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Bombay Tenancy & Agricultural Lands Act, 1948
Implementation of section 32 of the --
and grant of Non-Agricultural permission
under section 65 of the Bombay Land Revenue Code, 1879 to
the tenant-purchasers

GOVERNMENT OF MAHARASHTRA,
Revenue and Forests Department,
Circular No. TNC 6764/164056-M,
Sachivalaya, Bombay-32, 4th May, 1965.

According to the instructions issued under paragraph 55-4 of the Agricultural Lands Tribunal Manual (vide Government Resolution, Revenue Department No. TNC 6759/55818-M, dated the 22nd April, 1959), after the fixation of purchase price by the Agricultural Lands Tribunals the name of the tenant-purchaser is to be entered in the Record of Rights after making necessary mutation entry in the Mutation Register. Similarly, in the "Other-rights" column of the Record of Rights, the names of the landlord, encumbrance holders, etc. who are entitled to receive the purchase price of the land are to be entered. Further, as per the instructions contained in paragraph 65 of the Agricultural Lands Tribunal Manual, on payment of the purchase price amount and after issue of the certificate of purchase, the names of the persons in the "Other Rights" columns of the Record of Rights are to be cancelled. In short, according to these instructions, the name of the tenant purchaser is entered in the Record of Rights as occupant even before the full purchase price is paid by or recovered from him. It has been represented to Government that where such a tenant purchaser gets the land converted to Non-Agricultural use, before the full payment of the purchase price, the former landlord's contingent right to get the land restored under section 32 P of the Tenancy Act (in the event of purchase becoming ineffective) might be affected as once the land ceases to be agricultural land it may not be possible to enforce the provisions of the Tenancy Act.

2. According to the existing orders on the subject (vide Government Circular, Revenue Department No. 3477/45/3905, dated the 28th January 1950) the Revenue officers concerned have been directed that they should

it may not be misused. These instructions have been issued in order to protect the interest of tenants. The point whether it would be feasible to impose a similar condition in the order ²⁰³ under section 65 of the Bombay Land Revenue Code (with reference to the tenant purchaser's application for grant of non-agricultural permission) with a view to ensuring that the purchase price is paid by the tenant purchaser to the landlord and in case he does not pay it the right of the landlord to get back land under the provisions of section 32 P remains unaffected was under consideration of Government. Government is now pleased to direct that the Revenue Officers should inter alia impose a condition in the order under section 65 of the Bombay Land Revenue Code (with reference to the tenant purchaser's application for grant of non-agricultural permission) that the said permission under section 65 is subject to the further condition that the applicant tenant purchaser deposits the entire balance of the purchase price amount with interest, if any, payable thereon with the Agricultural Lands Tribunal before the land is actually put to Non-Agricultural use. The Collectors are requested to bring the above instructions to the notice of the officers concerned in their respective districts.

By order and in the name of the Governor of Maharashtra,

W. L. Kanekar
Under Secretary to Government.

The Commissioners of Bombay and Poona Divisions,
The Collectors in Bombay and Poona Divisions,
The Prant Officers in Bombay and Poona Divisions,
The Land Reforms Implementation, Officer,
The Additional Land Reforms Implementation Officer,
The C Branch, Revenue & Forests Department. (with 5 spare copies).



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No. 4.5.rtp.
COLLECTOR'S OFFICE,
Ratnagiri, 10-6-68

Copy forwarded to all Mamlatdars, Mahalkaris and Prant Officers for information/guidance and