

**Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential or Commercial Purposes in Urban Areas) Rules, 1978**

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# **<sup>1</sup>Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential or Commercial Purposes in Urban Areas) Rules, 1978**

[Rules repealed by Noti. No. F6(87) Rev./Gr.IV/61/55 GSR 94 dated 26-11-1981]

In exercise of the powers conferred by clause (xi-A) of sub-section (2) of Section 261, read with Sections 90-A, 102 and clause (a) of sub-section (1) of Section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and all other powers enabling it in this behalf, the State Government hereby makes the following rules for allotment, conversion and regularisation of Agricultural Land for Residential or Commercial Purposes in Urban Areas, namely—

**Rule 1. Short title, extent and commencement.**—(1) These rules may be called the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential or Commercial Purposes in Urban Areas) Rules, 1978.

(2) They shall subject to the proviso (a) to sub-section (1) of Section 66 of the Rajasthan Tenancy Act, 1955, extend to all places throughout the State which fall within any municipal area and their periphery villages.

(3) They shall come into force on the date of their publication in the Official Gazette.

**Rule 2. Definitions.**—(1) In these rules, unless the context otherwise requires—

- (a) 'Act' means the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956);
- (b) "Commercial Purpose" means use of any premises for any trade or business and shall, include the use thereof partly for residential and partly for commercial purpose and shall also include use of any such premises for shops restaurants, banks and godowns but shall not include use thereof for offices of the Government, Corporations and shall also not include use thereof for cinemas, hotels and petrol pumps as defined in the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Cinemas, Hotels and for Establishment of Petrol Pumps) Rules, 1978.
- (c) 'Form' means a form appended to these rules;
- (d) 'Government' and 'State' respectively means the Government and the State of Rajasthan;
- (e) 'Low income person' shall mean persons having a total income of Rs. 200/- per month or less;

1. Noti. No. F. 6(63) Rev./Gr. IV/75 G.S.R. 48, dated 21-10-1978. Pub. in Raj. Govt. Gaz. Exty., Part 4(ga)(II) dated 21-10-1978.

- (f) 'Municipal Area' means any local area for which a Municipal Council or a Municipal Board is constituted under the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) or in respect of which a civil survey or preparation of Master Plan is ordered or an Urban Improvement Trust is constituted under the Rajasthan Urban Improvement Trust Act, 1959 (Rajasthan Act 35 of 1959) and shall include a cantonment or a notified area; and
- (g) 'Periphery village' means village situated within a distance of half a mile of the boundary of a municipal area.

(2) Words and expressions, not defined in these rules, but defined in the Act shall, wherever used in these rules, be construed to have the meanings assigned to them in the Act.

**Rule 3. Non-agricultural purposes for which land may be permitted to be used.**—(1) Subject to other provisions of these rules, agricultural land may be permitted to be used for:

- (a) construction of a residential house, or
- (b) for any commercial purpose.

(2) No land shall be converted for any non-agricultural purpose referred to in sub-rule (1) unless necessary permission from the Collector has been obtained and lease deed under Rule 15 has been executed.

(3) If any agricultural land (including Government unoccupied agricultural land) has already been used for residential or commercial purposes before the commencement of the rules without permission of the State Government in accordance with provisions of sub-section (3) of Section 90-A of the Act, such use may on an application be regularised by the Collector by charging the price of land and premium provided in Rule 10:

Provided that the Collector may also suo-motu or on the report of the Sub-Divisional Officer/Tehsildar concerned take action in this regard as provided in the Act or rules.

**Rule 4. Restrictions for permission of the use of agricultural land for non-agricultural purposes.**—Permission for the use of the land for residential and commercial purpose shall be accorded subject to the following conditions—

No such permission shall be accorded—

- (a) If the land in question is situated outside the area earmarked for residential or commercial purposes according to the Master Plan of the Municipal Town.
- (b) If the land in question is situated within a radius of 5 kilometers of Bhakra and Rajasthan Canal Mandi unless prior consent of the Mandi Development Committee has been obtained.
- (c) If the applicant has got any other house or house site with him within the limits of Municipal Towns for this purpose, the applicant shall submit an affidavit to this effect alongwith his application.
- (d) For an area of the land which exceeds the limits of area to be allotted to an individual including the member of a co-operative society as prescribed by the Urban Improvement Trust.



- (e) If the land for which conversion or regularisation has been sought was acquired by a Housing Co-operative Society after November 14, 1973.

**Rule 5. Land for which conversion cannot be permitted or regularised.**—Conversion of the following land shall not be permitted or regularised, namely—

- (1) Land in which the applicant does not have khatedari rights;
- (2) Land which is allotted for a special purpose or on special terms under the:
  - (a) Rajasthan Land Revenue (Allotment and Conversion of Lands for the Construction of Seeds Stores by Village Co-operative Societies) Rules, 1965;
  - (b) Rajasthan Land Revenue (Allotment of Land for Receptacles) Rules, 1961;
  - (c) Rajasthan Land Revenue (Allotment of Land to Co-operative Societies) Rules, 1959;
  - (d) Rajasthan Land Revenue (Allotment of Land to Dairy and Poultry Farms) Rules, 1958;
  - (e) Rajasthan Land Revenue (Allotment of Land to Gaushalas) Rules, 1957; and
  - (f) Rajasthan Land Revenue (Allotment of Tank Bed Lands for Cultivation) Rules, 1961;
- (3) Land in respect of which acquisition proceedings are pending under the provisions of Rajasthan Land Acquisition Act or any other law in force.
- (4) Land which is situated within twenty feet of any railway boundary or the National Highway.
- (5) Land which is situated within ten feet of any road maintained by the Government or a local authority.

**Rule 6. Application for permission.**—(1) If any Khatedar tenant intends to construct a residential house on a portion of his holding (other than on land described in Rule 5), or to use it for commercial purpose or whenever any person who has khatedari right in agricultural land, or who has trespassed upon Government Agricultural Land, other than the land described in Rule 5 of these rules and has utilised such land for residential or commercial purposes, wishes to acquire urban lease rights in the land so used by construction of residential house or for commercial purpose he may submit an application in writing alongwith an affidavit as required according to the provision of rule 4 in duplicate in Form 'A' to the Collector of the district under which the village/town/city in which applicants holding is situated falls.

(2) When application under sub-rule (1) is made by a person having khatedari rights in agricultural land, he shall have to surrender his khatedari rights.

(3) Such an application shall be verified by the applicant as a plaint according to the provisions of the Code of Civil Procedure, 1908.

(4) Such construction may be regularised by the Collector or any other Officer authorised by the State Government in this behalf under these rules, even without an application, simply on the report of the Sub-Divisional Officer or Tehsildar.

(5) The applicant shall be given a receipt in respect of such application bearing time and date of receiving the same, if it is presented by him personally.

**Rule 7. Register of applications.**—All applications received under Rule 6 shall be entered in a Register to be kept in Form 'B'.

**Rule 8. Scrutiny and Enquiry of Applications.**—(1) Within 30 days of the receipt of an application, it shall be scrutinised and enquired into by the Collector or any other officer authorised by the State Government in this behalf. He may if he thinks proper, refer any applications to the Chief Town Planner, Rajasthan or any of the authorities mentioned in Schedule III for advice.

(2) On receipt of the reference, the Chief Town Planner or the authorities mentioned in the Schedule III shall give advice within one month recommending the case for permission or giving reasons for its rejection. If such advice is not given within one month, the Collector or any other Officer authorised by the State Government may proceed further in the matter without waiting for the advice, and it may be presumed that the authorities concerned have no objection to such permission.

**Rule 9. Disposal of Application.**—All applications submitted to the Collector under Rule 6 shall be examined and enquired into by him separately. He may either reject the application or pass an order of conversion or regularisation.

**Rule 10. Conditions of Conversion or Regularisation.**—Conversion or Regularisation for the use of agricultural land for construction of residential house or for commercial purposes under these rules be done on the following conditions—

- (1) The applicant shall pay to the State Government such premium as is prescribed in Rule 11:

Provided that if any conversion of agricultural land (whether held by a tenant or which is Sawai Chak) falling in any rural area has been made by construction of a building including bara) for residential purpose and subsequently such area has been included in a municipal area any extension of his limits or by constitution of the Panchayat Circle or part thereof a municipal area, the premium chargeable and terms, conditions and restrictions subject to which such conversion and regularisation shall be permitted, shall be the same as were applicable in respect of conversion and regularisation of land for residential purpose (including a bara) in the rural area immediately before its inclusion in the municipal area.

- (2) In all cases where a holder of private agricultural land applies for conversion, he shall have to surrender his tenancy rights to obtain urban lease rights, but with the stipulation that he shall have the right to revert back to the original use at any stage, subsequently. On reversion, his original status shall be the same as he was holding at the time of conversion, but no refund shall be given.
- (3) The land as shown in the Master Plan shall be taken into consideration for the towns for which have been finalised and in case of other towns for which Master Plan have not been finalised, opinion of the local authority and the Chief Town Planner or his representative shall be obtained.



- (4) For unauthorised constructions already made on Government agricultural land price of the land shall also be charged in addition to the premium at the prescribed rates, based on the sale of agricultural land in the neighbourhood of 25% of the rate of premium of that zone in which the land is situated which ever is higher.

**Rule 11. Categorisation of Towns and rates of conversion.**—(1) Municipal towns of the State shall be divided into five categories according to their population and importance as specified in Schedule I.

(2) Each town shall further be divided in zones, Towns in category No. 1 shall have five zones, towns in categories 2,3, 4 and 5 shall have 4, 3, 2 and 1 zones respectively.

(3) The area of each zone in municipal town shall be such as may be notified by State Government in the Official Gazette.

(4) The rate of premium for residential purposes for each zone in a municipal town shall be as given in Schedule II.

(5) The rate of premium for use of land for commercial purpose shall be three times of the rates of premium as given in Schedule II.

(6) Conversion rates of periphery villages shall be half of the rates prescribed for adjoining zone:

Provided that if the land for which permission is sought falls within periphery limits of two municipal boards/councils, in that case the premium chargeable from such application shall be such as is prescribed for the bigger Municipal Board/Council.

(7) For Low Income Group persons the conversion rates to be charged for small residential plots of 200 sq. yards or less shall be 15% less than the rates applicable to land in the same zone and in the same town.

(8) The rates of premium chargeable from persons belonging to Scheduled Castes or Schedule Tribes, who have got-converted or want to be converted the agricultural land for residential purposes upto 125 sq. yards or less shall be half of the premium rates applicable to the lands, and 3/4th of the premium rates applicable to that land where the size is more than 125 sq. yards but less than 250 sq. yards.

**Rule 12. Application of the rules.**—The rates of premium shall apply to all conversions effected during the period starting from 16th December, 1960. The amount already paid as premium shall be adjusted against the total amount payable:

Provided that where any agricultural land has already been used for commercial purposes before 16th December, 1960, the rates of premium shall be three times the rate of premium as prescribed in Rule 6 of the Rajasthan Land Revenue (Conversion of Agricultural Land into Non-Agricultural) Rules, 1961.

**Rule 13. Application of rates of premium.**—All construction on land converted may be regularised under these rules provided they conform to the bye-laws of the Urban Improvements Trust, Local authority, or any other authority having jurisdiction to deal with a particular type of construction.

**Rule 14. Regularisation of Construction.**—With effect from the date of regularisation of the land and issue of lease in pursuance thereof, all Khatedari rights, in the land including khudkasht rights of the applicant, if any under the Rajasthan

Tenancy Act, 1955 (Act No. 3 of 1955) shall be deemed to have been surrendered to the State Government thereafter the applicant shall be recognised as lessee of the State Government and the land revenue on such land shall cease.

**Rule 15. Lease of Land.**—The lessee shall be given land for 99 years lease, subject to the conditions that the terms and conditions of the lease may be revised by the State Government after every 20 years. The lease agreement shall be in Form "C".

**Rule 16. Transfer of Land.**—The land rented under these rules shall be transferable subject to the conditions and restrictions, provided in these rules or by any other law or rules relating to such lease.

**Rule 17. Lessee to comply with rule and Act.**—The lessee shall be bound to comply with all the provisions of these rules and the Act, and the lease shall be subject to such rules and Act.

**Rule 18. Restriction on Transfer.**—A member of a Scheduled Caste or a Schedule Tribe and any person whose construction has been regularised for the construction of residential house on concessional rates, if any prescribed under Rule 10 of these rules shall not transfer such land within 5 years of the date of regularisation.

**Rule 19. Realisation of Arrears.**—Arrears of premium and penalty shall be realised as an arrear of land revenue by the Collector concerned.

**Rule 20. Breach of conditions and rules.**—(1) If at any time, it is found by the Collector that the land regularised for residential purpose has been used for commercial purpose, than the lessee shall be liable to pay the premium as prescribed in Rule 10 for the conversion of land for commercial purpose. The premium so paid for the conversion of land for the construction of residential house shall be adjusted towards the premium to be charged for the conversion of land for commercial purpose.

(2) if at any time, it is found by the Collector that the land so regularised has been transferred in contravention of these rules, it may be resumed to the State Government. The lessee shall, however be given three months time to remove the structure or building erected on the land, if any.

(3) In case of any other breach of condition or rule by the lessee a penalty equal to premium paid by him or upto Rs. 1,000/- whichever is higher may be imposed on him by the Collector.

(4) No action under sub-rules (1), (2) and (3) shall be taken unless the lessee is given a reasonable opportunity of being heard against the action proposed.

**Rule 21. Powers of Government.**—(1) Notwithstanding anything contained in these rules, the State Government either on its own motion or on the application of any person, shall have the power to call for record of any case and pass such orders as it deems fit, after giving the parties concerned an opportunity of being heard.

(2) Notwithstanding anything contained in these rules but subject to the provision of Section 90-A of the Act, the State Government shall have powers to regularise the use of agricultural land for construction of residential house or for commercial purposes on any terms as it is deemed fit.



**Rule 22. Repeal and Savings.**—The Rajasthan Land Revenue (Allotment and Conversion of Agricultural Land for Residential or Commercial Purposes in Urban Areas) Rules, 1971 are hereby repealed:

Provided that the repeal shall not affect any order made, action taken, effects consequences of anything done or suffered there under or any right, title, privilege, obligations, or liability already acquired, accrued or incurred there under or enquiry, verification, or proceeding in respect thereof made.

### Schedule-I

[See Rule 11(1)]

#### Category No.1 Towns:

1. Jaipur 2. Kota 3. Shri Ganganagar.

#### Category No.2 Towns:

1. Ajmer 2. Udaipur 3. Jodhpur 4. Bhilwara 5. Alwar 6. Bikaner

#### Category No.3 Towns:

1. Beawar 2. Bharatpur 3. Bijaynagar (Ajmer) 4. Churu 5. Tonk 6. Pali 7. Kishangarh 8. Hanumangarh 9. Gangapur City 10. Bundi 11. Baran 12. Suratgarh 13. Sikar 14. Chittorgarh 15. Jhunjhunu 16. Hindaun 17. Sirohi 18. Kherli 19. Abu 20. Chomu 21. Dausa 22. Ramganj Mandi 23. Sri Bijaynagar (Ganganagar) 24. Padampur 25. Pilibanga 26. Keshrisinghpura.

#### Category No.4 Towns:

1. Barmer 2. Banswara 3. Ratangarh 4. Sujangarh 5. Sardar Shahar 6. Dholpur 7. Bandikui 8. Pratapgarh 9. Dungarpur 10. Jhalawar 11. Phulera 12. Nawalgarh 13. Nagaur 14. Ladnun 15. Jalore 16. Sawai Madhopur 17. Sawai Madhopur Town Notified Area Committee 18. Karauli 19. Fatehpur 20. Jaisalmer 21. Deedwana 22. Kuchaman City 23. Balotra 23. Merta City 25. Sangaria 26. Anupgarh 27. Nathdwara 28. Sojat 29. Sambhar 30. Khetri 31. Amber 32. Sanganer 33. Ganga Sahar 34. Nokha 35. Nohar 36. Raisinghnagar 37. Sri Karanpur 38. Makrana 39. Gajsinghpur 40. Newai.

#### Category No.5 Towns:

1. Kekari 2. Pushkar 3. Shahpura 4. Bayana 5. Bari 6. Deeg 7. Kaman 8. Lakheri 9. Nimbahera 10. Dungargarh 11. Rajgarh 12. Chaksu 13. Chirawa 14. Phalaudi 15. Pipar 16. Kherthal 17. Rajgarh 18. Gangapur 19. Tijara 20. Laxmangarh 21. Ramgarh 22. Bhandra 23. Kotputli 24. Pilani 25. Bali 26. Neema-ka-thana 27. Shri Madhopur 28. Shivganj 29. Pindwara 30. Abu Road 31. Malpura 32. Sarwar 33. Kushalgarh 34. Manasar 35. Deshnok 36. Jahajpur 37. Chhapar 38. Bidasar 39. Rajaldeshar 40. Ratangarh 41. Tara Nagar 42. Sagwara 43. Sardulshahar 44. Jobner 45. Jhalrapatan 46. Sunel 47. Bissau 48. Bagar 49. Mandawa 50. Mukundgarh 51. Sujangarh 52. Udaipurwati 53. Vidya Vihar 54. Chhabra 55. Indragarh 56. Nawan 57. Parbatsar 58. Bhinmal 59. Toda Bheem 60. Khandela 61. Pokaran 62. Todaraisingh 63. Deoli 64. Uniara 65. Devgarh 66. Rajsamand 67. Salumber 68. Bhinder 69. All other unclassified municipal towns, notified areas and cantonment boards.

### <sup>1</sup>[Schedule-II

[See Rule 11(4)]

Category No.1. Zones	Rates of Premium (in rupees per square yard)
I	16.00
II	11.20
III	8.00
IV	6.00
V	4.80
<b>Category No.2 Zones</b>	
I	11.20
II	8.00
III	6.00
IV	4.80
<b>Category No.3 Zones</b>	
I	10.00
II	7.50
III	6.00
<b>Category No.4</b>	
I	7.50
II	6.00
<b>Category No.5</b>	
I	4.50

### Schedule-III

(See Rule 8)

Authorities to whom cases may be referred under Rule 8 of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential or Commercial Purposes in Urban Areas) Rules, 1978.

Towns	Authorities
1. Towns falling in categories No. 1 and 2 of Schedule 1.	Chief Town Planner or any Officer nominated by him but not below the rank of Dy. Chief Town Planner, Urban Improvement Trust/Mandi Committee or Municipality concerned or the Notified Area Committee.

1. Substituted vide Noti. No. F. 6(63) Rev./Gr. IV/75. G.S.R. 3, dated 26-4-1979. Pub. in Raj. Govt. Gaz., Exty., Part 4(Ga)(I), dated 26-4-1979, Page 5.



2. Towns falling in Categories Nos. 3, 4 and 5 and periphery villages of towns in categories No. 1, 2, 3, 4 and 5 of Schedule I.

### Form A

(See Rule 6)

#### Application for Permission to use Agricultural Land for Residential and Commercial Purposes in Urban Areas

To,

The Collector,  
District .....

I hereby apply under Section 90-A of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) read with Rule 6 of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential or Commercial Purposes in Urban Areas) Rules, 1978 for permission to the use agricultural land and particulars whereof are given hereunder for the regularisation/conversion for residential house/commercial purpose as indicated below—

2. The required particulars are given below—

- (i) Name of the applicant with parentage and address .....
- (ii) Particulars of land in respect of which permission is required:
  - (a) Name of the Village/Town with name of Tehsil,
  - (b) Khewat Number, if any,
  - (c) Khasra Number,
  - (d) Area,
  - (e) Classification of the land,
  - (f) Annual Land Revenue,
  - (g) Use in which the land was put during the last three years,
  - (h) Name of the Khatedar including parentage.
- (iii) Actual area of the land in Sq. yds. which has been converted.
- (iv) The purpose for which the land is utilised i.e. Construction of house or Commercial purpose.

3. That the applicant is a Khatedar tenant of land applied for conversion and the land stands in his name in revenue records, the certified copies of which are enclosed herewith.

4. That the land is situated in the city/town/periphery village/village.....of..... Tehsil.....and.....District.

5. I hereby certify that the information's given above are correct according to my knowledge and belief and I hereby bind myself to pay the necessary premium and abide by the conditions on which the land is allowed to be used for construction of house/commercial purpose.

Witness..... Date.....

Signature of the applicant.

Form B-C]

Raj. Land Rev. (Allot., Conv. and Regu.  
of Agri. Land for ... Urban Areas) Rules, 1978

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### Form B

(See Rule 7)

#### Register of application for Allotment, Conversion and Regularisation of the Use of Agricultural Land for the Construction of House/Commercial Purpose

Tehsil.....District.....

S.No.	Name of applicant with parentage, residence, occupation and age	Date & Time of receipt of application	Particulars of the land of which conversion had been done				Final Orders	Remarks	
			Khasra No.	Khevat No.	Area	Soil Revenue Classifi- cation			
1	2	3	4	5	6	7	8	9	10

### Form C

(See Rule 15)

#### Lease Deed

This lease made on the ..... day of ..... between the Governor of the State of Rajasthan (hereinafter called 'the Lessor', which expression shall unless excluded by subject or context, include his successors in-office and permitted assigns) of the one part and Shri ..... son of Shri ..... resident of ..... Tehsil ..... District ..... (hereinafter called 'the Lessee', which expression shall, unless excluded by subject or context include his successors and assigns) on the other part.

Whereas the Lessee has applied to the Lessor for acquisition of Urban lease right in the land described in the Schedule hereto,

And whereas the Lessor has agreed to grant the Lessee of the said land to the Lessee for 99 years on the terms and conditions hereinafter appearing.

Now this Deed Witnesses as follows —

1. In pursuance of the aforesaid agreement and in consideration of a sum of Rs. .... (Rupees ..... only) as premium paid before the execution of this deed (the receipt of which sum the Lessor hereby acknowledges) and of the covenants hereinafter contained, the Lessor hereby demises to the Lessee, the land detailed and described in the schedule hereto and thereon shown with its boundaries coloured in red (hereinafter referred to as the demised land) to hold the same up to the Lessee from the..., day of ..... for a period of 99 years.

2. The parties hereto hereby mutually agree as follows —

- (1) That the lessee will during the continuance of this lease, pay all rates, taxes and charges of every description now payable or hereinafter to become payable in respect of the demised land or the building erected thereupon by the lessee.

- (2) The terms and conditions of the lease may be revised by the State Government after every 20 years.
- (3) The lessee shall be subject to the provisions contained in the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential or Commercial Purposes in Urban Areas) Rules, 1978.
- (4) That the Lessee will not without the previous consent in writing of the Lessor use or permit the use of demised land for any purpose other than that for which it is leased out.
- (5) That the renewal of lease after the expiry of the said term of 9 years shall be at the option of the Lessee.
- (6) That if at any time any dispute, doubt or question shall arise between the parties hereto touching the interpretation, meaning or effect of this deed or any clause thereof or their respective rights and liabilities hereunder, the same shall be referred to the arbitration of the Revenue Secretary to the Government of Rajasthan, Jaipur whose decision thereon shall be final and binding on the parties.

In witness the parties hereto have signed this deed on the day and year first above written.

Signed by the Lessee

Signed by ..... for and on behalf of the Governor

Witness-1. .... 2. ....

Witness-1. .... 2. ....

**Schedule and Plan**

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