisions of section 36 or section 36A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).]

1 These words and figures were inserted by Bom. 4 of 1960, s. 19. 2 Section 130A was inserted by Mah. 35 of 1974, Schedule.



**131. Power of Government to withdraw exemption.—** (*1*) Notwithstanding anything contained in section 128, if the State Government is satisfied—

(*i*) in the case of an area referred to in clause (*b*) of section 128, that the chances of non-agricultural or industrial development are remote, or that after the eviction of tenants from any land in such area, the land has not been used for a non-agricultural or industrial purpose,

(*ii*) that the interest of the Bhoodan Yagna Board in the land transferred by it has ceased under section 26 of the Madhya Pradesh Bhoodan Yagna Board Act, 1953 (M. P. Act XV of 1953), and the transferee ceases to cultivate the land personally, and

(*iii*) in the case of lands referred to in clause (*b*) of section 129, that the trustee is unable to look after the property or has mis-managed it or that there are disputes between the trust and the tenants,

the State Government may, by order published in the prescribed manner, direct that with effect from such date as may be specified in the order such land or area, as the case may be shall cease to be exempted from all or any of the provisions of this Act from which it was exempted under section 128.

(*2*) Where any such land or area ceases to be so exempted then in the case of a tenancy subsisting on the date specified in the order issued under sub-section (*1*), the landlord shall be entitled to terminate such tenancy under section 38 within one year from such date and the tenant shall have a right to purchase the land. The provisions of sections 38, 40 and 41 to 45 (both inclusive) shall, so far as may be applicable, apply to such termination of tenancy and to the right of the tenant to purchase the land.

**132. Repeals and savings.—** (*1*) The provisions of the enactments specified in Schedule I are hereby repealed to the extent specified in column 4 of the said Schedule.

(*2*) Nothing in sub-section (*1*) shall, save as expressly provided in this Act, affect or be deemed to affect—

(*i*) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*ii*) any legal proceeding or remedy in respect of any such right, title, interest, obligation or liability or anything done or suffered before the commencement of this Act, and any such proceedings shall be instituted, continued and disposed of, as if this Act had not been passed.

(*3*) Notwithstanding anything contained in sub-section (*2*)—

(*a*) all proceedings for the termination of the tenancy and ejectment of a tenant or for the recovery or restoration of the possession of the land under the provisions of the enactments so repealed, pending on the date of the commencement of this Act before a Revenue Officer or in appeal or revision before any appellate or revising authority shall be deemed to have been instituted and pending before the corresponding authority under this Act and shall be disposed of in accordance with the provisions of this Act, and

(*b*) in the case of any proceeding under any of the provisions of the enactments so repealed, pending before a civil court on such date, the provisions, of section 125 of this Act shall apply.

**133. Enactments amended.—** The enactments specified in Schedule II shall be amended to the extent specified in the fourth column thereof.

## SCHEDULE I

*Provisions of Enactments repealed.*

(*See* section 132)

| Year. No. | Short title. | Extent of repeal. |
|---|---|---|
| (1) | (2) | (3) (4) |
| 1951 . . XXIV . . | The Berar Regulation of Agricultural Leases Act, 1951. | The whole. |
| 1955 . . II . . | The Madhya Pradesh Land Revenue Code, 1954. | The whole of Chapter XIV. |
| 1958 . . IX . . | The Bombay Vidarbha Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Laws) Act, 1957. | The whole. |
| [1][1948 . . XVIII . . | The Central Provinces and Berar Cultivation of Fallow Land Act, 1948. | The whole.] |

SCHEDULE II

*Enactments amended*

(*See* section 133)

| Year. | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| 1931 | . . III . | . The Central Provinces Irrigation Act, 1931. | In section 47, in clause (*b*), the following proviso shall be inserted, namely :— ‘Provided that in the case of any land in the possession of a tenant, if such tenant is liable to pay the canal revenue in respect of such land under the provisions of the Bombay Tenancy and Agricultural Lands (Vidarbha Region [2] ) Act, 1958 (Bom. XCIX of 1958), such tenant shall be liable for the payment of the canal revenue in respect of such land’. |

1 These entries were added by Mah. 5 of 1961, s. 20.

2 The words “and Kutch Area” were deleted by Mah. 26 of 1963, s. 3, Second Schedule.

SCHEDULE II—*contd.*

| Year. | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| 1948 . . | XXXVIII | . . The Central Provinces and Berar Local Government Act, 1948. | In section 85, after sub-section (*2*), the following sub-section shall be inserted, namely:— ‘Notwithstanding anything contained in sub-sections (*1*) and (*2*) in the case of any land in the possession of a tenant, if such tenant is liable to pay the cess in respect of such land under the provisions of the Bombay Tenancy and Agricultural Lands (Vidarbha Region 1□ □□) Act, 1958 (Bom. XCIX of 1958), such tenant shall be primarily liable for the payment of the cess in respect of such land.’ |
| 1955 | . . II | . . The Madhya Pradesh Land Revenue Code, 1954. | (*1*) In section 103, in clause (*b*), for the words “occupancy tenants and protected lessees”, the words “occupancy tenants, protected lessees and other tenants” shall be substituted. (*2*) In section 126, in sub-section (*2*), the following proviso shall be added, namely:— ‘Provided that in the case of any land in the possession of a tenant, if such tenant is liable to pay land revenue in respect of such land under the provisions of the Bombay Tenancy and |

1 The words “and Kutch Area” were deleted by Mah. 26 of 1963, s. 3, Second Schedule.

SCHEDULE II—*contd.*

| Year. | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | | | Agricultural Lands (Vidarbha Region [1]□□□) Act, 1958 (Bom. XCIX of 1958), such tenant shall be primarily liable for the payment of the land revenue in respect of such land.' |
| | | | (*3*) In section 127, after the words "in possession of the land" the words "and where the person in possession is himself primarily liable to pay land revenue, from any person interested in the land," shall be inserted. |
| | | | (*4*) In section 135, the following proviso shall be added to clause (*b*) namely:— |
| | | | 'Provided that where such holding is in the possession of a tenant who is primarily liable to pay the land revenue in respect of such holding under the provisions of the Bombay Tenancy and Agricultural Lands (Vidarbha Region [2]□□□) Act, 1958 (Bom. XCIX of 1958), by attachment and sale of the interest of the tenant in such holding and failing this by attachment and sale of such holding.' |

1 The words "and Kutch Area" were deleted by Mah. 26 of 1963, s. 3, Second Schedule.

2 The words "and Kutch Area" were deleted by Mah. 26 of 1963, s. 3, Second Schedule.

Schedule III was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

## SCHEDULE IV

(*See* section 60)

| VILLAGES. | VILLAGES. |
|---|---|
| 1. Borgaon. | 18. Sakardara. |
| 2. Gorewara. | 19. Chikhli. |
| 3. Takli. | 20. Manewada. |
| 4. Nara. | 21. Babulkheda. |
| 5. Nari. | 22. Somalwada. |
| 6. Wanjara. | 23. Khamla. |
| 7. Kalamna. | 24. Parsodi. |
| 8. Chikhali (Khurd). | 25. Takli (Sim). |
| 9. Bharatwada. | 26. Sonegaon. |
| 10. Punapur. | 27. Kachimet. |
| 11. Pardi. | 28. Dhaba. |
| 12. Bhandewadi. | 29. Hajaripahad. |
| 13. Hiwari. | 30. Jaitala. |
| 14. Wathoda. | 31. Ghanti. |
| 15. Harpur. | 32. Sonegaon Bazar. |
| 16. Dighori. | 33. Shiwangaon. |
| 17. Bidpeth. | 34. Chichbhuwan. |