

**THE RAJASTHAN COLONISATION (MAHI
PROJECT GOVERNMENT LANDS ALLOTMENT
AND SALE) RULES, 1984**

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**THE RAJASTHAN COLONISATION (MAHI PROJECT
GOVERNMENT LANDS ALLOTMENT AND SALE)
RULES, 1984**

[Noti. No.F.4(1) Rev./Col./77, dated 7.5.1984—Raj. Govt. Gaz., Pt. IV-C(1), dt. 20.9.1984]

And as amended subsequently by the following notifications:—

1. Noti. No. F. 4(14) Rev./Col./88, dated 06.12.1988—Raj. Gaz., Pt. IV-(C), dated 21.09.1989, P. 111
2. Noti. No. F.4(14) Rev./Col./88, dated 29.12.1988—Raj. Gaz., Pt. IV-(C), dated 28.09.1989, P. 121

3. Noti. No. F. 4(1) Rev./Col./77, dated 15.12.1988—Raj. Gaz., Pt. IV-(C), dt. 14.05.1992, P. 199
4. Noti. No. F.4(4) Col./98, G.S.R. 18, dated 08.05.2001—Raj. Gaz., Exty., Part IV-C(I), dated 23.05.2001, P. 21, w.e.f. 08.05.2001 = **2001 RSCS/Pt. II/P. 578/H. 482**
5. Noti. No. F. 4(6) Col. /97, G.S.R. 57, dated 11.09.2002—Raj. Gaz., Exty., Part IV-C(I), dated 17.09.2002, P. 101(2), w.e.f. 17.09.2002 = **2002 RSCS/Pt. II/P. 604/H. 583**
6. Noti. No. F. 4(4) Col./98, G.S.R. 70, dated 16.10.2002—Raj. Gaz., Exty., Part IV-C(I), dated 24.10.2002, P. 119(3), w.e.f. 16.10.2002 = **2003 RSCS/Pt. II/P. 8/H. 12**
7. Noti. No. F. 4(4) Col./98, G.S.R. 39, dated 03.08.2006—Raj. Gaz., Exty., Part IV-C(I), dated 26.08.2006, P. 57, w.e.f. 03.08.2006 = **2007 RSCS/Pt. II/P. 124/H. 111**
8. Noti. No. F. 4(4) Col./98, G.S.R. 85, dated 11.01.2008—Raj. Gaz., Exty., Part IV-C(I), dated 25.01.2008, P. 159(1), w.e.f. 11.01.2008 = **2008 RSCS/Pt. II/P. 377/H. 186**

Note.—In the footnotes appearing hereinafter, reference to amending Notifications is made by Serial No. as given to them above.

G.S.R. 46.—In exercise of the powers conferred by section 28 read with section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the Government of Rajasthan hereby makes the following rules for Allotment and Sale of Government Lands in Mahi Project Area, namely :—

PRELIMINARY

1. Short title, extent and commencement.—(1) These rules may be called the Rajasthan Colonisation (Mahi Project Government Lands Allotment and Sale) Rules, 1984.

(2) They shall extend to the whole of the Mahi Project Colony area.

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

2. Interpretation.—In these rules unless there is anything repugnant in the subject or context:—

- (i) “Act” means the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954);
- (ii) “Allotting Authority” means the Collector as defined in clause (i) of Sec. 2 of the Act;
- (iii) “Beneficiary of the Integrated Rural Development Programme” means a person who has been identified as being below the subsistence level and included in the Integrated Rural Development Programme and certified as such by the Collector or his authorised representative;
- (iv) “Command Land” means land shown as such by the Irrigation Department of the State Government in their command statement with reference to the Mahi Irrigation Project;

- (v) "*Displaced Agriculturist*" means a person who has been displaced from his agricultural holding due to the construction of the Mahi Project;
- (vi) "*Family*" shall mean a family consisting of husband, wife and their minor children but excluding minor married daughters;
- (vii) "*Government Land*" means all lands belonging to or vesting in the State Government except those in which Khatadari Rights have been acquired by or conferred upon any person under the provisions of any law for the time being in force;
- (viii) "*Integrated Rural Development Programme*" means programme undertaken by the State Government to identify the poorest person subsisting below the poverty line, as well as the subsistence level and residing in a rural area, and to provide productive assets and benefits for their economic upliftment;
- (ix) "*Landless Agriculturist*" means a person who is a resident of Rajasthan and has been by profession, a bonafide agriculturist or a bonafide agricultural labourer, having agriculture as the primary source of his income and who either does not hold any land anywhere in India or holds land less than 25 bighas, but does not include a temporary cultivation lease holder:

Provided that a released Sagri as certified by the Sub-Divisional Officer will be treated as landless tenant of that village.

Explanation.—For the purpose of this proviso "Sagri" means the bonded labourer as defined in the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976):

Provided further that the following categories of persons shall not be deemed to be landless agriculturist, namely :—

- (a) an employee other than a casual or work charged employee of the Government or of a commercial or industrial establishment or concern, his wife and children dependent on him;
 - (b) a person who has sold or otherwise transferred, the whole or part of the land held or allotted to him other than land transferred to or acquired by the Government or statutory bodies and thereby reduces the size of his holding to become a landless agriculturist;
- (x) "*Resident of Rajasthan*" means a person who has been continuously residing in Rajasthan since before 15th October, 1955 and who is certified as such by an officer not below the rank of Tehsildar, having jurisdiction in the area on the basis of evidence to be recorded by him;
 - (xi) "*Tenure Land*", "*Tenure Khata*" and "*Tenure Tenant*" shall respectively mean land held under proprietary, Mauroosie, and khatadari rights, khata comprising such land and a person holding such land under all or any of the aforesaid tanures;

- (xii) "Temporary Tenant" means a person holding Government land under lease sanctioned in his favour by a competent authority after the commencement of the Rajasthan Tenancy Act, 1955 or who otherwise holds land either under a temporary lease or as a Ghair Khatedar tenant; and
- (xiii) "Small patch" means a piece of land measuring upto two acres of irrigated land or four acres of un-irrigated land.

3. Termination of old lease.—With effect from the date of commencement of these rules all temporary leases of Government lands in the area to which these rules extend, granted before such commencement shall be deemed to have been terminated and all Government land covered by such leases shall revert to the State Government.

4. Eligibility and Extent of Allotment.—(1) The following person shall be eligible for allotment of Government land for agriculture purposes under these rules, namely:—

- (a) Displaced agriculturist,
- (b) Temporary tenant,
- (c) Released Sagri/Beneficiary of the Integrated Rural Development Programme.
- (d) Landless Agriculturist.

(2) Each person may be allotted Government land upto 6 acres:

Provided that if such person holds any land any where in India, he will be allotted only, so much Government land as together with his existing holding does not exceed 6 acres.

COMMENTARY

In the present case petitioner was a doctor by profession and there was no evidence of his being landless or bonafide agriculturist and there was no agricultural land adjacent to allotted land. It was held that abadi land which was allotted to the petitioner was rightly cancelled. *Mohammad Syed vs. State of Rajasthan*, 2001 RRD 122 = 2001 RBJ 223 = 2001 (2) RRT 994.

5. Reservation of Government Land.—(1) The State Government may reserve Government land for allotment for all or for any of the categories of the persons specified in Rule 5. The State Government may further reserve land for allotment to any of the following:—

- (i) Central or State Government mechanised Farm or Farms to be established by the Agriculture Department of the State.
- (ii) Cattle breeding Farms or Fisheries Farms to be established by the Animal Husbandry Department.
- (iii) Any other Government Department or undertaking:

Provided that for the Government land situated within a radius of 12 KM from the periphery of a city having population of one lakh persons or more or

within a radius of 8 KM from the periphery of a town having population of fifty thousand or more but less than one lakh persons or within a radius of 3 KM from the periphery of a Town having population of 25 thousand or more but less than 50 thousand persons, the State Government may direct the Collector to reserve 25% of the total land for allotment to the Scheduled Caste and Scheduled tribes.

(2) The State Government may reserve any area, class or category of Government land for sale by public auction.

(3) The State Government may reserve Government land in specific areas for any public purpose.

(4) The State Government may reserve Government land for Ex-servicemen or dependent of defence personnel killed in action.

6. Priority for allotment.—Priorities for allotment of Government land under these rules shall be in the following order:—

- (a) Displaced landless agriculturist.
- (b) Displaced agriculturist.
- (c) Temporary tenant.
- (d) Released Sagri/Beneficiary of the Integrated Rural Development Programme.
- (e) Landless Agriculturist of the same village.
- (f) Landless Agriculturist of the adjoining village.
- (g) Landless Agriculturists of the same Tehsil.
- (h) Landless Agriculturist of any other Tehsil of the same District.
- (i) Landless Agriculturist of neighbouring Districts.
- (j) Any other agriculturist of the State:

Provided that in case of (e) to (i) preference shall be given to Scheduled Caste/Scheduled Tribe:

Provided further that a landless Agriculturist who does not hold any tenure land anywhere in Rajasthan or holds such land which is less than 2½ acres of irrigated land or 5 acres of unirrigated land shall be given preference within the category specified above, which appertains to him.

7. Programme for allotment and preparation of list.—(1) Allotment of the Government land shall be made only out of command/uncommand land.

(2) The allotting authority shall from time to time fix such time and date as it deems proper for inviting applications for allotment of Government land for any specific purpose or class of persons keeping in view the priorities as laid down in Rule 6 and such dates may be different for different areas, purpose or class of persons.

(3) The Allotting Authority shall prepare village-wise list in Form I of all Government land available for allotment. In case any such land is reserved by the State Government for any specific purpose or Class of persons, the list for the same shall be prepared separately.

8. Issue and Publication of notice.—(1) After fixing, the time and date for inviting applications for allotment and preparing list in accordance with Rule 7, the Allotting Authority shall issue a public notice in Form II under its signature inviting applications for allotment within the time fixed therein, which shall not be less than 30 days of the date of such notice:

¹[Provided that the State Government may by notification reduce the notice period of 30 days to 7 days].

(2) The copies of such notice shall be affixed at the following places for wide publicity, namely:—

- (a) Notice Board of the allotting authority concerned.
- (b) Notice Board of the colonisation Tehsil/Revenue Tehsil in which the land is situated.
- (c) Conspicuous place in the village in which the land is situated.

9. Application for allotment.—(1) Within the time fixed in public notice issued under Rule 8 or within such time as may be fixed or extended by the allotting authority from time to time any person eligible for allotment of Government land may present an application in Form III to the allotting authority of the area in which the land is situated.

²[(1-a) Where an applicant is a married agriculturist, the application for allotment shall be submitted in the name of both husband and wife.]

(2) The application made under sub-rule (1) shall be verified by the applicant as a plaint according to the provision of the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3) (a) The Allotting Authority shall, on receipt of an application for allotment immediately register it in a register to be maintained in Form IV and shall issue a receipt to the applicant in Form V.

(b) The Allotting Authority shall scrutinise the applications and verify the particulars mentioned in the application with reference to the relevant entries in the land records and shall also conduct such enquiry as he may consider necessary for ascertaining the eligibility of the applicant of the land.

(4) Applications received after due date shall be rejected by allotting Authority.

10. Allotment.—(1) All allotments shall be made by the Allotting Authority in consultation with the Advisory Committee consisting of the following:—

- (a) Member of the Rajasthan Legislative Assembly in whose constituency the land is situated.
- (b) Pradhan of the Panchayat Samiti in whose jurisdiction the land is situated.
- (c) Sarpanch of the Gram Panchayat in whose jurisdiction the land is situated.

1. Ins. by No. 2 [28-9-1989].

2. Ins. by Noti. No. F. 1(1) Col. 98, dt. 16.10.2002—Raj. Gaz., Exty., Pt. IV-C(1), dt. 24.10.2002, p.119(3)
= 2003 RSCS/Pt. II/P. 8/H. 12

(d) Representative of the Scheduled Castes or Scheduled Tribes as nominated by the Government if there is no such representative in the Advisory Committee.

(2) The Allotting Authority shall be the Chairman and Tehsildar shall act as Member Secretary to the Advisory Committee.

(3) For making allotments in consultation with the Advisory Committee, the Allotting Authority shall call a meeting of the committee preferably at the head quarters of the Colonisation/Revenue Tehsil ¹[or at any other place as may be decided by the Allotting Authority] in which the land is situated. The member of the Advisory Committee shall be given at least week's notice of the meeting by registered post:

Provided that if any member of the Advisory Committee fails to attend the meeting on the date fixed the Allotting Authority shall carry on the work of allotment in consultation with such of the members who attend the meeting.

(4) Separate reservationwise lists of eligible persons in Form VI shall be prepared by the Allotting Authority and shall be placed before the Advisory Committee at such meeting.

(5) Subject to the availability of the land the Allotting Authority shall after consulting the Advisory Committee make reservationwise allotment of Government land to persons mentioned in the lists referred to in sub-rule (4) out of land entered in the list prepared under sub-rule (3) of Rule 7.

(6) The minutes of the meeting shall be recorded by the Allotting Authority and signed by the members present. In case of difference of opinion between the members and the Allotting Authority the latter shall, after recording his reasons for doing so, pass final orders granting or rejecting the applications for allotment.

(7) Separate lists of persons whose applications have been granted or rejected shall be affixed forthwith on the notice board of the Colony Tehsil or Revenue Tehsil in whose jurisdiction the land is situated. Such publications shall be deemed to be sufficient notice to the applicants of the orders passed on their applications.

(8) The allotment order shall be issued by the Allotting Authority in Form VII.

²[(8-a) In case where allotment of land is made to a married agriculturist, the allotment shall be made in the joint name of husband and wife and the allottees, in such case, shall be deemed to be joint allottees.]

(9) If a temporary tenant fails to apply for allotment of land under these rules or his application for allotment for any land or part thereof is rejected by the Allotting Authority his temporary cultivation lease in respect of such land or part thereof shall stand terminated on the expiry of the date upto which the application for allotment could be made or on the date his application for such allotment is rejected as the case may be, and the Government land covered by

1. Ins. by No. 2 [28-9-1989].

2. Ins. by Noti. No. F. 4(1) Col/98, dt. 16.10.2002—Raj. Gaz., Exty., Pt. IV-C(I), dt. 24.10.2002, p.119(3)
= 2003 RSCS/Pt. II/P. 8/H. 12

such lease shall revert to the Government free from all encumbrances and he shall be liable to be ejected from such land in accordance with the law for the time being in force.

11. Allotment of small patch.—(1) Notwithstanding anything to the contrary contained in these rules small patch of Government land may be allotted to a tenure tenant whose tenure land adjoins such patch, subject to the ceiling area at double the reserve price for the land of similar soil class in the neighbourhood. If the adjoining land holder is not willing to take this land, it can be allotted to any other person.

(2) In case there are more than one such tenant applying for allotment of the same small patch, allotment shall be made by draw of lots amongst them.

(3) The price of such small patch shall be payable by the allottee in five annual instalments, the first instalment being payable within a fortnight of the order of allotment. The due date in respect of the second and subsequent instalments shall be the date of year corresponding to the date on which the allotment was made. Interest at the rate of 9% per annum shall be charged in default of payment of instalment on due date.

12. Computation of area.—(1) When land held jointly by two or more persons as members of a joint family or as co-tenants, each one of them shall be deemed to be a holder of so much area of land to which he may be entitled upon partition.

(2) One acre of irrigated land shall be deemed to be equal to two acres of uncommand or Barani land.

13. Terms and conditions of allotment.—(a) Subject to the provisions contained in the Rajasthan Colonisation Act and terms and conditions specified in the Rajasthan Colonisation (General Colony) Conditions, 1955, all allotments of Government land under these rules shall be on a permanent basis. The allottees shall be eligible to the conferment of khatedari rights unless otherwise stated. All allotments so made shall be subject to the special terms and conditions, if any, further imposed by the Government.

(b) An allottee shall be bound to cultivate whole of the allotted land in two years. On his failure to fulfil this condition, the allotment of land shall be liable to cancellation by the Allotting Authority and upon cancellation of the allotment, the land shall revert to the State Government free of encumbrances and the allottee shall not be entitled to any compensation.

(c) The allottee shall be bound to co-operate fully in carrying out the land development works for optimum utilisation of irrigation water.

14. Scale of price and mode of payment.—¹[(1) For Government land

1. Subs. by Noti. No. F. 4(4)Colo/98, dt. 8.5.2001—Raj. Gaz., Exty., Pt. IV-C(1), dt. 23.5.2001, p.21 = 2001 RSCS/Pt. II/P. 578/II. 482 for the following:

“(1) For Government land allotted under these rules, price at the following scale for each soil class as sanctioned by the Collector, shall be charged from the allottee:—

S. No.	Class of land	Price per bigha	
		Command	Uncommand
1.	All lands where land revenue is Rs. 150 per bigha or more	Rs. 600	Rs. 300
2.	All lands with land revenue in the range of 75 paise to Rs. 1.49 per Bigha.	Rs. 400	Rs. 200
3.	All lands where land revenue is less than 75 Paise per bigha.”	Rs. 250	Rs. 125

allotted under these rules, price at the following scale for each soil class as sanctioned by the Collector, shall be charged from the allottee :—

S. No.	Class of Land	Price per bigha (in rupees)	
		Command	Uncommand
1	2	3	4
1.	All lands where land revenue is Rs. 1.50 per bigha or more	5000	2500
2.	All lands where land revenue in the range of 75 paise to Rs. 1.49 per bigha	3600	1800
3.	All lands where land revenue is less than 75 paise per bigha]	2400	1200

¹[Provided that for the allotment of land in Tribal Area Sub-Plan (TSP), 25% of the above mentioned reserve price shall be charged from the allottees belonging to Schedule Castes or Schedule Tribes;

Provided further that no price shall be charged from the allottees of below poverty line]

²[(2) The reserve price as mentioned above shall be realised in 10 equal half yearly instalments and the first of such instalment shall be payable commencing from the year in which the irrigation water is let out for such land or two years after the date of allotment whichever is later.]

(3) The subsequent instalments shall be payable on or before 15th January and 15th July every year and a simple interest at 9% per annum shall be charged on the amount of instalments falling into arrears from the due date till the date of payment.

(4) All instalments together with interest, if any, shall be paid at the nearest Treasury or Sub-Treasury.

(5) The following rates of rebate shall be allowed to the allottee—

Persons belonging to the S.C./S.T./Beneficiary of the IRDP/Displaced/Agriculturist/Displaced Landless Agriculturists/Released Sagri	Others
15%	10%

For payment of the whole price in one Lump sum ³[within three days of allotment, day of allotment being inclusive.]

(6) After allotment of land the Allotting Authority shall prepare for each

1. Ins. by Noti. No. F. 1(1) Col./98, dt. 3.8.2006—Raj. Gaz., Exty., Pt. IV-C(1), dt. 26.8.2006, p.61(1) = **2007 RSCS/Pt. II/P. 260/H. 200**

2. Subs. by No. 1 [21-9-89], for the following :—

(2) The reserve price as mentioned above shall be realised in 10 equal half yearly instalments and the first of such instalment shall be payable before possession of the allotted lands handed over the allottee:

Provided that an allottee belonging to Scheduled Castes/Scheduled Tribe, displaced Agriculturist displaced Landless Agriculturist/Released Sagri, Beneficiary of the IRD Programme shall pay the first instalment after one year from the taking possession of the allotted land."

3. Subs. by Noti. No. F. 4(6) Colo./97, dt. 11.9.2002—Raj. Gaz., Exty., Pt. IV-C(1), dt. 17.9.2002, p.101(2) = **2002 RSCS/Pt. II/P. 604/H. 582** for the following expression: "at the time of allotment"

allottee a Demand Statement of the instalment to be realised from him and shall send it to the Collector and then it shall be the duty of the Collector to realise the amount from the allottee the instalments as and when they fall due and to maintain ledger and other accounts, registers connected therewith. The amount realised as well as the instalments falling in arrears with regard to each allottee shall be reported by the Collector after each crop to the Allotting Authority.

(7) In cases in which the cost of development, of the allotted land has been borne by the State Government, the cost shall be payable by the allottee at the rates prescribed by the State Government from time to time, alongwith the instalments of the price of the land.

¹[(8) Notwithstanding anything contained in this rule:—

- (i) the allottees belonging to Schedule Castes or Scheduled Tribes in Tribal Area Sub Plan (TSP), who already deposited 25% or more of the reserve price or the allottees who deposited less than 25% of the reserve price but deposit such remaining amount within six months, from the date of publication of these Amendment Rules, shall be entitled to get khatedari rights under these rules, provided the land still in their possession and they fulfill other conditions of allotment and otherwise eligible to get the khatedari rights. The amount excess of 25% already deposited, shall not be refunded.
- (ii) the person belonging to below poverty line who allotted land under these rules prior to publication of the said Amendment Rules, shall be entitled to get the Khatedari rights, provided the land still in their possession and they fulfill other conditions of allotment and otherwise eligible to get the khatedari rights. The amount already deposited shall not be refunded.]

²**[14-A. Regularisation of certain cases of trespassers.—**(1) Notwithstanding anything contained in these rules, and subject to the specific or general directions of the Government, the Allotting Authority may, on the advice of the Advisory Committee, instead of ejecting a trespasser from the land occupied by him, allow him to retain possession of the whole or part of such land subject to the extent of the ceiling area applicable to the allottee under the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act II of 1973):

³[Provided that such trespasser has been in continuous possession of the trespassed land prior to ⁴[1.1.2000]]

(2) Upon regularisation in the manner indicated in sub-rule (1), the

1. Ins. by Noti. No. F. 4(4) Col./98, dt. 3.8.2006—Raj. Gaz., Exty., Pt. IV-C(I), dt. 26.8.2006, p.61(1) = **2007 RSCS/Pt. II/P. 260/H. 300**

2. Ins. by No. 3 [14-5-1992]

3. Subs. by Noti. No. F. 4(4) Col./98, dt. 8.5.2001—Raj. Gaz., Exty., Pt. IV-C(I), dt. 23.5.2001, p.21 = **2001 RSCS/Pt. II/P. 578/H. 482** for the following: "Provided that such trespasser has been in continuous possession of the trespassed land prior to 1.5.1988"

4. Subs. by Noti. No. F. 4(4) Col./98, dt. 11.1.2008—Raj. Gaz., Exty., Pt. IV-C(I), dt. 25.1.2008, p.159(1) = **2008 RSCS/Pt. II/P. 377/H. 186** for the following: "1.1.1995"

trespasser shall be deemed to have been allotted the land so regularised under these rules and shall be governed by the terms and conditions prescribed in these rules.

¹[(3) Such trespasser upon regularization shall be bound to pay the price at the following rates :—

- | | |
|--|--|
| (i) For small/marginal farmers, persons belonging to the SC/ST/below poverty line of General category, and beneficiary of the I.R.D.P. | 15% of the rate determined by District Level Committee. |
| (ii) For others | 30% of the rate determined by the District Level Committee.] |

(4) The price fixed under sub-rule (3) shall be paid by the trespasser in four yearly instalments and the first of such instalments shall be payable within 30 days from the date of order of regularisation. The subsequent instalments shall be payable on or before 15th July every year.

(5) The price of land fixed shall be deemed to have become due from the date of order of regularisation and a simple interest at the rate of 6% per annum shall be payable on the amount of the instalment which has follow due for payment. In case the allottee does not make payment of the instalment becoming so due even after the lapse of the period prescribed, for each instalment, interest at the rate of 9% per annum shall be payable on the amount of such instalment from its due date and if the instalment continues to fall in arrears exceeding six months the interest at the rate of 12% per annum shall be payable by such defaulter.

(6) All instalments together with interest, if any, shall be paid at the nearest Treasury or Sub-treasury.

(7) The following rates of rebate shall be allowed to the allottee:—

Persons belonging to the S.C./S.T./ IRDP/Displaced Agriculturist/Displaced landless agriculturists/Released Sagri	Beneficiary of the	Others
15%		10%]

For payment of the whole price in one lump sum ²[within three days of allotment, day of allotment being inclusive.]

15. Sale by special Allotment.—Notwithstanding anything to the contrary contained in these rules such lands as may be notified in this behalf by the State Government in the Rajasthan Rajpatra to be sold by special allotment may be allotted to the persons who are eligible for such allotment in the order of preference given in Rule 6 of these rules and where any such person is not available, to any other person who has been bonafide resident of Rajasthan for a period of not less than ten years from the date of application subject to the

1. Subs. by Noti. No. F. 4(1) Col/98, dt. 8.5.2001—Raj. Gaz., Exty., Pt. IV-C(1), dt. 23.5.2001, p.21 = 2001 RSCS/Pt. II/P. 578/H. 482 for the following:

“(3) Such trespasser upon regularisation shall be bound to pay the price at the market rate”

2. Subs. by Noti. No. F. 4(6) Colo./97, dt. 11.9.2002—Raj. Gaz., Exty., Pt. IV-C(1), dt. 17.9.2002, p.101(2) = 2001 RSCS/Pt. II/P. 583/H. 604 for the following expression: “at the time of allotment”

extent of the ceiling area applicable to the allottee under the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973), at a fixed price to be notified by the State Government in the Rajasthan Rajpatra from time to time, for such notified lands.

(2) (i) The Allotting Authority, soon after the issue of the notification by the State Government in the Rajasthan Rajpatra for sale by special allotment at the price notified, shall issue a public notice in Form VIII under his signature inviting applications for special allotment within the time fixed therein which shall not be less than 30 days from the date of issue of such notice. The time fixed by the Allotting Authority for inviting application may be extended by him as and when necessary.

(ii) Copies of such notice shall be affixed on the following places for wide publicity, namely:—

(a) Notice Board of the Allotting Authority concerned.

(b) Notice Board of Colonisation Tehsil/Revenue Tehsil in which the land is situate.

(c) Conspicuous place in the village in which the land is situate.

(iii) Where the Allotting Authority is not the Collector of the Revenue District, a copy of such notice shall also be sent to the Collector of the District for affixing it on the Notice Board of the Collectorate.

(3) (i) Within the time fixed in the public Notice issued under sub-rule (2) or within such time as may be extended by the Allotting Authority from time to time, any person eligible for allotment under this rule may present an application in Form IX to the Allotting Authority of the area or to any other officer authorised by the Collector.

(ii) An application made under clause (i) of sub-rule (3) shall be verified by the applicant as a plaint according to the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908).

(iii) The applicant shall file, alongwith his application an affidavit duly verified by a Magistrate or an Oath Commissioner to the effect that the factual information given by him in his application regarding his permanent place of residence, means of livelihood, extent of his land holding, if any, and other particulars are true to the best of his knowledge and or belief.

(iv) Applications received after the time fixed in the public notice issued under sub-rule (2) or after the extended time under sub-rule (2) shall not be considered and shall be filed in a separate file kept for the purpose, unless the Allotting Authority desires to consider, any application received late as a special case for reasons to be recorded in writing.

(4) (i) On receipt of an application the Allotting Authority shall immediately register it in a register to be maintained in his office in Form X and shall issue a receipt to the applicant in Form XI.

(ii) The Allotting Authority shall scrutinise application and the annexed affidavit and shall verify the particulars contained therein with reference to relevant entries in the land record and shall conduct or get conducted such enquiry as he may consider necessary for his satisfaction.

(iii) After satisfying himself about the correctness of the information submitted by the applicant the Allotting Authority shall arrange the applications according to the priority for allotment as provided for in Rule 6. He shall next fix a date, time and place for deciding the applications and shall affix a notice to his effect on the notice board of his office. Such notice shall not be of less than 7 days. The Allotting Authority may decide the applications on the date and time so fixed.

(iv) If it is discovered at any time that any information submitted by any applicant is false or if any allottee fails to cultivate the land personally the entire land allotted may be resumed by the Allotting Authority without payment of compensation.

(5) (i) A sum equivalent to 5% of the notified price shall be deposited by the applicant as earnest money before his application is taken up for consideration by the Allotting Authority.

(ii) Twenty five percent of the notified price shall be paid by the allottee at the time of issue of the allotment order, and twenty percent of the notified price shall be paid by him before taking actual possession of the land allotted to him.

(iii) The remaining 50% shall be recovered in two equal instalments. If the allotment order is issued before 30th June of the year, the first instalment shall fall due on first day of January of the year immediately following, and if the allotment order is issued in between 1st July and 31st December of the year, the first instalment shall fall due on 1st July of the year immediately following and the second instalment shall fall due six months after the first instalment.

The earnest money of an applicant who retracts and does not deposit the notified price as prescribed in the rules at the time of allotment shall be forfeited by the State Government.

(iv) In the event of more than one eligible person of the same category applying for allotment of the same plot of land, allotment shall be made to person who is ready to deposit whole of the notified price at the time of allotment.

(v) In the event of more than one eligible person of the same category being ready to deposit whole of the notified price forthwith, allotment shall be made by drawing lots.

(vi) After completion of allotment, the earnest money of the non allottee applicant shall be returned immediately.

16. Sale by public Auction.—(1) The Allotting Authority shall issue a notice of sale in Form XII giving full details of the land to be sold by public auction, namely, the name of the village, khasra number, area, date, time and place of auction.

(2) The notice shall be signed and sealed by the Allotting Authority and shall be affixed on the notice board of his office, and copies of the notice shall be affixed on the notice board of the Tehsil and on the Notice Board of the village Panchayat. The contents of the notice shall be made widely known in the locality in which the land proposes to be sold is situate, by any two or more of these modes namely, (i) by affixing copies thereof at some convenient place on

or near about such land and in other conspicuous public places in the locality or, (ii) by beat of drum or (iii) by advertisement in newspaper having wide circulation in the locality.

(3) Sale by public auction under these rules shall be made by the Allotting Authority or any other Gazette Officer appointed by him for the purpose with the prior approval of the Government.

(4) The following shall be the conditions of the sale under these rules :—

(a) All land sold under these rules shall be subject to the provisions of the Act and of the Rajasthan Colonisation (General Colony) Conditions, 1955 and of these rules.

(b) Land may be put up for sale in one lot or in several lots other than those shown in the notice and the Allotting Authority shall be competent to withdraw any lot or lots from sale without assigning any reason. The reserve price fixed by the Government or the offer received in auction, whichever is higher, shall be the sale price of the land:

Provided that small patch of 2 acres or less shall be allotted to a tenant of contiguous field or holding by charging 10% over and above the reserved price but if there are more than one claimant for such small patch it will be given to the highest bidder by inviting auction among such claimants having contiguous field or holding thereto:

Provided further that the conditions laid down in sub-clause (ii) of clause (d) hereunder shall not be applicable in such cases.

(c) No land shall be put up for sale until the State Government fixes a reserve price thereof.

(d) No person shall be allowed to bid unless he—

(i) deposits an earnest money amounting to five per cent of the total reserve price of each plot of land in cash. This earnest money shall be refunded on the spot to the unsuccessful bidders at the conclusion of the auction;

(ii) Signs a declaration before the office conducting the auction that he does not hold in his own or in the name of any member of the joint family or if he holds land the total area of the land already held and of the land he wishes to purchase at the auction shall not exceed the ceiling area prescribed for the Tehsil concerned, and that he undertakes to cultivate the land personally.

(e) No person shall at any auction, retract his bid and if any dispute arises, the land shall be put to auction again at the last undisputed bid.

(f) The highest offer shall be communicated to the Collector and the sale shall not be complete unless the offer is accepted by the Collector:

Provided that the Collector shall not, without the approval of the State Government in Colonisation Department accept an offer which is less than 25% over the reserved price.

- (g) The State Government in Colonisation Department reserves the right to reject any bid without assigning any reason.
- (h) A sum equal to twenty percent of the purchase price shall have to be deposited in cash on the date the bid is closed, fifteen percent of the purchase price shall be paid within one month of such date and the remaining sixty per cent in two equal yearly instalments, that is to say, thirty per cent of the purchase price one year after such date and the remaining thirty percent at the close of the second year. The amount payable in instalments shall bear interest at 9% per annum and the interest shall be payable along with the instalment of the purchase price.

17. Cancellation of Allotment.—If at any time it is discovered that any allotment of Government land was made under these rules upon an incorrect statement of facts made in the application or in any other document produced by an allottee, the Allotting Authority may order cancellation of such allotment and may also order re-entry upon and taking possession of the land without payment of any compensation:

Provided that no such order shall be made without giving the person likely to be affected thereby, an opportunity being heard.

COM M E N T A R Y

[1] In the present case allotment of Abadi land was cancelled on the ground that the petitioner was a Doctor by profession and there was neither evidence of his being a landless or bona fide agriculturist nor he was having agricultural land adjacent to allotted land. Held, allotment was rightly cancelled. *Mohammad Syed vs. State of Rajasthan & Anr.*, 2001 RRC 72 = 2001 RRD 122 = 2001 RBJ 223 = 2001 (2) RRT 994 = RLW 2001 (3) RS 12.

[2] Where the petitioners had been conferred upon khatadari rights after allotment made to them then in view of the decision rendered by the Hon'ble Apex Court the allotment made to the petitioner was not liable to set aside. Apart from the above aspect in fact there was no material available on record also to justify the cancellation of allotment because the two grounds available in the notice issued to the petitioners that they were not the residents of the place where the allotment was made to them and they were not agriculturist was also not proved on the basis of record. Held, the learned Collector as well as the learned RAA both had not properly scrutinized the matter and cancelled the allotment which cannot be allowed to be sustained. *Smt. Rasida Begum vs. State of Rajasthan*, 2000 RBJ 525.

18. Appeal and Revision.—(1) Any person aggrieved by an order of the Allotting Authority under these rules, may within 30 days of the date of such order, appeal to the Revenue Appellate Authority, whose decision shall be final.

(2) Any person aggrieved by an order of the Revenue Appellate Authority, may within 60 days of the date of such order, file revision to the Board of Revenue for Rajasthan.

19. Allotment of Government Land in Special Cases.—Notwithstanding anything contained in these rules, the Government may make allotment to any person as a special case:

Provided that the Government may delegate the powers of allotment in any case or class of cases under this rule to the Collector or any other prescribed authority subject to such terms and conditions as may be prescribed in this behalf.

FORM I

[See Rule 7 (3)]

List of Government Command Lands

Tehsil

District Banswara A

S. No.	Name of village	Khasra No.	Area	Class of soil	Remarks
1	2	3	4	5	6

FORM II

[See Rule 8(1)]

Public Notice

Whereas Bighas of Government land situated in village of tehsil is available for allotment for agricultural purposes under the Rajasthan Colonisation (Mahi Project Government Lands Allotment and Sale) Rules, 1984, this public notice is hereby issued under Rule 8(1) of the said rules and all concerned are hereby informed that any person who is eligible for allotment of Government land, under the said rules may apply to the Allotment Authority in the prescribed Form within days of the publications of this public notice. The list of allotment lands can be seen in the office of the undersigned and on that of concerned Tehsil during office hours on working day.

Issued under my hand and the seal of office on this day of 19 .

Signature

FORM III

[See Rule 9(1)]

Application for Allotment of Land

To,

The Allotting Authority,

Tehsil

District

Sub: Application for allotment of land under the Rajasthan Colonisation
(Mahi Project Government land allotment and Sales) Rules, 1984.

Sir,

¹[I/We] Son of Caste Permanent
resident of Tehsil Occupation District²[or

(In case of married applicant)

We, Shri S/o Age.....
Caste Occupation (husband), and Smt.
W/o Age Caste Occupation.....
(wife), permanent R/o Tehsil District of
Rajasthan, hereby state as under.]That ³[I/we am/are] displaced agriculturist/displaced landless
agriculturist/Released Sagri/Beneficiary of IRDP/Landless Agriculturist/
temporary tenant within the meaning of the above rules.2. That ³[I/we] hold the undermentioned lands/do not hold any land:—

Name of village	Name of Tehsil with district	Khasra No. and area	Soil Class of tenure, khatedari, Gair-khatedari or on temporary lease.
1	2	3	4

3. That ³[my/our] family consists of:—

Name of adult family members with relation and age		Name of children with relation and age	
Male	Female	Male	Female

1. Subs. by Noti. No. F. 4(4) Col/98, dt. 16.10.2002—Raj. Gaz., Exty., Pt. IV-C(I), dt. 24.10.2002, p.119(3) = 2003 RSCS/Pt. II/P. 8/H. 12 for the following words: "I", "am", "my" or "Applicant" by the following expression "I/We", "am/are", "my/our" or "Applicant/Applicants" respectively.

2. Subs. by Noti. No. F. 4(4) Col/98, dt. 16.10.2002—Raj. Gaz., Exty., Pt. IV-C(I), dt. 24.10.2002, p.119(3) = 2003 RSCS/Pt. II/P. 8/H. 12 for the following expression: "hereby submit as under:—"

3. Subs. by Noti. No. F. 4(4) Col/98, dt. 16.10.2002—Raj. Gaz., Exty., Pt. IV-C(I), dt. 24.10.2002, p.119(3) = 2003 RSCS/Pt. II/P. 8/H. 12 for the following words: "I", "am", "my" or "Applicant" by the following expression "I/We", "am/are", "my/our" or "Applicant/Applicants" respectively.

¹[I/We] therefore hereby request that ¹[I/We] may be allotted the under mentioned lands for cultivation:—

Name of village	Tehsil	Khasra number and area	Soil Class
1	2	3	4

¹[I/We] hereby agree to abide by the provisions of (i) Rajasthan Colonisation Act, 1954 (ii) the Rajasthan Colonisation (General Colony) Conditions, 1955 and (iii) the Rajasthan (Mahi Project Government Lands Allotment and Sale) Rules, 1984 and ¹[I/we] further undertake to pay the price of the land as fixed by the Government.

Yours faithfully,

Signature

¹[I/We], S/o Caste Resident of verify that the statements made in the above application are true to ¹[my/our] knowledge and belief.

¹[Applicant/Applicants]

FORM IV

[See Rule 9(3)]

Register of Application for Allotment

Name of the Tehsil

District

S. No.	Date of receipt of the application	Time	Name of applicant	Address
1	2	3	4	5

FORM V

[See Rule 9(3)]

Acknowledgment of Receipt of Application

Received application of Shri/Shrimati son of resident of village Tehsil District for allotment of land under the Rajasthan Colonisation (Mahi Project, Government Land Allotment and Sale) Rules, 1984 on (date) and registered at serial number

Signature of Allotting Authority

1. Subs. by Noti. No. F. 4(4) Col./98, dt. 16.10.2002—Raj. Gaz., Exty., Pt. IV-C(1), dt. 24.10.2002, p.119(3) = 2003 RSCS/Pt. II/P. 8/H. 12 for the following words: "I", "am", "my" or "Applicant" by the following expression "I/We", "am/are", "my/our" or "Applicant/Applicants" respectively

FORM VI

[See Rule 10(4)]

Reservation-wise list of eligible persons

S. No.	Name of eligible applicant with particulars	Description of reservation	Description of previous holdings	
			Name of village	Name of Tehsil & District
1	2	3	4	5

Total area of holding (In Bighas)		Area to be allotted (in Bighas)	Remarks
Command khasra No.	Uncommand khasra No.		
1	2	3	4

FORM VII

[See Rule 10(8)]

Allotment Order

Shri/Smt.

.....

Sub.—Permanent allotment of agriculture land under the Rajasthan Colonisation (Mahi Project Government Lands allotment and sale) Rules, 1984.

Ref.—Your application dated

Your application for permanent Allotment of agriculture land has been considered and has been granted as under:—

1. That you have been permanently allotted land of the following description:—

S. No.	Name of Village	Khasra No.	Areas in bighas			Soil Class	Remarks
			Command	Uncommand	Total		
1	2	3	4	5	6	7	8

2. That the price of the said allotted land measuring Bighas amounting to Rs. shall be payable to the State Government in 10 half yearly instalments and the first of such instalments shall be payable before taking possession of the allotted land.
3. For Scheduled Caste/Scheduled Tribes/Displaced agriculturist/Displaced landless agriculturist/Released Sagri/ Beneficiary of the I.R.D. Programme, shall pay the instalment after one year from the taking of possession of the allotted land.

