

GOVERNMENT OF RAJASTHAN
Revenue (Gr-4) Department

No.F.8(14)Rev.-4/09 | 7

Dated: June 15, 2009

CIRCULAR

SUBJECT: Allotment of Khudkasht land to ex-Jagirdars under the provisions of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952. Applicability of ceiling laws.

There appears to be some confusion as to whether or not the provisions of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (hereinafter referred to as the Act of 1973) are applicable in the matter of allotment of land under the provisions of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (hereinafter referred to as the Act of 1952).

In this connection your attention is invited to Section 3 of the Act of 1973. This section states that the provisions of this Act shall have effect notwithstanding anything inconsistent contained *in any other law for the time being in force, or any custom, usage or contract or decree or order of a court or other authority.*

Your attention is further invited to Section 17 of the Act of 1973 which restricts future acquisition of the land. Sub-section (1) of section 17 clearly states that on and from the commencement of this Act, it shall not be lawful for any person to acquire by purchase, gift, mortgage, assignment lease, surrender, devolution, bequest *or otherwise* any land so as to affect an increase in the extent of his holding over the ceiling area applicable to him.

The Act of 1973 is a special law and it has overriding effect over the provisions of the Act of 1952. In view of the provisions contained in Section 3 and Section 17 of the Act of 1973, notwithstanding the maximum areas of khudkasht which have been prescribed in Section 18 of the Act of 1952, khudkasht land can be allotted only to the extent that the land already held and the area allotted as khudkasht does not exceed the ceiling area prescribed in section 4 of the Act of 1973.

It may also be mentioned here that the above mentioned view has been upheld by the Jaipur Bench of the Hon'ble Rajasthan High Court in D.B. Civil Special Appeal (Writ) No. 476 of 2006 Smt. Durgesh Kumari versus the State of Rajasthan & Others. In the Order dated October 04, 2007 passed in this Appeal the Hon'ble Division Bench has held that the appellants (ex-Jagirdar) is entitled to the allotment of land under the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 only to the




extent permissible under the Rajasthan Imposition of Ceiling on Agricultural Holding Act, 1973.

In view of the above-mentioned position, it is hereby directed that before allotment of khudkasht land to any ex-Jagirdar under the provisions of the Act of 1952 the concerned Authorised Officer should be asked to hold an enquiry to determine the area of land already held by the concerned ex-Jagirdar and his family member in accordance with the provisions of the Act of 1973 and, thereafter, khudkasht land should be allotted only to the extent that the land already held by the ex-Jagirdar and his family and the khudkasht land to be allotted together do not exceed the maximum area which has been prescribed under the Act of 1973. While conducting the enquiry, the Authorised Officer shall give an opportunity of hearing to the concerned ex-Jagirdar.


In all those cases where khudkasht land has already been allotted without determining the area of land already held by the concerned ex-Jagirdar and his family members in accordance with the provisions of the Act of 1973, an enquiry may now be conducted by the concerned Authorised Officer to determine whether the land already held by the concerned ex-Jagirdar and his family and the khudkasht land allotted exceeds the ceiling area prescribed under Section 4 of the Act of 1973 and, if so, the Authorised Officer should, after giving an opportunity of hearing to the concerned ex-Jagirdar, take action to acquire the excess land in accordance with the provisions of the Act of 1973.

The contents of this Circular may be brought to the knowledge of all the concerned officers with the direction that they should ensure strict compliance of the directions contained in this circular.


15/06/2009
(Ashok Sampatram)
Principal Secy. to Government

Copy for information and necessary action to the following:

1. Khudkash Commissioner, Rajasthan, Jaipur
2. All Divisional Commissioners
3. All Collectors
4. Registrar, Board of Revenue, Ajmer
5. All Deputy Secretaries, Revenue Department


15/06/2009
Principal Secy. to Government