THE WEST KHANDESH MEHWASSI ESTATES REGULATION, 1949

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BOMBAY REGULATION No. I OF 1949

[THEWESTKHANDESHMEHWASSIESTATESREGULATION,1949.]

[*31st January 1950*]

A Regulation for the avoidance of doubt and application of laws to Mehwassi Estates.

WHEREAS, it is necessary to make a declaration for the avoidance of doubt regarding laws in force in the territory of the Mehwassi Estates, which is a partially excluded area in the district of West Khandesh in the Province of Bombay;

AND WHEREAS, it is also necessary to direct the application of certain laws to the said territory;

AND WHEREAS, it is necessary to provide for the aforesaid and other matters for the peace and good government of the said territory;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (*1*) and (*2*) of section 92 of the Government of India Act, 1935 (26 Geo. 5, Ch. 2), the Governor of Bombay is, with the assent of the Governor-General, hereby pleased to make the following Regulation, namely:—

1. Short title, extent and commencement.— (*1*) This Regulation may be called the West Khandesh Mehwassi Estates Regulation, 1949.

(*2*) It extends to the territory of the Mehwassi Estates specified in Schedule I.

(*3*) It shall come into force at once.

2. Avoidance of doubt regarding laws in force.— For the avoidance of doubt, it is hereby declared that—

(*a*) all Acts passed by the Parliament of the United Kingdom and applicable to the Dominion of India on the day on which this Regulation comes into force,

(*b*) all Acts passed by the Central Legislature before the 1st day of April 1937 and extended to British India not excluding the territory of the Mehwassi Estates as a part of the scheduled district as was defined in the Scheduled Districts Act, 1874 (XIV of 1874),

(*c*) all Acts passed by the Provincial Legislature before the 1st day of April 1937 and extended to the Province of Bombay including the territory of the Mehwassi Estates as a part of the scheduled districts, referred to in clause (*b*),

(*d*) all Acts of the Central and Provincial Legislature declared to be in force or applicable to the territory of the Mehwassi Estates under the provisions of the Scheduled Districts Act, 1874 (XIV of 1874), and continued in force under the Government of India (Adaptation of Indian Laws) Order, 1937.

(*e*) All acts of the Central and Provincial Legislatures and Ordinances promulgated by the Governor-General or the Governor of Bombay, extended to and declared in force in the territory of the Mehwassi Estates under section 92 of the Government of India Act, 1935 (26 Geo. 5, Ch. 2), on or after the 1st day of April 1937 with such exceptions or modifications as may have been specified in the order extending or declaring them in force in the said territory,

shall be deemed to be and to have been in force in the territory of the Mehwassi Estates.

3. Application of Bombay Land Revenue Code.—The Bombay Land Revenue Code, 1879 (Bom. V of 1879), shall subject to the modifications specified in Schedule II come into force in the territory of the Mehwassi Estates.

4. Application of other laws.— All other Acts passed by Central or Provincial Legislature which are not in force in the territory of the Mehwassi Estates but are in force in the other part of the District of West Khandesh shall come into force in the territory of the Mehwassi Estates.

5. Application of rules, etc.—All rules, regulations, by-laws, notifications or orders made under any of the Acts mentioned in sections 2 to 4 (both inclusive) and applicable to the District of West Khandesh shall, unless there is anything otherwise repugnant in the subject or context, be deemed to be or to have been in force or shall apply, as the case may be, to the territory of the Mehwassi Estates.

6. Application of General Clauses Acts.—The provisions of the General Clauses Act, 1897 (X of 1897), and the [1]Bombay General Clauses Act, 1904 (Bom. I of 1904), shall apply to the interpretation of this Regulation.

7. Repeal.—The enactment specified in Schedule III shall be deemed to have been repealed :

Provided that all proceedings commenced before any authority in the territory of the Mehwassi Estates before the day on which this Regulation comes into force and still pending on that day shall be disposed of by such authority as the Provincial Government may direct, and save as aforesaid shall be continued as if this Regulation had not been made.

SCHEDULE I

[*See* section 1 (*2*).]

MEHWASSI ESTATES

In the West Khandesh District, the villages belonging to the following Mehwassi Chiefs:—

(*1*) The Parvi of Kathi,

(*2*) The Parvi of Nal,

(*3*) The Parvi of Singpur,

(*4*) The Walwi of Gaohali,

(*5*) The Wassawa of Chikhli,

(*6*) The Parvi of Navalpur.

1 The short title of this Act was amended as "the Maharashtra General Classes Act" by Mah. 24 of 2012, s. 2 and 3, Schedule, entry II, *w.e.f.* 1-5-1960.

SCHEDULE II

(*See* section 3.)

Modifications of the provisions of the Bombay Land Revenue Code, 1879.—

(*1*) In section 1, sub-section (*2*), the words and figures, beginning with the words "and the Scheduled Districts" and ending with the figures "1874" shall be deleted.

(*2*) In section 3, clause (*13*), after the words "the Provincial Government" the words "and includes a holder of a Mehwassi Estate" shall be inserted.

(*3*) In section 3, after clause (*22*), the following clause shall be inserted, namely:—

"(*23*) „Mehwassi Estate‟ means the villages specified in Schedule I to the West Khandesh Mehwassi Estates Regulation, 1949 (Bom. Regulation No. I of 1949), and „a Mehwassi‟ means the holder of the said Estate and „Mehwassi land‟ means land comprised in the territory of the said Estate;"

(*4*) In section 38, after the words "unalienated portions of villages", the words "or in a village comprised in a Mehwassi Estate" shall be inserted.

(*5*) In section 46,—

(*i*) after the words "any holder of alienated land" the words "or a Mehwassi" shall be inserted;

(*ii*) after the words "the said holder" the words "or Mehwassi, as the case may be," shall be inserted.

(*6*) In section 56,—

(*i*) after the words "alienated holding" where they occur for the first and second times, the words "or Mehwassi land" shall be inserted;

(*ii*) for the words "such occupancy or alienated holding" wherever they occur and for the words "such occupancy or holding" the words "such occupancy, holding or land" shall be substituted.

(*7*) In section 57,—

(*i*) for the words "a holding" the words "a holding or land" shall be substituted;

(*ii*) for the words "such holding" the words "such holding or land" shall be substituted.

(*8*) In section 58, after the words "share of a village" wherever they occur, the words "or of a village comprised in Mehwassi Estate" shall be inserted.

(*9*) In section 69, after the words "unalienated" the words "or Mehwassi" shall be inserted.

(*10*) In section 76, after the words "alienated land" the words "or any Mehwassi land" shall be inserted.

(*11*) In section 80,—

(*i*) after the words “an occupancy” the words “or any Mehwassi land” shall be inserted ;

(*ii*) after the word “occupant” wherever it occurs, the words “or holder” shall be inserted.

(*12*) In section 85, sub-section (*1*), after the words, “alienated share of a village” the words “or of a village comprised in a Mehwassi Estate” shall be inserted.

(*13*) In section 94A, sub-section (*1*), after the words “alienated share of a village” the words “or of a village comprised in a Mehwassi Estate” shall be inserted.

(*14*) In section 111, after the word “estate” where it occurs for the first time the words “including a Mehwassi Estate” shall be inserted.

(*15*) In section 118, after the word “alienated” wherever it occurs the words “or Mehwassi” shall be inserted.

(*16*) In section 136, sub-section (*1*), after the words “alienated land” the words “or Mehwassi land” shall be inserted.

(*17*) In section 150,—

(*i*) in clause (*b*), after the words “alienated holding” the words “or Mehwassi land” shall be inserted;

(*ii*) in clause (*f*), after the words “alienated holding” the words “or any Mehwassi land” shall be inserted.

(*18*) In section 153, after the words “alienated holding” wherever they occur the words “or any Mehwassi land” shall be inserted.

(*19*) In section 159, after the word “holding” the words “or land” shall be inserted.

(*20*) In section 181, after the words “or alienated holding” the words “or any Mehwassi land” shall be inserted.

(*21*) In section 214, in clause (*d*) of sub-section (*2*), after the words “unalienated land” the words “or Mehwassi land” shall be inserted.

(*22*) In section 216, sub-section (*1*), after the words “alienated shares of villages” the words “and villages or share of villages comprised in Mehwassi Estates,” shall be inserted.

(*23*) In section 217, after the words “alienated villages” the words “or a village or the share of a village comprised in a Mehwassi Estate” shall be inserted.

(*24*) In section 218, after the word “alienated”, wherever it occurs, the words “or Mehwassi” shall be inserted.

SCHEDULE III

(*See* section 7.)

The enactment repealed.

Rules for the Civil Administration in the villages of Mehwassi Chiefs made under Act XI of 1846 by Government of Bombay Notification (Judicial Department), No. 1854, dated the 17th March 1864, as amended by Government Notification (Judicial Department), No. 9866, dated the 20th October 1920.