

LAW (LEGITIVE DRAFTING) DEPARTMENT

(Group-II)

NOTIFICATION

Jaipur, September 18, 2003.

No. F. 2(21) Vidhi-2/2003.-In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in Rajasthan Gazette of the following translation in the English language of the Rajasthan Bhoorajasva Adhiniyam, 2003 (2003 Ka Adhiniyarm Sankhyank 22):--

(Authorised English Translation)

THE RAJASTHAN LAND REVENUE ACT, 2003

(Act No. 22 of 2003)

[Received the assent of the Governor on the 15th day of September, 2003]

*An**Act*

to consolidate and amend the law relating to land; the appointment, powers and duties of revenue courts and officers; the preparation and maintenance of maps and land records; the determination and collection of rent or revenue and matters incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Fifty-fourth Year of the Republic of India, as follows:--

**CHAPTER-I
PRELIMINARY****1. Short title, extent and commencement;-**

(1) This ACT may be called the Rajasthan Land Revenue Act, 2003.

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

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

2. Repeal and savings. - (1) on and from the date of the coming into force of this Act, the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken, including any appointment, notification, notice, order, rule or form made or issued, authorities and powers conferred, leases granted, record of rights or other records framed or confirmed, times and places appointed, processes issued, revenue areas constituted and limits defined, under repealed Act shall be deemed to have been done or taken under the provisions of this Act in so far as the same is not inconsistent with the provisions of this Act or the rules made there under, and shall continue to be in force accordingly unless and until superseded by anything done or action taken under this Act.

(3) The provisions of sub-section (2) shall be without prejudice to the provisions of the Rajasthan General Clauses Act, 1955 (Act No.8 of 1955), which shall apply to the repeal of the Act mentioned in sub-section (1).

(4) Nothing in this Act shall be construed so as in anyway to affect or restrict the operation of any State law or enactment not expressly repealed by this section.

(5) Notwithstanding anything in sub-section (1) and without prejudice to the generality of sub-section (3), the repeal shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956).

3. Interpretation.-In this Act, 'unless the subject (in context otherwise requires,-

(a) "abadi", "abadi land" or "abadi site" means the land included within the boundaries of the recognized site or sites of a village and the land reserved or set apart under this Act or under any other law for the time being in force for a new village abadi or for the extension of an existing Village abadi; but does not include urban land or land held by a tenant under the provisions of the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955);

(b) "Land Records Officer" means the District Land Records Officer or Additional District Land Records Officer or Assistant Land Records Officer appointed under this Act;

(c) "Municipality" shall have the meaning assigned to it by the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) or any other municipal law for the time being in force;

(d) "Panchayat" or "Panchayat Circle" shall have the meaning assigned to it by the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994);

(e) "Pass Book" shall have the meaning assigned to it by the Rajasthan Pass Book (Agricultural Holdings) Act, 1983 (Act No. 14 of 1983);

(f) "recognized agent" of a party means, subject to rules made under this Act, a person authorized in a writing by such party to make appearances and applications and to do other acts on his behalf;

(g) "Recognized site" means the site of a village as entered in the existing record of rights;

(h) "urban land" means the land situated in such municipal area and the areas in the periphery thereof as may be notified by the State Government and different limits of periphery areas may be notified for different classes of municipal areas;

(i) "Village" means the tract of land which has been recognized and recorded, or may hereafter be recognized and recorded to be a village;

(j) references to an officer appointed under this Act shall be construed to include references to an additional officer of the same grade likewise appointed;

(k) words and expressions defined in the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) shall, wherever used herein, be construed to have the meaning assigned to them by the said Act; and

(l) words and expressions used to denote the possessor of any right, title or interest shall be deemed to include the predecessors and successors in right, title or interest of such person.

CHAPTER-II

STATE OWNERSHIP

4. All roads etc. and all land which are not the property of others belong to the State.- (1) All public roads, lanes, paths, bridges and ditches; all fences on or beside the same; all rivers, streams, nallas, lakes and tanks, all canals and water-courses, all standing and flowing water; and all land wherever situated which are not the property of any person or institution legally capable of holding property and except in so far as any rights of such person or institution may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are and hereby declared to be, with all rights in or over the same or appertaining thereto, the property of the State; and it shall be lawful for the Collector, subject to the order of the Commissioner, to dispose of them in such manner as may be prescribed subject always to the rights of way and all other rights of the public or of individuals legally subsisting.

(2) Without prejudice to the generality of the aforesaid provision-

(a) the rights to all trees, jungle or other natural products growing on land set apart for forest reserves and to all other trees, brushwood, jungle or other natural products, shall always be deemed to be vested in the State Government, and the State Government shall, subject to the subsisting rights, if any, person or institution, have all powers necessary for the enjoyment of such a right; and

(b) the right to water, or the flow: of water of any amicus, lake, bund, tank or reservoir vested in the State Government, or maintained by the State Government and the right to all benefits arising out of the water of such amicus, lake, bund, tank or reservoir shall always be deemed to be vested in the State Government and the State Government shall have all powers necessary for the enjoyment of such right or for the regulation of the use and flow of such water, in spite of the fact that any person or institution has been granted any right in such anicut, lake, bund, tank or reservoir and the right of such person or institution shall be limited to the use of the bed of such amicus, lake, bund, tank or reservoir when it is not covered with water.

(3') Where any property or any right in or 'over any property is claimed by or on behalf of the State or by any person as against the State, it shall be lawful for the Collector, after inquiry of which due notice has been given, to pass an order deciding the claim.

(4) Any suit instituted in any civil court, after the expiration of one year, from the date of any order passed under sub-section (1) or Sub-section (3) or, if one or more appeals have been made against such orders within the period of limitation then, from the date of any order passed by the final appellate authority, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or the relief claimed is inconsistent with such order, provided that in the case of an order under sub-section (3), the plaintiff has had due notice of such order;

(5) Every person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with the provisions of this Act or the rules made thereunder.

(6) Any order passed under sub-section (1) or sub-section (3) shall be enforceable by the Collector in the prescribed manner.

(7) Where any right of the nature referred to in sub-section (1) or (3) has already been decided by any civil court or is a subject matter of suit pending before any civil court, the collector shall not pass any order under those sub-sections and where a suit is instituted in any civil court within the limitation specified in sub-section (4), the decision of such civil court shall prevail over any order passed by the collector under sub-section (1) or (3) or any order passed by any appellate authority in an appeal filed against the orders passed by the collector under sub-section (1) or (3).

5. Liability of all land to payment of revenue or rent.-

(1) Subject to the provisions of this Act or any other law for the time being in force, all land, to whatever purpose applied and wherever situate, is liable to the payment of revenue or rent to the State Government.

(2) No length of occupation of any land shall release such land from the liability to pay revenue or rent.

(3) The State Government may, by notification, exempt, whether prospectively or retrospectively, any land or class of land from the payment of rent or revenue.

(4) Revenue or rent may be assessed on land notwithstanding, that such revenue or rent, by reason of its having been remitted, is not payable to the State Government.

Explanation-

By mere acceptance of rent or revenue, the State Government shall not be deemed to confer any tenancy right or any other right, on the person occupying land, nor shall it operate as a bar for any action under section 6.

6. Unauthorized occupation of land-(1) Any person who occupies or continues to occupy any unoccupied Government land including land referred to in section 79 without lawful authority shall be regarded as trespasser and may be summarily evicted therefrom by the Tehsildar at anytime on his own motion or upon the application of local authority at whose disposal such land has been placed; and any crop standing or any building or other construction erected, or anything deposited on such land shall, if not removed within such reasonable time as the Tehsildar may from time to time fix for the purpose, be liable to be forfeited to the State and to be disposed of in the case of any such crop, in the manner he thinks fit and in other cases, as the Collector may direct:

Provided that the Tehsildar may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall further be liable to pay, for each agricultural year during the whole or any part whereof he has been in such unauthorized occupation of the land, a penalty which may extent to fifty times the annual rent or revenue for the first act of trespass. In the case of each subsequent act of trespass, he shall, by the order of the Tehsildar, be liable to commitment to civil prison for a term which may extent to three months and to pay penalty to the extent as aforesaid. The amount of such penalty shall be recovered as an arrear of land revenue:

Provided that where such trespass is on the land which has been set apart for public purposes, the trespasser shall be liable to pay a penalty equal to 10% of the market price of such land. In the case of each subsequent act of trespass, he shall, by the order of the Tehsildar, be liable to commitment to civil prison for a term of three months and to pay penalty as afore said but this proviso shall not apply where the trespasser vacates such land within a period of sixty days from the commencement of this Act.

Explanation I.- For the purpose of this sub-section the expression "land for public purposes" means the land which is recorded in land records as Public path, Pasture, Oran or Johad Paitan.

Explanation II.- For the purpose of this sub-section, where a trespasser does not vacate the land in compliance of the order passed under sub-section (1) and continues to occupy thereafter, such act shall be deemed to be a subsequent act of trespass.

(3) Where the trespasser, ordered to be committed to civil prison under sub-section (2), intends to present an appeal, the Tehsildar shall order that such trespasser be released on personal bond with one surety for thirty days to afford him sufficient time to present the appeal and obtain stay order from the Appellate Court and such order shall be deemed to be suspended for thirty days.

(4) Before taking proceedings for eviction under sub-section (1), the Tehsildar shall cause to be served in the prescribed manner on the person reported to be occupying or

continuing to occupy land without lawful authority, a notice specifying such land and calling on him by a certain date either to vacate such land or to appear and show cause why he should not be so evicted therefrom.

(5) In any of the following cases, namely:-

(i) where the trespasser does neither vacate the land nor make appearance in response to the notice issued under sub-section (4), or

(ii) where in response to such notice, the trespasser does not vacate the land and make appearance but-

(a) does not show any such cause, or

(b) makes any representation which is rejected after such inquiry and hearing as may be necessary in the circumstances of the case,

the Tehsildar shall, unless in the case covered by clause (ii) the trespasser undertakes to vacate the land within a week's time and vacate it within such time, order the removal of the trespasser from such land and shall remove, or depute any person to remove, him therefrom and take possession thereof, and if the Tehsildar or the person so deputed is opposed or impeded in taking possession of such land, the Tehsildar shall enforce the surrender of the land and may, wherever necessary, take assistance of police force for such surrender.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Tehsildar may, in case any such land is a small strip of land adjoining his khatedari land, sell it, with the approval of the Sub-Divisional Officer, to the trespasser on prevalent market price of such land in addition to the penalty recoverable from him under sub-section (2) in respect of the whole period of unlawful occupation.

(7) Notwithstanding anything contained in sub-section (2),-

“(a) whoever occupies any land without lawful authority fails to remove such occupation within fifteen days from the date of service of a notice in writing calling upon him to do so by the Tehsildar shall, on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to three years and with fine which may extend to twenty thousand rupees; and

(b) whoever, being an employee of the State Government entrusted with the duty to stop or prevent an offence punishable under this sub-section, wilfully or knowingly neglects or deliberately omits to stop or prevent such offence, shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both.

7. Recovery of value of tree or natural produce unauthorisedly appropriated. -(1) any person who unauthorisedly sells, removes or appropriates any tree, or any portion thereof which belongs to the State Government or to any local authority or removes any

other natural produce thereof, shall be liable to pay to the State Government or to such local authority twice the value thereof which shall on the decision of the Sub-Divisional Officer be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under any law for the time being in force.

(2) The decision of the Sub-Divisional Officer as to the value of such tree or product thereof or other natural produce shall be conclusive.

CHAPTER-III THE BOARD OF REVENUE

8. Interpretation-In this Chapter, unless the context otherwise requires,-

- (a) "Chairman" includes any person appointed to act as Chairman of the Board, and shall also include a member while so acting; and
- (b) "member" means a member of the Board and includes the Chairman.

9. Establishment and composition of the Board-

(1) There shall be established for the State of Rajasthan, a Board of Revenue referred to in this Act as the Board.

(2) The Board shall consist of a Chairman, and not less than three and not more than fifteen other members, but the State Government may, on being satisfied, extend the number of members temporarily beyond fifteen.

(3) All appointments made under sub-section (2) shall be notified in the Official Gazette.

(4) The State Government shall prescribe the qualifications (including age) of persons who shall be eligible for appointment as Chairman and members of the Board, the method of their selection for appointment and the conditions of their service

(5) The constitution of the Board shall not be deemed to be invalid, if any vacancy occurs on account of the death, resignation, expiry or termination of the appointment or temporary absence of the Chairman or of any member.

(6) When the office of the Chairman is temporarily vacant or when the Chairman is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office, shall be performed by the senior most member of the Board belonging to Indian Administrative Service.

10. Headquarters and place of sitting-The headquarters of the Board shall be at Ajmer but, subject to the general or special orders of the State Government, it shall be lawful for the Board to sit at any place within its jurisdiction.

11. Registrar and other officers-(1) The State Government shall appoint for the Board a Registrar and such other officers as may be necessary for the exercise and performance of the powers conferred and duties imposed on it by this Act or by or under any other enactment, rule or order for the time being in force.

(2) The Registrar and other officers appointed under sub-section (1) shall, subject to general or special orders of the State Government, exercise such powers and discharge such functions as the Board may direct.

12. Board to be highest revenue court of appeal, revision and reference in the State-The Board shall be the highest revenue court of appeal, revision and reference in the State and shall have jurisdiction to entertain and dispose of such appeals, revisions, references, cases and other proceedings as it is empowered to entertain and dispose of under this Act or the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) or any other enactment or law in force in the State.

13. Jurisdiction of Board how exercised- Any function which is directed to be performed by the Board in the exercise of its appellate or revisional or reference jurisdiction may be performed by any Division Bench, appointed or constituted by the Chairman for the purpose, and if such Division Bench is composed of two or more members and the members are divided in opinion as to the decision to be given on any point of law, such point shall be decided according to the opinion of the majority of the members if there be a majority, but if the members are equally divided, the case shall be referred to other member or members and decided in accordance with the opinion of majority of the members including such other member or members who heard it.

14. No appeal to the Board from Division Bench.-No appeal shall lie against the decision of Division Bench to the Board.

15. Power to refer to larger Bench-Any Bench of the Board may, if it thinks fit, for reasons to be recorded in writing, refer any question of law or custom having the force of law or of the construction of any document arising in any case or proceeding before it, for the opinion of a larger bench to be constituted by the Chairman for that purpose and the case or proceeding shall be disposed of in accordance with such opinion.

16. Distribution of business and administrative Control.-[1] The Board may, by rules, provide for the exercise, by one or more members or by a Division Bench consisting of two or more members of the Board, of its appellate, revisional and reference jurisdiction.

(2) The Chairman shall be responsible for the distribution and conduct of the business of the Board, and shall determine which members shall constitute a Bench.

(3) The Administrative control of the Board shall vest in the Chairman who may exercise it in such manner and after such consultation with the other members as he may think fit or may delegate such of his functions as he deems fit to any other member of the Board.

17. Power to punish for contempt-The Board shall have, and exercise the same jurisdiction, power and authority in respect of contempt of itself or in respect of any subordinate revenue court in Rajasthan as a High Court has and may exercise and for this purpose the provisions of the Contempt of Courts Act, 1971 (Central Act No. 70 of 1971) shall have effect subject to the modification that references therein to a High Court shall, be construed as including a reference to the Board of Revenue for Rajasthan.

18. Power of superintendence over all subordinate revenue courts and officers-(1) Subject to the other provisions of this Act, the Board shall have superintendence and control over all revenue courts and revenue officers in the State.

(2) Without prejudice to the generality of the foregoing provision, the Board may-

(a) call for returns from such courts and officers;

(b) make and issue general rules and prescribe forms for regulating the practice and procedure of such courts and officers; and

(c) prescribe forms in which books, entries and accounts shall be kept by such courts and officers.

19. Other powers of the Board,-In addition to the powers mentioned in the preceding sections, the Board shall also exercise such other powers and perform such other duties as may, from time to time, be entrusted to it by the State Government, or as may be conferred or imposed on the Board by or under this Act or by any other law for the time being in force.

20. Jurisdiction barred in certain cases.-The Board shall have no jurisdiction in respect of a matter which in its opinion involves a question as to the validity of any Act, Ordinance, rule or regulation, the determination of the validity of which in its opinion, is necessary for the disposal of the matter.

21. State Government to be heard in certain cases-(1) If, at any stage in any proceeding before the Board, it appears to the Board that the proceeding raises a question as to the interpretation of a law which is of such a nature and of such public importance that it is expedient to hear the State Government, the Board shall issue notice to the State Government, and the State Government may, if it thinks fit, appear and the Board shall then hear the State Government before deciding the question.

(2) If it appears to the State Government that 'in its opinion, the interpretation of a provision of law in any proceeding before the Board is of such a nature and of such public importance that it is expedient that the State Government be heard before decision of the question, it may apply to the Board in such proceeding to be heard; and the Board shall not decide the question without hearing the State Government.

22. Seal of the Board-The Board shall have and use as occasion may require a seal bearing a device and impression of the Ashoka Capital within an exergue of lable surrounding the same with the following inscription at the convenient places, namely:- The seal of the Board of Revenue, Rajasthan” and “Satyameva Jayate” in Devanagari script.

23. Summons etc. to bear the seal of the Board.-All summons, notices, orders and other processes to be issued by the Board shall be signed by the Registrar of the Board or such other authority as may be prescribed and shall bear the seal of the Board.

24. Board to comply with requisition from Government for records etc.-The Board shall comply with such requisitions as may be made by the State Government, from time to time, for records (other than those relating to judicial cases pending before it for consideration, orders or decisions), returns and statements in such form and manner as may be prescribed in that behalf by the State Government.

25. Power to make rules-The Board may, consistent with the laws for the time being in force, make rules, with the previous approval of the State Government-

- (a) to regulate the sittings of the Board;
- (b) to regulate the practice of the Board;
- (c) to provide for the forms to be used in the Board for proceedings, and prescribe forms in which books, entries, statistics and account shall be kept,.
- (d) to settle tables of fees to be allowed to the advocates and revenue agents practising therein; and
- (e) to regulate all such matters as it may, think fit with a view to promote the efficiency of the Board and maintain proper discipline.

26. Savings.-(1) The Board of Revenue for Rajasthan constituted under the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), functioning immediately before the commencement of this Act shall be deemed to be constituted under the provisions of this Act.

(2) Any reference to the Board of Revenue for Rajasthan constituted under the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), in any other law for the time being in force or in any instrument or other document, shall be construed as a reference to the Board deemed to have been constituted under the provisions of this Act and the

Board shall have and exercise all such powers under any such law, instrument or document.

CHAPTER-IV REVENUE COURTS AND OFFICERS

A. Territorial Division

27. Division of State into revenue areas.-For the purpose of the revenue and general administration of the State, the whole of the State shall be divided into divisions which shall consist of one or more districts and each district may consist of one or more sub-divisions and each sub-division may consist of one or more tehsils and each tehsil may consist of one or more sub-tehsils and each tehsil or sub-tehsils may consist of one or more inspector circles and each inspector circle may consist of one or more patwar circles and each patwar circle may consist of a village or part there of or more than one Village.

28. Constitution of revenue areas. — (1) The State Government may by notification —

(1) Specify—

- (a) The districts which constitute a division;
- (b) The sub-divisions which constitute a district;
- (c) The tehsils which constitute a sub-division;
- (d) Villages which constitute a sub-tehsil or a tehsil; and
- (e) The local areas which constitute a village;

(ii) create new or abolish existing divisions, districts, sub-divisions, tehsils, sub-tehsils and villages;

(iii) alter the limits of any of them;

(iv) name and alter the name of any such area wherever necessary with the prior permission of Central Government; and in any case where any such area is renamed then all references in any law or instrument or document to the area under its original name shall be deemed to be reference to the area as renamed, unless expressly otherwise provided.

(2) The divisions, districts sub-divisions, tehsils, sub-tehsils, inspector circles, patwar circles and villages existing at the commencement of this Act shall continue under the names they bear respectively to be the divisions, districts, sub-divisions, tehsils, sub-tehsils, inspector circles or patwar circles and villages.

(3) Every notification or order made under sub-section (1) shall be subject to the condition of previous publication; and the provision of section 26 of the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955) shall so far as may be, apply in relation

to such notification or order as they apply in relation to rules to be made after previous publication.

(4) The Director Land Records with the previous sanction of the State Government may, from time to time, arrange—

(a) The villages of each district in patwar circles and may alter, the number and limits of such circles; and

(b) The patwar circles of each district into inspector circles.

B. Courts and Officers

29. Appointment of Director Land Records.—the State Government shall appoint for the whole of the State a Director Land Records and may appoint as many Additional and Assistant Directors Land Records as it deems proper.

30. Appointment of Revenue Officers.—the State Government—

(a) Shall appoint for each division a Commissioner and may appoint as many Additional Commissioners as it deems proper:

Provided that nothing in this section shall preclude the appointment of the same officer as Commissioner for two or more divisions;

(b) may appoint such number of Revenue Appellate Authorities as may be found necessary to receive, hear and dispose of appeals, in revenue, judicial and non-judicial cases and other matters specifically provided by law, and such Revenue Appellate Authority shall, for exercise of its jurisdiction and performance of its duties, sit at such place or places as the State Government may, from time to time, direct.

31. Appointment of other Revenue Officers.—(1) the State Government—

(a) Shall appoint—

(i) A Collector in each district;

(ii) an Assistant Collector incharge of a sub-division who shall be called a sub-divisional-Officer;

(iii) A Tehsildar in each tehsil; and

(b) may appoint—

(i) One or more Additional Collectors in a district or two or more districts combined;

(ii) One or more Assistant Collectors in a district or a sub-division;

(iii) An Additional Tehsildar in a tehsil or a sub-tehsil or in two or more tehsils or sub-Tehsil combined;

(iv) One or more Naib-Tehsildars in a tehsil or a sub-tehsil.

(2) Subject to the rules made under this Act—

(a) The Director Land Records shall appoint one or more Sadar Quanungos in each district to supervise the work of Girdawars, Quanungos or Inspectors and Patwaries and to perform such other duties as the State Government may prescribe;

(b) The Collector shall appoint—

(1) a Patwari to each patwar circle for the maintenance of the registers and records for the collection of all revenue or rent and other demands and for such other duties as may be prescribed; and

(ii) A Girdawar, Quanungo or Inspector to each Inspector circle for the proper supervision and maintenance of the registers and records.

32. Appointment of District Land Records Officer.—

(1) The Collector shall, by virtue of his office, be the District Land Records Officer.

(2) The State Government may appoint for any area as may be notified by it—

(a) an Additional District Land Records Officer; and

(b) as many Assistant Land Records Officers as it thinks fit.

33. Appointment ex-officio.—Any appointment made under sections 29, 30, sub-section (1) of section 31 or sub-section (2) of section 32 may be made by virtue of office.

34. Notification of appointments.—The appointment of all officers of the rank of Tehsildar and above shall be notified in the Official Gazette, but the appointment shall take effect from the date the officer takes charge of his office.

C. Powers

35. Controlling power.—(1) The control of all non-judicial matters connected with rent or revenue in the State, other than matters connected with land records, is vested in the State Government and the control of all judicial matters and of all matters connected with land records is vested in the Board.

(2) The expression "judicial matter" means proceeding in which a revenue court or officer has to determine the rights and liabilities of the parties thereto and the proceedings and orders as well as appeals, revisions and references in the cases specified in the Schedule shall be deemed to be judicial matters for the purposes of this Act.

36. Subordination of revenue courts and officers. - Subject to the provisions of sections 18 and 35,—

(i) All Additional Commissioners, Collectors, Additional Collectors, Sub-Divisional Officers, Assistant Collectors, Tehsildars, Additional Tehsildars and Naib-Tehsildars in a division shall be subordinate to the Commissioner of such division;

(ii) All Additional Collectors, Sub-Divisional Officers, Assistant Collectors, Tehsildars, Additional Tehsildars and Naib-Tehsildars in a district shall be subordinate to the Collector of such district;

(iii) all Tehsildars, Additional Tehsildars and Naib-Tehsildars in a Sub-Division shall be subordinate to the Sub-Divisional Officer of such sub-division;

(iv) All Additional Tehsildars and Naib-Tehsildars in a Tehsil shall be subordinate to the Tehsildar of such Tehsil;

(v) All Additional Directors Land Records, Assistant Directors Land Records, District Land Records Officers, Additional District Land Records Officers, Assistant Land Records Officers shall be subordinate to the Director Land Records;

(vi) All Additional District Land Records, Officers and Assistant Land Records Officers shall be subordinate to District Land Records Officer;

(vii) All Assistant Land Records Officers shall be subordinate to Additional District Land Records Officer; and

(viii) All officers specially appointed for any area under Chapter VIII shall be subordinate to the Additional District Land Records Officer for such area.

37. Powers and duties of Courts and Officers- Each of the officers appointed under sections 29, 30, sub-section (1) of section 31 and sub-section (2) of section 32 shall exercise such powers and discharge such duties as are conferred or imposed on him by or under this Act or by any other law for the time being in force, or as may be delegated to him by a general or special order of the State Government.

38.: Additional powers of Courts and Officers-(1) The State Government may, by notification, confer-

(a) On a Naib-Tehsildar, all or any of the powers of a Tehsildar;

(b) On a Tehsildar, all or any of the powers of an Assistant Collector;

(c) On an Assistant Collector, all or any of the powers of a Sub-Divisional Officer or a Land Records Officer or a Collector;

(d) On a Commissioner all or any of the powers of the Director Land Records.

(2) The powers conferred under sub-section (1) shall be exercised in such areas and in respect of such cases and matters or classes of cases and matters as the State Government may direct.

(3) In conferring powers under this section, the State Government may empower persons by name or by virtue of their office.

(4) If an Officer in any tehsil, sub-division, district, division or other area who has been invested by name with any powers under this section is transferred to an equivalent office of the same nature in another tehsil, sub-division, district, division or area, such powers shall, unless the State Government confirms, stand withdrawn.

39. Superior Courts and Officers to have powers of inferior Courts and Officers.—(1) All superior revenue courts and officers shall have the powers of inferior revenue courts and officers.

(2) A District Land Records Officer shall have all the powers of an Additional District Land Records Officer and Assistant Land Records Officer.

40. Officers temporarily succeeding to permanent vacancies,—When a Commissioner, or a Collector, or an Assistant Collector incharge of a sub-division, or a Tehsildar dies or is unable to perform his duties, the officer who succeeds temporarily to the aforementioned officer of the division, district, sub-division or tehsil under any general or special orders of the State Government made in this behalf, shall be deemed to be a Commissioner, Collector, Assistant Collector incharge of the sub-division, or a Tehsildar under this Act.

CHAPTER-V

PROCEDURE OF REVENUE COURTS AND OFFICERS

41. Procedure for summary enquiry.—A revenue officer making a summary inquiry shall give notice to the parties and afford them an opportunity of being heard; and shall have the power to refer to any revenue record *suo motu*, to examine the parties and any other person, reducing to writing the substance of such examination, to inspect the site of dispute and make necessary note thereof and generally to do anything which a court of law is empowered to do. The inquiry shall be concluded within 3 months from the date of issue of notice.

42. Place for holding court or making inquiries.—(1) Except as otherwise provided in this Act, a revenue officer may hold his court and make an inquiry at any place within the local limits of his jurisdiction.

(2) No such officer shall hear or inquire into any case at any place outside his jurisdiction without obtaining prior permission in writing of the officer to whom he is immediately subordinate.

43. Power to enter upon and survey land.—All revenue officers, Land Records Officers and their assistants and subordinates and when under their observation and control, their workmen and any agency so entrusted, may enter upon and survey land and demarcate the boundaries and do other acts connected with their duties under this Act or any enactment for the time being in force:

Provided that no person shall enter into any building or upon any enclosed courtyard or garden attached to a dwelling house unless with the consent of the occupier thereof, without giving such occupier at least twenty four hours' notice and in making such entry due regard shall be paid to the social and religious sentiments of the occupier.

44. Power of Government, Board etc. to transfer cases.— The State Government or the Board or the Director Land Records or the Commissioner may transfer any non-judicial case or any class of non-judicial cases not connected with land records, and the Board or the Director Land Records or the Commissioner may transfer any judicial or land records case or any class of such cases from any subordinate revenue court or revenue officer to any other such court or officer competent to deal therewith.

45. Power to transfer cases to and from subordinates. - A Commissioner, A Director Land Records, a Collector, a Sub-Divisional Officer, a Tehsildar, A District Land Records Officer or an Additional District Land Records Officer may make over any case or class of cases, arising under the provisions of this Act or otherwise for inquiry or decision from his own file to any revenue officer subordinate to him who may be competent to deal with such case or class of cases, or may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself, or refer the same for disposal to any other such revenue officer competent to deal therewith :

Provided that when after inquiry in a case, a report is submitted by a revenue officer to a superior revenue authority for final order, the latter may, before passing the final order, give the parties an opportunity to be heard.

46 Consolidation of cases. Where more cases than one, substantially the same question for determination and based on the same cause of action, are pending in different revenue courts, the court to which such all courts are subordinate, shall *suo motu* or on an application being made by any party, consolidate them in one court competent to deal with all such cases and they shall be decided by a single judgment.

47. Appearance, application etc., by whom made. — All appearances before, applications to, and acts to be done before any revenue court or officer under this Act or under any other law for the time being in force may be made or done —

- (i) by the parties in person, or
- (ii) by their recognized agents, or
- (iii) by legal practitioners duly authorized by the parties :

Provided that the revenue court or officer may, subject to provision of sections 132 and 133 of the Code of Civil Procedure, 1908 (Central Act No. V of 1908), require the attendance of any party to a proceeding notwithstanding the employment by him of an agent or a legal practitioner.

48. Presentation of applications, appeals, etc. -All applications, appeals and proceedings shall, in the absence of a provision to the contrary, be presented to the court, officer or authority to which or to whom such applications, appeals or proceedings lie under any provision of this Act or the rules made there under or of any other law for the time being, in force or of the rules made under such law.

49. Power of revenue courts or officers to require attendance of persons and production of documents and to receive evidence. –

- 1) Subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908 (Central Act No. V of 1908) and rules made under this Act, every revenue court or officer shall have power to summon any person whose attendance is considered necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry or case arising under this Act or any other enactment for the time being in force.
- 2) A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or power of the person summoned.
- 3) All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such court or officer may direct, and to state the truth upon any subject respecting which they are examined or make statements, and to produce such documents and other things as may be required.
- 4) If any, person, on whom a summons has been served, fails to comply with the summons, the court or officer by whom the summons has been issued may issue a bailable warrant for the arrest of such person.
- 5) Any person present may be required by revenue court or officer to give evidence or to produce any document in his possession or power.

50. Summons to be in writing, signed and sealed. — Every summons shall be in writing in duplicate and shall be signed and sealed by the officer issuing it or by such person as he empowers in this behalf, and it shall specify the time and place at which the person summoned is required to attend and also whether he is required to give evidence or to produce a document.

51. Service of summons. — Every summons shall be served:-

- (i) by tendering or delivering a copy of it -
 - (a) to the person summoned, or
 - (b) to his recognized agent or legal practitioner,
 - or
 - (c) to any adult member of his family residing with him; or
- (ii) if any of the aforesaid person cannot be found or refuses to accept the service of summons, by affixing a copy thereof on some conspicuous part of his usual or last known place of residence; or
- (iii) if such person resides in another district, by sending the summons by post to the Collector of such district for service in accordance with clause (i) or clause (ii); or

(iv) if the revenue court or officer so directs, for reasons to be recorded in writing, by sending the summons to the person named therein, either in addition to or in substitution of, any other mode of service, by post in a cover registered under the Indian Post Office Act, 1898 (Central Act No. VI of 1898).

52. Mode of serving notice.-Every notice under this Act shall be served either by tendering or delivering a copy thereof, or sending such copy by post in a cover registered under the Indian Post Office Act, 1898 (Central Act No. VI of 1898), to the person on whom it is to be served or to his authorized agent or, if service in the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated.

53. Mode of issuing proclamations.—whenever a proclamation is issued under this Act, copies thereof shall be pasted in the court-house of the officer issuing it, at the headquarters of the tehsil within which the land to which it refers is situated, and at some public place nearest to the land to which it refers. The proclamation shall further be published by beat of drum on or near the land to which it refers.

54. Notice or proclamation not void for typing error.—No notice or proclamation shall be deemed void on account of any typing error.

55. Hearing in absence of party.—(1) If any party to a case or proceeding before a revenue court or officer does not appear on the date fixed for hearing, or on any subsequent date or dates to which the hearing has been postponed, the case or proceeding may be heard and determined in his absence or may be dismissed in default.

(2) If, on the date fixed for hearing a case or proceeding, a revenue court or officer finds that a summons or notice was not served on the party due to the failure of the opposite party to pay the requisite process-fees for such service, the case or proceeding shall be dismissed in default of payment of such process fees.

56. Adjournment of hearing.-(1) A revenue court or officer shall not adjourn the hearing of a case or proceeding unless there exist special reasons to be recorded in writing for doing so, provided if the Advocate is present in the court, no adjournment may be given.

(2) The time and place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

57. No appeal from order passed under section 55:-

(1) Except where a case or proceeding before any revenue court or Office: has been decided on the merit is if no appeal man order passed under section 55

(2) The party against whom any order is 'passed under section 55 may apply within thirty days from the date of such order, to have it set aside on the ground that he was

prevented by reasons beyond his control from appearing at the hearing or from paying the requisite process fees for the service of a summons or notice on the opposite party, and the revenue court or officer may, after notice to the opposite party and after making such inquiry, as may be considered necessary, set aside the order passed.

58. Power to give and apportion costs.-

(1) A revenue court or officer may give and apportion costs incurred in any case or proceeding arising under this Act in such manner and to such extent, as may be deemed fit.

(2) An order under sub-section (1) awarding cost to a party shall be executable as if it were a decree for money passed by a revenue court.

59. Correction of error or omission-Any revenue court or officer by whom an order has been passed in any proceeding under this act may, either of his own motion or on the application of a party, correct any error or omission not affecting a material part of the case, after such notice to the parties, as may be necessary.

60. Delivery of possession of immovable property.- If possession of immovable property is adjudged, the Court or officer making the order shall deliver possession within three months from the date of such order in the same manner, and with the same powers in regard to all contents, resistance and the like, as may be lawfully exercised by the civil courts in execution of their own decrees.

CHAPTER-VI

APPEAL, REFERENCE, REVISION AND REVIEW

61. Appeal and appellate authorities.-(1) Save as "1- otherwise provided in this Act, an appeal shall lie from any order passed under this Act by a revenue or Land Records Officer or court specified in column of the table given below to the officer specified in column 2 of the said table, I whether or not such order may itself have been passed on appeal from the order of the officer specified in column I of the table

Provided that in no case the number of appeals under this section shall exceed two.

Table

MM

Revenue or Land Records Appellate Authority

Officer or court

am y

1 2

1. Tehsildar/Assistant Land Collector Records Officer

2. Assistant Collector/Sub- Revenue Appellate Authority Divisional Officer I

3. Collector/District Land Commissioner Records Officer/Additional District Land Records Officer

4. Commissioner/Director Board of Revenue Land Records/Revenue Appellate Authority

Explanation.— For the purpose of this section the term "Commissioner" does not include Additional Commissioner.

(2) No second appeal shall lie to the Board unless the Board is satisfied that substantial question of law is involved.

62. No appeal in certain cases.—No appeal shall lie—

- (a) from an order admitting an appeal or application for review on the grounds specified in section 5 of Limitation Act, 1963 (Central Act No, 36 of 1963), or
- (b) from an order rejecting an application for revision or review, or
- (c) from an order ;which is expressly declared by this Act to be final, or
- (d) from an interim order,

63. Limitation for appeals.—No appeal shall lie—

- (a) to the Collector after the expiration of thirty days, or
- (b) to the Commissioner or Revenue Appellate Authority after the expiration of sixty days, or
- (c) to the Board after the expiration of ninety days, from the date of the order to which objection is made.

64. Copy of order objected to and documents to accompany petition.—Every petition for appeal shall be accompanied by a certified copy of the order to which objection is made, unless the production of such copy is dispensed with and also the certified copies of documents on which the appellant relies. The court whose order is under appeal shall send the record to the appellate court within 15 days from the date of receipt of such requisition.

65. Powers of appellate authority.—(1) The appellate authority may either admit the appeal, or after giving the appellant an opportunity to be heard, may summarily reject it.

(2) If the appeal is admitted a date shall be fixed for hearing, and notice thereof shall be served on the respondent.

(3) After hearing the parties, if they appear, the appellate authority may confirm, vary or reverse the order appealed against;

or may make such further investigation or shall take such additional evidence, as it may think necessary;

or may remand the case for disposal with such specific directions as it thinks fit. However this remand shall apply on first appeals only.

66. Power to stay execution of orders of lower court. -(1) If an appeal is admitted, the appellate authority may, pending the result of the appeal direct the execution of the

order appealed from to be stayed, however if such stay is granted *ex parte* it shall be effective for a period of three months. The court shall after hearing the parties either vacate or confirm the stay within such period.

(2) revenue court or officer passing any order may direct the execution of such order to be stayed at any time before the expiry of the period prescribed for appeal, if no appeal has been filed.

(3) If execution of any order is stayed under sub-section (1) or sub-section (2), such security may be taken or conditions imposed as the appellate authority or the revenue court or officer thinks fit.

67. Power to call for records and proceeding and reference to the State Government or the Board.-A Commissioner or the Director Land Records or Collector may call for and examine the record of any case decided or proceedings held by any revenue court or officer subordinate to him for the purpose of satisfying-himself as to the legality or propriety of the order passed and as to the; regularity of proceedings; and, if he is of opinion that the proceedings taken or order passed by such subordinate court or, officer should be varied., cancelled or reversed, he shall refer the case with his opinion thereon, for the orders of the Board if the case is of a judicial nature or connected with Land Records, or for the orders of the State Government if the case is of a non-judicial nature not connected with Land Records and the Board or the State Government, as the case may be, shall thereupon pass such order as it thinks fit.

68. Powers of the Government to call for records and revise orders.- The State Government may call for the record of any non-judicial proceedings not connected with Land Records held by any officer subordinate to it, and may press thereon such order as it thinks fit.

69. Powers of the Board to call for records and revise orders.- (1) The Board may, except in cases where a reference has been made, call for the record of any case decided by any court or officer subordinate to the Board, of a judicial nature or connected with the Land Records in which no appeal lies to the Board if the Court or Officer by whom the case was decided appears to have exercised a jurisdiction not vested in it or him by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its or his jurisdiction illegally or with material irregularity or the order is against public policy, and may pass such orders in the case as it thinks fit : Provided that the Board shall not, under this section vary or reverse any order made, or any order deciding an issue in the course of a suit or other proceeding, except where the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceedings.

(2) The Board shall not, under this section, vary or reverse any decree or order against which an appeal lies either to the Board or to any court subordinate thereto.

(3) A revision shall not operate as a stay of suit or other proceedings before the Board except where such suit or other proceedings is stayed by the Board.

70. No revision in certain cases.- No revision shall lie against an interim order passed in any proceeding under this Act.

71. Hearing.-No order under section 67 or section 68 or section 69 shall be passed to the prejudice of any person unless such person has had an opportunity of being heard.

72. Review by the State.- The State Government may, of its own motion or on the application of a party to a proceeding, review and may rescind, alter or confirm any order-made by it under this Act.

73. Review by the Board.—(1) The Board may, of its own motion or on the application of any party interested and, where the State Government is heard under section 21, on the application of the State Government, review its own decision or order in any case and pass such orders as it thinks just and proper :

Provided that the Board shall not review its own decision or order unless it is satisfied that there has been discovery of new and important matter or evidence, which after the exercise of due diligence was not within the knowledge of such party or could not be produced by him at the time when such decision or order was made, or that there has been some mistake or error apparent on the face of the record:

Provided further that where the member or members, or any of the members, who gave the decision or made the order a review of which is applied for, continues or continue to be attached to the Board at the time when the application for review is presented and is not or are not precluded by absence or other cause for a period of six months next after the application from considering the, decision or order to which the application refers, such member or members or any of them shall hear the application and no other member or members shall hear the same

Provided also that no such decision or order shall be varied or revised, unless notice has to the parties interested to appear and be heard in such order.

(2) An application for review -under sub-section (1) by any party or, as the case may be, by the State Government shall be made within ninety days from the date of the decision or order of the Board .

74. Review by other courts.-(1) Every other revenue court or officer may, either on its or his own motion or on the application of any party interested, review any order passed

by itself or himself or by any of its or his predecessors in office and pass such orders as it thinks fit:

Provided that —

- (1) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order;
- (ii) no order from which an appeal has been made or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending, be reviewed;
- (iii) no order affecting any question or right between private persons shall be reviewed except on the application of party to the proceedings, and no application for the review of such order shall be entertained unless it is made within ninety days from the passing of the order.

(2) No revenue court or officer shall review its own decision or order unless it is satisfied that there has been discovery of new and important matter or evidence which after the exercise of the due diligence was not within the knowledge of such party or could not be produced by him at the time when such decision or order was made, or there has been some mistake or error apparent on the face of the record and the provisions of order XL VII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act No. V of 1908) shall, subject to the provisions contained in sub-section (1), be applicable.

75. Application of Central Act No. 36 of 1963.—Except as otherwise provided by this Act, the provisions of the Limitation Act, 1963 (Central Act No. 36 of 1963) shall apply to all appeals and applications for review under this Act.

CHAPTER-VII

ALLOTMENT OF LAND

76. Power of the Government to allot land.—The State Government shall have power to allot land for any purpose to any person or institution on such terms and conditions as it deems fit.

77. Allotment of land for agricultural purposes.—(1) Save as otherwise provided elsewhere by this Act, the prescribed authority and where no authority has been prescribed, the Collector, may allot land for agricultural purposes to any person in accordance with the rules made from time to time by the State Government.

(2) All allotments of land under this section shall be subject to the payment of rent or revenue at such rates as may be fixed.

78. Sale or allotment of land for industrial or commercial purposes.—The State Government may make rules regulating the sale or allotment of land to which the provisions of this Act apply for industrial or commercial purposes.

79. Lands which may be entrusted to local authorities.—Any land to which the provisions of this Act apply may be placed by the State Government at the disposal of a local authority or local body having jurisdiction and such authority or body may dispose of such land or may use the same for the special purpose for which it had been reserved, to such extent and subject to such conditions and restrictions as the State Government may, from time to time, lay down and in such manner as it may, from time to time prescribe.

80. Lands may be set apart for special purpose. —Subject to the general or special orders of the State Government, the Collector may set apart land for any special purpose, such as, for free pasturage of cattle, for afforestation, for development of abadi, or for any other public or municipal purpose; and such land shall not be used otherwise than for such purpose without the previous" sanction of the Collector.

81. Regulation of use of pasturage.— The right of grazing on pasture land shall extend only to the cattle of the village or villages for which such land has been set-apart and shall be regulated by rules made by the State Government.

82. Use of agricultural land, for non-agricultural purposes. -(1) No person holding any land for the purpose of agriculture and no transferee of such land or any part thereof, shall use the same or any part thereof, for any other purpose, except with the written permission of the prescribed authority or the Collector, as the case may be, obtained in the manner hereinafter laid down, and in case such permission is granted subject to conditions, such person or such transferee shall not use such land or any part thereof contrary to such conditions.

(2) Any such person desiring to use such land or any part thereof for any purpose other than that of agriculture shall apply for the requisite permission in the prescribed manner to the prescribed authority or the Collector, as the case may be.

(3) The prescribed authority or the Collector, as the case may be, shall, after making or causing to be made due inquiry in the prescribed manner, either refuse the permission applied for or grant the same subject to any terms and conditions as may be prescribed.

(4) When any such land or part thereof is permitted to be used for any purpose other than that of agriculture, the person to whom such permission is granted shall be liable to pay to the State Government in respect thereof-

(a) conversion charges levied at such rate as may be laid down in rules made in this behalf by the State Government for use of land for that-purpose; or

(b) such amount by way of, lease money as may be prescribed by the

State-(Government for use of land for that purpose;

(c) both i.e. .conversion charges as well as lease money.

(5) If any such land is so used;—

(a) without written permission of the prescribed authority, or the Collector, as the ease may be, being first obtained; or

(c) without making any of the payments referred to in sub-section (4),

the person using the land in this manner shall be liable to eviction in accordance with the provisions of section 6 of this Act:

Provided that the prescribed authority or the Collector, may indent of having such person so ejected from the land in question permit the person to retain such land and use the same for any purpose other than that of agriculture on payment to the State Government, in addition to conversion charges, lease money or both payable under sub-section (4), such penalty as may be prescribed.

83. Termination of rights and resumption of land in certain cases. -(1)

Notwithstanding anything to the contrary contained in this Act and the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) where before the commencement of the Rajasthan Laws (Amendment) Act, 1999 (Act No. 21 of 1999) any person, holding any land for agricultural purposes' in urbanisable limits or peripheral belt of an urban area has used or has allowed to be used such land or part thereof, as the case may be, for non-agricultural purposes or, has parted with possession of such land or part thereof, as the case may be, for consideration by-way of sale or agreement to sell and/ or by executing power of attorney and /or Will or in any other manner, for purported non-agricultural use, the rights and interest of such a person in the said land or holding or part thereof, as the case may be, shall be liable to be terminated and such land shall be liable to be resumed.

(2) Where any land has become liable to be resumed under the provisions of sub-section (1), the Collector or the officer authorised by the State Government in this behalf, shall serve a notice, calling upon such, person to show cause why the said land may not be resumed summarily, and among other things, such notice may contain the particulars of the land, cause of proposed action, the place, time and date, where and when the matter shall be heard.

(3) When the tenant or the holder of such land or any person duly authorised by him, as the case may be, makes an application to the Collector or the officer authorised by the State Government in this behalf expressing his willingness to surrender his rights in such land with the intention of developing such land for housing, commercial, institutional, semi-commercial, industrial, cinema petrol pump purposes or, for the purpose of multiplex units, infrastructure projects or tourism projects or, for such other community facilities or public utility purposes as may be notified by the State Government, the Collector or officer authorised by the State Government in this

behalf, shall upon being satisfied about the willingness of such person, order for termination of rights and interest of such person in the said land and order for resumption of such land.

(4) The proceedings in the matter shall be conducted summarily and shall ordinarily be concluded within a period of sixty days from the first date of hearing specified in the notice served under sub-section (2).

(5) Where, after hearing the parties, the Collector or the officer authorised by the State Government in this behalf, is of the opinion that the land is liable to be resumed under sub-section (1), he shall after recording reasons in writing order for termination of rights and interest of such person in the said land and order for resumption of the said land.

(6) The land so resumed under sub-sections (3) and (5) shall vest in the State free from all encumbrances and shall be deemed to have been placed at the disposal of the concerned local authority under section 79 of this Act with effect from the date of passing of such order :

Provided that the land surrendered under sub-section (3) above, shall be made available to the person, who surrenders the land, for its planned development in accordance with the rules, regulations and byelaws applicable to the local body concerned, for housing, commercial, institutional, semi-commercial, industrial, cinema or petrol pump purposes or, for the purpose of multiplex units, infrastructure projects or tourism projects or, for other community facilities or public utility purposes.

(7) The person aggrieved by the order made under sub-section (5) may appeal to the Commissioner or the Officer authorised by the State Government in this behalf within thirty days of passing of order under sub-section (5).

(8) The Commissioner or the officer authorised by the State Government in this behalf shall, after hearing the parties, pass appropriate orders in such appeal within a period of sixty days from the date of presentation of appeal before him.

(9) The order passed by the Commissioner or the officer authorised by the State Government in this behalf in appeal under this section shall be final.

(10) No civil court shall have jurisdiction to entertain or decide any suit or proceeding questioning the order made under sub-section (5) by the Collector or the officer authorised by the State Government or an order made under sub-section (8) by the Commissioner or the officer authorised by the State Government.

(11) Nothing in this section shall apply to any land belonging to Deity, Devasthan Department, any public trust or any religious or charitable institution or a wakf :

Provided that where any public trust registered under the Rajasthan Public Trusts Act, 1959 (Act No. 42 of 1959) or any registered charitable institution intends to use its land or holding or part thereof and returns/proceeds received there from for the purposes of fulfilment of its

aims and objectives, it may make an application under sub-section (3) to surrender its rights in such land or holding or part thereof and in that case provisions of this section shall apply with the modification that such purposes shall be deemed to have been provided for in sub-section (3) and proviso to sub-section (6).

Explanation:—For the purposes of this proviso "land or holding" does not include the land allotted by the State Government free of cost or on token amount or on lease unless the State Government permits otherwise.

(12) No proceedings or orders under this section shall be initiated or made in respect of lands for which proceedings, under the provisions of Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976), the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Act No. 11 of 1973) and the Rajasthan Land Reforms and Acquisition of Land Owners Estate Act, 1963 (Act No. 11 of 1964) are pending.

Explanation I Part use of the land for purposes subservient to the agriculture such as residential house of the tenant (subject to the limit of 1/50th part of his holding or 500 sq. yards whichever is less) cattle breeding, dairy farming, fodder storage, poultry farming, horticulture, forestry development, water tank, well, pasturage, grove land and such other purposes ancillary thereto or connected therewith shall not be construed to mean non-agricultural purposes.

Explanation II.— For the purpose of sub-section (1), urban area shall mean an area for which a municipality is constituted under the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) or Urban Improvement Trust is constituted under Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) • or the Jaipur Development Authority J.S constituted under the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982).

Explanation III.—For the purposes of this section "urbanisable limits" means, the urbanisable limits as indicated in Lie master plan or the master development plan of a city or a town prepared under any law for the time being in force, and where there is no .master plan or master development plan, the municipal limits of the area.

Explanation IV.—(i) For the purposes of this section, "peripheral belt" means the peripheral belt as indicated in the master plan or master development plan of a city or a town prepared under any law for the time being in force and where there is no master, plan or master development • plan or where peripheral belt is not indicated in such plan, the area as may be notified by the State Government from time to time.

(ii) Where any part of a village falls within the peripheral belt, the whole village shall be deemed to be. within the peripheral belt.

CHAPTER-VIII

SURVEY AND RECORD OPERATION

A. General

84. Survey or re-survey and record operation. -(1) The State Government may direct, by notification, that the survey or re-survey of any area specified in such notification shall be made, and every such area shall as from the date of the said notification, be held to be under survey operations until the issue of another notification declaring such operations to be closed therein.

(2) The State Government, may likewise direct in respect of any area that has already been surveyed that a general or partial revision of the record, and rent or revenue of such area shall be made, and thereupon such area shall be held to be under record and rent or revenue revision operations until the issue of another notification declaring such operations to be closed therein.

(3) The State Government may, instead of issuing separate notifications under sub-sections (1) and (2), issue one notification in respect of any area to the effect that the survey or re-survey and a general or partial revision of the records and rent or revenue of such area shall be made, and thereupon such area shall be held to be under survey and revision of records and rent or revenue operations until the issue of another notification declaring such operations to be closed therein.

85. Record Officers. -The State Government, upon the issue of a notification under section 84 -

- (i) Shall appoint an Additional District Land Records Officer to be incharge of the operations referred to therein, unless such an Additional District Land Records Officer has already been appointed to that area under section 32;
- (ii) May appoint as many Assistant Land Records Officers as it considers necessary.

86. Powers and duties of the Director Land Records.-The Director Land Records shall, subject to the direction of the State Government exercise all such powers and discharge all such duties as may be necessary to carry out the aforesaid operations in accordance with the provisions of this Act.

87. Powers and duties of Land Records Officer.-A Land Records Officer shall exercise such powers and perform such duties as art conferred and imposed on him by or under this Act and as may be entrusted to him by the State Government or the Director Land Records.

88. Mode of conducting operations. The operations referred to in section 84 shall be conducted in the manner hereinafter provided and as prescribed by the State Government.

B. Boundaries and boundary marks

89. Assistance in survey of boundaries. -(1) The Land Records Officer shall issue a proclamation directing all Panchayats of the area under survey or revision of record and rent or revenue operations, or both, as the case may be, to render such assistance as may be required of them in the survey of the boundaries of the village and in erecting such boundary marks as it may think necessary to define the limits of their respective villages, and upon such proclamation the Panchayats shall render the aforesaid assistance.

(2) The Land Records Officer shall issue a proclamation directing all tenants of the area under survey or revision of records and rent or revenue operations, or both, as the case may be, to render such assistance as may be required of them in the survey of the boundaries of their respective fields, and to erect, within a specified time, such boundary marks as it may think necessary to define the limits of their fields, and upon the issue of such proclamation the tenants shall render the aforesaid assistance and fix the boundary marks, and in default of their compliance within the time specified in the proclamation, the Land Records Officer may itself cause such boundary marks to be erected at their cost.

90. Decision of disputes as to boundaries. — In case of any dispute in fixing the boundaries under section 89, the Land Records Officer shall decide such dispute, so far as possible, on the basis of the existing survey maps, and where this is not possible, or such maps are not available, on the basis of a summary inquiry.

91. Obligation of holders of fields as to boundary marks. — (1) The Land Records Officer, or the Tehsildar may, at any time, order the holders of fields —

- (a) to erect proper boundary marks on such fields; or
- (b) to repair or renew, in such form and material as he may direct, all boundary marks lawfully erected thereon.

(2) If such order is not complied with within thirty days from the communication thereof, such officer shall cause such boundary marks to be erected, repaired or renewed, and shall recover the charges incurred from the holders concerned in such proportion as he thinks fit.

92. Penalty for injury to, or removal of marks.- The Land Records Officer, or the Tehsildar, may order any person found to have wilfully erased, removed or damaged

a boundary or survey mark to pay such sum, not exceeding five hundred rupees, for each mark so erased, removed or damaged, as may be necessary to restore it.

C. Formation of survey numbers and villages

93. Formation of survey numbers and villages. —

Subject to the rules made under this Act the Land Records Officer may —

- (a) take measurements of the land to which the survey operations extend and erect such number of survey marks thereon as shall be necessary;
- (b) divide such lands into survey numbers and recommend for the grouping of the survey numbers into villages where necessary; and
- (c) recognize existing survey numbers reconstitute survey numbers or form new survey numbers.

94. Power to renumber or sub-divide survey numbers. -The Land Records Officer may either renumber or sub-divide survey numbers into as many sub-divisions as may be required in view of the acquisition of rights in lands or for any other reason. .

95. Separate demarcation of land diverted or specially assigned. -When any portion or land is specially assigned under section 80, or when any portion of agricultural land is diverted under the provisions of section 82 or 83 to any non-agricultural purpose, the Land Records Officer shall mark such portion into a separate survey number or sub-division of a survey number,

D. Map and Register of fields

96. Preparation of map and register of fields. -In respect of every area under survey operations, the Land Records Officer shall, subject to the provisions of this Act and in accordance with the rules made by the State Government in that behalf prepare a map or maps for each village or part thereof and register of fields showing the area of each survey number with reference to the map. The register of fields that is to say Khasra, so prepared shall have the following particulars: —

- (i) Name of the tenant;
- (ii) Nature and class of tenure of the tenant;
- (iii) Area of the field;
- (iv) Sources of irrigation with method; and soil class;
- (v) Details at present and old Khasra numbers included their respective areas

(vi) such other particulars as may, from time to time, be prescribed by the Director Land Records.

E. Records of rights

97. Preparation of record of rights.- In respect of every area under revision of record and rent or revenue operations, the Land Records Officer shall, in such manner as may be prescribed by the State Government, frame for each village or portion of a village comprised therein a record of rights, which shall include the following, namely:—

- (a) maps prepared under section 96;
- (b) Khatauni, that, is, register of tenants, in which the following particulars shall be specified, namely
 - (i) Khata number;
 - (ii) Name of the tenant and class of tenant;
 - (iii) Survey number of each field comprised in his holding and the area thereof;
 - (iv) Sources of irrigation with survey number;
 - (v) Annual rent or revenue payable by him;
 - (vi) Soil class; and
 - (vii) Such other particulars as may, from time to time, are prescribed;
- (c) Such other registers including register of lease holders as may be prescribed.

98. Inviting claims to lands appearing to have no lawful owner. (1) When any area is under survey and revision of record and rent or revenue operations, the District Land Records Officer shall make lists of all the lands in such area which appear to him to have no lawful owner and shall hereupon issue a proclamation declaring his intention to demarcate such lands as the property of the State and inviting any person having any claims to, or over, them to present, within one month from the date of such proclamation, a petition in writing setting forth such claims and the grounds therefor.

(2) The proclamation shall also be affixed at the Panchayat Office.

(3) If any such petition is presented, the District Land Records Officer shall refer it to the Director Land Records for decision as to the title of the said land.

99. Determination of the abadi land of a village. The Land Records Officer shall, in the case of every inhabited village ascertain and determine the area already

reserved for the residence of the inhabitants thereof and for purpose ancillary thereto, and such area shall be deemed to be the abadi land of such village.

100. Procedure for finalization of the record of rights (1) To each tenant mentioned in the Khatauni prepared under section 97 a Parcha Khatauni, which shall be abstract of his Khata in the Khatauni, shall be distributed to tenant personally or the person duly authorized by him and his signature shall be taken.

(2) The Parcha Khatauni shall contain a notice of the date, time and place where the entries shall be finalized in accordance with the provisions hereinafter mentioned. The notice shall also call upon the tenant to produce the pass book, if any, issued to him for the purpose of recording the entry corresponding to that of the Khatauni

(3) Any person having objection to any entry in the Parcha Khatauni may file his written objection before the Land Records Officer at any time before the date fixed in the Parcha Khatauni.

(4) On the date specified, every entry in the Parcha Khatauni shall be read out in Jalsa-e-Alam (public gathering) to all the persons present.

(5) If any person interested admits the entry to be correct, the admission shall be noted in the space provided for the purpose and signatures of the persons concerned present at the proceedings shall be obtained and the entry shall be deemed to be finalized.

(6) In case the person to whom the Parcha Khatauni has been issued has not filed any objection under sub-section and does not raise any objection on the spot, then the entry shall be deemed to have been finalized and the decision thereon shall be intimated to the tenant.

(7) All disputes relating to entries in the record of rights shall be decided in accordance with the principles contained in sub-section (5) of section 108 after holding a summary inquiry, if necessary.

(8) Any objection relating to entries in the record of rights, whether made orally or in writing, shall be entered in a register of disputed cases giving full particulars of the objection made. As far as possible the objection shall be disposed of in Jalsa-e-Alam and if any objection cannot be decided thereat, the parties shall be informed of the next date and place of hearing and their signatures shall be obtained in token of their being so informed.

(9) The minutes of the proceedings in "Jalsa-e-Alam" shall be recorded in a minute book. The Land Records Officer shall append his signatures with date and place to such minutes and shall, as far as practicable, also obtain signatures of all those

present thereat as proof of their having witnessed the finalization proceedings.

(10) The record of rights finalized or deemed to have been finalized in accordance with the provisions of sub sections (5) and (6) and corrected in accordance with the decisions under sub-section (7) shall become final, subject, however, to any order in appeal or order under section 105.

(11) Simultaneously with the finalization of Khatauni, entry corresponding to that shall be made in the original, office copy and duplicate of the pass book, if any, produced by the tenant. If no change in the existing entry in the pass book is required, the District Land Records Officer or any other officer authorized in this behalf shall attest it in token of its being verified with the final entry in the Khatauni. The pass book so verified shall be deemed to be a record of rights.

101. Preservation of the records.- Sets of the records so prepared shall be preserved in the prescribed manner in the office of the Director Land Records and in the office of the District Land Records Officer of the area for which the record has been prepared.

102. Proceedings pending at close of survey and record operations.—(1) When the survey or revision of records and rent or revenue operations, or both, as the case may be, are closed under section 84, all applications and proceedings then pending before the Land Records Officer shall be transferred to the District Land Records Officer.

(2) The cases transferred under sub-section (1) shall be decided by the District Land Records Officer in accordance with the provisions hereinbefore mentioned, as if such operations have not been closed and corrections shall be made in the record of rights in accordance with the decisions made therein.

(3) Notwithstanding anything contained in subsection (1) the Director Land Records shall continue to function inspite of the closure of the survey and revision of record and rent or revenue operations.

103. Establishment of right in competent court. -No order passed under this Chapter or Chapter IX shall debar any person from establishing his right to the land and the produce thereof in a competent court having jurisdiction.

CHAPTER –IX

MAINTENANCE OF RECORDS

104. Duty to maintain the record of rights.- (1) Subject to the directions of the State Government, it shall be the duty of the Director Land Records to maintain the record of rights up-to-date throughout the State, and subject to the control and direction

of the Director Land Records, it shall be the duty of the District Land Records Of officer to maintain the record of rights up-to-date in his district

(2) For the purpose of maintaining the record of rights up-to-date, the District Land Records officer shall, at such intervals as the State Government may prescribe cause to be prepared a *set* or an amended set, as the ease may be, of the record of rights.

105. Changes to be recorded in registers. -The entries in the record of rights shall be made on the basis of previous Khatauni. All changes in the record of rights which may be brought about as a result of succession, transfer operation of law or otherwise, or by allotment of land by the State Government, shall be recorded in the register in the manner hereinafter provided.

106. Intimation of transfers by registering officers.-When any document purporting to create, assign or extinguish any title to, or any charge on, land used for agricultural purposes is registered under the Registration Act, 1908 (Central Act No XVI of 1908), the officer registering the document shall send intimation along with a copy to the Tehsildar in such form and at such time as may be prescribed.

107. Report of acquiring right or interest in land.-(1) Every person acquiring any .right or interest in any land by succession, transfer, operation of law or otherwise, or by allotment of land by the State Government, which is required by this Act, or any rules made thereunder, to be recorded in the registers shall report the fact of acquisition of such right or interest to the authority appointed for the purpose or the Tehsildar of the tehsil in which such land is situated within three months of the date of acquiring such right or interest.

(2) If such person is minor or otherwise disqualified, the guardian or other person who has charge of such person's property shall make such report. .

(3) The Tehsildar or the authority appointed for the purposes may take notice of the acquisition of such right or interest and shall intimate the fact of such report to the Patwari or any official authorised by the State Government.

108. Register of mutations.-(1) there shall be maintained for every village a register of mutations in such form as may be prescribed.

(2) The Patwari or any official authorized by the State Government shall within a period, as may be prescribed, enter in the prescribed form every claim of acquisition of right or interest of the kind specified in section 107 which comes to his notice from intimation received from Tehsildar or authority authorised under section 107 or which otherwise comes to his knowledge.

(3) Whenever the Patwari or any official authorised by the State Government

for the purpose makes an entry of such a claim in the prescribed form he shall, at the same time cause the substance of the claim to be pasted on the notice board in the office of the village Panchayat as well as at some conspicuous place in the village.

(4) Any person having an objection to an entry made under sub-section (2) in the prescribed form may make the objection either orally or in writing to the Tehsildar or authority authorised for the purpose and the Tehsildar or such authority shall enter the particulars of the objection in the prescribed form and give a written acknowledgement to the person making the objection.

(5) The authority so appointed or the Tehsildar, as the case may be shall examine the claims and objections, and after holding a summary inquiry, pass orders for mutation on the principles mentioned below: —

- (i) mutations shall be ordered on the basis of lawful
- (ii) a person shall not be deemed to be put of possession, if he is in constructive possession,
- (iii) possession, whether actual or constructive, obtained on the basis of a transaction which is null and void under any law or has been entered into in contravention of the provisions of this Act or the Rajasthan Tenancy Act, 1956 (Act No. 3 of 1955) or is not in conformity with the provisions of any other law for the time being in force, shall not be recognized.

Explanation. — If such authority is Panchayat, such order shall be passed by a resolution.

(6) The substance of the order passed under sub section (5) shall be recorded and signed by the authority appointed for this purpose by the State Government, or the Tehsildar, as the case may be, in the register of mutation and corresponding corrections shall be made in the registers, the pass book, if any, produced before him in accordance with the provisions of sub-section (2) of section 7 of the Rajasthan Pass Book (Agricultural Holdings) Act, 1983 (Act No. 14 of 1983) and such corrections shall be signed by the Tehsildar.

109. Mutation fees. -The State Government may, from time to time, prescribe the scale of fees to be charged for effecting mutation.

110. Correction of errors. -The Land Records Officer may, at any time, correct or cause to be corrected in the prescribed manner any clerical errors and any errors which the parties interested admit to have been made in the record of rights or other registers, or which a revenue officer may notice during the course of his inspection or otherwise in any register :

Provided that no such error shall be corrected unless a notice has been given to the parties and objections, if any, have been disposed of finally in accordance with the provisions of sub-section (5) of sub-section 108.

111. Inspection of records. -All maps, register of fields and other registers prepared under this Act shall be open to public inspection free of cost at such hours, at such places and on such conditions as the State Government may prescribe.

112. Copies of entries. -The Patvari shall, when so required, prepare and issue copies of entries from the registers and records maintained under this Chapter and Chapter VIII on payment of such copying fees as may, from time to time, be prescribed by the State Government and such copies shall be attested in the prescribed manner.

113. Presumption as to entries. -All entries made in the record of rights and registers shall be presumed to be true until the contrary is proved.

114. Decisions to be binding on revenue courts. -Subject to the provision of section 103, all decision under this Chapter and Chapter VIII in cases of disputes shall be binding on all revenue courts in respect of the subject matter of the dispute unless such dispute be with regard to rent or revenue payable by a tenant.

CHAPTER-X

SOIL CLASSIFICATION AND DETERMINATION OF REVENUE OR RENT

115. Procedure for soil classification. -The State Government may, by notification, make rules for the procedure to be followed for soil classification and without prejudice to the generality of the provision such rules may provide for -

- (a) soil classification of land,
- (b) change of soil classification of land.

116. Procedure for determination of rent or revenue.-

(1) The State Government may, by notification, make rules for the procedure to be followed for determination of rent or revenue and without prejudice to the generality of the provision such rules may provide for-

- (a) the basis on which the rent or revenue rates are to be evolved; and
- (b) the manner of evaluation of rent or revenue rates.

(2) Notwithstanding anything contained in this Act the Government may fix a period after which the land revenue or rent rates shall be revised and shall also fix the extent of revision of such rates.

117. Rent or revenue not payable in certain cases. -Rent or revenue shall not be payable in respect of the lands of the following descriptions, namely:-

- (i) land occupied by buildings with their appurtenances;
- (ii) permanent threshing floors;
- (iii) grave-yards, cremation grounds and playgrounds;
- (iv) permanent roads and path ways;
- (v) wells including their platforms and the land used by bullocks etc. for drawing well water;
- (vi) lands which are used as baras, places of worships, or converted for non-agricultural use; and
- (vii) such other lands as may be so declared by notification by the State Government.

118. Redetermination of rent or revenue. (1) Land added by alluvion to a holding may be assessed to rent or revenue by the District Land Records Officer in accordance with the rules made under this Act.

(2) When the culturable area of any holding has been diminished by fluvial action or otherwise the District Land Records Officer may revise the assessment of rent or revenue.

(3) No revision of assessment made under the foregoing sub-sections shall be final until it has been sanctioned by the State Government.

CHAPTER-XI

REALIZATION OF RENT OR REVENUE

119. Recovery of certain dues as arrears of revenue or rent. Dues of the following nature shall be realizable or recoverable under the provisions of this Chapter:—

- (a) all sums of money declared by the Rajasthan Tenancy Act, 1955 (Act No.3 of 1955) to be realizable or recoverable by or on behalf of the State Government as an arrear of rent or revenue;

- (b) all sums of money declared by this Act to be realizable or recoverable by or on behalf of the State Government as an arrear of rent or revenue;
- (c) all sums of money due on account of land revenue or rent, all premiums succession duties, transfer duties and forietes, and all cesses, profits from land, fees, rates, royalties, charges. penalties, fires, and costs realizable or recoverable by or on behalf of the State Government;
- (d) all sums of money declared by any other enactment for the time being in force to be recoverable in the same manner as an arrear of rent or revenue;
- (e) all sums of money falling due to the State Government or any local authority or local body under any contract, lease, or grant, which provides that they shall be recoverable, in the same manner as an arrear of land revenue.

120. Revenue or rent, a first charge on land and its produce. (1) The revenue or rent assessed on every holding shall be the first charge thereon and on the rents, profit or produce thereof.

(2) All co-tenants of holding are jointly and severally responsible to the State Government for the rent or revenue for the time being payable therefore.

(3) All persons coming into possession of a holding shall be responsible for all arrears of revenue or rent due at the time of their coming into possession.

121. Claims of State Government to have precedence over all others. -The claim of the State Government to any money recoverable under the provisions of this Chapter shall have precedence over any other debt, demand or claim whatsoever against any property of the persons from whom such money is recoverable.

122. Certified account. -(1) Any authority charged with the duty of collecting any of the sums mentioned in section 119 shall prepare a statement of accounts of the sums so payable, and certify the same to be correct, and shall send it to the Tehsildar having jurisdiction over the place where the defaulter resides or owns property.

(2) Where the Tehsildar is himself the officer-in-charge of the realization of such sum of money, he shall cause a like certificate to be signed and filed in his office.

(3) The statement of accounts so certified shall, for the purpose of this Chapter, be conclusive evidence of the existence of the arrear, of the amount mentioned in such certificate as payable, and of the person who is the defaulter:

Provided that nothing in this chapter shall prejudice the right of such person to make payment under protest and to question the correctness of the certificate in separate proceedings before the Collector.

123. Processes for recovery of arrears. Any amount due under a certificate issued under section 122 shall be recoverable by any one or more of the following processes:—

- (a) by serving a writ of demand or a citation to appear on any of the defaulters:
- (b) by attachment and sale of movable property;
- (c) by attachment and sale of the holding in respect of which the arrear is due, and where such holding consists of more than one survey numbers, by sale of the holding specified in one or more of such survey numbers as may be considered necessary to recover the arrears;
- (d) by attachment and sale of any immovable property other than that mentioned in clause (c) belonging to the defaulter;
- (e) by appointment of a receiver.

124. Costs recoverable as part of arrear. The cost of issuing and enforcing any processes under section 123 shall be recoverable as part of the arrear in respect of which the process was issued.

125. Writ of demand and citation to appear. When an appeal of revenue or rent becomes due, a writ of demand calling on the party to pay the amount within a time therein stated or a citation to appear on a date therein mentioned may be issued and such time or date of service or writ or citation.

126. Power to grant instalments. (1) The Collector may, in case of genuine hardship, order that the payment of arrear of revenue or rent recoverable under this Act for which a writ of demand or a citation has been issued under section 125 be paid in such number of instalments not exceeding beyond a period of three years and on such terms as to payment of interest as may be prescribed subject, however, to the condition that if default is made in the payment of any instalment, the entire amount of arrear and interest due thereon shall be payable in lump sum.

(2) When any immovable property has been attached by the Collector under this Chapter for the recovery of such arrear, the attachment shall, notwithstanding any order fixing instalments made under sub-section (1), continue until the full amount of the arrear, interest due, if any, and the cost of attachment are paid by the defaulter.

127. Attachment and sale movable property. The Collector may attach and sell the movable property of the defaulter. Every attachment and sale ordered under this

section shall be made according to the law in force for the time being for the attachment and sale of movable property under the decree of a civil court. In addition to the particulars mentioned in the proviso to section 60 of the Code of Civil Procedure, 1908 (Central Act No. V of 1908), articles set aside exclusively for religious use shall be exempted from attachment and sale under this section.

128. Sale of defaulter's land in respect of which arrear is due.—When the Collector is of the opinion that the other processes hereinbefore specified are not sufficient for the recovery of an *arrear*, he may, in addition to or instead of, all or any of such other processes, sell by auction the land in respect of which such arrear is due.

129. Land to be sold free of encumbrances.—(1) Land sold under the last preceding section shall be sold free of the encumbrances; and all contracts previously made by any person other than the purchaser in respect of such land, shall become voidable at the option of the purchaser at the auction sale.

(2) Nothing in sub-section (1) applies to lands held under bonafide leases, temporary or perpetual, for the erection of dwelling-houses or manufactures, or for gardens, tanks, canals, places of worship or cremation or burial grounds, such lands continuing to be used for the purpose specified in such leases .

(3) Notwithstanding anything contained in sub-section (1), the Collector may, at any time before the sale has been made, direct that it be made subject to such interests or rights in land created by the holder thereof, or any person through whom he claims, as it thinks fit.

130. Powers to proceed against interest of defaulter in property other than that in respect of which default is made.—(1) If an arrear cannot be recovered by any of the above processes and the defaulter, owns, or has any interest in any other immovable property, the Collector may proceed against such other immovable property as if it were the land on account of which the revenue or rent is due under the provisions of this Act:

Provided that no interest have those of the defaulter alone shall be affected by such process.

(2) Sums of money recoverable as arrears of revenue or rent but not due in respect of any specific land may be recovered by process under this section against any immovable property of the defaulter.

131. Proclamation of sale.—(1) When the sale of any land or other immovable property has been sanctioned under section 128 or section 130, the Collector shall issue a proclamation of the intended sale, specifying the land to be sold, the revenue if any, assessed thereon, the arrear for which it is to be sold, the time and place of sale,

whether or not the land is to be sold free of encumbrances and any other particulars, as the Collector may think necessary.

(2) A copy of the proclamation issued under sub-section (1) shall be served on the defaulter

132. Sale when and by whom to be made—(1) Every sale under this Chapter shall be made either by the Collector in person or by an Assistant Collector or Tehsildar specially appointed by him in this behalf.

(2) No such sale shall take place on a Sunday or other authorized holiday or until after the expiration of at least thirty days from the date on which the proclamation thereof was issued.

(3) The Collector for reasons to be recorded in writing may from time to time, postpone the sale.

133. Prohibition to bid for or acquire the property sold.—No officer having any duty to perform in connection with any such sale, and no person employed by or subordinate to such officer, shall, either directly or indirectly, bid for, acquire or attempt to acquire except, on behalf of the state Government, the property to be sold or any indirect interest therein.

134. When sale may be stayed.—If the defaulter pays the arrear in respect of which the land or other immovable property, is to be sold, at any time before the day fixed for the sale, to the person appointed to receive payment of the revenue or rent or to the Collector or to the Assistant Collector incharge of the sub-division in which the land or other immovable property is situated, the sale shall be stayed.

135. Deposit by purchaser, re-sale in default of deposit.—The person, declared to be the purchaser, shall be required to deposit immediately twenty five percent of the amount of his bid, and in default of such deposit the land or other immovable property shall forthwith be again put up for sale and be sold; and such person shall be liable for the expenses attending the first sale and any deficiency of price which may occur on the re-sale, which may be recovered from him by the Collector, as if the same were an arrear of rent or revenue.

136. Purchase money when to be paid. - (1) The full amount of purchase money shall be paid by the purchaser at the Collector's office on or before the fifteenth day from the date of the sale.

(2) If the purchase money is not so paid, the deposit, after the expenses of the sale have been defrayed therefrom, may be forfeited to the Government and the property shall be re-sold and the defaulting purchaser shall forfeit all claims to the property or to any part of the same for which it may be subsequently sold.

137. Liability of purchaser for loss or re-sale. – If the proceeds of the sale, which is eventually made, are less than the price bid by such defaulting purchaser, the difference shall be recoverable from him, as if it were an arrear of rent and revenue.

138. Proclamation before re-sale.- No sale after postponement under section 132 and no re-sale under section 136 in default of payment of the purchase money shall be made until a fresh proclamation has been issued as prescribed for the original sale.

139 Application to set aside sale on deposit of arrear.-Any person whose land or other immovable property has been sold under this Act may, at any time within thirty days from the date of sale, apply to have the sale set aside on his depositing in the Collector's office—

- (a) for payment to the purchaser a sum equal to five percent of the purchase money;
- (b) for payment on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered/ less any amount which may, since the date of such proclamation of sale, have been paid on that account; and
- (c) the cost of the sale;

if such deposit is made within thirty days, the Collector shall pass an order setting aside the sale:

Provided that if a person applies under Section 140 to set aside such sale, he shall not be entitled to make an application under this section:

Provided further that if the land has been sold free of encumbrances under section 129, the encumbrances shall be revived as soon as the sale is set aside under this Section.

140. Application to set aside the sale for irregularity etc.—At any time within thirty days from the date of the sale, the Collector may *suo motu* or on an application or on the basis of any information received, set aside the sale or the ground of some material irregularity or mistake in publishing or conducting it.

But no sale shall be set aside on an application unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason of such irregularity or mistake.

141. Order confirming sale. — On the expiration of thirty days from the date of sale, if no proceeding under section 139 or 140 has been initiated, or on the conclusion of the proceeding under section 139 or 140, as the case may be, if sale has been upheld in such proceeding, the Collector shall pass an order confirming the sale.

142. Bar of claims founded on irregularity or mistake. — If no application is made or proceedings are taken under section 140 within the time allowed therefor, all claims on the ground of irregularity or mistake in publishing or conducting the sale shall be barred :

Provided that nothing herein contained shall bar the institution of a suit in the civil court for the purpose of setting aside a sale on the ground of fraud.

143. Refund of purchase-money when sale set aside.— Whenever the sale of any land or other immovable property is set aside under section 139 or 140, the purchaser shall be entitled to receive back the purchase-money, with interest, at the rate of twelve percent per annum.

144. Purchaser to be put in possession-certificate of purchase. – (1) After a sale of land or other immovable property under this act has been confirmed in the manner aforesaid, the collector shall put the person declared to be the purchaser into actual physical possession of such property, a certificate to the effect that he has purchased the property to which the certificate refers, and such certificate shall be deemed to be a valid transfer of such property, but need not be registered as a conveyance except as provided by section 89 of the Registration Act, 1908 (Central Act No. XVI of 1908).

(2) If land has been sold under section 128 on account of an arrear of revenue or rent due in respect thereof, the land to which the certificate refers free of every encumbrance.

145. Application of proceeds of sale.- When a sale of any property has been made the proceeds of sale shall be applied towards the satisfaction of the amount due under the statement of accounts.

146. Recovery of money from surety.- Every person who may have become a surety under any of the provision of this Act, or under any other enactment or any grant, lease or contract where under the sum secured is recoverable from the principle as an arrear of revenue or rent shall on failure to pay the amount or any portion thereof which he may have become liable to be proceeded against as if such amount or portion thereof were an arrear of revenue or rent.

147. Pre-emption by co-tenant.- When any land is sold section 128 of 130, any co-tenant in the holding other than the person whose land has been sold, may, if the lot has been knocked down to a stranger, claim to take the said land at the sum last bid

Provided that the said demand of pre-emption is made within fifteen days of sale, and that also the claimant fulfils all other condition of the sale.

CHAPTER-XII
MISCELLANEOUS

148. Jurisdiction of civil courts excluded. -No suit or other proceedings - shall, unless otherwise provided by any express provision made in this Act or in any other enactment or law for the time being in force, lie or be instituted in any civil court with respect to any matter arising under and provided for, by this Act.

149. Public servants.- Every person appointed under this Act or required to discharge any of. the duties under, in accordance with, this Act or the rules made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. XLV of 1860) and all official records and documents kept by all or any of them shall be held to be public records and the property of the State.

150. Protection of action taken under the Act.- (1) No suit or other legal proceedings shall lie against the State Government for anything done or purported to be done under any of the provisions of this Act or of any rule made there under.

(2) No suit or other proceeding shall lie against any officer or employee or any person authorised by the State Government for anything, which is in good faith done or purported to be done under this Act or any rule made thereunder.

151. Delegation. - The State Government may by notification -

- (a) delegate all or any of its powers under this Act, except the power to make rules, to the Board or the Commissioner or the Director Land Records or a Collector, or
- (b) direct that any duties imposed and powers conferred by this Act or the rules made thereunder or by any other law for the time being in force or the rules made under such other law on any officer or authority appointed or constituted under this Act or the rules made thereunder shall to the exclusion of such officer or authority be performed and exercised by any other lawfully appointed or constituted officer or authority specified in the notification, whether such other officer or authority shall have been appointed or constituted under this Act or the rules made thereunder or under any other law for the time being in force or the rules made under such other law, or
- (c) require the Board or any officer to perform the duties and exercise the powers imposed and conferred by this Act or the rules made thereunder on the Commissioner or the Director Land Records, or
- (d) authorize any authority or officer lawfully constituted or appointed to delegate its or his powers under this Act or under any other law for the

time being in force, except the power to make rules under this Act or under such other law, to any other authority or officer constituted or appointed under this Act or the rules made thereunder or under any other law for the time being in force or the rules made under such other law.

152. Power to make rules.—(1).The Board may, with the previous sanction of the State Government, make rules consistent with the provisions of this Act and of the rules made under sub-section (2)—

- (a) prescribing the manner in which business of the board may be distributed under section 16;
- (b) regulating the practice and procedure of the Board and its officers and other matters under section 25;
- (c) regulating the costs which may in or in respect of any judicial proceedings under this Act;
- (d) regulating the procedure to be followed By any court, officer or other person required or empowered under any provision of this Act to take any action in any judicial matter;
- (e) for carrying out the provision of this Act in respect of judicial proceedings; and
- (f) for the guidance of all courts, officers and other persons in all judicial proceedings under this Act.

(2) The State Government may make rules consistent with the provisions of this Act,—

- (i) prescribing the qualifications of persons eligible for appointment as Chairman and-members of the Board under section 9;
- (ii) prescribing the arrangement during temporary absence of officers;
- (iii) prescribing the duties and powers of Revenue Courts and Officers under this Act;
- (iv) regulating the appointments of Patwaris, Girdawars, Quanungos or Inspectors, Sadar Quanungos, and prescribing their duties;
- (v) prescribing the manner in which lands which are the property of the State under section 4 may be disposed of and the manner in which notice of an enquiry or order under that section may be given;
- (vi) regulating under section 77 the allotment of lands for agricultural purposes;

- (vii) regulating under section 78 sale or allotment of land for industrial or commercial purposes;
- (viii) prescribing under section 79 manner of lands placed at the disposal of a local authority or a local body;
- (ix) regulating under section 81 the grazing of cattle on pasture land;
- (x) prescribing the manner in which permission under section 82 for conversion of agricultural into non-agricultural land shall be applied for the officer or authority to whom such application shall be given, the particulars to be given in such application, the manner in which enquiry is to be made, the terms and conditions on which the permission may be given, the rate and manner of levy of conversion charges; the rate and manner of levy of the lease money to be charged by the State Government on such conversion, and the penalty to be imposed under sub-section (5) of section 82;
- (xi) regulating under section 88 the procedure to be adopted by Land Records Officers in conducting survey or re-survey operations and revision of records and rent or revenue operations;
- (xii) regulating the mode of preparation of maps and register of fields and - prescribing other particulars to be specified in the register of fields, under section 96;
- (xiii) prescribing other particulars to be included in khatauni, and other registers, to be prepared under section 97;
- (xiv) regulating the procedure to be observed by Land Records officers in making inquiries under sec-
- (xv) regulating the mode of making the lists of Government lands under section 98 and prescribing the manner in which inquiries shall be made respecting such lands;
- (xvi) regulating the ascertainment and determination of area to be reserved for the abadi under, section 99;
- (xvii) prescribing the form, contents and mode of preparation of lists of villages; and procedure for declaration of a new village;
- (xviii) prescribing the intervals at which the registers shall be prepared under section 104, the manner: in which changes shall be recorded therein and the fees to be charged for recording such changes;
- (xix) prescribing the hours during which and the conditions on which maps, register of fields and registers prepared and maintained under Chapters VIII

and IX shall be open to public inspection, the fees on payment of which copies of entries therein may be prepared and issued and the mode of attestation of such copies;

(xx) regulating under section 118 the assessment of rent or revenue of land added by alluvion and revision of assessment in consequence of fluvial action or diversion of land from an agricultural to non-agricultural purpose or *vice-versa*;

(xxi) prescribing the instalments in which, the persons to whom, the times and places at which and the manner in which the revenue or rent due to the State Government shall be paid;

(xxii) regulating the issue of writ of demand and citation under section 125 directing by what officers or classes of officers such processes shall be issued and fixing the costs thereof to be recovered from defaulters;

(xxiii) regulating costs, that may be recovered in or in respect of any non-judicial proceeding under this Act not connected with land records;

(xxiv) regulating the procedure to be followed by any officers or person required or empowered under any provision of this Act to take any action in any non-judicial matter not connected with land records;

(xxv) regulating all matters which may be, or are required to be, prescribed of in respect of which rules may be, or are required to be made, under any provision of this Act otherwise than by the Board under sub-section (1); and

(xxvi) generally for carrying out the provisions of this Act.

153. Laying of rules made under this Act.—All rules made under this Act, shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session for a period of not less than fourteen days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any such rules, or resolve that any such rules should not be made, *such* rules shall thereafter have effect only in such modified form, or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

154. Automation. (1) The State Government may, by notification in Official Gazette, provide that the provisions contained in the Information Technology Act, 2000 (Central Act No. 21 of 2000), and the rules made and directions given thereunder, including the provisions relating to digital signatures, electronic governance, attribution,

acknowledgement and despatch of electronic records, secure electronic records and secure digital signatures and digital signature certificates as are specified in the said notification, shall, in so far as they may, as far as feasible, apply to the procedures under this Act.

(2) Where any notice, communication or intimation is prepared on any automated data processing system and is properly served on any person, then the said notice, communication or intimation shall not be required to be personally signed by any officer or person and the said notice, communication or intimation shall not be deemed to be invalid only on the ground that it is not personally signed by any such officer.

155. Citizen charter and right to information.(1) The State Government may prepare a Citizen Charter prescribing time limit for disposal of all or any of the acts to be done by any authority or officer under this Act or the rules made thereunder and such authority or officer shall be bound to follow the time limit so prescribed.

(2) Every Citizen shall have right to obtain the information with regard to the activities under this Act and rules, made thereunder in accordance with the provisions of the Rajasthan Right to Information Act, 2000 (Act No. 13 of 2000) and the rules made thereunder.

SCHEDULE

(SEE SECTION 35)

LIST OF JUDICIAL MATTERS

1. Claims under sub-section (3) of section 4.
2. Disputes with respect to the right of grazing cattle on pasturage land.
3. Disputes as to the right of use over forest growth and exclusion from forest land.
4. Settlement of boundary disputes.
- 5- Disputes as to entries in the records-of- rights and register.
6. Disputes respecting the class or tenure of tenants.
7. Mutation upon succession, transfer or otherwise.
8. Disputes regarding the rent or revenue payable.
9. Inquiry into and assessment of lands held free of revenue or rent.
10. Imposition of fines, penalties,, forfeitures and confiscation under this Act with respect to matters in this list.
11. Determination of compensation.
12. Sales and auctions under this Act.
13. Such other matters as may be prescribed by the State Government.

Secretary to the Government.