

6 APR 2000

Land Tenure Abolition Laws-  
Transfer of lands-conditions  
of inalienability and impartibility  
restrictions regarding-

**GOVERNMENT OF MAHARASHTRA**

Revenue and Forests Department,  
Circular No. WTN 1099/CR 229/L 4,  
Mantralaya, Mumbai 400 032.  
Dated- 10 th March, 2000.

**CIRCULAR OF GOVERNMENT**

प्र आचरण कार्यालय  
विभाग, **READ:-**

संकलन

- 1) Government Resolution, Revenue Department, No. 2451/49-IV, dated 18th August, 1953.
- 2) Government Resolution, Revenue Department, No. PKA 1056/IV/L, dated 3rd May, 1957.
- 3) Government Resolution, Revenue Department No. PKA 1056 IV/108888 L, dated 11th November, 1957.
- 4) Government Resolution, Revenue Department No. VSC 1059/47851/L, dated 31st March 1959.
- 5) Government Circular, Revenue Department No. PKA 1059 V.L, dated 7th April, 1959. ✓
- 6) Government Resolution, Revenue Department No. VSC 1059/II/78263/L, dated 22nd June 1959.
- 7) Government Resolution, Revenue Department No. VSC 1059/138034/L, dated 11th March, 1960.
- 8) Government Circular, Revenue Department No. PTL/1063/II /L, dated 19th June, 1963.
- 9) Government Circular, Revenue and Forests Department No. BIW 1065/106173 II, dated 6th August 1965.
- 10) Government Circular, Revenue and Forests Department No. MSC 1065/123188/L, dated 20th November, 1965.
- 11) Government Circular, Revenue and Forests Department No. MSC 1065/123188/L, dated 12th May 1968.
- 12) Government Circular, Revenue and Forests Department No. PTL 1068/27181/L -1, dated 24th January, 1970.

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(13) Government Circular, Revenue and Forests Department  
No. BIW/1071/71648 /L -1, dated 29th June, 1971.

(14) Government Circular, Revenue and Forests Department  
No. BIW/3274/13043 /L- 5, dated 6th July, 1976.

(15) Government Circular, Revenue and Forests Department No. BIW  
3078/24263 /L -5, dated 17th November, 1978.

(16) Government Circular, Revenue and Forests Department No.  
MSC 1969/54128 /L -5, dated 7th May 1979.

(17) Government Circular, Revenue and Forests Department  
No. WIN /1083/CR 886/L- 5, dated 4.2.1983.

(18) Government Circular, Revenue and Forests Department  
No. BIW/1083/CR 593/L -5, dated 16.5.1985.

Under the various Land Tenure Abolition Laws provisions exist under which the land is regranted to Ex. Watandar/Ex. Inamdar or new and impartible tenure in all cases where the occupancy price is paid within the time limit prescribed for the purpose by the said laws. The tenure of the land can also be changed after the regrant order is passed in cases where the amount as Nazarana prescribed for the purpose is paid. In a number of cases the ex. Watandar/ex. Inamdars come up with requests for permission for transfer of their lands on one or other grounds. The position in different laws has been made clear from time to time. It has been decided to have a comprehensive set of orders in one place for convenience of reference. In supersession of the orders quoted in the preamble Government is therefore, pleased to clarify the position in different laws as described below:-

(I) The Bombay Pargana and Kulkarni Watan Abolition Act, 1950

The Bombay Pargana and Kulkarni Watan Abolition Act, 1950 came into force on 1.5.1951 in Western Maharashtra districts. As regard levy of nazarana for converting the new tenure of watan lands regranted under section 4(1) of the Act into ordinary rayatwari tenure, the conditions to be taken into consideration are as follows:-

(i) that the amount of nazarana should be equal to 50 per cent of the market value of the land if the land is or is intended to be used for a purposes other than agriculture.

(ii) that the amount of nazarana should be equal to 20 times the assessment, if the land is or is intended to be used for agricultural purposes only provided that if the agricultural use of land is subsequently changed for a purpose other than agriculture the holder shall be liable to

pay under section 65 of the Bombay Land Revenue Code a fine equal to the difference between the 50 per cent of the market value and the twenty times the assessment of land.

It should be ensured that the necessary entries in the Record of Rights are taken as regards conversion. In the cases of watandars who did not pay the occupancy price within the time limit prescribed by law but are cultivating the watans land personally the occupancy price to be recovered for the regrant of their resumed lands is the same as that prescribed under the Act.

2. In cases in which watandars who were holding the resumed watan lands, become entitled to the grant of these lands because of their being actual cultivators of the lands, the occupancy price to be charged from them should be thirty two or twenty six times the assessment according as the lands were or were not assigned for the remuneration of the officiators. In cases in which persons entitled to the regrant of the resumed watan lands are these who had acquired permanent tenancy rights in the lands, the occupancy price to be charged should be six times the rent which they were paying to the watandars. In all other cases the occupancy price should be charged at such rates as would be leviable in accordance with the standing orders of Government for the disposal of unoccupied Government lands. The occupancy price recoverable from the watandars, permanent tenants and others in accordance with the above orders may be recovered in suitable instalments. In cases where any of the Watandars, who are personally cultivating the resumed Pargana and Kulkarni Watan lands, pay occupancy price equal to six or twelve times the assessment according as the lands were not or were assigned for the remuneration of the officiators and agree to take the resumed watan lands on new and impartible tenure, they should be granted these lands on new and impartible tenure. In cases in which occupancy price equal to 26 or 32 times the assessment is paid by the watandars, the grants of the lands should be on unrestricted tenure. Where the grant of lands are made to permanent tenants on payment of an occupancy price equal to six times the rent the land should be on inalienable and impartible tenure.

**(II) The Bombay Service Inams (Unseful to Community) Abolition Act, 1953.**

The Act came into force on 1.4.1954 and is applicable to all districts in Pune and Bombay Division (except the districts of Thane, Kulaba and Ratnagiri). Certain difficulties were experienced by the villagers in the matter of Hal services and the financial assistance given to Village Panchayat was meagre. In order to overcome these difficulties



particularly in Jalgaon, Dhule, Nashik and Ahmednagar in which Hal inams had existed in a large scale unless some lands were made available to the Village Panchayats the problem it was considered could not be solved, it was decided to make available the following lands:-

(1) unoccupied Government lands:-

(2) resumed Hal inams, which are, or which will be available to Government for disposal as Government lands.

The resumed Hal inam lands were of the following categories:-

I) Hal inam lands which were held hereditarily and which were in the possession of the original grantees or their heirs (including authorised alienees if any) on the date of the abolition of inams,

II) Hal inam lands which were in the possession of non-watandars (Pariahs or outsiders) on the date of the abolition of the inams, and in the case of which no holders are forthcoming or are likely to be forthcoming.

III) Hal inam lands which had on reversion or lapse to Government been granted or leased temporarily to Halkaris for the performance of the services. The lands falling under II and III should be available immediately for allotment to Village Panchayats or others for Hal Services. In regard to lands falling under category I, the holders are entitled to their regrant under section 5 of the Bombay Services (Useful to Community) Abolition Act 1953 on payment of the prescribed occupancy price on or before 31st March 1959. But in many cases the holders may not pay the necessary occupancy price within the prescribed time or the lands may on enquiry be found to be falling under category II and not under category I, and in these cases the resumed inam lands would be available for disposal as Government lands,

2. (b) In addition, there are some Government waste lands specially assigned or leased temporarily to Halkaris on payment of land revenue. All these lands should be available for being granted to the Village Panchayats or adhoc bodies of villagers for Hal services.

3. The extent of unoccupied Government lands or resumed Hal inam lands available for allotment for services in the districts of Jalgaon, Dhule, Nashik and Ahmednagar is not large, but it appears that in some cases at least it will be possible to arrange for the services of Halkaris and to remove the inconvenience felt by villagers of some villages in these districts, if the available lands are used for allotment for Hal services. It was, therefore, decided that in these districts unoccupied Government lands or resumed Hal Inam lands which have been or which will become available for disposal as Government lands should be allotted by the Collectors for Hal services in accordance with the instructions stated

above. It was also necessary to ensure that every person who has been regranted his resumed inam land in accordance with the abolition act was a lawful holders within the meaning of Section 2(1)(d) of the above act, entitled to the regrant of the resumed lands. If necessary the Collector are required to take steps for cancellation of the orders for regrant of the lands in cases of persons other than the holders.

4. In villages in which there are Village Panchayats arrangements for the performance of the Hal services should be made by the Village Panchayats. The resumed or unoccupied Government lands should not be vested in village panchayats but should be handed over to them for management. In case the time allowed for the holders of the service inams has expired on 31st March 1959 and such of these lands have not been regranted to the holders under Section 5(8) of the Act they have vested in Government and are to be disposed as Government waste lands. In such cases the land should be granted to persons who are willing to pay the following amounts as occupancy price for the grant of the lands.

The occupancy price chargeable should be 26 times the assessment if the person in actual possession was the holder of the service inam. If the person in actual possession was not a holder of the service inam but had acquired permanent tenancy rights in the lands, he should be required to pay an occupancy price equal to six times the rent which he was paying in respect of the land. In all other cases the occupancy price should be such as would be leviable in accordance with the standing orders of Government for the disposal of unoccupied Government lands. The holders of service inams, permanent tenants or other entitled to the grant of lands on payment of occupancy price should be allowed to pay the occupancy price in suitable instalments. So far as disposal of lands to the cultivators in actual possession is concerned if no reply is received within two months of the notice to him the land should be disposed of according to the standing orders of Government for the disposal of occupied Government lands. The person to whom the land should be granted is to be treated as Government lessee and should be required to pay the whole occupancy price and also rent equal to 1 - 1/2 times the assessment.

(III). The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.

This Act has come into force on 1.8.1955 and it is applicable to the Merged Territories and Areas in the Poona and Bombay Division. The time allowed to the alienees and inferior holders of miscellaneous

alienations under the Act has expired on 31st July, 1965 and where the lands have not been regranted to the said persons are to be disposed of as Government lands. The lands should be granted to persons who are in actual possession thereof provided they pay the following amount as occupancy price for the grant of the lands :-

a) The occupancy price chargeable should be 26 times the assessment if the person in actual possession was the alienee or the inamdar of the alienated land.

b) If the person in actual possession was not the alienee of the alienated land, but had acquired permanent tenancy rights in the land, he should be required to pay occupancy price equal to six times the rent which he was paying in respect of the land.

c) In all other cases the occupancy price should be such as would be leviable in accordance with the standing orders of Government for the disposal of unoccupied Government lands.

2. The alienees of alienated land, permanent tenants or others entitled to the grant of lands on payment of occupancy price should be allowed to pay the occupancy price in suitable instalments. In cases where the reply is not received within a period of two months from the date of notice to the cultivator in actual possession, the land should be disposed of according to standing orders to Government, for the disposal of unoccupied Government lands. Where the whole occupancy price remains to be recovered the person to whom the land is regranted should be treated as Government lessee till such time the whole price is recovered. The persons concerned should be required to pay rent equal to 1-1/2 times the assessment on the land for the period commencing from the date on which the lands vested in Government absolutely to the date of its actual regrant. If the person to whom the land is regranted, it happens to be permanent tenant the occupancy should be of class II for purposes of Section 29 of the Maharashtra Land Revenue Code, 1966, being convertible to class I, as per orders contained in para 2 of the Government Resolution, Revenue and Forests Department No. 7907/33.III, dated 26th August, 1947. The terms and conditions subject to which the land is to be granted should be follows :-

a) Where the alienee i.e. inamdar (who is the person in actual possession) pays prescribed occupancy price



the grant should be on new and impartible tenure (i.e. restricted tenure).

- b) Where the alienee pays (in addition to occupancy price) Nazarana equal to 20 times the assessment, the grant should be on unrestricted tenure.

In cases where the permanent tenants or other person who are in actual possession are granted the land, the grant to such person shall be on new and impartible tenure on payment of requisite occupancy price, the conversion of such land on new tenure to that on old tenure being governed by the standing orders of Government.

(IV) The Bombay Inferior Village Watans Abolition Act, 1958.

This Act has come into force on 1.2.1959, 1.8.1959, 1.8.1960 and 1.2.1962 in the Districts in Bombay, Poona and Aurangabad Division. The watandars were required to pay occupancy price within a period of six years from the commencement of the Act. The lands resumed under the provisions of the said Act are regranted to Ex-Watandars on an inalienable and impartible tenure and also subject to the subsisting lawful rights of the alienees. The conditions of inalienability and impartibility can be relaxed by the Collector on payment of amount equal to 50% of the market value of the land if the land is or is intended to be used for a purpose other than agriculture and 10 times the assessment in other cases. The request for permission to sell the land held by Ex-Watandars should be considered provided purchasers are agriculturists or Cooperative Societies or Public utility concerns. The types of cases which should weigh with the Collectors are as follows :-

(i) The applicant has tilled the land for more than 10 years and in spite of making improvements cannot or does not wish to cultivate it for reasons that he has left the village, ceased to be a cultivator, is permanently rendered incapable of cultivating it or being land lady cannot for one reason or other cultivate it personally by any means.

(ii) If the land is required for an agricultural purpose by industrial or commercial undertaking and if the transfer is for the benefit of any educational or charitable institution or if the land is required by a cooperative farming society.

(iii) If the land is being sold in execution of a decree of a Civil Court or for the recovery of arrears of land revenue under the provisions of the Code or if the land is being sold bonafide for any non-agricultural purpose or for any sufficient reason within the discretion of Collector. In all such cases prior approval of Government has to be taken. In all cases of gift of land Collector may grant permission subject to the condition that the alienee agrees in writing in the proper legal form to use it for the purpose for which it is gifted. Government may forfeit the land without any compensation after giving 3 month's notice for forfeiture if it is unauthorisedly used for other purposes. So far as exchange of land is concerned the Collector may grant permission, if the land is of equal or may be equal value owned and cultivated personally by a member of the same family or the land proposed to be taken in exchange is of nearly equal value situate in the same village owned and cultivated personally by another land owner.

Where the transfer of land by sale, gift or exchange to take place, the Collector should permit the sale on the applicant paying an amount equal to 10 times the assessment provided the land after transfer is to be used for agricultural purpose only and is to be held by the transferee on the same restricted tenure. In other cases the sale etc. may be permitted on payment of 50 percent of the market value of the land. If the applicant wants conversion of tenure from restricted to unrestricted, it should be granted only if the conversion is intended for constructing a substantial building for residential or industrial purposes. The terms and conditions on which permission should be granted are as follows :-

(i) If the purpose for which the application is made is not fulfilled within the reasonable time, the land will be forfeited to Government without any compensation and after giving 3 months notice for forfeiture.

ii) The holder should pay as conversion value a sum equal to of the Market value of the land minus the occupancy price or a already paid by him or his predecessor in title. while granting permission for relaxation of condition of inalienability and impartibility for purpose of sale of Ex-Inferior Village Watan land it should be ascertained that no other backward class person from the village in the land is situated or within a radius of five kilometres thereof is to purchase the land on the same consideration on which land is to be sold to the non-backward class person.



3. In cases where the Watandars or unauthorised holders failed to pay the occupancy price in respect of the resumed watan lands, the Collectors should regrant the lands to the watandars or authorised holders in their actual possession on the following conditions:-

i) The occupancy price to be paid should be the same as that which the watandar or authorised holder would have been required to pay for the regrant of the land in accordance with the provisions of section 5 or 6 of the Act.

ii) Payment of occupancy price may be made in suitable instalments which the Collector may fix at the time of the regrant of the land.

iii) The grantee should also pay rent equal of 1-1/2 times the assessment on the land for the period commencing from the date on which the land vested in Government absolutely to the date of its actual regrant.

4-A- Subsequently, taking into consideration the need to decentralise the powers vested in the Government and observation made by the Hon. High Court Bombay in the Judgement dated 20th July, 1979 in Special Civil Application No.2177/78 and other applications (Mundhalkar Vs State), the Government has delegated its powers to the Divisional Commissioner to accord sanction to the proposals submitted by the Collectors for the alienation of the lands under The Bombay Inferior Village Watans Abolition Act, 1958.

(V) The Maharashtra Revenue Patel (Abolition of Office) Act, 1962

This Act has come into force from 1st January, 1963 and applies to all districts in Maharashtra all Patel Watans were abolished on aforesaid day and the watan lands stood resumed and vested in Government till they are regranted to watandars and others in accordance with the provisions of sections 5, 6 or 9 of the Act. The last date for payment of occupancy price was 31.7.1969. The lands are granted on new and impartible tenure. The condition of inalienability and impartibility is relaxable provided the watandar or an unauthorised holder pays 50 percent of the market value of the land, if the land is or is intended to be used for any non-agricultural purposes, and twenty times the assessment on the land in other cases, provided that if the agricultural use of any land is subsequently altered, the holder is to be made liable to pay under the Land Revenue Law a fine equal to the difference between 50 per cent of the market value of the land and twenty times the assessment already

paid. In cases where resumed Patil Watan Lands, are in the possession of watandars or authorised holders on the date of their resumption and vest in Government as a result of the failure of the watandars or authorised holders to pay the Occupancy Price within the stipulated period, the lands may be granted by the Collector to the said persons in their actual possession on the following conditions:-

i) The occupancy price to be paid should be the same as the which the watandar or authorised holder would have been required to pay for the regrant of the land in accordance with the provisions of section 5 and 6 of the Maharashtra Revenue Patels (Abolition of Office) Act, 1962.

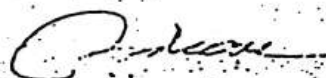
ii) Payment of occupancy price may be made in suitable instalments which the Collector may fix at the time of the regrant of the land.

iii) In addition to the occupancy price, the grantee should be required to pay rent equal to 1-1/2 times the assessment on the land for the period commencing from the date on which the land vested in Government absolutely to the date of its actual regrant.

It should be ensured that the grantees agree to the above conditions and intimate the Collector in writing accordingly.

6. These orders are issued for the guidance of Revenue Officers and are in conformity with the various orders quoted in the preamble from time to time.

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

  
(P. K. KADAM)

Desk Officer,  
Revenue and Forests Department.

*Copy forwarded to:-*

All Commissioners of Divisions.

All Collectors/Additional Collectors.

The Settlement Commissioner and Director of Land Revenue,  
Maharashtra State, Pune,

All Desks in Revenue and Forests Department,

Select file of L 4 Desk, Revenue and Forests Department,

Mantralaya, Mumbai 32.