

GOVERNMENT OF RAJASTHAN
REVENUE (Gr-6) DEPARTMENT

NO F.3(2) Rev.6/03/pt./ 7

Jaipur, Dated: 2.3.2012

NOTIFICATION

In exercise of the powers conferred by section 257 of the Rajasthan Tenancy Act, 1955 (Act no. 3 of 1955), the State Government hereby makes the following rules further to amend the Rajasthan Tenancy (Government) Rules, 1955 and in pursuance of the proviso to sub-section (1) of section 259 of the said Act, hereby orders that previous publication of these rules is dispensed with as the State Government considers that they should be brought into force at once, namely:-

1. **Short title and commencement.**- (1) These rules may be called the Rajasthan Tenancy (Government) (Amendment) Rules, 2012.

(2) They shall come into force at once.

2. **Addition of Chapter XII.**- After the existing Chapter XI of the Rajasthan Tenancy (Government) Rules, 1955, hereinafter referred to as the said rules, the following new Chapter XII shall be added, namely:-

"CHAPTER XII

Rules to give effect to the provisions of section 251-A of the Act

68. **Application under section 251-A.**- An application for grant of permission under sub-section (1) of 251-A of the Act shall be in Form I.

69. **Enquiry and disposal of application.**- On receipt of an application in Form I, the Sub-Divisional Officer shall either inspect the site himself or get it inspected by an officer not below the rank of the Inspector Land Records and invite objections from the affected persons. The Sub-Divisional Officer after affording an opportunity of being heard to the parties and making such further enquiry, as he thinks necessary, if satisfied that-

- (i) the necessity is absolute necessity and it is not for mere convenient enjoyment of holding; and
- (ii) particularly in case of a new way through another khatedar's holding, that absence of alternative means of access is proved,

may allow the application. The application shall be decided by the Sub-Divisional Officer within 90 days from the date of application.

70. Determination of compensation. - (1) The amount of compensation payable under sub-section (1) of section 251-A of the Act, shall be determined in the following manner:-

- (i) if the parties mutually agree on the amount of compensation, the Sub-Divisional Officer shall determine the amount of compensation as per the mutual agreement.
- (ii) if the parties do not agree mutually on the amount of compensation, the Sub-Divisional Officer shall determine the amount of compensation for the land equivalent to -

- (a) two times of the rates recommended by the District Level Committee constituted under clause (b) of sub-rule (1) of rule 2 of the Rajasthan Stamps Rules, 2004 or the rates determined by the State Government under sub-rule (2) of rule 58 of the Rajasthan Stamps Rules, 2004, in the matter of a new way or enlargement or widening of an existing way; and
- (b) 10% of the rates recommended by the District Level Committee constituted under clause (b) of sub-rule (1) of rule 2 of the Rajasthan Stamps Rules, 2004 or the rates determined by the State Government under sub-rule (2) of rule 58 of the Rajasthan Stamps Rules, 2004, in the matter of laying underground pipeline.

(2) In addition to the value of land determined under clause (a) or (b) of sub-rule (1), if any loss or damages caused due to removal of standing trees, crops or structure, the amount of actual loss or damages shall also be determined."

3. Addition of FORM I.- After the existing Form H appended to the said rules, the following new Form I shall be added, namely:-

"FORM I
(See rules 68)

Application
for permission under sub-section (1) of section 251-A of
the Rajasthan Tenancy Act, 1955.

To,

The Sub-Divisional Officer
Sub-division

District

Sir,

(1) I/we am/are khatedar tenant(s) holding land in your sub-division and I/we intend to lay an underground pipeline/new way/ enlargement or widening of an existing

way through the holding of for the purpose of irrigation /access in my/our holding and I/we therefore, apply for permission under sub-section (2) of section 251-A of the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955):

(2) The required particulars are given below:

(i) Name, parentage and age of the applicant(s);

(ii) Full address of the applicant(s);

(iii) Particulars of applicant holding;

(a) name of village with name of sub-division in which holding is situated.....

(b) khasra number with area in acres/bighas.....

(iv) Particulars of another khatedar(s) holding through which intends to lay underground pipeline/new way/ enlargement or widening of an existing way required.

(a) Name, parentage and age;

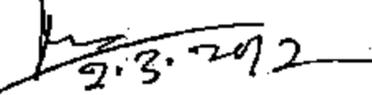
(b) Full address;

(c) name of village with name of sub-division in which holding is situated;

(d) khasra number with area in acres/bighas.

Signature of Applicant(s)"

By order of the Governor,



(G. D. Arya)

Deputy Secretary to Government

Copy :- forward to the following for information and necessary action:-

- 1 - P.S. to Hon'ble Chief Minister, Rajasthan Jaipur.
- 2 - S.A. to Hon'ble Revenue Minister, Rajasthan Jaipur.
- 3 - P.S. to Chief Secretary, Rajasthan Jaipur.
- 4 - P.S. to Principal Secretary, Revenue Department, Jaipur.
- 5 - All Divisional Commissioners, Rajasthan
- 6 - All Collectors, Rajasthan
- 7 - Deputy Accountant General, SRA, Rajasthan, Jaipur.

8 - Registrar, Board of Revenue, Rajasthan, Ajmer.
9 - Director Printing and Stationary department for publication of the
Notification in the Rajasthan Gazette dated 2.3.2012 alongwith additional
copies.

10 - Director, Public Relation, Rajasthan, Jaipur

11 - "RAVIRA" Board of Revenue, Raj., Ajmer.

12 - Dy. Registrar (F&A), Board of Revenue, Ajmer.

13 - Director, Information & Technology (Computer), Jaipur.

14 - Joint Registrar, Library Judges, Supreme Court, New Dehli.

15 - All Dy. Secretaries, Department of Revenue .

16 - Dy- Secretary, Revenue (G-1) Department for uplodng on website.

17 - Guard file.

2.3.2012
Dy. Secretary to the Government