

**THE RAJASTHAN COLONISATION (ALLOTMENT  
AND SALE OF GOVERNMENT LAND IN THE  
INDIRA GANDHI CANAL COLONY AREA)  
RULES, 1975**

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## THE RAJASTHAN COLONISATION (ALLOTMENT AND SALE OF GOVERNMENT LAND IN THE INDIRA GANDHI CANAL COLONY AREA) RULES, 1975

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And as amended subsequently by the following notifications:—

1. Noti. dt. 13.03.1976 — Raj. Govt. Gaz., dt.13.03.1976
2. Noti. dt. 19.03.1976 — Raj. Govt. Gaz., dt. 25.03.1976
3. Noti. dt. 06.07.1976 — Raj. Govt. Gaz., dt.15.07.1976
4. Noti. dt. 15.07.1976 — Raj. Govt. Gaz., dt. 29.07.1976
- 4.A. Noti. dt. 25.08.1976 — Raj. Govt. Gaz., dt. 26.08.1976
5. Noti. dt. 27.08.1976 — Raj. Govt. Gaz., dt. 02.09.1976
6. Noti. dt. 08.10.1976 — Raj. Govt. Gaz., dt. 21.10.1976
- 6.A. Noti. dt. 09.03.1977 — Raj. Govt. Gaz., dt. 24.03.1977
7. Noti. dt. 30.01.1978 — Raj. Govt. Gaz., dt. 25.05.1978
8. Noti. dt. 20.09.1978 — Raj. Govt. Gaz., dt. 20.09.1978
9. Noti. dt.18.11.1978 — Raj. Govt. Gaz., dt. 21.12.1978
10. Noti. No. F. 4(10) Rev./Col./75, dt. 20.02.1980 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 20.02.1980, p. 555
11. Noti. No. F. 4(5) Rev./Col./77, dt. 19.03.1980 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 22.03.1980, p. 587
12. Noti. No. F. 4(10) Rev./Col./75, dt. 29.12.1980 — Raj. Govt. Gaz., Pt. IV-C, dt. 08.01.1981, p. 324
13. Noti. No. F. 4(10) Rev./Col./75, dt. 24.01.1981 — Raj. Govt. Gaz., Pt. IV-C, dt. 05.02.1981, p. 372
14. Noti. No. F.18 (3) Rev./Col./77, dt. 07.02.1981 — Raj. Govt. Gaz., Pt. IV-C, dt. 12.02.1981, p.430
15. Noti. No. F. 4(10) Rev./Col./75, dt. 04.01.1981 — Raj. Govt. Gaz., Pt. IV-C, dt. 09.04.1981, p. 16
16. Noti. No. F. 4(16) Rev./Col./79, dt. 25.06.1981 — Raj. Govt. Gaz., Pt. IV-C, dt. 02.07.1981, p. 83
17. Noti. No. F. 4(10) Rev./Col./75, dt. 20.08.1981 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 20.08.1981, p. 261
18. Noti. No. F.2 (9) Rev./Col./69, dt. 08.02.1982 — Raj. Govt. Gaz., Pt. IV-C, dt.18.02.1982, p. 435
19. Noti. No. F. 4(5) Rev./Col./82, dt. 08.11.1982 — Raj. Govt. Gaz., Pt. IV-C, dt.18.11.1982, p. 512
20. Noti. No. F. 4(25) Rev./Col./77, dt. 10.11.1982 — Raj. Govt. Gaz., Pt. IV-C, dt. 25.11.1982, p. 525
21. Noti. No. F. 4(10) Rev./Col./75, dt. 27.12.1982 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 11.01.1983, p. 333.

22. Noti. No. F. 4(16) Rev./Col./79, dt. 07.01.1983 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 15.01.1983, p. 385.
23. Noti. No. F. 4(5) Rev./Col./81, dt. 07.07.1983 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 08.07.1983, p. 99.
24. Noti. No. F. 4(11) Rev./Col./83, dt. 05.10.1983 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 13.10.1983, p. 187.
25. Noti. No. F. 4(10) Rev./Col./75, dt. 25.11.1983 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 26.11.1983, p. 239.
26. Noti. No. F. 4(13) Rev./Col./83/1, dt. 25.11.1983 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 26.11.1983, p. 243.
27. Noti. No. F. 4. (19) Rev./Col./83, dt. 13.10.1983 — Raj. Govt. Gaz., Pt. IV-C, dt. 08.12.1983, p. 677.
28. Noti. No. F.3 (15) Rev./Col./76, dt. 01.12.1983 — Raj. Govt. Gaz., Pt. IV-C, dt. 15.12.1983, p. 679.
29. Noti. No. F. (24) Rev./Col./82, dt. 24.01.1984 — Raj. Govt. Gaz., Pt. IV-C, dt. 01.02.1984, p. 383.
30. Noti. No. F. 4(19) Rev./Col./83, dt. 25.04.1984 — Raj. Govt. Gaz., Pt. IV-C, dt. 03.05.1984, p. 18.
31. Noti. No. F. 4(19) Rev./ Col./83, dt. 02.07.1984 — Raj. Govt. Gaz., Pt. IV-C, dt. 12.07.1984, p. 119.
32. Noti. No. F. 4 (11) Rev./ Col./83, dt. 6.7.1984 — Raj. Govt. Gaz., Pt. IV-C, dt. 19.7.1984, p. 142.
33. Noti. No. F. 4(11) Rev./ Col./83, dt. 23.8.1984 — Raj. Govt. Gaz., Pt. IV-C, dt. 13.9.1984, p. 253.
34. Noti. No. F. 4 (19) Rev./ Col./83, dt. 21.11.1984 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 6.12.1984, p. 365.
35. Noti. No. F. 4 (24) Rev./ Col./82, dt.18.1.1985 — Raj. Govt. Gaz., Pt. IV-C, dt. 24.1.1985, p. 397.
36. Noti. No. F. 4 (8) Rev./ Col./83, dt. 18.1.1985 — Raj. Govt. Gaz., Pt. IV-C, dt. 7.2.1985, p. 399.
37. Noti. No. F. 4 (19) Rev./ Col./83, dt. 16.2.1985 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 28.2.1985, p. 163.
38. Noti. No. F. 4 (16) Rev./ Col./84, dt. 8.5.1985 — Raj. Govt. Gaz., Pt. IV-C, dt. 4.7.1985, p. 74.
39. Noti. No. F. 4(19) Rev./ Col./83, dt. 9.10.1985 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt.16.10.1985, p. 288.
40. Noti. No. F. 3 (8) Rev./ Col./81, dt. 23.11.1985 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 10.1.1986, p. 339.
41. Noti. No. F. 4 (2) Rev./ Col./86, dt. 4.9.1986 — Raj. Govt. Gaz., Pt. IV-C, dt. 18.9.1986, p. 163.
42. Noti. No. F. 4 (14) Rev./ Col./83, dt. 11.9.1986 — Raj. Govt. Gaz., Pt. IV-C, dt. 2.10.1986, p. 177.

43. Noti. No. F. 3 (73) Raj/35/88, dt. 21.9.1988 — Raj. Govt. Gaz., Pt. IV-C, dt. 20.10.1988, p. 151.
44. Noti. No. F. 3 (76) Rev./ Col./88, dt. 28.10.1988 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 1.11.1988, p. 321.
45. Noti. No. F. 4 (5) Rev./ Col./81, dt. 27.10.1988 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 1.11.1988, p. 321.
46. Noti. No. F. 4 (9) Rev./ Col./87, dt. 1.3.1988 — Raj. Govt. Gaz., Pt. IV-C, dt. 1.6.1989, p. 19.
47. Noti. No. F. 4 (14) Rev./ Col./83, dt. 29.6.1987 — Raj. Govt. Gaz., Pt. IV-C, dt. 1.6.1989, p. 21.
48. Noti. No. F. 4 (9) Rev./ Col./87, dt. 3.9.1987 — Raj. Govt. Gaz., Pt. IV-C, dt. 1.6.1989, p. 24.
49. Noti. No. F. 4(7) Rev./ Col./87, dt. 23.1.1988 — Raj. Govt. Gaz., Pt. IV-C, dt. 1.6.1989, p. 25.
50. Noti. No. F. 4 (9) Rev./ Col./87, dt. 25.3.1989 — Raj. Govt. Gaz., Pt. IV-C, dt. 18.5.1989, p. 9.
51. Noti. No. F. 4 (9) Rev./ Col./87, dt. 22.9.1988 — Raj. Govt. Gaz., Pt. IV-C, dt. 13.7.1989, p. 46.
52. Noti. No. F. 3 (76) Rev/Col./88, dt. 20.2.1992 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 25.2.1992, p. 410.
53. Noti. No. F. 3 (92) Col./91, dt. 21.1.1992 — Raj. Govt. Gaz., Exty., Pt. IV-C dt. 4.2.1992, p. 137.
54. Noti. No. F. 4 (2) Col./92, dt. 12.3.1992 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 4.6.1992, p. 234.
55. Noti. No. F. 4 (5) Rev./ Col./81, dt. 19.5.1992 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 19.11.1992, p. 456.
56. Noti. No. F. 3 (92) Col./91, dt. 11.11.1992 — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 21.11.1992, p. 83.
57. Noti. No. F. 4 (2) Col./92, dt. 30.6.1993 — Raj. Govt. Gaz., Pt. IV-C, dt. 15.7.1993, p. 82.
58. Noti. No. F. 4 (5) Rev./ Col./81, dt. 19.8.1993 — Raj. Govt. Gaz., Pt. IV-C, dt. 4.9.1993, p. 82, w.e.f. 27.10.1988.
59. Noti. No. F. 4 (5) Rev./ Col./81, dt. 20.8.1993 — Raj. Govt. Gaz., Pt. IV-C, dt. 4.9.1993, p. 84.
60. Noti. No. F. 4 (2) Rev./ Col./92, S.O. 112, dt. 20.10.1993, — Raj. Govt. Gaz., Exty., Pt. IV-C, dt. 30.10.1993, p. 172.
61. Noti. No. F. 4 (2) Col./92 Pt., dt. 24.3.1994 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 2.4.1994, p. 1(3), w.e.f. 2.4.1994 = **1995 RSCS/Pt. II/ P. 2/H. 4.**
62. Noti. No. F. 4 (2) Col./92, dt. 3.1.1995 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 9.1.1995, p. 367(3), w.e.f. 3.1.1995 =**1995 RSCS/ Pt. II/P. 373/H. 254.**

63. Noti. No. F. 4 (2) Col./92, GSR 61, dt. 22.07.1995 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt.18.09.1995, p.113(2), w.e.f. 22.07.1995 = **1996 RSCS Pt. II/P. 116/H. 101.**
64. Noti. No. F. 4(15) Col./92, GSR 62, dt. 01.09.1995 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 18.09.1995, p.113(4) w.e.f. 01.09.1995 = **1996 RSCS, Pt. II/P. 117/H. 102.**
65. Noti. No. F. 4(24) Rev./Col./82, dt. 26.09.1995 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 31.10.1995, p.131(2), w.e.f. 31.10.1995 = **1996 RSCS/Pt. II/ P. 52 /H. 36.**
66. Noti. No. F. 4(2) Col./92, GSR 70, dt.11.10.1995 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 31.10.1995, p.131(4), w.e.f. 31.10.1995 = **1996 RSCS/ Pt. II/P. 53/H. 37.**
67. Noti. No. F. 4(2) Col./92, GSR 105, dt. 01.03.1996 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt.16.03.1996, p. 228, w.e.f. 01.03.1996 = **1996 RSCS/Pt. II/P. 220/H. 293.**
68. Noti. No. F. 4(3) Col./Rev./85, GSR 21, dt. 17.05.1996 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 07.06.1996, p.39(2), w.e.f. 18.11.1978 = **1996 RSCS/Pt. II/P. 265/H. 342.**
69. Noti. No. F.3 (100) Rev./Col./94, dt. 08.01.1997 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 21.01.1997, p. 227(2), w.e.f. 21.01.1997 = **1997 RSCS/Pt. II/P. 99/H. 93.**
70. Noti. No. F. 4(15) Col./92, dt. 17.02.1997 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 25.03.1997, p. 280(2), w.e.f. 12.02.1997 = **1998 RSCS/Pt. II/P. 291/H. 257.**
71. Noti. No. F. 4(2) Col./92, dt. 19.02.1997 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 01.03.1997, p.255(3), w.e.f. 19.02.1997 = **1998 RSCS/Pt. II/ P. 290/H. 256.**
72. Noti. No. F.3 (46) Rev./Col./83, dt. 18.03.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 24.03.1999, p. 513(2), w.e.f. 18.03.1999 = **1999 RSCS/ Pt. II/P. 145/H. 140**
73. Noti. No. F. 4(10) Col./95, dt. 05.05.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 19.05.1999, p.29(10), w.e.f. 19.05.1999 = **1999 RSCS/Pt. II/ P. 418/H. 353.**
74. Noti. No. F.3 (57) Col./95, Pt. VI, dt. 16.07.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 16.07.1999, p. 87(2), w.e.f. 16.07.1999 = **1999 RSCS/Pt. II/ P. 423/H. 364.**
75. Noti. No. F. 4(11) Col./98, dt. 16.08.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 28.08.1999, p. 109(5), w.e.f. 28.08.1999 = **2001 RSCS/Pt. II/ P. 271/H. 184** amended by Noti. No. F. 4 (11) ँॢ./98, dt. 28.06.2001—Raj. Govt. Gaz., Exty., Pt. IV – C(I), dt. 06.07.2001, p. 61, w.e.f. 28.08.1999 = **2001 RSCS/Pt. II/P. 603/H. 522.**
76. Noti. No. F. 4(19) Col./99, dt. 09.11.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 01.04.2000, p. 5(3), w.e.f. 09.11.1999 = **2001 RSCS/Pt. II/ P. 88/H.77.**

77. Noti. No. F. 4(13) Col./98, dt. 09.11.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 01.04.2000, p. 7(2), w.e.f. 09.11.1999 = **2000 RSCS/Pt. II/ P. 638/H. 486.**
78. Noti. No. F.3 (57) Col./95, Pt. VI, dt. 09.11.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt.01.04.2000, p.9 (3), w.e.f. 09.11.1999 = **2001 RSCS/Pt. II/ P. 89/H. 78.** Corrected by corrigendum Noti. No. F. 3 (57) Col. / 95, Pt. VI, dt. 11.11.1999 — Raj. Govt. Gaz., Exty., Pt. IV - C(I), dt. 01.04.2000, p. 9(5).
79. Noti. No. F. 4(17) Col./97, dt. 17.11.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 01.04.2000, p.3(2), w.e.f. 01.04.2000 = **2001 RSCS/Pt. II/ P. 88/H. 76.**
80. Noti. No. F. 4(11) Col./98, dt. 20.11.1999 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 23.03.2000, p.207(4), w.e.f. 20.11.1999 = **2001 RSCS/Pt. II/ P. 657/H.604.**
81. Noti. No. F. 4(11) Col./1981, dt. 17.01.2000 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 15.03.2000, p. 205(1), w.e.f. 17.01.2000 = **2001 RSCS/Pt. II/ P. 656/H. 602.**
82. Noti. No. F. 4(29) Col./99, dt. 20.01.2000 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt.23.03.2000, p. 207(2), w.e.f. 20.01.2000 = **2001 RSCS/Pt. II/ P. 657/H. 603.**
83. Noti. No. F. 4(16) Col./99, dt. 15.04.2000 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 07.06.2000, p. 39(3), w.e.f. 15.04.2000 = **2001 RSCS/Pt. II/ P. 243/H.140.**
84. Noti. No. F. 4(8) Col./98, dt. 12.10.2000 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 24.10.2000, p.129, w.e.f. 12.10.2000 = **2001 RSCS/Pt. II/ P. 345/H. 232.**
85. Noti. No. F. 4(19) Col./99, dt.10.01.2001 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 07.02.2001, p.185(2), w.e.f. 10.01.2001 = **2001 RSCS/Pt. II/ P. 390/H. 254.**
86. Noti. No. F. 4(12) Col./98, dt. 24.04.2001 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 04.06.2001, p.29(4), w.e.f. 24.04.2001 = **2001 RSCS/Pt. II/ P. 600/H. 516.**
87. Noti. No. F. 4(10) Col./95, dt. 10.05.2001 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt.16.06.2001, p.45(5), w.e.f. 10.05.2001 = **2001 RSCS/Pt. II/ P. 601/H. 517.**
88. Noti. No. F. 4(17) Col./97, dt. 12.07.2001 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 06.08.2001, p.85(2), w.e.f. 12.07.2001 = **2002 RSCS/Pt. II/ P. 133/H. 119.**
89. Noti. No. F. 4(17) Col./97, dt. 11.09.2002 — Raj. Govt. Gaz., Ordya., Pt. IV-C(I), dt. 19.09.2002, p. 27, w.e.f. 11.09.2002 = **2003 RSCS/Pt. II/P. 2/H. 3.**
90. Noti. No. F. 3(29) Col./86, dt. 26.11.2004 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 31.01.2005, p. 141(8), w.e.f. 26.11.2004 = **2006 RSCS, Pt. II/ P. 173/H. 146.**

91. Noti. No. F. 4(1) Col./96, dt. 26.11.2004 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 31.01.2005, p. 141(9), w.e.f. 26.11.2004 = **2006 RSCS/Pt. II/ P. 173/H. 147.**
92. Noti. No. F. 4(16) Col./99, dt. 26.11.2004 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 03.04.2005, p. 7(1), w.e.f. 26.11.2004 = **2005 RSCS/Pt. II/ P. 325/H. 269.** Corrected by corrigendum of even number dt. 18.04.2006 — Raj Govt. Gaz., Exty., Pt. IV-C(I), dt. 22.04.2006, p. 35(2) = **2006 RSCS/Pt. II/P. 475/H. 327.**
93. Noti. No. F. 4(1) Col./2001, dt. 28.11.2004 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 21.02.2005, p.155, w.e.f. 28.11.2004 = **2006 RSCS/Pt. II/ P. 400/H. 231.**
94. Noti. No. F. 4(1) Col./2001, dt. 13.05.2005 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 28.05.2005, p. 25, w.e.f. 13.05.2005 = **2005 RSCS/Pt. II/ P. 313/H. 249.**
95. Noti. No. F. 4(1) Col./2001, dt.07.12.2005 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 03.01.2006, p.105, w.e.f. 07.12.2005 = **2006 RSCS/Pt. II/ P. 646/H. 437.**
96. Noti. No. F. 4(1) Col./2001, dt. 07.12.2005 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 03.01.2006, p. 106, w.e.f. 28.11.2004 = **2006 RSCS/Pt. II/ P. 647/H. 438.**
97. Noti. No. F. 4(19) Col./1999, dt. 28.04.2007 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 05.05.2007, p.63(1), w.e.f. 28.04.2007 = **2007 RSCS/Pt. II/ P. 477/H. 441.**
98. Noti. No. F. 4(11) Col./97, dt.18.05.2007 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 08.06.2007, p. 35, w.e.f. 18.05.2007 = **2007 RSCS/Pt.II/P. 446/H. 408.**
99. Noti. No. F. 4(16) Col./1999, dt. 26.05.2007 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 05.06.2007, p. 29(2), w.e.f. 26.05.2007 = **2007 RSCS/Pt.II/P. 570/H. 491.**
100. Noti. No. F. 4(2) Col./2005, dt. 28.05.2007 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 04.06.2007, p. 31, w.e.f. 28.05.2007 = **2007 RSCS/Pt.II/P. 495/H. 452.**
101. Noti. No. F. 4(11) Col./97, dt. 21.09.2007 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 01.10.2007, p. 113, w.e.f. 21.09.2007 = **2008 RSCS/Pt.II/P. 54/H. 15.**
102. Noti. No. F. 4(2) Col./07, dt. 03.10.2007 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 09.10.2007, p.117, w.e.f. 03.10.2007 = **2008 RSCS/Pt.II/P. 106/H. 98.**
103. Noti. No. F. 4(16) Col./99, dt. 11.01.2008 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 25.01.2008, p. 161(2), w.e.f. 11.01.2008 = **2008 RSCS/Pt.II/P. 379/H. 190.**
104. Noti. No. F. 4(16) Col./99, dt. 29.02.2008 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 11.03.2008, p. 180(1), w.e.f. 29.02.2008 = **2008 RSCS/Pt.II/P. 605/H. 321.**

105. Noti. No. F. 4(2) Col./2005, dt.12.06.2008 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 19.06.2008, p. 79, w.e.f. 12.06.2008 = **2009 RSCS/Pt.II/P. 53/H. 38.**
106. Noti. No. F. 4(2) Col./2007, dt. 04.08.2008 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 12.08.2008, p. 113(2), w.e.f. 04.08.2008 = **2009 RSCS/Pt.II/P. 351/H. 163.**
107. Noti. No. F. 4(4) Col./04, dt. 03.10.2008 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 13.10.2008, p. 181(2), w.e.f. 03.10.2008 = **2009 RSCS/Pt.II/P. 682/H. 352.**
108. Noti. No. F. 4(11) Col./98, dt. 20.05.2009 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 26.05.2009, p.12(1), w.e.f. 20.05.2009 = **2009 RSCS/Pt.II/P. 700/H. 392.**
109. Noti. No. F. 4(3) Col./2009, dt.13.07.2009 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 07.08.2009, p.43, w.e.f. 13.07.2009 = **2009 RSCS/Pt.II/P. 829/H. 536.**
110. Noti. No. F. 4(5) Col./2009, dt. 03.09.2009 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 09.10.2009, p. 71, w.e.f. 03.09.2009 = **2010 RSCS/Pt.II/P.96/H.39.**
111. Noti. No. F. 4(2) Col./2005, dt. 07.12.2009 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 14.12.2009, p. 95, w.e.f. 07.12.2009 = **2010 RSCS/Pt.II/P. 143/H. 77.**
112. Noti. No. F. 4(2) Col./2008, dt. 18.12.2009 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 24.12.2009, p. 101, w.e.f. 18.12.2009 = **2010 RSCS/Pt.II/P. 145/H. 84.**
113. Noti. No. F. 4(2) Col./2008, dt. 15.02.2010 — Raj. Govt. Gaz., Exty., Pt. IV-C(I), dt. 17.02.2010, p.135, w.e.f. 15.02.2010 = **2010 RSCS/Pt.II/P. 435/H. 188.**

*Note.*—(1) In the footnotes appearing hereinafter, reference to amending Notifications is made by Serial No. as given to them above.

(2) These rules repeal the following:—

- (i) The Rajasthan Colonisation (Rajasthan Canal Project Pre-1955 Temporary Tenants Government Land Allotment) Conditions, 1971; and
- (ii) The Rajasthan Colonisation (Sale and Allotment of Government Land to Post-1955 Temporary Cultivation Lease Holders and other Landless Persons in the Rajasthan Canal Project Area) Rules, 1971

Whereas, the Supreme Court of India has declared void and struck down Condition No. 3 of the Rajasthan Colonisation (Indira Gandhi Canal Project Pre-1955 Temporary Tenants Government land Allotment) Conditions, 1971 and the definition of landless person as contained in clause (xiii) of sub-rule (1) of Rule 2 and the provisions contained in sub-rule (2) of Rule 3 of the Rajasthan Colonisation (Allotment of Government land to Post-1955 Temporary cultivation lease holders and other landless persons in the Indira Gandhi Canal Project Area) Rules, 1971 on the ground that they were discriminatory, under Article 14



of the Constitution of India and in consequence thereof allotments of land made under the said Conditions and the said Rules have been adversely affected;

And whereas the Supreme Court has left it open to the State Government to frame new rules applying to both Pre-1955 and Post-1955 tenants without any discrimination between them;

Now, therefore, in exercise of the powers conferred by section 7 read with section 28 of the Rajasthan Colonisation Act, 1954 (Act No. XXVII of 1954), the State Government hereby makes the following rules for allotment and sale of Government land in the Indira Gandhi Canal Colony area, namely:—

**1. Short title, extent and Commencement.**—(1) These rules may be called the Rajasthan Colonisation (Allotment and Sale of Government land in the Indira Gandhi Canal Colony area) Rules, 1975.

(2) They shall extend to the whole of Indira Gandhi Canal Colony area.

(3) They shall come into force from the date of their publication in the Official Gazette.

## COMMENTARY

### SYNOPSIS

1. Back ground of the Rules.
2. Nature and scope of Rules.
3. Applicability of
4. Jurisdiction.
5. Comparison between Rules of 1975 & Gang Canal Rules, 1956.
6. Principles of natural Justice.
7. Permanent allotment.
8. Writ petition.

**1. Back ground of the Rules.**—The Supreme Court, in *Zaisingh vs. State of Rajasthan* [AIR 1975 SC 1436] held that the definition of the term 'landless person' under Rule 2 (1) (xiii) of the Rajasthan Colonisation (Rajasthan Canal Project pre-1955 Temporary Tenants Government Land Allotment conditions 1971 and Rule 3 (2) of the Rajasthan Colonisation (Sale and allotment of Government land to post 1955 Temporary cultivation lease holders and other landless persons in the Rajasthan canal project area are violative of Rule 1971 and are void on the ground that they are discriminatory under Art. 14 of the constitution. Consequently the pre-1955 and post 1955 rules of 1971 were replaced by the present Rule of 1975. Cases must be sent to allotment Authorities for decisions under the new Rules. *Sohan Singh vs. State of Rajasthan* 1975 RRD 491. *Bali Ram vs. State of Raj.* 1980 RRD 485.

**2. Nature and scope of Rules.**—These rules prescribe independent and exhaustive procedure of allotment to eligible persons. Persons adjudged eligible for allotment would not necessarily get allotment which is subject to priorities assigned and availability of the Land for allotment. *Shyam Singh vs. State of Raj.*, 1978 RRD 455.

**3. Applicability of.**—Rule 3 (2) & Rule 4 (3) of these rules are neither retrospective nor ultra vires to the Act since Rules of 1975 are framed as a

result of judgment of the Supreme Court. *Hansraj vs. Board of Revenue*, 1980 RRD 5 (HC).

The procedure as laid down under the new rules shall apply to the pending applications. To hold it otherwise would create confusion in implementing the new rules. *Bali Ram vs. State*, 1980 RRD 485; *Sohan Singh vs. State*, 1975 RRD 491.

**4. Jurisdiction.**—The Additional Colonisation Commissioner (Administration)-cum-Revenue Appellate Authority has no jurisdiction to appoint a receiver. *Smt. Senti Devi vs. Ramchandra*, 1985 RRD 746.

**5. Comparison between Rules of 1975 & Gang Canal Rules, 1956.**—There is significant difference between the two, that the later club the family land whereas the former recognises the independent entity of holdings though their holders are related by blood and live joint. Rule 15 of the Rajasthan Colonisation (Allotment and Sale of Government land in Rajasthan Canal Colony Area) Rules, 1975 lays down that when land is held jointly by two or more persons as members of joint family or as co-tenants, each of them shall be deemed to be the holder of as much area of land as he would be entitled to on partition. *Lalsingh vs. State of Raj.*, 1981 RRD 93.

**6. Principles of natural justice.**—Principles of natural justice must be followed and the applicant must be given proper opportunity of hearing and fair trial before judgment. Case was rightly remanded as the Additional Collector rejected the application for allotment without notice and enquiry. *Harisingh vs. State of Rajasthan*, 1967 RLW I Followed. *Jorasingh vs. State*, 1979 RRD 393.

**7. Permanent allotment.**—[1] It is true that the right to cultivate the land in dispute temporarily was granted to the applicant on the basis of the malshumari pertaining to the relevant year and the certificate issued by the Tehsildar. While there could not be any doubt as to the requirement of additional proof furnished by the applicant for the sake of obtaining permanent allotment of the land, it cannot be denied that the proof already accepted by the authorities should not be ignored at the time of considering the request of the applicant for permanent allotment.

The statement regarding the malshumari are recorded by Government officials and in case, the authorities considered it to be farzi, they should have looked into the matter further and not hastened to pass a judgment against the applicant. So is the case with the certificate issued by the Tehsildar. It is clearly mentioned therein that the applicant has been staying in Rajasthan from before 1.4.1955. As held in 1977 K.S.388, if the authorities have any doubt about the veracity of this certificate, they should better proceed against the Tehsildar and not penalize the applicant alone. At no stage of the inquiry held by both the lower court, the Tehsildar was cross examined to determine truthfulness of the attestation made by him. Under all these circumstances, therefore, the rights of the applicant have been prejudiced and he has not been given the fair treatment due to him. *Hakamsingh vs. State of Rajasthan*, 1979 RRD 178.

[2] Allotment of land not made to a landless person holding temporary

cultivation lease on the ground that from the photo affixed on the application form he appeared to be a minor—Date of birth certificate from the Headmaster of school and age certificate of a doctor not considered—Burden lay upon the authorities to prove his minority—Permanent allotment ordered—Where it was not disputed that the appellant is a landless person under the rules and that he was a temporary cultivation leaseholder, he was eligible and entitled to permanent allotment of the land on priority basis under the Rules. If the appellant had procured temporary allotment by giving false declaration regarding age then proceedings for cancelling temporary allotment should have been undertaken. The temporary lease of the appellant was never cancelled hence, permanent allotment could not be denied to him under the Rules. The authorities were not justified in rejecting the two certificates produced by the appellant. There being no evidence to show that the appellant was minor on the date of temporary allotment. Permanent allotment ordered. *Brijlal vs. Board of Revenue, 1993 (2) SCC 544 = 1993 RRD 596 (SC)*.

[3] Allotment—Petitioner employee in LIC is not an agriculturist and is not entitled to permanent allotment—Held finding is a mixed question of law and fact—No erroneous exercise of jurisdiction—The petitioner was an employee in the Life Insurance Corporation of India and was not a bonafide agriculturist in as much as agriculture was not his primary source of income. It is indisputable that only an agriculturist or a person whose primary source of income is agriculture or one who is a bonafide agricultural labourer, is entitled to get permanent allotment in his favour.

The finding is one of mixed question of fact and law and the petitioner has failed to show how this concurrent finding of all the three authorities, viz., the allotting authority, the appellate authority and the Board is erroneous in law. There is no error in exercise of its jurisdiction by the Board. *Hansraj & Ors. vs. Board of Revenue, 1979 R.L.W. 276=1979 W.L.N. 261*.

**8. Writ petition.**—Rajasthan Tenancy Act, 1955 and Rajasthan Canal Colony Area Rules, 1975 and Rajasthan Colonisation (Sales and Allotment of Government Land to Post—1955 Temporary Cultivation Lease Holders and Other Landless Persons in Rajasthan Canal Project Area) Rules, 1971 and Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sales) Rules, 1955 and Constitution of India—Art. 226—Challenge for creating pretext against preliminary objection of non-availability of alternative remedy of appeal—Held, writ deserves to be dismissed—In my considered opinion, the challenges have been made for creating pretext or excuse against preliminary objection which could very well be anticipated regarding non-maintainability of the writ petitions due to the alternative remedy of appeal. They are nothing but, smoke screen raised by the petitioners, themselves, for avoiding the objection of maintainability of writ petitions.

This preliminary objection deserves to be accepted and all the writ petitions except three mentioned above deserves to be dismissed on this ground, alone. *Budha Ram vs. State of Raj. & Ors., 1984 WLN 290*.

**2. Interpretation.**—(1) In these rules, unless there is anything repugnant to the subject or context:—

- (i) “Act” means the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954);
- (ii) “Advisory Committee” means a Committee Constituted by Rule 13;
- (iii) “Agricultural Graduate” means a landless person who is a graduate or a post-graduate in agriculture or agricultural engineering <sup>1</sup>[from any University in India] and who is un-employed;
- <sup>2</sup>(iv-A) “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.]
- (v) “Bhakra Landless Person” means a landless person as defined under sub-rule (vi) of Rule 2 of the Rajasthan Colonisation (Bhakra Project Government land allotment and sale) Rules, 1955 who will be declared eligible for allotment of land under those rules but who could not be allotted land in the Bhakra Project area;
- (vi) “Ceiling area” shall have the same meaning as is assigned to that expression by clause (d) of section 2 of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973;
- (vii) “Colonisation Commissioner” means an Officer appointed by the State Government as such and shall include any other Officer appointed by it to exercise the powers and perform the functions of the Colonisation Commissioner;
- (viii) “Colonisation Tehsil” and “Colonisation Tehsildar” shall respectively mean the area declared as such and an officer appointed as such for that area by the State Government and shall, where Colonisation operations have been closed, respectively include the concerned revenue tehsil and the Tehsildar appointed in relation thereto under section 20 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. XV of 1956);
- (ix) “Command Land” and “Uncommanded Land” shall respectively mean land shown as such by the Irrigation Department of the State Government in its latest authenticated command and uncommand statement with reference to any area of the Indira Gandhi Canal Colony;
- <sup>3</sup>(ix-a) “Ex-Serviceman” shall mean a landless person, other than a commissioned officer, who has been discharged from the Armed Forces of India after rendering atleast 5 years service but shall not

1. Subs. by No. 3 [15-7-1976]

2. Ins. by No. 20 [25-11-1982]

3. Added by No. 7 [25-5-1978]

include such person who has been discharged on disciplinary grounds.]

(x) "Form" means form annexed to these rules;

<sup>1</sup>[(x-a) "Index price" means the market value of the land determined, from time to time, by the District Level Committee constituted under the provisions of the Rajasthan Stamp Rules, 1955 with respect to the land of similar soil class for the area in which the land to be allotted is situated.]

<sup>2</sup><sup>3</sup>[(x-b)] "*Integrated Rural Development Programme*" means a programme undertaken by the State Government to identify the poorest persons 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.]

(xi) "*Joint Family*" means an undivided Hindu family and shall include in the case of other persons, a group or unit of the members of which are by custom or usage joint in estate or residence;

(xii) "*Johar Paitan land*" shall mean land recorded as such in the record of right and which has not been converted into culturable soil class by a competent authority;

(xiii) "*Landless Persons*" means a person who,—

(i) is a resident of Rajasthan ; and

(ii) has been by profession a *bona fide* agriculturist or a *bona fide* 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 it does not include temporary cultivation lease holder:

Provided that a person holding continuously since before the 1st day of April, 1955 only barani land in a village may surrender that land in favour of Government free of cost and on acceptance of such surrender, he will also be treated as a landless person of that village. <sup>4</sup>[xxx]:

<sup>5</sup>[Provided further that a released 'Sagri' as certified by the Sub-Divisional Officer will also be treated as landless person of that village.

1. Ins. by Noti. No. F. 4(10) Col./95, dt. 5.5.99—Raj. Gaz., Exty., Pt. IV-C(I), dt. 19.5.99, p.29(10) . = **1999 RSCS/Pt. II/P. 418/H. 353.**

2. Added by No. 20 [25-11-1982]

3. Renumbered by Noti. No. F. 4(10) Col./95, dt. 5.5.99—Raj. Gaz., Exty., Pt. IV-C(I), dt. 19.5.99, p.29(10) = **1999 RSCS/Pt. II/P. 418/H. 353**

4. Deleted by Noti. No. F. 4(15) Col./92, dt. 1.9.95—Raj. Gaz., Exty., Pt. IV-C(i), dt. 18.9.95, p.113(4). = **1996 RSCS/Pt. II/P. 117/H. 102**, previous expression was :—

"In case he is not allotted any command land within a year of such surrender, he can revoke the surrender of the land made by him"

5. Added by No. 5 [2-9-1976]

*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).]

<sup>1</sup>[Provided further that the following categories of persons shall not be deemed to be landless persons, 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 by, 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 landless person.]

<sup>2</sup>[(xiii-A) “*Medium Pacht*” means a piece of land measuring more than 5 bighas of irrigated land and 10 bighas of unirrigated land but not more than 10 bighas of irrigated land and 20 bighas of unirrigated land.]

(xiv) “*Panchayat*” and “*Panchayat Samiti*” shall respectively have the meaning assigned to these expressions by the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953) and the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959);

(xv) “*Resident of Rajasthan*” means a person who is ordinarily residing in Rajasthan <sup>3</sup>[for a period of not less than fifteen years excluding the persons who left country without passport at any time or during Indo-Pak wars of 1965 and 1971 but returned to India] and shall not include a person ordinarily resident of any other State who has been coming to Rajasthan only from season to season for the purpose of cultivation of land;

<sup>4</sup>[(xvi) “*Small Patch*” means a piece of land measuring upto <sup>5</sup>[5 bighas of irrigated land and 10 bighas of unirrigated land]].

<sup>6</sup>[(xvi-A) “*Stage-I*” means all lands in the Indira Gandhi Canal Colony which are wholly or partially irrigated through distributories which take

1. Added by No. 21 [11-1-1983]

2. Ins. by Noti. No. F. 4(16) Col./99, dt. 15.4.2000—Raj. Gaz., Exty., Pt. IV-C(1), dt. 7.6.2000, p.39(3). = **2001 RSCS/Pt. II/P. 243/H. 140**

3. Subs. by Noti. No. F. 4(15) Col / 92, dt. 1.9.95—Raj. Gaz., Exty., Pt. IV-C(i), dt. 18.9.95, p. 113(4). = **1996 RSCS/Pt. II/P. 102/H. 117**, for the following:—

“since before the 1st day of April, 1955”

4. Subs. by No. 16 [2-7-1981], for the following:—

“(xvi) “*Small Patch*” means a piece of land measuring upto 5 bighas (1.26 hectares);”

5. Subs. by No. 22 [15-1-1983] for the expression “two acres of irrigated land or four acres of unirrigated land.”

6. Added by No. 18 [18.2.1982].

off from the main Indira Gandhi Canal between the Harika Barrage and upto a distance of 393 Km. from that Barrage;

(xvi-B) "Stage-II" refers to the areas of the Indira Gandhi Canal Colony not covered in Stage-I;]

<sup>1</sup>[(xvii) "Temporary Cultivation lease holder" means a person who is resident of Rajasthan and who has been a *bona fide* agriculturist by profession and to whom land was granted, in the Indira Gandhi Canal Colony area on a valid temporary lease under the Rajasthan Colonisation (Temporary Cultivation Lease) Conditions, 1955 or to whom land is deemed to have been let out temporarily in such area by virtue of the provisions of any law for the time being in force <sup>2</sup>[xxx] or as a temporary lease holder in respect thereof in the land records (including in the relevant revenue records of the former Jagirdars, in case of resumed Jagirs) and who despite the determination of his temporary lease is continuously holding over such land by payment and acceptance of rent and is cultivating it personally up to the extension of these rules to any area of the Indira Gandhi Canal Colony;]

(xviii) "Tenure land", "Tenure khata" and "Tenure tenant" shall respectively mean land held under Khatedari rights of land allotted on a permanent basis, a khata comprising such land and a person holding such land under any of the aforesaid rights.

(2) Words and expressions defined in the Act or in the Rajasthan Colonisation (General Colony) Conditions, 1955 shall, wherever used in these rules but not defined, be construed to have the meanings assigned to them in the said Act or the said Conditions.

#### COMMENTARY

[1] Rr. 2, 3 & 4 and Rajasthan High Court Ordinance, 1949—Sec. 18—No title or interest in land and petitioner occupying land without lawful authority—Single Judge refusing relief—Exercise of discretion neither improper nor unreasonable nor injudicious—Held, interference is not justified.—In view of the order (Ex. 4) dated Nov. 13, 1964, the petitioner had no right or title to the land in dispute and had occupied the same without lawful authority and, therefore, the order (Ex. 8) dated August 31, 1974 cannot be interfered with, for, the basis of order is Ex. 4 dated November 13, 1964. The learned Single Judge in exercise of his discretion has refused to grant any relief to the petitioner on this ground. It is well settled that in a special appeal u/s 18 of the Rajasthan High Court Ordinance, 1949, when the learned Single Judge has refused to issue a writ in exercise of the discretion, then until and unless it is shown that discretion has not been properly, reasonably or judiciously exercised or there are there strong reasons to justify

1. Subs. by No. 9 [21-12-1978]

2. Deleted by Noti. No. F. 4(3) Col./Rev/85, dt. 17.5.96—Raj. Gaz., Exty., Pt. IV-C(i), dt. 7.6.96, p.39(2).  
1996 RSCS/Pt. II/P. 265/H. 342 the following expression:—

"and who is validly recorded as a Ghair Khatedar tenant"

the interference, it should not be interfered with. *Charan Singh vs. State of Rajasthan & Ors.*, 1984 WLN (UC) 387.

[2] The words "command land" and "uncommand land" have been defined in Rule 2 of the rules to mean land shown as such by the Irrigation Department in its latest Command and Uncommand statement. These provisions show that if a person holds less than 25 bighas of command land he can still be allotted land to the extent his existing holding falls short of 25 bighas. *Bakhtawarsingh vs. State*, 1982 RRD 215.

[3] *Rule 2 (xii)*.—Person plying thela and selling vegetables, held not eligible as "landless" person. *Tekchand vs. State*, 1980 RRD (NUC) 35.

[4] *Clause (xiii)*.—Application for permanent allotment—Sarpanch, Tehsildar and Patwari certifying that applicant was an agricultural labourer—Such evidence not considered—Inquiry held to be unsatisfactory—Matter remanded for fresh enquiry in accordance with rules. *Kumbharam vs. State of Rajasthan*, 1993 RRD 359.

[5] Permanent allotment of land—Proper scrutiny and due weight to be given to the evidence led. *Jhanwarlal vs. State of Rajasthan*, 1979 RRD 506.

[6] A bare perusal of definition of the 'landless person' in sub-rule (xiii), it is abundantly clear that a person holding the land less than 25 bighas is considered to be a 'landless person' under the Rules of 1975. Therefore, even if the transfer of the 12 bighas and 10 biswas land held by the appellant as 'gairkhatedar' tenant is considered to be illegal and he continues to be 'gairkhatedar' tenant of the said land, then too, he was entitled to be considered for allotment of the land as a landless person under the Rules of 1975. *Suersh Chand Vs. Board of Revenue*, 2009(3) CDR 1612 (Raj.) DB.

In the aforesaid case their Lordships of the Rajasthan High Court were of the considered opinion that the allotment made in favour of the appellant was liable to be cancelled only to the extent 12 bighas and 10 biswas land.

[7] *Rr. 2 (xv) & 7 (2)*.—Validity—Provision to satisfy necessary qualification "Since before the first day of April, 1955" for resident of Rajasthan declared arbitrary by single Judge—No reason to take different view—State appeal dismissed—

It has been held by the learned Single Judge that this requirement of possessing necessary qualification 'since before the first day of April 1955' to satisfy the requirement of the definition of 'resident of Rajasthan' is arbitrary, and, therefore, invalid. It has also been held that this part in both these provisions wherein an arbitrary date is specified, is separable from the remaining part and, therefore, the words prescribing first day of April, 1955 as the qualifying date have been struck down as invalid.

Learned Additional Advocate General who appeared on behalf of the State in the State appeals, was unable to show us any infirmity either in this conclusion of the learned Single Judge or the reason on which that conclusion is based. There is thus, no occasion to take a different view on this point. The State appeals challenging the judgment of the learned Single Judge to this extent alone, are, therefore, dismissed. *Kumari Jani Bai vs. State of Raj. & Ors.*, 1989 (1) RLR 139.



[8] Clause (xvi)—Small patch—Ten bighas of land cannot be held to be a 'small patch'. *Mukhram vs. State of Rajasthan*, **1993 RRD 409**.

[9] Clause (xvii)—Temporary lease holder—Lease not renewed—Proof of possession, cultivation, payment of land revenue and such payment was accepted by specified authorities to be proved by such lease holder. *Pyrasingh vs. State of Rajasthan*, **1984 RRD 348**.

[10] Clause (xviii)—Appellant a field man in the Agricultural Department employee holding land in other village is not an agriculturist by profession, can not be deemed to be a landless person. Case is not covered by section 5(26-A) of the Rajasthan Tenancy Act nor the case is covered by Rule 5 (a) of the Rajasthan Medium & Minor Irrigation Projects—Government land allotment Rules, 1968. *Gajendra Singh vs. State*, **1974 RRD 168**.

[11] Small patch of land can be allotted to party having less than 50 bighas of land—Second proviso comes into play where contesting parties hold land in excess of 50 bighas. *Lalchand vs. Prem Singh*, **1974 RRD 362**.

[12] Clauses (XIII) and (XVII) — Interpretation of —Where a temporary lease holder ceases to be so it was held that he still has a right to apply for allotment to competent authority. *Chhangu Ram vs. Board of Revenue*, **1992(1) RLW 102 (Raj.) (DB)**

[13] Prior to amendment of 1982, a land was allotted to the petitioner, a Govt. servant. Petitioner being a temporary allottee was in cultivatory possession of the land. Held, petitioner is in actual, physical and cultivatory possession of land. No justification for uprooting petitioner from land. *Gopi Ram vs. State of Raj.*, **1997(3) RLW 1557 = 1997 DNJ (Raj.) 632 = 1998 (1) WLC (Raj.) 363**.

[14] Clause (XVI).—As per definition of small patch, land which is less than 5 bighas is small patch of land. In the present case 18.04 bighas of land was allotted to the non-petitioner which does not come within the definition of small patch of land. Therefore, petitioner had no right for allotment of this land as small patch of land. *Hanuman vs. State of Rajasthan & Ors.*, **2000 RRC 445 = 2000 RBJ 461 = 2000 RRD 529**.

**3. Repeal and Savings.**—(1) The Rajasthan Colonisation (Indira Gandhi Canal Project Pre-1955 Temporary Tenants Government land allotment) Conditions, 1971 hereinafter referred to as the Pre-1955 conditions and the Rajasthan Colonisation (Sale and Allotment of Government land to Post-1955 Temporary Cultivation Lease Holders and other landless persons in the Indira Gandhi Canal Project Area) Rules, 1971 hereinafter referred to as the "Post-1955 Rules", are hereby repealed.

(2) Notwithstanding any such repeal under sub-rule (1), anything done or any action taken or deemed to have been done or taken under the said repealed Conditions and the said Rules shall, if they are not inconsistent with these rules, be deemed to have been done or taken under these rules.

#### COMMENTARY

[1] **Effect of repeal of Rules of 1971.**—While Rules of 1971 are

repealed but it is laid down that notwithstanding such repeal anything done or any action taken under the Rules of 1971, shall be deemed to have been done or taken under the Rules of 1975. It is therefore clear that any allotment which was made under the rules of 1971, shall by a legal fiction be deemed to have been made under the Rules of 1975. In this view of the matter, any allotment made under the rules of 1971 can be cancelled under the Rules of 1975. *Baisakha Ram vs. State of Rajasthan*, 1993 RRD 142.

[2] Landless person applying for allotment—Facts to be proved by him—Where necessary facts not proved by evidence—Authorities entitled to draw conclusion from the material available on record. *Laxmandas vs. State of Rajasthan*, 1984 RRD 580.

**4. Disposal of pending applications.**—(1) Applications for allotment of land presented under the Pre-1955 Conditions and the Post-1955 Rules shall be deemed to have been presented under these rules.

(2) Out of the applications mentioned in sub-rule (1), applications pending at the commencement of these rules shall be heard and decided under and in accordance with the provisions of these rules.

(3) Where an application as is referred to in sub-rule (1) has already been decided by any competent authority and the allotting authority finds that the allotment order passed on such application is inconsistent with the provisions of these rules, it shall, of its own motion, review the order and shall, after giving the affected person an opportunity of being heard, decide the application under and in accordance with the provisions of these rules.

<sup>1</sup>[(4) While deciding an application in the case of a temporary cultivation lease holder under sub-rule (3), if the allotting authority finds that an <sup>2</sup>[adult son or adult daughter] of such lease holders is otherwise eligible for allotment of land under these rules, he shall serve a notice providing an opportunity to such <sup>2</sup>[adult son or adult daughter] for presenting an application for allotment of land as a landless person within a period of 30 days from the date of service of such notice and if he presents an application in pursuance of such notice the same shall be heard and decided in accordance with the provisions of these rules.

#### COMMENTARY

[1] Sub-rule (1) of Rule 4 of rules introduces a fiction according to which all applications for allotment of land presented under the pre-1955 conditions and the post-1955 rules shall be deemed to have been presented under the aforesaid 1975 rules. Sub-rule (2) provides that when the applications are pending and have not been disposed of, then they will be heard and decided under and in accordance with the provisions of 1975 rules. Sub-rule (3) deals with the applications, which have already been decided by any competent authority prior to the coming into force of 1975 rules. Order on such

1. Subs. by No. 9, w.e.f. 1-6-1977.

2. Subs. by Noti. No. F. 4(15) Col./92, dt. 1.9.95—Raj. Gaz., Exty., Pt. IV-C(i), dt. 18.9.95, p. 113(4). = 1996 RSCS/Pt. II/P. 117/H. 102

