

## GOVERNMENT OF RAJASTHAN

### Rajasthan Land Revenue (Allotment and Regularisation of Agricultural Land for Construction of Cinemas and for Establishment of Petrol Pumps or Medical facilities or Explosive Magazine) Rules, 1978.

No.F.6(63) Rev./Gr.-iv/75 G.SR. 51

Dated: October 26, 1978

#### NOTIFICATION

In exercise of the powers conferred by clause (XI-A) of sub section 2) of section 261, read with Section 90-A, 102 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and all other powers enabling it in this behalf, the State Government hereby makes the following rules for Allotment and Regularisation of Agricultural Land for Construction of Cinemas and for Establishment of Petrol Pumps or Medical facilities or Explosive Magazine, namely-

1. **Short, title, extent and commencement** – (1) These rules may be called the Rajasthan Land Revenue (Allotment and Regularisation of Agricultural Land for Construction of Cinemas and for Establishment of Petrol Pumps or Medical facilities or Explosive Magazine) Rules, 1978.  
(2) They shall come into force on the date of their publication in the Rajasthan Rajpatra.
2. **Definitions.** – (1) In the Rules, unless the context otherwise requires:-
  - (a) 'Act' Means the Rajasthan Land Revenue act, 1956;
  - (b) 'Cinema' means the entire area licensed for cinematographic exhibitions and includes all appurtenances, plants and apparatus located thereon;
  - (bb) 'Chief Controller' means the Chief Controller of explosive appointed under the Explosive Rules, 1983 made under the Explosive Act, 1884;
  - (bbb) 'Explosive' means explosive included in the list of Authorised explosives published by the Central Government from time to time in the official gazette;
  - (c) 'Form' means form appended to these rules;
  - (d) 'Government' and 'State' respectively means the Government and the State of Rajasthan;
  - (e) Deleted by notification dated 08.05.98;
  - (ee) 'Medical facilities' means Hospitals, Diagnostic centers and Nursing Homes as approved by the Government in the Medical and Health Department for rural area excluding charitable medical institutions;

- (eee) 'Magazine' means a building specially constructed in accordance with a design approved by the Chief Controller and intended for storage of more than 5 K.G. of explosive;
  - (f) 'Notional Value' shall mean and include conversion charges as may be prescribed and penalty in cases of regularisation, plus the cost of land in case of encroachment on Government agricultural land
  - (g) 'Periphery village' means a village situated within a distance of half a mile of the boundary of a municipal area;
  - (h) 'Petrol Pump' means the place where petroleum, diesel, crude oil and any other oil and products being used in automobiles are kept for sale and includes a service station and such constructions as may be necessary.
- (2) Words and expressions, not defined in these rules but defined in the Act, shall, wherever used in these rules, be constructed to have the meaning assigned to them in the Act.

**3. Scope of the rules-** These rules shall govern-

- (a) The allotment of unoccupied Government land for construction of a cinema or for the establishment of a petrol pump, and
- (b) The regularisation of land of any person for the purpose for construction of a Cinema or for establishment of a petrol pump.

**4. Agricultural land which may not be regularized** – The following land may not be regularized:-

- (1) Land to which the applicant does not have any legal right.
- (2) Land which is allotted for a special purpose or on special terms under the:-
  - (a) Rajasthan Land Revenue (Allotment and Conversion of Land for the construction of Seed Stores) Rules, 1965,
  - (b) Rajasthan Land Revenue (Allotment of Land for Receptacles) Rules, 1961.
  - (c) Rajasthan Land Revenue (Allotment of Land to Co-operative Societies) Rules, 1959.
  - (d) Rajasthan Land Revenue (Allotment of Land to Dairy and Poultry Farms) Rules 1968
  - (e) Rajasthan Land Revenue (Allotment of Land to Gaushalas) Rules, 1957.
  - (f) Rajasthan Land Revenue (Allotment of Tank Bed Lands for Cultivation) Rules, 1961.
- (3) Land in respect of which acquisition proceeding are pending under the provisions of The Land Acquisition Act, 1894 (Central Act of 1894) or any other law for the time being in force.

- (4) Land which is situated within one hundred and twenty feet of a railway boundary or of the National Highway.
- (5) Land which is situated within ten feet of any road maintained by the Government or local authority.
- (6) Land which is situated within a radius of five kilometers of Bhakra and Rajasthan Canal Mandi unless prior consent of the Mandi Development Committee has been obtained.

**5. Classes of land which may be allotted** – Land for the construction of cinema or establishment of a petrol pump or medical facilities or explosive magazine may be allotted by way of lease out of the following categories of unoccupied Government land namely—

(a) Unculturable land classified as 'Gair Mumkin' or 'Ujar'.

Provided that land used as cremation ground, burial ground, grazing grounds or pasture land and the 'pal' or embankment of a tank the water of which is used by the village cattle, even though classified as unculturable, shall not be allotted;

- (b) Where suitable land classified as unculturable is not available, culturable waste land or land classified as banjar;
- (c) Where land of the categories mentioned in preceding clauses are not available, the lowest classes of barani land available.

**6. Application for permission-** (1) Subject to rule if any person who has trespassed upon Government agricultural land, and had utilized such land for the construction of a Cinema or for establishment of a Petrol Pump, wants to acquire lease rights in the land so used for construction of a Cinema or for establishment of a Petrol Pump, he may submit an application in writing in Form 'A' to the Collector of the District in which the said agricultural land is situated.

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

(3) A receipt shall be given in respect of such application bearing time and date of receiving the same.

**6A. Register of Applications.** – All applications received under rule 5 shall be entered in a Register to be kept in form 'B'.

**7. Scrutiny and Enquiry of Application.-**

(1) Within one month of the receipt of application, it shall be scrutinised and enquired into by The Collector or any other officer authorised by the State Government, the Collector or any other officer so authorised may, if he thinks proper refer any application for advice to the Chief Town Planner, Rajasthan or any of the authorities mentioned in Schedule II.

- (2) on the receipt of the reference, the Chief Town Planner or the authorities mentioned in the Schedule II shall give advice within one month recommending the case for permission or giving reasons for its rejection. If such advice is not given within one month, the Collector or any other officer so authorised shall proceed further in the matter, without waiting for such advice, and it may be presumed that Chief Town Planner or the authorities concerned have no objection to such permission.
- (3) Upon receipt of the advice of the Chief Town Planner or the authorities mentioned in the Schedule II or after the expiry of one month from the date of reference, the Collector shall after making such further enquiries regarding the suitability of the land and such other matters as he deem fit, pass necessary orders either granting or rejecting the application. In case of rejection he shall record his reasons for the same.

**8. Disposed of Applications.** - all application submitted to the Collector under rule 5 shall be examined and enquired into by him separately.

**9. Conditions of Allotment and Regularisation** – Allotment and regularisation of agricultural land for construction of a Cinema or for establishment of a Petrol Pump or Medical facilities or Explosive Magazine under these rules shall be subject to following conditions:-

- (1) The applicant shall pay to the State Government such lease rent as is hereinafter prescribed.
- (2) Any person who has surrendered his tenancy rights and got the land allotted on lease under these rules may at any time apply to the collector for reverting the land for the original use. The collector, with prior approval of the State Government, shall pass an order for reversion and on such reversion the status of the land shall be the same as it was before he had surrendered his tenancy rights, but he shall not be entitled to get refund of any amount paid by him for conversion or otherwise.
- (3) The land use as shown in the Master Plan shall be taken into consideration for the towns for which Master Plans have not been finalized and in case of other towns for which Master Plans have not been finalized, opinion of the local authority and the Chief Town Planner or his representative shall be obtained.
- (4) The requirements of land for different types/categories of Hotels in different categories of town shall be determined by the Chief Town Planner.
- (5) In case there are more than one applicant for Government land, allotment shall be made by auction to the highest bidder.
- (6) (i) Lease rent of periphery villages shall be half of the rates prescribed for adjoining town,  
(ii) the rates of lease rent for rural areas not included in clause (i) above shall be half of the rates prescribed for towns in category III in sub rule (8).
- (7) Deleted by notification dated 06.10.03

(8) (a) The lease rent chargeable for a standard size plot of 4,000 square yards of agricultural land for Cinema shall be as under:-

(i) For towns in Category No. I Rs. 5000/-P.M.

(ii) For towns in Category No. II Rs. 2500/-P.M.

(iii) For towns in Category No. III Rs. 1200/-P.M.

(b) The lease rent for a standard size plot of 1200 square yards of agricultural land for Petrol Pump Explosive Magazine shall be as under:-

(i) For towns in Category No. I Rs. 1000/-P.M

(ii) For towns in Category No. II Rs. 600/-P.M

(iii) For towns in Category No. III Rs. 400/-P.M

(c) Where the size of a plot is smaller or larger than the standard size as prescribed in clause (a) or (b) the rate shall be proportionately increased or decreased.

(d) No lease rent shall be charged for conversion of private agricultural land for purpose of establishing a medical facility in rural area defined in the Rajasthan Land Revenue (Conversion of Agricultural Land for Non-Agricultural Purpose in Rural Areas) Rules, 1992 of following categories;

**Category A** - Institutions willing to set up specialty hospitals in specialties approved by the Government excluding charitable medical institutions.

**Category B** - Nursing homes, hospitals, diagnostic centre, clinics and dispensaries running on commercial lines and not covered by above category 'A' but excluding charitable medical institutions.

(9) For Government agricultural land in addition to the lease rent at the above rates the price of the land shall also be charged from the lessee which shall be based on the sale price of agricultural land in the neighborhood:

Provided that only half the price of land shall be charged for land allotted for a medical facility of category 'A' as mentioned in condition No. 8.

(10) In case of agricultural lands under the control of Public Works Department prevailing price of neighboring residential land shall be charged and if such area is a part of the Urban Improvement Trust Scheme, then the reserve price of residential land as may be fixed by the Urban Improvement Trust shall be charged.

(11) The lease rent shall apply to all effected during the period starting from 16th December, 1960. The amount already paid as premium shall be adjusted against the total amount payable.

(12) All constructions on land so converted may be regularized under these rules, provided they conform to the bylaws of Urban Improvement Trust, Local

Authorities or any other authority having jurisdiction to deal with particular type of construction.

- (13) Deleted by Notification dated 06.10.2003
- (14) The lessee shall be given land on 20 years' lease subject to the condition that the terms and conditions of the lease may be renewed by the collector subject to the raising of the amount of lease rent upto 50% on every such renewal for 20 years. The lease agreement shall be in Form 'C'.
- (15) Once the land has been utilized for the purpose for which it was allotted, the lessee may, with the permission of the Allotting Authority transfer his right or interest in the whole land, so leased out, on the following conditions:-
  - (a) in case of government land allotted under these rules, he shall pay 50% of prevailing market price of land after deducting allotment price charged under condition number (5) or (9), as the case may be and transferee shall pay 50% of excess amount of yearly lease rent mentioned in condition number (8) and other conditions of the lease shall remain unchanged; and
  - (b) in case of converted Khatedari land allotted under these rules, the transferee shall pay 50% excess amount of yearly lease rent mentioned in condition number (8) and other conditions of the lease shall remain unchanged.

**9A. Deleted by notification dated 26 Aug.1998**

**10. Breach of conditions and Rules. –**

- (1) If at any time it is found by the State Government that the land regularised or used for a Cinema or Hotel or Petrol Pump has been put to use for a purpose other than the use for which it was leased, the entire construction shall automatically vest in the State Government without payment of compensation.
- (2) If at any time, it is found by the State Government that the land so used or regularised has been transferred in contravention of these rules, it may be resumed by the State Government. The lessee shall, however, be given three months, time to remove the structure or building erected, if any, on the land.
- (3) In case of breach of any other conditions or rules by the lessee a penalty up to the amount of lease rent payable for a period of twelve months may be imposed on him by the Collector.
- (4) No action under sub-rules (1), (2) and (3) shall be taken unless the lessee is given a reasonable opportunity of being heard.

**11. Powers of the State Government. –**

- (1) Notwithstanding anything contained in these rules, the State Government either on its own motion or on the application of any person, shall have the

power to call for the record of any case and pass such orders as it deems fit, after giving the parties concerned an opportunity of being heard.

(2) Notwithstanding anything contained in these rules, and subject to the provisions of section 102 and 90-A of the Act, the State Government shall have powers to allot or regularise the use of agricultural land for construction of a Cinema or for establishment of a petrol pump or medical facilities on any terms as it deems fit.

**12. Repeal and Savings.** - The Rajasthan Land Revenue (Allotment and Conversion of Agricultural Land for establishment of Petrol Pump) Rules, 1973, as amended from time to time, are hereby repealed:

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

### SCHEDULE I

(See Rule 9)

#### **Categorisation of Municipal Towns for and Regularisation of Land for Establishment of Petrol Pump and Cinemas/Hotels**

Category No. I

1. Jaipur 2. Kota 3. Shri Ganganagar

Category No. II

1. Ajmer 2. Udaipur 3. Jodhpur 4. Bhilwara 5. Beawar 6. Alwar 7. Bikaner 8. Churu  
9. Tonk 10. Pali 11. Kishangarh 12. Hanumangarh 13. Gangapur City 14. Bundi  
15. Baran 16. Suratgarh 17. Sikar 18. Chittorgarh 19. Jhunjhunu 20. Hindaun 21.  
Sirohi 22. Kherli 23. Mt. Abu 24. Chomu 25. Dausa 26. Ramganj Mandi 27.  
Bharatpur.

Category No. III

1. Bamer 2. Banswara 3. Ratangarh 4. Sujangarah 5. Sardarsahar 6. Dholpur 7.  
Bandikui 8. Pratapgarh 9. Dungarpur 10. Jhalawar 11. Phulera 12. Nawalgarh 13.  
Nagaur 14. Ladnun 15. Jalore 16. Sawai Madhopur 17. Niwai 18. Karauli 19.  
Fatehpur 20. Jaiselmer 21. Deedwana 22. Kuchaman City 23. Balotra 24. Merta  
City 25. Sangria 26. Anupgarh 27. Nathdwara 28. Sojat 29. Sambhar 30. Khetri  
31. Amer 32. Sanganer 33. Gangashahar 34. Nokha 35. Nohar 36. Raisinghnagar  
37. Shri Karanpur 38. Makrana 39. Gajsinghpur 40. Kekri 41. Pushkar 42.  
Shahpina 43. Bayana 44. Bari 45. Deeg 46. Kaman 47. Laklieri 48. Nimbahera  
49. Dungargarh 50. Rajgarh 51. Chaksu 52. Chirawa 53. Phalodi 54. Pipar 55.

Khairthal 56. Rajgarh 57. Tijara 58. Gangapur 59. Laxmangarh 60. Ramgarh 61. Bhadra 62. Kotaputli 63. Pilani 64. Balli 65. Neem ka Thana 66. Shri Madhopur 67. Pindwara 68. Abn Road 69. Malpura 70. Sarwar 71. Kusliagarh 72. Manasar 73. Deshnok 74. Jahajpur 75. Chahapar 76. Bidasar 77. Rajaldesar 78. Ratan Nagar 79. Tara Nagar 80. Shardulshahar 81. Sagwara 82. Jobner 83. Jhalra Patan 84. Sonel 85. Bissau 86. Bagar 87. Mandawa 88. Mukandgarh 89. Sujangarh 90. Udaipurwati 91. Vidya Vihar 92. Chhabra 93. Indragarh 94. Nawan 95. Parbatsar 96. Bhinmal 97. Toda Bheem 98. Khandela 99. Pokaran 100. Todaraisingh 101. Deoli 102. Uniara 103. Devgarh 104. Rajsamand 105. Salumhar 106. Bhindar

All other unclassified municipal towns, notified areas and cantonment boards.

## SCHEDULE II

(See Rule 7)

Authorities to whom cases may be referred under rule 7 of the Rajasthan Land Revenue (Allotment and Regularisation of Agricultural land for construction of a Cinema or for establishment of Petrol Pump Pump or Medical facilities or Explosive Magazine) Rules, 1978.

	Towns	Authorities
1	Towns falling in categories No.1 and 2 of Schedule 1.	Chief Town Planner or any officer nominated by him but not below the rank of Deputy Chief Town Planner, Urban Improvement Trust [or Jaipur Development Authority/ Mandi Committee or Municipality concerned or the Notified Area Committee.
2	Towns falling in category No. III and periphery villages of towns falling in categories No. 1, 2 & 3 of Schedule I.	Concerned Municipality

Form 'A'  
(See Rule 5)

Applications for allotment of Unoccupied Government Land for Construction of a  
Cinema or Establishment of Petrol Pump or Medical facilities or Explosive  
Magazine

To

The Collector.

District.....

Sir,

I hereby apply under section 90-A of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956) read with Rule 5 of the Rajasthan Land Revenue (Allotment and Regularisation of Agricultural Land for Construction of a Cinema or for establishment of Petrol Pump or Medical facilities or Explosive Magazine) Rules, 1978 for allotment of unoccupied Government agricultural land, particulars whereof are give hereunder for construction of a Cinema or for establishment of a Petrol Pump or Medical facilities or Explosive Magazine.

2. The required particulars are given below-

(i) Name of the applicant with parentage and address.....

(ii) Particulars of Land.....

(a) Name of village/town.with name of Tehsil.....

(b) Khasra No.....

(c) Area.....

(d) Soil Class.....

(e) Means of irrigation, if any, with details.....

3. I undertake the abide by the provisions of the Rajasthan Land Revenue (Allotment and Regularisation of Agricultural land for construction of a Cinema or for establishment of Petrol Pump Pump or Medical facilities or Explosive Magazine) Rules, 1978.

I hereby certify that the information given above is correct according to my knowledge and belief and I hereby bind myself to pay the necessary premium and abide by the conditions on which the land is allotted for construction of a Cinema or for establishment of the Petrol Pump or Medical facilities or Explosive Magazine.

Witness .....

Dated .....

Signature of the Applicant

of receipt of applicant	Khasra No.	Khevat No.	Area	Soil Classification	Revenue or Rent	Orders
3	4	5	6	7	8	9
						10

Form 'C'  
(See Rule 9)  
Lease Deed

This lease made on the.....day of.....between the Governor of the State of Rajasthan (hereinafter called the Lessor' which expression shall unless excluded by subject or context, include his successors in office and permitted assigns) of the one Part and Shri.....son of Shri.....Resident.....of.....Tehsil.....District.....(hereinafter called the Lessee', which expression shall, unless excluded by subject or context include his successors and assigns) of the other part;  
Whereas the Lessee has applied to the Lessor of the said land to the Lessee for 20 years on the terms and conditions hereinafter appearing.

**Now This Deed Witnesses As Follows: -**

1. In pursuance of the aforesaid agreement and in consideration of a sum of Rs (Rupees only) as premium paid before the execution of this deed (the receipt of which sum the Lessor hereby acknowledges) and of the covenants hereinafter contained, the Lessor hereby demises to the Lessee, the Land detailed and described in the schedule hereto and for greater clearness delineated on the plan annexed hereto and thereon shown with its boundaries coloured in red (hereinafter referred to as the demised land) to hold the same upto the Lessee from the..... day of.....for a period of 20 years.
2. The parties hereto mutually agree as follows-
  1. That the Lessee will during the continuance of this lease, pay all rates, taxes and charges of every description now payable or hereinafter to become payable in respect of the demised land or the building erected thereupon by the Lessee.
  2. The terms and conditions of the lease may be returned and revised by the State Government after 20 years.
  3. The lease shall be subject to the provisions contained in the Rajasthan Land Revenue (Allotment and Regularisation of Agricultural Land for Construction of Cinemas and for Establishment of Petrol Pumps or Medical facilities or Explosive Magazine) Rules, 1978.
  4. That the Lease will not without the previous consent in writing of the Lessor use or permit the use of demised land for any purpose other than that for which it is leased out.
  5. That the renewal of lease after the expiry of the said term of 20 years shall be at the option of the Lessee.

6. That if at any time any dispute, doubt or question shall arise between the parties hereto touching the interpretation, meaning or effect of this deed or any clause thereof or their respective rights and liabilities hereunder, the same shall be referred to the arbitration of the Revenue Secretary to the Government of Rajasthan, Jaipur whose decision thereon shall be final and binding on the parties.

7. The lessee shall not, without the previous consent in writing of the lessor, sublet, under-let, sell or otherwise transfer the demised land.

Provided that the lessee will have the right to mortgage without possession the demised land in favour of any scheduled bank or financial institution to secure its loan/guarantee given/ to be given for the purpose for which the land has been so demised.

Provided further that the lessee will inform the lessor of such mortgage within a period of three months from the date of the mortgage.

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

Signed by the Lessee

Signed by

For and on behalf of the Governor

Witness:(1).....

Witness:(1).....

(2).....

(2).....