

THE HARYANA CEILING ON LAND HOLDINGS ACT, 1972
CONTENTS

Sections

CHAPTER 1
PRELIMINARY

1.	Short Title and Extent
2.	Declaration as to giving effect to certain Directive Principles
3.	Definitions
4.	Permissible Area
5.	Act not to apply to certain Lands
5.A.	Exemption of lands belonging to religious or Charitable Institutions
6.	Act to override other laws decrees, orders, etc.

CHAPTER II
CEILING ON LAND AND ACQUISITION AND DISPOSAL OF SURPLUS AREA

7.	Ceiling on Land
8.	Certain transfers or dispositions not to affect Surplus Area
9.	Selection of Permissible Area and persons required to furnish declaration
10.	Selection of Permissible Area by prescribed authority
11.	Statement of Permissible and Surplus Areas
12.	Vesting of Surplus Area
13.	Power to take possession of Surplus Area
14.	Power to separate shares of Landowners
15.	Disposal of Surplus Area
16.	Principles for Payment of Amount
17.	Payment of Amount

CHAPTER III
MISCELLANEOUS

18.	Appeal, Review and Revision
19.	Correction of Clerical Errors.
20.	Officer holdings enquiries to have power of civil courts
20A.	Omitted
21.	Penalty for making False Statement
22.	Summary Eviction and Fine
23.	Certain officers to be Public Servants
24.	Procedure
25.	Court fees
26.	Bar of Jurisdiction
27.	Protection of actiori taken under this Act
28.	Mode of recovery of Amount and Penalty
29.	Delegation
30.	Power to remove Difficulties
31.	Power to make Rules
32.	Withdrawal of exemption regarding utilisation of Surplus Area
33.	Repeal and Savings Schedule

THE HARYANA CEILING ON LAND HOLDINGS RULES, 1973

Sections	
1.	Short title
2.	Definitions.
3.	Prescribed authority.
4.	Tenants.
5.	Evaluation of land.
6.	Form and manner of declaration and its verification.
7.	Collection of information.
8.	Preparation of statement.
9.	Form of order.
10.	Form of statement for amount payable and the manner of serving the same
11.	Mode of payment of amount.
12.	Amount of voucher.
13.	Form and manner of appeal and revision.
14.	Procedure of authority.
15.	Court-fees.
16.	Manner of service of notice or orders.
17.	Repeal.
	Schedule A
	Schedule B
	Forms.

THE HARYANA UTILISATION OF SURPLUS AND OTHERS AREAS SCHEME, 1976

Sections

1.	Short title
2.	Definitions.
3.	Preparation of lists of surplus area.
4.	Categories of eligible persons and inter se priority therein.
5.	Application by eligible person.
6.	Scrutiny of applications.
7.	Principles and procedure of allotment.
8.	Association of possession.
8.A	Delivery of possession.
9.	Mode of payment.
10.	Issue of certificate and delivery of possession.
11.	Recovery of instalments.
12.	Conditions of allotment.
13.	Appeal and revision.
14.	Repeal and saving
	Forms

**THE HARYANA CEILING ON LAND
HOLDINGS ACT, 1972**
(Haryana Act No. 26 of 1972)

Received the assent of the President of India on the 22nd December, 1972 and was first published in the Haryana Government Gazette (Extraordinary) of December, 23, 1972.

An Act to consolidate and amend the law relating to ceiling on land holdings in the State of Haryana. I

Be it enacted by the Legislature of the State of Haryana in 'the Twenty third Year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. SHORT TITLE AND EXTENT --(1) This Act may be called the Haryana Ceiling on Land Holdings Act, 1972

(2) It extends to the whole of the State of Haryana.

CASE LAW

Haryana Utilisation of surplus and other Area Scheme, 1976-- Tenant in possession contested the suit for recovery of 1/3rd Batai by the landowners- Plea was that by coming into force of ceiling Act, tenants area vested in state and thus became Tenants Permissible Area-- Relationship of Landlord tenant was denied-- Name of the defendant appeared in revenue records as tenant since 1951-52-- Old tenants, but that by itself does not make the land in their possession as TPA--It was necessary to move an application and get the area allotted--Tenant becomes the proprietor of land after the land is allotted and after the tenant had paid the first instalment of determined compensation-- In the absence of TPA the suit by landlord is rightly decreed; **Lal Chand and others v. The Sub Divisional Officer (Civil) Cum -Assistant Collector 1st Grade, Dabwali, District Sirsa and others: 2001(1) ALL INDIA LAND LAWS REPORTER (Pb. & Hry.) 557**

Surplus Land--Defendant's land, inherited through Will, declared surplus--Genuineness of Will and therefore order declaring land surplus challenged by daughters of natural heirs of original land owner--Contented, after death of their father they were in possession of land being lawful owners as heirs-State contested the suit as being collusive between plaintiff and defendant, to save land from vested in surplus pool--Also contented defendants are i11 cultivation possession of land--Held--It was duty of the propounder of Will, State, to prove that disposition made in the will not improbable or unfair or unnatural and free from all extraneous influences and was disposed with sound mind-Proof of the Will, lacking in essential particulars--Will not proved genuine-Daughters held as owners--Appeal allowed; **State of Haryana v. Raj Kaur : 2001(3) ALL INDIA LAND LAWS REPORTER (Pb. & Har.) 140**

Section 1 (3)--Haryana Utilisation of Surplus Area Scheme--Tenant on the disputed surplus land has a prior right for allotment of that land under Haryana Utilisation of Surplus area Scheme--Old tenant on the land--No notice issued to him--Prescribed authority duty bond to issue notice to persons likely to be affected adversely by order of surplus area--Statutory provisions not followed by the Prescribed Authority--Order is null and void; **1991(2) All India Land Laws Reporter 149**

2. DECLARATION AS TO GIVING EFFECT TO CERTAIN DIRECTIVE PRINCIPLES--It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution of India.

CASE LAW

Section 2--Banjar Qadim land--Determination of nature of land--To be determined under the Act and the scheme framed under the Act-- Question cannot be agitated in a writ petition; **1983 (2) All India Land Laws Reporter 204**

3. DEFINITIONS. --In this Act, unless the context otherwise requires,

- (a) "adult" means a person who is not a minor; .
- (b) "agricultural worker" means a person whose principal mean of livelihood is the income he gets as wages in cash or kind or partly in cash and partly in kind, in connection with the agricultural operations he performs;
- (c) "appointed day" means the twenty-fourth day of January, 1971;
- (d) "banjar land" means land which has remained uncultivated for a continuous period of not less than two years immediately preceding the appointed day;
- (e) "Collector" means the Collector of a district or any other officer not below the rank of an Assistant Collector of the first grade empowered in this behalf of the State Government;
- (f) "family" means husband, wife and their minor children, or any two or more of them.

EXPLANATION 1. -- A married minor daughter shall not be treated as a child. (Vide Act No. 17 of 1976)

EXPLANATION 2. --Child shall include

- (i) child of the husband from his deceased or divorced wife and living with him;
- (ii) child of the wife from her deceased or divorced husband and living with her; .
- (iii) illegitimate child of the husband or the wife and living with them or either of them;
- (g) "land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes subservient to agriculture, or for pasture, and includes-
 - (a) the sites of buildings and other structures on such land, and
 - (b) banjar land,
- (h) "landowner" means the owner of land;
- (i) "minor" means a person who has not completed the age of eighteen years;
- (j) "orchard" means a compact area of land, other than land under grape garden or [wine yard or banana or guava trees] (Substituted vide Act No. 33 of 1973) having fruit bearing trees grown thereon in such number that they preclude, or when fully grown would preclude a substantial part of such land from being used for any agricultural purpose;
- (k) "Pepsu Law" means' the Pepsu Tenancy and Agricultural Lands Act, 1955;
- (l) "permissible area" means the extent of land specified in Section 4 as the permissible area;
- (m.) "person" includes a company, family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;'
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "prescribed authority" means an authority prescribed by rules made under this Act;
- (p) "Punjab law" means the Punjab Security of Land Tenures Act, 1953;

(q) "separate unit" means an adult son living with his parties or either of them and in case of his death, his widow and children, if any; (Substituted vide Act No. 17 of 1976)

EXPLANATION.--The adult son or in case of his death his widow and children shall be deemed to be living with the parents or either of them unless separated; (Vide Act No. 47 of 1976)

(r) "surplus area" means the area in excess of the permissible area;

(s) "tenant" means a person who holds land under another person, and is, or but for a special contract would be, liable to pay rent for that land to that other person, and includes (a) the predecessors and successors-in-interest of the tenant; and (b) sub-tenant;

but does not include a person who is such a relation of the landowner as may be prescribed;

(t) all other words and expressions used herein and not defined but defined in the Punjab Tenancy Act, 1887 (Punjab Act 16 of 1887), or the Punjab Land Revenue Act, 1887 (Punjab Act 17 of 1887), shall have the meanings assigned to them in either of those Acts.

CASE LAW

S.3 (f)-- Surplus Land--What is provided in the Act is that a person filing declaration form has to include the particulars of land held by him as also the land held by his family members and the separate unit--And record his selection of the permissible area-- In case he fails to select his permissible area, prescribed authority is competent, to do that--This has happened in this case Landowner's plea is that holdings belonging to one of his natural sons and given in adoption to another person as per adoption deed dated 5.11.1973 has been wrongly clubbed with his holdings--Having lost in the courts below here is Regular Second Appeal--Adoption deed dated 5.11.1973 shows that son was given in adoption only 4-5 days before execution of adoption deed--For acceptance of the plea of separate holding adoption has to be before the appointed day i.e. 4.1.1971--Records although, in revenue records, in school certificate show him as son of the appellant--Adoption deed was an attempt to defeat the mandatory provisions of the Act--Meritless appeal stands dismissed; **Jaswinder Singh v. State of Haryana through Collector, Sirsa and others : 2001 (1) All India Land Laws Reporter (Pb. & Hry.) 174**

Sections 3, 4 and 5--Determination of surplus area--Person allotted land under the Haryana Act and settled on surplus area has a right to be heard in proceedings under the Haryana Act dealing with the question of determination of surplus area; **1989 (1) All Indian Land laws Reporter 283**

Section 3(1), 4 and 7 --While disclosing his holding in Form K-1, Landowner has to disclose the holding of his family members also as required under Haryana act--Landowner has to be a small landowner under both the Acts--In case a tenant challenges it, he has to make a credible allegation so as to create a doubt about the assertion of the landowner that he is small landowner; **1993(2) All India land laws Reporter 328**

Sections 3(1), 4(1), 7, 8, 9. 11 (1)(2)--Family--concept of--Giving of artificial definition of family--Does not violate Article 14 of the Constitution of India; **1980 All India land laws Reporter 365**

Sections 3(6), 3(i) 4, 7 and 9--Appointment day--Daughter born after appointed day--Landowner not entitled to additional unit; **1984 (2) All Indian land laws Reporter 216**

Sections 3(c), 3(b) 4(2), 7 and 9--Son born after the appointed day and before the date of commencement of Act-Landowner not entitled to additional area; **1983(1) All India land laws Reporter 532**

Section 3(f) and 4--Permissible area--Appointed day--Family to be seen as on 24th January, 1971--Death of a child after the appointed day--Factum of death cannot be taken note of--Plea of the revenue that on the date of decision as the child was not living benefit of additional unit should not be given--Held to be not tenable; **1984(2) All India land laws Reporter 117**

Section 3(f), 4 and 7 --Change in status of family after appointed day--Minor daughter dying after the appointed day--Plea of the landlord that on the death of minor daughter his son became adult and thus entitled to separate unit Plea to be considered on merits; **1984(2) All India land laws Reporter 117**

Sections 3(f) and 3(c)--Married daughter--Daughter married on the date of decision of surplus area case but minor unmarried on appointed day--Minor and unmarried daughter to be counted as member of the family--Permissible area can be allowed under act; **1989 (1) All India land laws Reporter 360**

Section 3(f)--Family--Unmarried major daughters and divorced daughters--Supreme Court expressed a wish that the State Government should give due consideration to their claims; **1980 All India land laws Reporter 365**

Section 3(f)--Constitution of India, Articles 14, 19 and 31-- Basis on which the concept of family defined, explained by the State--Background of the legislation for adopting the family as a Unit. Explained--Explanation given considered and found satisfactory--Provisions held valid; **1980 All India Land laws Reporter 365**

Sections 3(f), 4(1), 4(3) and 7 --Artificial concept of family-- Does not result in any inequalities--Provisions are valid--Does not lay down any double standard for fixing the ceiling limit; **1980 All India land laws Reporter 365**

Sections 3(g) and 26--Jurisdiction of Civil Court is barred under Section 26--Idle to contend that it is for civil Court to determine the question whether land in possession of petitioner falls within meaning of work 'land' used in Ceiling Law; **Vol. 9 (Supp.) All India Land Laws Reporter 381**

Sections 3(m), 4, 7 and 9(1)-Haryana Ceiling on Land Holdings Rules, 1973, Rules-- High Court declaring certain provisions as invalid without noticing that the Act has been included in the 9th Schedule of the 'Constitution--Earlier decision riot binding-- law altered since earlier decision: - Earlier decision between the parties will not operate as res-judicata; **1979 All India Land Laws Reporter 457**

Sections 3(c) and 4--Definition of tenant is applicable with regard to working' out permissible area of landowner or tenant; **1986 All India Land Laws Reporter 13**

4. PERMISSIBLE AREA. -(1) The permissible area in relation to a land-owner or tenant or mortgagee with possession or partly in one capacity or partly in another, of person or family consisting of husband, wife and upto three minor children (hereinafter referred to as "the Primary unit of family"), shall be, in respect of-

(a) land under assured irrigation capable of growing at least two crops in a year (hereinafter referred to as the land under assured irrigation), 7.25 hectares; .

(b) land under assured irrigation capable of growing at least one crop in a year, 10.9 hectares;

(c) land of all other types including land under orchard, 21.8 hectares. .

(2) The permissible area shall be increased by one-fifth of the permissible area of the primary unit of family for each additional member of family;

Provided that the permissible area shall not exceed twice the permissible area of the primary unit of family.

(3) The permissible area shall be further increased up to the permissible area of the primary unit of a family for each separate unit: (Vide Act No. 17 of 1976).

Provided that where the separate unit also owns any land, the same shall be taken into account for calculating the permissible area.

(4) -The permissible area shall be determined on the basis of valuation to be calculated in the prescribed manner taking into consideration the ownership of the means of irrigation, their intensity and such other factors as may be prescribed subject to the condition that the total physical holding does not exceed 21:8. hectares.

(5) In determining the permissible area for the purpose of clause (a) of sub-section (1) five hectare are of land under irrigation from privately-owned tubewells, pumping sets, etc., shall be equal to four hectares of land under irrigation from canal as defined in the Northern India Canal and Drainage Act, 1873 (Central Act 8 of 1873) or from State tubewells as defined in the Punjab State tubewells Act, 1954 (Punjab Act No. 21 of 1954).

(6) For evaluating the land of any person at any time under this Act, the land owned by him immediately before the commencement of this Act as well as the land acquired by him after such commencement by inheritance, bequest or gift from a person to whom he is an heir shall be evaluated as if the evaluation was being made on the appointed day and the land acquired by him after the appointed day in any other manner shall be evaluated as if the evaluation was being made on the date of such acquisition.

CASE LAW

Ss. 4, 9 & 13--Reserved Area--Permissible Area--Under Punjab Act, reserved area is one reserved out of the entire land held by him, not exceeding the permissible area Permissible area is defined under Haryana Act but there is no mention of reserved area anywhere--Landowner can initiate proceedings for ejection of a tenant only after the surplus area is decided under the Haryana Act--Continuance of the ejection proceedings after the Haryana Act came into force, is inconsistent with the Haryana Act--No procedure has been prescribed under the Haryana Act for ejection of a tenant-- Concept of permissible limit in Punjab Act must give way to the definition of permissible Area in Haryana Act-- Until decision of surplus area is taken application in Form K-2 may be kept pending--Punjab Security of Land Tenures Act, 1953-S. 9(1) (i);**1999 (1) All India land Laws Reporter 189**

Sections 4, 8 and 12(3)--Provision are inconsistent--On the fact of it-Sections 2 and 8 are inconsistent with provisions of section 12(3) which was introduced by the amendment Act of 1976-- Section 4 provides for the determination of surplus area--Section 8 has the effect of saving certain transfers from the operation of the Act--Section 12(3) prescribes that the permissible area for the tenant under the Punjab Law not vested in the Government shall be deemed to have vested retrospectively in the State Government--From the appointed day-- Attach is on the point if the land vested in the Government there seems be no purpose to determine the tenants permissible area--A closer and critical examination shows that these sections are not irreconcilable-- Section 8 has not been repealed by the introduced section--A

harmonious way of construing these sections would be to give them effect with effect from 23rd December, 1972—Exclude transfer made upto 23.12.1972 from the operation of section 12(3)--Other transfer of land in excess of permissible area under the Punjab Law and Pepsu Law would be protected if transferred prior to 30.7.1958--And this is the harmonious way of interpretation of Section--And in regards to conflict between sections 4 and 12(3)- -Other provisions of the Act have to be pursued and that will show that there is no conflict in between them; **Vol. 29 (SUPP.) All India land laws Reporters 204**

Section 4--Second Wife--Cannot be treated as additional member or family--No addition in permissible area of family unit can be allowed on account of second wife; **1989 (1) All India land laws Reporters 475**

Sections 4 and 11--Permissible area--Concept of--Ciling on land-- Concepts applicable to both tenants as well as to landowner--No obligation placed on the landowner to first select area for his self cultivation--Tenant has no locus stand: to challenge right of reservation--Tenant has not right to be heard; **1989 (2) All India Land Laws Reporters 73**

Sections 4, 12 and 15--Tenant has no right to be heard in the matter of declaration of surplus area of the landowner--Dispute is between the State and the landowner--Tenant has no right to claim hearing in proceedings for determination of surplus area of landowner--Can claim a hearing and assert his rights at the time of allotment of surplus area; **1989 (2) All India Land Laws Reporters 73**

Sections 4 and 9--Authorities took possession of land after landlord selected the permissible area--And handed over the same to tenant-Landowner challenged the action in writ petition- -Take over area resorted to Landowner--Surplus area case has not been finally decided--And till then any appeal by the tenants for possession is not competent--Order on the applicant is totally uncalled for and vitiated--Punjab Security of Land Tenures Act, 1953--Sections 10; **1992 (2) All India Land Laws Reporters 5**

Sections 4 and 7--Land held by person whether as landowner or tenant should be taken into consideration while calculating the permissible area--No person can be allowed to hold land more than permissible area--Whether as tenant or as land-owner or in both capacities; **1989 (1) All India land laws Reporter 509**

Sections 4,7,9,10 and12--Landowner whose land had been declared surplus under the Punjab Security of Land Tenures Act, 1953 and who has not been divested of ownership of surplus area before the commencement of the Haryana Ceiling on Land Holdings Act is entitled to select permissible area for his family and each of his son--Landowner entitled to select permissible area for his adult son--Area would vest in the State only after selection is made--Land would vest in the State which is capable of vesting under section 12(3)--Land remaining surplus after selection which has been made by the landowner or by the Collector would vest-- Section 4 and 7 --Son born after appointed day but before coming into force of Act is entitled to additional Area;**1988 (2) All India Land Laws Reporter 458**

Sections 4 and 3(9)--Adult son—Proof of age in the absence of documentary evidence—CMO's certificate as per radiological report age should be accepted; **1988 (2) All India Land Laws Reporter 477**

Sections 4 and 8--Land transferred before 30.7.1956 cannot be taken into account while determining surplus area; **1988 (2) All India Land Laws Reporter 112.**

Sections 4 and 32--Amendment made in the Act not retrospective--Amendment legislation not to effect the rights which have already been determined; **1979 All India Land Laws Reporter 397**

5. ACT NOT TO APPLY TO CERTAIN LANDS. --The provisions of this Act shall not apply to--

(a) Land owned by, or vested in, the State Government otherwise than under the provisions of this Act, or the Central Government or the Faridabad Complex Administration or a Municipal Committee or a Cantonment Board or a Gram Panchayat or the National Dairy Research Institute, Karnal or such organisation under the administrative control of State or Central Government, as the State Government may, by notification, specify;

(b) land belonging to registered co-operative societies formed for the purposes of co-operative farming:

"Provided that the person joining the society as a member does not own or hold or contribute to the society land in excess of his permissible area and the co-operative society so formed does not own or hold land in excess of the aggregate of the permissible area of its members.: (Vide Act No. 17 of 1976) .

(c) land belonging to primary agricultural co-operative credit societies, land mortgage banks, the State and the Central Co-operative banks and other banks.

EXPLANATION. -For the purpose of this clause 'bank' means Banking Company as defined in section 5 of the Banking Regulation Act, 1949, the State Bank of India constituted under the State Bank of India Act, 1955, Subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970, and any other financial institution notified by the State Government as a bank for the purpose of this Act;

(d) land leased by the Haryana State Co-operative Land Mortgage Bank limited, established under the Punjab Co-operative Land Mortgage Bank Act, 1957;

(e) land owned by the Haryana Agricultural University, Hissar, the Kurukshetra University, Kurukshetra, or such other university as the State Government may, by notification, declare.

(f) land owned by the Haryana Bhudan Yagan Board established under the Punjab Bhudan Yagna Act, 1955.

CASE LAW

Sections 5 and 28-Notification issued that sales of surplus area before 15th September, 1976 would stand exempted in case the vendor is not a relation of the vendee and the surplus area purchased does not exceed 10 standard acres and that the surplus area has not been utilised- All the conditions fulfilled--Sales cannot be ignored-Notification converts rights on the vendees; **1983 (2) All India Land Laws Reporter 68**

Section 5--Haryana Ceiling on Land Holdings Rules, 1973-Rules 5(2)-Illustration 4--intensity ratio--whole of the land within the command area under irrigation at 57% intensity--Intensity ratio held to be property fixed; **1990 (1) All India Land Laws Reporter 188**

Section 5- Tube- well existing on the site- Tube-well whether owned by the landlord or by another person-Irrelevant consideration for the purpose of determining the surplus area- Ownership of the tube-well may be of the landlord of some other private person; **1990 (1) All India Land Laws Reporter 188**

5A. EXEMPTION OF LANDS BELONGING TO RELIGIOUS OR CHARITABLE INSTITUTIONS. (Vide Act No. 14 of 1983)--Notwithstanding any judgment, decree or order of any court or authority the provision of this Act shall not apply to lands belonging to any religious or charitable institutions, the provision of this Act shall not apply to lands belonging to any religious or charitable institutions, of a public nature in existence immediately before the day of commencement of this Act, but not belonging to the Mahant, Mohatamin or manager thereof:

Provided that the exemptions specified herein shall be admissible till such time only as the land or income therefrom is utilised for the specified purpose of such institution and shall not be admissible to the lessees of such lands:

Provided further that except in the case of land belonging to institutions, registered under the Indian Trusts Act, 1882 (Central Act NO.2 of 1882), or regulated by any statute such as the Sikh Gurdwaras Act, 1925 (Punjab Act No.8 of 1925), the Waqf Act, 1954 (Parliament Act 29 of 1954), or customarily recognised, the onus to prove that the land is exempt under this section, shall lie on the persons claiming the exemption.

EXPLANATION--For the purpose of this section, religious or charitable institution means--.

- (i) a temple;
- (ii) a Gurdwara;
- (iii) a Gowshala;
- (iv) a Waqf as defined in clause (ii) of Section 3 of the Waqf Act, 1954 (Parliament Act No. 29 of 1954); or
- (v) any other religious place of public nature"

CASE LAW

Section 5-A--Exemption-Exemption claimed not be ground that the institution is in Adra and was granted muafi-Institution not a registered trust nor covered by any statutory provision-Factors to be considered for granting exemption in dictated as under- Nature of endowment-Factors whether permanent or inalienable to be considered--Uses to which income is put to be taken into consideration, nature of management and of beneficiaries to be taken of; **1984 (2) All India Land Laws Reporter 212**

Section 5-A (as inserted by Haryana Amendment Act 17 of 1973) and section 23-- Property belonging to religious and charitable institutions exempted from the provisions of the Act-Land belonging to such institutions not to be treated as surplus, area; **1989 (1) All India Land Laws Reporter 203**

6. ACT TO OVERRIDE OTHER LAWS DECREES, ORDERS, ETC.

Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law or any usage, agreement settlement, grant, stand or any decree or order of any court or other authority.

CHAPTER II

Ceiling on Land and Acquisition and Disposal of Surplus Area

7. CEILING ON LAND. - Notwithstanding anything to the contrary contained in any law, custom, usage or agreement, no person shall be entitled to hold whether as landowner or tenant or as a mortgagee with possession or partly in one capacity or partly in one capacity or partly in another, land within the State of Haryana exceeding the permissible area on or after the appointed day.

EXPLANATION. --Where the person is a family including the separate unit, if any, the land owned or held by such person together with the land owned or held by the members of the family and the separate unit shall be taken into account for the purposes of calculating the permissible area. (Vide Act No.17 of 1976)

8. CERTAIN TRANSFERS OR DISPOSITIONS NOT TO AFFECT SURPLUS AREA. - (1) Save in the case of land acquired by the Union Government or the State Government under any law for the time being in force or by a tenant under the pepsu law or the Punjab law or by an heir by inheritance, no transfer or disposition of land in excess of-

(a) the permissible area under the Pepsu law or the Punjab law after the 30th day of July, 1958; and

(b) the permissible area under this Act, except a bona fide transfer, or disposition after the appointed day,

shall affect the right of the State Government under the aforesaid Acts to the surplus area to which it would be entitled out for such transfer or disposition:

Provided that any person who has received an advantage under such transfer, or disposition of land shall be bound to restore it, or to pay compensation for it, to the person from whom he received it. (Vide Act No. 17 of 1976)

(2) The burden of proving the transfer or disposition to be a bona fide one shall be on the transfer.

(3) If any person transfers or disposes of any land after the appointed day in contravention of the provisions of sub-section (1), the land so transferred or disposed of shall be deemed to be owned or held by that person in calculating the permissible area. The land exceeding the permissible area so calculated shall be the surplus area of the person and in case the area left with him after such transfer or disposition is equal to the surplus area so calculated, the entire area left with him shall be deemed to be the surplus area. If the area left with him is less than the surplus area so calculated, the entire area left with him shall be deemed to be the surplus area and to the extent of the deficiency in it the land so transferred or disposed of shall also be deemed to be the surplus area. If there is more than one transferee, the deficiency of the surplus area shall be made up from each of the transferees in the proportion to the land transferred or disposed of to them. (Vide Act No. 17 of 1976)

CASE LAW

Section 8(1)--Land owner whose surplus area case is being decided under Pb. Security of Land Tenures Act cannot be allowed to benefit Of land sold before 30.7.58 under Section 8(1) of Ceiling Act; **Smt. Kaushalya Devi v. State of Haryana through the Collector, Hisar : 2002(1) ALL INDIA LAND LAWS REPORTER (F.C. Har.) 144**

S. 8(1) (b)--Transfer of land effected before the date on which surplus proceedings were taken and after the appointed day-- Cannot be said to be a bonafide transfer--Surplus area is to vest in the State, if it exceeds permissible area--And thereafter only the transferee could be touched--No notice given to the petitioner, the bonafide purchaser, by the Collector, orders of the Collector and F.C. are liable to be set aside--Remanded to Collector to decide the matter afresh after giving an opportunity to all; **All India land laws Reporter 106.**

S. 8(1) (b) a bonafide purchaser after the appointed day is protected--Burden to prove bonafides would lie on the transferor-- But the purchaser i.e. the petitioner herein is an interested party and a necessary party--Deserves to be issued a notice, a mandatory requirement of the Act to enable him to safeguard his interest in the proceedings; **All India Land laws Reporter 106.**

Sections 8 and 9--Sale of land after 23.12.1972--Surplus area declared later on Sold area falling in surplus area--Act whether gives any protection to transfers--Held "No"--Act safeguards interest of State--Notice to transferee necessary; **1987 (2) All India land laws Reporter 487**

Sections 8,9 & 11 (3)--Surplus Area-- Transfer from surplus area-- Law treats all transfers of land affected after cut-off date as void--Court can not infuse any life into such dead transactions-- In the present case, the transfer was even much after the surplus area had been declared--Vendees may have suffered because of mechanism applied by area had been declared--vendees may have suffered because of mechanism applied by landowner--They are to blame themselves for the situation--Vendees have no locus standi to either claim a notice under Section 11 (3) of the Act or to request that area purchased may be treated as permissible area of the landlord; **1998 (1) All India Land laws Reporter 160**

Section 8, 9, 11 and 12-- Transfer of land after 23rd December, 1972--Not to be taken into consideration--Fact that transfer are bonafide is irrelevant--Provisions of Section 8 and 9 are mandatory; **1990 (1) All India Land laws Reporter 395**

S. 8--Punjab Security of Land Tenures Act, 1953--Ss. 10.A and 19- -A Land of :ON" was declared surplus in 1960--Was not utilised till her death in 1968 when it was inherited by the heirs of "N"- -Such heirs claim to have become small landowners and as such entitled to retain the land in dispute under S. 8 of Punjab Act-- In case of death of big land owner, the surplus case is to be decided again by Revenue Authorities--8state Government is not competent to utilise the surplus area in the hands of the heirs, small land owners--Orders of the Collector, Commissioner and the Financial Commissioner, to the contrary are challenged--The restriction imposed is found to be within the powers of the Government--Administrator may examine each petitioner; so as to ascertain if a trader or shopkeeper manufactured, or stored any offensive or dangerous material specified in clauses (a) to (f) of Section 128(1) of the Act--Persons doing so may be charged the fee and issued a license--Haryana Municipal Act, 1973--Section 128;**1998 (1) All India land laws Reporter 260**

Sections 8 and 12--Land transferred by a way of decree passed before 30th July, 1951--Decree ignored--Land declared surplus-- Land remaining unutilised and in the meantime death of the landowner taking place in 1976--Another sale taking place in 1979--Sale ignored as made after 30th December, 1972--Earlier sale made before 30th July, 1958 can be taken note of-- Benefit can be given--Vendee as purchasers after 23rd December, 1972 of a sale prior to 30th July, 1958 entitled to the protection and land cannot be declared surplus; **1990 (1) All India Land Laws Reporter 282**

Sections 8, 12(3), and 33--Death of landowner after 22nd December, 1972, when proceedings continuing under the Punjab Security of land Tenures Act--Would not effect the surplus area- Surplus area to be determined by ignoring the factum of death-- Surplus land to be surrendered as on 23rd December, 1971; **1990 (1) All India Land Laws Reporter 291**

Section 8--Punjab Security of Land Tenures Act, 1953--Section 10- B--Surplus land if not utilised during the life time of the landowner falls to the heirs on this death--Surplus area is to be re- determined quo the heirs--Benefit of Section 10-B of Land Tenures Act cannot be denied after the enforcement of Haryana Ceiling Act, 1972; **1993 (2) All India Land Laws Reporter 337**

Section 8--Land transferred before 30th July, 1958--Landowner transferring land in favour of his sons to the extent of 3/4th share--3/4th share to be taken pro rate from each portion of the land--Position would have been different if specific numbers had been sold; **1984 (2) All India Land Laws Reporter 114**

Section 8--Punjab security of Land Tenures Act, 1953-- Surplus area declared under Punjab Act has to be redetermined under the Haryana Ceiling Act but after alienation challenged in courts are decided-Collector concernedly directed to entire holding of the father of the petitioner who was alive in 1953 and died in 1960 and redecide the surplus area question having regard to the alienations made by father of the petitioners having been declared void; **1993 (2) All India Land Laws Reporter 355**

Sections 8 and 12(3)-Surplus land which had been gifted, transferred or disposed off by the landowners before July 30, 1958, shall not vest in the State and as such is not available for utilisation in accordance with utilisation of surplus and Other Area Scheme--1976--Petition success--Orders of the F.C. set aside; **1993 (2) All India Land Laws Reporter 315**

Sections 8, 12 and 33--Punjab Security of land Tenures Act, 1953-Section 8--Purchase of land under Section 18 and exemption --Exemption to land purchased available only in accordance with the provisions of resettlement scheme--Exemption not available in the case nor covered by Section 8-Entitlement of the landowner to be seen 23rd December, 1972--Death of the landowner irrelevant consideration; **1990 (1) ALL India Land Laws Reporter 292**

Sections 8 and 9--Surplus area--Section by landowner to be respected-Notice to transferee held not necessary; **1987 (2) All India Land Laws Reporter 487**

Section 8--Bona fide of Sale--Agreement exercised before 24.1.1971-Authorised not to ignore the same because sale is executed after 24.1.1971-Should go into the question of bona fide of sale; **1988 (2) All India Land Laws Reporter 458**

Section 8(3)--Petitioner purchased a piece of land from a big Landowner after the act came into force--Allotment authority allotted land to Respondents 2 and 3 as surplus land--Petitioner contested the order upto Commissioner Level and lost the case-- Petitioner is now in revision before the Financial Commissioner Haryana contents that Land should be deemed to be owned by the Landowner while calculating the surplus area-- The transaction being bona fide land cannot be used for resettling the tenants-- Held--In case the area left with her after transfer--If any exceeds the land under dispute i.e. 34 Kanals and 16 marlas, the area left with her to the extent of 35 kanals 16 marlas from her own permissible area be utilised-- However, if the area left with the landowner is less than the land under dispute i.e. 35 kanals 16 marlas then the area of the petitioner to the extent of deficiency as laid down in Section 8(3) of the Act ibid be utilised; **1990 (2) All India Land Laws Reporter 518**

9. SELECTION OF PERMISSIBLE AREA AND PERSONS REQUIRED TO FURNISH DECLARATION. --(1) Every person, who on the appointed day or at any time thereafter holds land exceeding the permissible area, shall, within a period of three months from such date as the State Government may, by notification specify in this behalf or subsequent acquisition of land, furnish to the Prescribed Authority a declaration supported by an affidavit giving the particulars of a 1,1 his land and that of the separate unit in the prescribed form and manner and stating therein his selection of the parcel or parcel of land not exceeding in the aggregate the permissible area which he desires to retain:

Provided that in case of a member of the Armed Forces of the Union, the last date for furnishing the declaration shall be the 31st October, 1976.

EXPLANATION I. -Where the person is a member of the family, he shall include in his declaration the particulars of land held by him and also of land, if any, held by other members of the family, and the separate unit.

EXPLANATION II. -In calculating the extent of land owned Of held by a person the share of such person in the land owned or held by an undivided family, firm or association of individuals, whether incorporated or not, and the land contributed as share capital or otherwise by him to a co-operative, society or a company of which he may be a member or shareholder, shall be taken into account. (Vide Act No. 17 of 1976)

(2) Every person making a selection of the permissible area under subsection (1). may also select land for the separate unit. (Vide Act No. 47 of 1976)

EXPLANATION. --An adult son, who owns or holds land and is living separately from his parents, shall file the declaration under sub-section (1) and make the selection of permissible area under sub-section (2) separately.

(3) In making the selection such person shall include in the first place the land which had been transferred by him after the appointed day in contravention of the provisions of Section, 8 and in the second place the land mortgaged by him without possession but shall not include any land-

- (i) which is declared surplus;
- (ii) which was under the permissible area of tenant; under the Punjab Law or the Pepsu Law.

(4) The declaration under sub-section (1) shall be furnished by,

- (a) in the case of an adult unmarried person, such person;
- (b) in the case of minor, lunatic, idiot or a person subject to like disability, the guardian, manager or other person incharge of such person or of the property of such person;
- (c) in the case of a family, the husband or in his absence, the wife, or in absence of both, the guardian of the minor children;
- (d) in the case of any other person, any person competent to ~ct for such person in his behalf.

CASE LAW

Sections 9, 10, and 11--Surplus Area--Declaration of--In the event of death of Landowner, his legal representatives should be brought on record and proceedings should be taken afresh; **1988(2) All India Land Laws Reporter 476**

10. SELECTION OF PERMISSIBLE AREA BY PRESCRIBED AUTHORITY.

--If a person fails to select the permissible area in accordance with the provisions of Section 9, the Prescribed Authority may, after collecting the information in such manner as it may deem fit, by order select the permissible area of such person:

Provided that no such order shall be made without giving all persons interested an opportunity of being heard.

11. STATEMENT OF PERMISSIBLE AND SURPLUS AREAS. --(Vide Act No. 17 of 1976): (1) On the basis of information given in the declaration or such information, as may be obtained, the Prescribed Authority shall prepare a statement in the manner prescribed showing, among other particulars, the total area of land owned or held by a person and the separate unit, their permissible area and the surplus area.

(2) The land included in the statement prepared under sub-section (1) as permissible area of the family and the separate unit, shall be owned or held by the members of the family and also the separate unit in the same proportion in which they owned or held land before selection of the permissible area.

(3) A copy of statement prepared under sub-section (1) shall be sent to the person concerned and to the tenants of the landowner by registered post and shall be given on demand on payment of fee. Copies of such statement shall also be sent to the Tehsildar and such other officer as may be prescribed.

12. VESTING OF SURPLUS AREA. --(1) The surplus area of a landowner shall, (from the date on which it is declared as such shall be deemed to have been acquired by the State Government for a public purpose) (Vide Act No. 17 of 1976) and all rights, title and interest (including the contingent interest, if any, recognised by any law, custom or usage for the time being in force) of all persons in such area shall stand extinguished and such rights, title and interest shall vest in the State Government free from any encumbrance:

Provided that where any land within the permissible area of the mortgagor is mortgaged with possession and falls within the surplus area of the mortgagee, only the mortgagee rights shall be deemed to have been acquired by the State Government and the same shall vest in it.

(2) The right and interest of the tenant in his surplus area which is included within the permissible area of the landowner shall stand extinguished.

(3) The area declared surplus or tenant's permissible area under the Punjab law and the area declared surplus under the Pepsu Law, which has not so far vested in the State Government, shall be deemed to have vested in the State Government with effect from the appointed day and the area which may be so declared under the Punjab Law or Pepsu Law after the appointed day shall be deemed to have vested in the State Government with effect from the date of such declaration. (Vide Act No. 40 of 1976)

(4) For the purpose of determining the surplus area under this Act, any judgment, decree or order of a court or other authority, obtained after the appointed day and having the effect of diminishing the surplus area shall be ignored.

CASE LAW

S.12 (3)--Admittedly land declared surplus on 8.6.1960--Allotted to different landless persons and possession given thereof-- Continued to be in possession till 1976 when Haryana Ceiling Act came into force retrospective w.e.f. 23.12.1972—Land holder died on 5.1.1976-- Claim of the LRs that land had not till then vested in the State and further request for redetermination of the surplus land afresh in individual shares as per S. 12(3) of the Act of 1972--Allottees of lands with possession prior to 1972, a right have been conferred on the allottees, which right could not be snatched away when appellants were not party to the proceedings--Also land holder died on 5.1.1976, as per Act 1972, lands have vested in the State on 23.2.1972, question of redetermination of surplus area did not arise--Orders of High Court set aside--Appears allowed--Punjab Security of Land Tenures Act, 1953; **1999(1) All India Land Laws Reporter 270**

Section 12--Contention of the petitioners that the land having not been utilised did not vest in the state--Held--Contention rejected--Act provides that land which had remained unutilised till the appointed day, automatically vested in the state; **1996(1) All India Land Laws Reporter 50.**

Paragraph 4- Some land, left out after tenants purchased the rest, formed part of the surplus pool--On coming into force of Haryana Ceiling Act. mutation of this land was sanctioned in favour of State--Steps were taken to allot the same to eligible persons under the

Utilisation Scheme-Necessary information to the village people was given by the beat. of drum--Plaintiffs challenge the proceedings as null and void--Held--Service of notice to the transferee of surplus area which vested in the State on 24.1.1991, was a formality-Transferee has only a right to receive compensation as per Section 16 of the Ceiling Act-- Mere want of notice in given circumstances hardly advances the case of the plaintiffs--Appeal dismissed-- Punjab Security of Land Tenures Act, 1953--Section 24- A (ii);**1995(1) All India land laws Reporter 443**

Section 12--When the land is determined as surplus it vests in the State, whether utilised or not by the Government--Such vesting is automatic; **All India Land Laws Reporter 518**

Section 12(3)--Punjab Security of Land Tenures Act, 1953, Section 9-Comparison--No Pari Materia-Under Section 9 of Punjab Act the Collect(to pass order to the land owner to surrender surplus area to the State under section 12(3) of Haryana Act the surplus area automatically vests in the St -But in both cases only after the permissible area has been selected either owner or Collector, as the case may be ;**Vol. 26(SUPP.) All India Land Laws Reporter 327**

Sections 12(3) and 8-Area subsequent transfer of area by landowner- Does not vest any right in purchaser, **1986 (2) All India Land Laws Reporter 604**

Section 12(3)--Definition of surplus area--Civil Court decree ignored- No selection in respect of permissible area can be made; 1986(2) All India Land Laws Reporter 508

Section 12(3)--Punjab Security of Land Tenures Act, 1953--Land declared surplus under Punjab Act-Owner not yet divested of the surplus land Haryana Act comes into force-Section 12(3) makes the landowner entitled select to permissible area for his family and each adult son-Failing that Collector will "Select" the permissible area for the landowner--And then the surplus area will vest in State; **VOL. 26 (SUPP.) All India Land Laws Reporter 327**

Section 12(4)--Area declared surplus under Punjab Law-Landowner dying--Surplus area not utilised--Surplus area vests in the State Government- Heirs not entitled to fresh determination; **1983(1) All India Land Laws porter 610**

Section 12(4)--Specifically provides that while assessing surplus areas, decrees of the Courts affecting the area should be ignored-To avoid a comment on the quality of Judgment, it would not be proper for the revenue officer to go into the details of the quality of decree--May be it is collusive--As such a decree will not be binding; **1991 (2) All India Land Laws Reporter 331**

Section 12(4)--Objected to as beyond the competence of the legislature as it provides that judgment, decree or order obtained after the appointed I is to be ignored in case it reduces the surplus area-It does not effect the validity of the decision in any other manner but that a decree, which diminishes the permissible area, if made after the appointed day' is to be ignored-Just as a not bona fide transfer is to be ignored;**VOL.29 (SUPP.) All India Land Laws Reporter 205**

Section 15--Respondents not having any relationship of landlord c tenant with the original owners-Not entitled to any special consideration **1985(2) All India Land Laws Reporter 307.**

13. POWER TO TAKE POSSESSION OF SURPLUS AREA.--(1) The Prescribed Authority may, order in writing, at any time, after the date on which the statement in respect of a landowner or tenant has been prepared and Copies thereof sent as required by Section 11. direct the person in possession the surplus area acquired and vested under Section 12 to deliver possess thereof within ten days of the service of the order on him to such person may be specified in the order.

(2) If the person in possession of the surplus area refuses or fails w out reasonable cause to comply with the order issued under sub-section (1) the Prescribed Authority may make possession of the surplus area and may for that purpose use such force as may be necessary.

14. POWER TO SEPARATE SHARES OF LANDOWNERS.--(1) Where a landowner owns land jointly with other landowners and his share of such land or part thereof has been, or is to be, declared as surplus area, the officer competent to declare such area, or where such area has been declared, the officer competent to utilize it, may on his own motion, after summary enquiry and affording to the persons interested in such land an opportunity of being heard, separate his share of such land or part thereOf in the land owned by him jointly with other landowners.

(2) Where, after the declaration of surplus area of any person and before the utilisation thereof, his land has been subjected to the process of consolidation, the officers referred to in sub- section (1) shall be competent to separatre the surplus area of such persons out of the area .of land obtained by him after consolidation.

15. DISPOSAL OF SURPLUS AREA.--(1) The surplus area acquired or vested under section 12 shall be at the disposal of the State Government.

(2) The State Government may, by notification, frame a scheme for utilising the surplus area by allotment of land to members of the Scheduled Castes and Backward Classes, landless persons, agricultural workers, tenants, ex-servicemen, tenants liable ejectment, or persons owning (land measuring less than two hectares of the category specified in clause (c) of sub-section (1) of Section (4) or land of equivalent valued:

Provided that - (Vide Act No. 2 of 1987)

(i) a tenant holding land declared as the tenant's permissible area under the Punjab Law or the Pepsu Law, as the case may be, may be allotted land to the extent of the area held by him or the permissible area under this Act, whichever is less; . .

(ii) a tenant who was allotted and given possession of land in the surplus area by the State. Government under the Punjab Law or the Pepsu Law, may be allotted land to the extent of the 'area so allotted to him;

(iii) a tenant liable to ejectment as a result of an ejectment order or decree passed against him under clause (i) of sub- section (1) of Section 9 of the Punjab Law or sub-section (1) of Section 7A of the Pepsu Law, may be allotted land to the extent of the area mentioned in Section 9A of the Punjab Law or Section 7 A of the Pepsu Law 'as the case may be;

(iv) a tenant, settled on the surplus area by the landowner before Kharif, 1968, who is not-

(a) landowner's relation of the category specified in clause (9) of Section 2 of the Punjab Law or the rules made thereunder; or

(b) the landowner's relatives of the category specified in the rule made under sub-clause (ii) of clause (g) of Section 2 read with Section 52 of the Pepsu Law; or

(c) the landowner's relation of the category specified in the rule made under clause (s) of Section 3 read with Section 31 of this Act;

may be allotted land to the extent of two hectares of the category specified in clause (c) of sub-section (1) of Section 4 or land of equivalent value subject to the condition that the land so allotted and the land held by him, if any do not exceed two hectares of land of the category specified in clause (c) of sub-section (1) of Section 4 or land of equivalent value; and

(v) a person from any other eligible category may be allotted land to the extent 'Of two hectares of the category specified in clause (0) of sub section (1) of Section 4 or land of equivalent value subject to the condition that the land so allotted and the land held by him, if any, do not exceed two hectares of land of the category specified in clause (c) of sub-section (1) of Section 4 or land of equivalent value:

Provided further that were a sub-tenant, except that of a widow, a minor, an unmarried woman, a member of the Armed Forces of the Union or a person incapable of cultivating land by reason of physical or mental infirmity is in possession of land, the allotment shall be made to him to the exclusion of the tenant;

Provided further that until the scheme for utilising the surplus are under this Act is finalised and notified, the surplus are and the tenants permissible area vested in the State Government under sub-section (3) of Section 12, may be taken possession of and utilized for the resettlement of tenants liable to be rejected from the permissible area, reserved area or exempted area of a landowner under the Punjab Law or the Pepsu Law. (Vide Act No. 17 of 1976)

(3) Any scheme framed by the State Government may provide for the priorities among the persons mentioned in sub-section (2), the extent of land and the terms and conditions on which the land in the surplus area is to be allotted.

(4) The purchase price of the land, along with interest at the rate of five" per cent per annum, shall be payable by the allottee in whose favour the proprietary rights are conferred in ten annual equated instalments, at the rate not exceeding that mentioned in column 1 of the table in sub-section (1) of Section 16.

(5) On payment of full price or the first instalment thereof, as the case may be, the allottee shall be deemed to have become the owner of the land and the prescribed authority, where the allottee is not already in possession, shall put him in possession thereof.

(6) The unpaid portion of the purchase price alongwith the interest shall be the first charge on the land so allotted.

(7) Notwithstanding anything contained in Section 21 a person who secures an allotment by furnishing information which is false or which he knows or has reason to believe to be false or which he does not believe to be true and who is or has to any time been in possession of any surplus area to which he is or was not entitled under the law shall for the period for which the surplus area remains or has remained in his possession, be charged a licence fee equal to thirty times the land holdings tax, recoverable in respect of this area. (Vide Act No. 40 of 1976)

CASE LAW

S. 15-- Chronologically respondent applied for allotment of land for surplus pool on 19.9.80--Allotted land on 4.12.1984--Took possession on 8.5.1985--In this meantime respondent joined Government service in August 1983, prior to date of allotment--As a Government servant, respondent was not entitled to this allotment--Previous orders on these lines are confirmed; **Ved Parkash v. Subhash : 2001(1) ALL INDIA LAND LAWS REPORTER (FC, Hry.) 134**

Section 15, 11 and 18--Surplus area allottees have acquired ownership rights in the land allotted to them and any reopening of matter which affects this right would certainly entitle them to be heard-- Principle of natural justice would clothe resettled tenant with that right--Also surplus area order of the Collector dated 29th September, 1961 had become final qua the landowner--He cannot be permitted to take advantage of the reopening of the case at the behest of the tenant--Relief given by the Lower Court was to the tenant only and not to the landlord;" All INDIA LAND LAWS REPORTER 578

Section 15, Proviso (i) and 4--Tenant holding land declared as tenant's permissible area under the Punjab Law may be allotted land to the extent of area held by him--Concept of family not accepted--Entitlement of family not to be taken into account-- Only the entitlement of original tenant in whose hands the tenant's permissible area was declared to be considered; **1986 (2) All India Land Laws Reporter 10**

Section 15(2)--Allotment of surplus area eligible person- Landowner challenging determination of surplus area--Allottee held to be a necessary party in dispute regarding surplus area;**1988 (1) All India Land Laws Reporter 644**

16. PRINCIPLES FOR PAYMENT OF AMOUNT.--(1) Where any land is acquired or has vested under Section 12, that shall be paid for it an amount calculated at the rate shown in the table below, namely :-

TABLE

Rate per acre in rupees		Value of land as shown in the Schedule to this Act		
For first 10 hectares	For next	For remain 20 hectars	Paise ing land	or Annas
1	2	3	4	5
2000	1760	1600	100 or more	16 or more
1875	1650	1500	94	15
1750	1540	1400	87	14
1625	1430	1300	81	13
1500	1320	1200	75	12
1375	1210	1100	69	11
1250	1100	1000	62	10
1125	990	900	56	9
1000	880	800	50	8

875	770	700	44	7
750	660	600	37	6
625	550	500	31	5
500	440	400	25	4
375	330	300	20	3
250	220	200	12	2
200	160	150	10	1 ½

(1 A) Notwithstanding anything contained in sub-section (1), a person who, under Section 9, fails to furnish a declaration or furnishes a declaration containing information which is false or which he knows or had reason to believe to be false or which he does not believe to be true, shall be paid for the land for which no declaration is furnished or declaration furnished contains information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, an amount calculated at half the rates shown in the table referred to in sub-section (1). (Added vide Act NO.1 of 1976)

(2) The prescribed authority shall prepare a statement for the payment of amount in the form and manner prescribed and shall give notice to all persons (including the landowner, the tenants or any other person) known to have any interest in the land on the basis of the entries in the revenue record or otherwise, for which the amount is to be paid to appear personally or by duly authorised agent before him at a time and place therein mentioned (such time not being earlier than fifteen days after the date of service of the notice and to state the nature of their respective interests in the land and the amount and particulars of their claims for such interest in the land and the amount and particulars of their claims for such interests. The prescribed authority shall then determine the person or persons having interest in the land and the amount payable to each and the same shall be paid accordingly.

(2A) The amount payable to the members of the family and the separate unit, in respect of the surplus area shall be apportioned between the members of the family as also the separate unit in the same proportion in which they owned or held land before the selection of the permissible area (Vide Act No. 17 of 1976)

(3) The amount shall be applied firstly to discharge the Government dues, secondly to meet the claims of the secured creditors and lastly to pay the dues of other claimants.

(4) Where mortgage rights have been acquired by the State Government, the amount payable to the mortgagee shall be the mortgage money due to him or the amount payable for acquisition of land under this Section, whichever is less.

(5) Where on the land there is any building, structure, tube-well water course including its subsidiary works, (crop, or tree including fruit tree) the owner thereof shall, in addition to the amount payable in respect of the land, be entitled to be paid by the State Government an amount therefore which shall be equivalent to fifty per centum of the market value of such building structure, (tube-well, watercourse including its subsidiary works), [crop or tree including fruit tree] (Vide Act No. 17 of 1976), as the case may be, and which shall be determined by the [Prescribed Authority]: (Vide Act No. 40 of 1976)

Provided that an option in writing shall be given by the prescribed authority to the owner to remove such building, structure, (crop or tree including fruit tree) within the period prescribed, and if such building, Structure, (crop or tree including fruit tree) as the case may be, is removed by the owner within the period prescribed or within such further period as the Prescribed Authority may extend for the purpose: no amount shall be paid to the owner in respect thereof:

Provided that the cost incurred in raising the crops shall be the market value of the crop.

CASE LAW

Section 16--Quantum of compensation-Criteria adopted cannot be as sailed--Jaswant Kaur and other V. State of Haryana 1977 PLJ 230 relied upon; **1979 All India Land Laws Reporter 9**

Section 16--Is a valid piece of legislation--Is not illustory- Compensation stipulated is not an illusory condensation; **1980 All India Land Laws Reporter 365**

17. PAYMENT OF AMOUNT.--The amount payable by the State Government, along with interest at the rate of five per centum per annum thereon, shall be given in cash in ten equated annual instalments in the manner prescribed:

Provided that in the case of a minor, idiot or lunatic, the equated annul instalments of the amount payable to such persons, from time to time, shall a deposited by the competent authority in the civil court exercising jurisdiction h over the area under the Guardians and Wards Act, 1890 (Centra,1 Act No.6 of 1890), or the Hindu Minority and Guardianship Act, 1956 (Parliament Act 32 of 1,1956), as the case may be for payment to such person in accordance with the h provisions of either of the said Acts, as may be applicable.

CHAPTER III

Miscellaneous

18. APPEAL, REVIEW AND REVISION.--(1) Any person aggrieved by any decision or order of the Prescribed Authority, not being the Collector, may, within [Fifteen days] (Vide Act No. 17 Of 1976) from the date of the decision or order, prefer an appeal to the Collector in such form and manner as I may be prescribed:

Provided that the Collector may entertain the appeal after the expiry of the said period of [fifteen days] (Vide Act No. 17 of 1976) if he is satisfied that t the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Any person aggrieved by a decision or order of the Collector (whether acting as Prescribed authority or not) not being a decision or order made in an appeal under sub-section (1), may, within [fifteen days (Vide Act No. 17 of 1976) from the date of decision or order, prefer an appeal to the Commissioner in such from and manner as may be pre- scribed:

Provided that the Commissioner may entertain the appeal after the expiry of the said period of [fifteen days] if he is satisfied that the appellant was presently by sufficient cause from filing the appeal in time.

(3) Omitted vide Act No. 40 of 1976.

(4) Any person aggrieved by an order of the Collector under sub- section (1), may within (Thirty days) from the date of the order, file a revision petition before the Commissioner so as to challenge the legality or propriety of such order and the Commissioner may pass such order as he may deem fit The order of the Commissioner shall be final.

(5) Omitted vide Act No. 40 of 1976.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Financial Commissioner may suo moto at any time call for the record of any proceedings or order of any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or order, and may pass such order in relation thereto as he may deem fit.

(7) No appeal under sub-section (1) or sub-section (2) or revision under sub-section (4) shall be entertained unless the appellant or the petitioner, as the case be, has deposited a sum equal to thirty times the land holdings tax payable in respect of the disputed surplus area or has furnished a bank guarantee of the equal amount as security with the appellate or revisional authority;

(8) Notwithstanding anything contained in Section 21, a person who files an appeal or a revision against the order declaring his land as surplus area and the appeal or revision filed by him fails, shall be liable to pay, for the period he is or has at any time been in possession of the land declared surplus to which he is or was not entitled under the law, a licence fee equal to thirty times the land holdings tax, recoverable in respect of this area, (Vide Ac No. 34 of 1980)

(9) Omitted vide Act No. 34 of 1980

CASE LAW

Section 18(6)-- Suo motu powers of Financial Commissioner- Determination of surplus area-Bogus School certificate relied upon-Fraud detected after more than 20 years--Held-Within a reasonable time, error on surplus area should be detected and proceeded--Willful wrong decision cannot be allowed to be right with passage of time--Law has to take its course even if fraud is detected after substantial delay--Delay condoned--Impugned orders of Prescribed authority set aside; **State of Haryana v. Raghbir Singh : 2002(1) ALL INDIA LAND LAWS REPORTER (F.C. Har.) 148**

Sections 18(6)--Haryana Utilisation of surplus and other Areas Scheme, 1976--Paras 10 and 13-- In pursuance of final allotment order, possession of land sought--Pendency of civil proceedings in absence of stay order cannot affect the case adversely-- Possession allowed as per orders of allotment of prescribed authority--Surplus area utilised under specific act and is liable to be executed; Jagrat Singh v. Maliat Singh: 2002(1) ALL INDIA LAND LAWS REPORTER (F.C., Hry.) 417.

Section 18(6)- -Determination of permissible area and surplus area-One primary unit for petitioner and his family and one separate unit for his c- adult son-Direct revision to FC by State without availing remedies of appeal 5 and revision, after lapse of more than 9 years that son was not adult on appointed day--Held, expecting rewriting history was asking too much--State could not prove its claim-Son, held to be adult on appointed day and entitled · for separate unit; **Maman Singh v. State of Haryana through Collector, · Sonepat: 2002(1) ALL INDIA LAND LAWS REPORTER (FC, Hry.) 552**

S. 18(6)-Government files revision seeking invoking suo motu powers · of F.C. for a setting aside of orders of Prescribed Authority-Filed late by 13 years-After "No surplus area" was decided by the Prescribed Authority, Department received complaints that wrong statements have been filed to procure that certificate of no surplus land-Government conducted inquiries and f came to know that there was an error of facts on which "Prescribed Authority" passed orders "No surplus area"--After completion of enquiry Revision under S. 18(6) of the Act has been filed-Petition invoking suo motu powers of F.C.is allowed- Matter remitted back to Prescribed Authority to decide the surplus area afresh;**1999(3) AII India Land Laws Reporter 274.**

Section 18(6) and 4-Respondents, big Land owners played a fraud on the State in surplus proceedings-They manipulated age certificates, showed their minor sons as major, and got three extra units-This affected the rights of the tenant--Case filed by the tenant is resisted on the basis of limitation-Arid changed names in the certificates--Held-Limitation does not apply here as such a case could be filed only after the fraud is detected- As regards the age certificate and fake names, the applicants have established grave charge against the respondents-Case of fraud is ordered to be registered against them-Surplus area should be redetermined; **All India Land Laws Reporter 557**

Ss. 18 & 23--Punjab Security of Land Tenures Act, 1953-S. 18- Respondents reopened a case of sale of land to a tenant, a brother-in-law of the big land-owner after 34 years--Object to this deal (finalised in 1962) under R.4 of Haryana Rules, 1973-- Till 1985 this deal had been adjudicated before various Courts and a validity of purchase was upheld,...- Collector on reopening the purchase found a fraud on the State and cancelled the purchase finalised in 1962 on basis of Rules framed in 1973 by his order dated 20.3.1996-In this. appeal respondent have not been able to show any provision in old Act which barred a brother-in-law to be tenant--Commissioner could not decide. the matter in that manner-- Could have at the most recommended the case to F.C.-Purchase having been upheld as genuine many times could not be upset-- Orders of the Commissioner dated 20.3.1996 set aside--Revision petition accepted;**1999 (1) All India Laws Reporter 168**

Section 18--Revision--limitation--Person not made party before the Collector--Date of order of collector cannot be taken as the date of knowledge; **1984 (2) All India Laws Reporter 111**

Section 18--Utilisation of, Surplus and other Areas Scheme, 1976-Paras 7, 10 and 13--Plea challenging order of allotment-- Certificate of allotment and other orders passed by the authorities under the Act and the scheme can be challenged before the authorities under section 18-Civil Court has not jurisdiction; **1984 (2) All India Laws Reporter 170**

Section 18-Appeal and Revision--Technical Flaw--No ground to reopen 1 cases which have been decided long ago under the old Act; **1999 (2) All India I Laws Reporter 232**

Section 18--Act does not provide a second appeal to Collector-- Second Appeal ipso facto illegal; **1985 (2) All India Laws Reporter 307**

Section 18(1) (a)--Transfer of land before 30th July, 1958 is· capable 01 affecting the surplus area--Transfer being valid-- Will, when shrouded with dubious circumstances, will not be considered valid piece of legal document having any affect on the declaration of surplus area; **1991 (2) All India Law Reporter 331**

Section 18(4)--Person aggrieved by the order of the Collector may file a petition for revision before the Commissioner within 30 days from the date d the order--And the order of the Commissioner shall be final-No provision it the act for review; **1990 (2) All India Laws Reporter 293**

Section 18(6)--Suo moto revision-Revenue Officers while forwarding cases for suo moto revision must examine matter in detail make definite recommendation; **1986 (1) All India Laws Reporter 598**

Section 18(6)--Financial Commissioner may suo moto at any time all for record of case from the Lower Court to satisfy himself about the legality or propriety of such proceedings or orders- And pass such orders as he deems fit to do; **1990 (2) All India Laws Reporter 293**

Section 18(6)--Scope of power of Financial Commissioner--Error committed by prescribed authority--Power can be exercised under Section 18(6). No power of review exist under the Act; **1983 (1) All India, Laws Reporter 532**

Section 18(6)--Punjab Security Land Tenures Act, 1953, Section 24 Revision petitioner filed direct before the Financial Commissioner--Without approaching--Commissioner--Petition not maintainable--Revision should be filed before the Section 18(6) and 3 (i)--Majority of son on appointed day- Prescribed Authority in 1977 found a major son and as such the landowner entitled to a primary unit plus a separate unit--Land holding less than and as such no surplus area; **1991 (1) All India Laws Reporter 167**

Section 18(6)- In 1979, Prescribed Authority reviewed its own assessment of 1977 -- Found 6 minor children including the son who was found Major in 1977--Landowner entitled to one primary unit and three additional units--Yet no surplus; **1991 (1) All India Laws Reporter 167**

Section 18(6)--Haryana Utilisation of Surplus and Other Area Scheme 1976--Form U.2--Column 7--Allotment Authority, authorised by the Government notification dated 15th May, 1978, to cancel the allotment of surplus land--Allotted to these allottees who get said allotment on the basis of wrong information given in the form--But no power to review has been given by the act or the rules to anyone--Financial Commissioner alone can initiate Suo Motu action in exercise of Revision Powers; **1991 (1) All India Laws Reporter 281**

Section 18(6)--Haryana Utilisation of Surplus and Other Areas Scheme, 1976--Form U.2 Column 7- On a complaint to the Prime Minister regarding land allotted to Petitioner, as to eligibility of allotment, investigations were carried out by Prescribed authority-cum--Allotment Authority--Allotment cancelled as wrong information was supplied while prying for allotment--Cancellation challenged before F.C. Haryana--F.C. alone could cancel the order of allotment--Order of cancellation held void for want of jurisdiction--Direction issued to put back allottee into possession; **1991 (2) All India Laws Reporter 220**

Section 18(6)- "Any time"--Financial Commissioner has powers to review the cases "at any time" -Legislation did not intend any limitation of time to be clamped--That is the design of the Section 18--Subject to three considerations as per Section 115 of the Code of Civil Procedure; **1990 (2) All India Laws Reporter 293**

Section 18(6)--Revisional Jurisdiction of Financial Commissioner- -To be restricted to records available and reviewed by the lower court--Fresh material cannot be taken into consideration--Once Financial Commissioner comes to conclusion that order of lower court suffers from vice of illegality or impropriety he can order enquiry into the whole case--Call for fresh evidence--Fresh evidence is to be argued upon by the party adversely affected by the conclusion of Financial Commissioner; **1990 (2) All India Laws Reporter 293**

Section 18(7)-Appeal and revision--Requirement to deposit 30 times the land holdings tax payable in respect of the disputed area before any appeal or revision is entertained--Is not violative of Article 14; **1980 All India Laws Reporter 365**

19. CORRECTION OF CLERICAL ERRORS.--Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accident slip or omission may at any time be corrected by such officer or authority either of his own motion or on an application received in this behalf from any of the parties.

20. OFFICERS HOLDING ENQUIRIES TO HAVE POWER OF CIVIL COURTS.- Any officer or authority holding an enquiry or hearing an appeal or a revision under this Act shall have the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act NO.5 of 1908), relating to –

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents;
- (d) issue of commission;

and every such officer or authority shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Central Act NO.5 of 1898)

20. A. - Omitted Vide Act No. 18 of 1978.

21. PENALTY FOR MAKING FALSE STATEMENT.--(1) If any person fails to furnish a declaration as required by section 9, or during the course of any proceedings under this Act makes a declaration or statement or furnishes any information which is false or which he knows or has reasons to believe to be false or which he does not believe to be true, he shall be punishable with imprisonment which may extend to [two years], (Vide Act No. 17 of 1976) or with fine which may extend to [two thousand rupees], (Vide Act No. 40 of 1978) or with both.

(2) If any person secures an allotment by furnishing information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, he shall be punished with imprisonment which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

(3) No court shall take cognizance of an offence punishable under sub-section (1) or sub-section (2) except on a complaint made by the Prescribed Authority".

22. SUMMARY EVICTION AND FINE. (1) Any person who is in wrongful or unauthorised possession of any land-

(a) the transfer (or disposition) of which to him either by the act of parties or by the operation of law is invalid under the provisions of this Act;

may, after summary enquiry be ejected by the Collector who may also impose on such person a penalty not exceeding five hundred rupees.

(2) The Collector may direct that the whole or any part of the penalty imposed under sub-section (1) shall be paid to the person who has sustained, any loss or damage by such wrongful or unauthorised possession of the land.

23. CERTAIN OFFICERS TO BE PUBLIC SERVANTS.--Every officer acting under or in pursuance of the provisions of this Act or any rules made there under shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (Central Act 45 of 1860).

24. PROCEDURE.--In all enquiries and proceedings under this Act, the Collector and any other officer shall have such powers and follow such procedure as may be prescribed.

25. COURT FEES.--Notwithstanding anything contained in the Court Fees Act, 1870 (Central Act No. 7 of 1870), every application, appeal or other proceeding under this Act shall bear a court fee stamp of such value as may be prescribed.

26. BAR OF JURISDICTION.--(1) No Civil Court shall have jurisdiction to -

(a) entertain or proceed with a suit for specific performance of a contract for transfer of land which affects the right of the State Government to the surplus area under this Act; or

(b) Settle, decide or deal with any matter which is under this Act required to be settled, decided or dealt with by the Financial Commissioner, the Commissioner, the Collector or the Prescribed Authority.

(2) No order of the Financial Commissioner, the Commissioner, the Collector, or the Prescribed Authority made under or in pursuance of this Act shall be called in question in any court.

27. PROTECTION OF ACTION TAKEN UNDER THIS ACT.--(1) No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under or In pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions contained in this Act or any rules made thereunder.

28. MODE OF RECOVERY OF AMOUNT AND PENALTY. - The amount or other sum payable under this Act and the amount of any penalty imposed under this Act may be recovered as an arrear of land revenue.

29. DELEGATION.- The State Government may, by notification, direct that the powers exercisable by it under this Act, shall in such circumstances and under such conditions, if any, as may be specified in "the notification, be exercisable also by an officer subordinate to the State Government.

30. POWER TO REMOVE DIFFICULTIES.--If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette make' such provisions or give such directions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

31. POWER TO MAKE RULES.--(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the House agrees in making any modification in the rule or the House agrees that the rule ,should not be made, the rule shall thereafter have effect only in such modification form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

CASE LAW

Section 31-Haryana Ceiling on Land Holdings Rules, 1973--Rules 5(2)-Not violative of Section 4 of the Act--Rules 5(1) and 5(2) are not destructive of each other; **1980 All India Laws Reporter 365**

32. WITHDRAWAL OF EXEMPTIONS REGARDING UTILISATION OF SURPLUS AREA.- As from the appointed day exemptions granted in relation to the utilisation of surplus area under orchards, tea-estates or well run farms by virtue of the provisions of the Punjab Law or the Pepsu Law or the rules framed or purported to have been framed under thereunder, shall stand withdrawn.

CASE LAW

S.32-- Punjab Security of Land Tenures Act, 1953--Sections 21 and 14B--Computation of surplus land--Land exempted from provisions of Punjab Act on the ground that an orchard was being run on the land declared as surplus area--Exemption granted, withdrawn by Haryana Act under S.32--Commissioner, Financial Commissioner and High Court dismissed appeal--Held· Appellant have accepted the position that he was in possession of excess land choose to claim exemption, which was granted-Now cannot contend that he would have challenged the order declaring surplus land, had the Form 'F' been issued to him--Evacuee land lost its character, when allotted to appellant--Land recomputed by taking note of subsequent acquisition' of land by appellant--No illegality--Order of High Court upheld; **M/s. Saraswati Industrial Syndicate Ltd. v. State of Haryana & Ors. : 2001(3) ALL INDIA LAWS REPORTER (Supreme Court) 707**

Section 32(2) (ii) iii)--Surplus area case finalised before passing of the Act--Proceedings cannot be reopened except by Financial Commissioner if exercise of revisional powers--Only proceedings for determination of surplus area pending immediately before the commencement of the Haryana Act have been protected-- Appeal against the order of Collector declaring surplus are filed by landowner after a lapse of 18 years cannot be treated as pending Commissioner has jurisdiction to hear appeal against the order of Collector declaring surplus area under the Punjab Security of Land Tenures Act; **1986(2) All India Laws Reporter 79**

33. REPEAL AND SAVINGS.--(1) The provisions of the Punjab Security of Land Tenures Act, 1953, and the Pepsu Tenancy and Agricultural Lands Act, 1955, which are inconsistent with the provisions of this Act are hereby repealed.

(2) The repeal of the provisions of the enactments mentioned in subsection (1), hereinafter to as the said enactments, shall not affect

(i) the applications for the purchase of land under Section 18 of the Punjab Law or Section 22 of the Pepsu Law, as the case may be pending immediately before the commencement of this Act, which shall be disposed of as if this Act had not been passed;

(ii) the proceedings for the determination of the surplus area pending immediately before the commencement of this Act, under the provisions of either of the said enactments, which shall be continued and disposed of as if this Act had not been passed, and the surplus area so determined shall vest in, and be utilised by the State Government in accordance with the provisions of this Act.

(iii) the revisional power of the Financial Commissioner under section 24 of the Punjab law or under sub-section (3) of Section 39 of the Pepsu Law, as the case may be, shall be exercised as if this Act had not been passed; and the area declared surplus in exercise of such revisional power shall vest in, and be utilised by, the State Government in accordance with the provisions of this Act:

(iv) the power exercisable under section 5-C of the Punjab law or under section 32-88 of the Pepsu law, as the case may be, shall be exercised as if this Act had not been passed; and the area determined surplus in exercise of such power shall vest in, and be utilised by, the State Government in accordance with the provisions of this Act;

Provided that the powers of the Pepsu Land Commission under the Pepsu law shall vest in, and be exercised by, the Collector of the district concerned.

(3) Save as provided in sub-section (2), no authority shall pass an order if any proceedings whether instituted before or after the commencement of this Act which is inconsistent with the provisions of this Act.

CASE LAW

Section 33(2) (ii) and 18--Land declared surplus in 1960, a part of its sold in 1967, landowner died in 1982--Collector (Agrarian) held in 1984, land having not been declared surplus landowner died, heirs became shall landowners, no surplus land can be declared--Alienation was also void--State filed petition invoking suo motu on the jurisdiction of the Financial' Commissioner--FC reserved the orders of collector (Agr.)--Sons of the landowner are in appeal--Orders of the FC are challenged as not sustainable under Section 33(2)(ii) and also that beyond 3 years, the powers of the FC could not be invoked--Held--(i) As for Section 33(2)(ii), it has been provided that the repeal of provisions shall not effect the proceedings for determination of the surplus area pending immediately before the commencement of the Act--Since land had already been held surplus by the competent authority provisions of Section 33(2)(ii) cannot be invoked--(ii). As for the limitation, the suo moto powers of the FC could be invoked "at the time"--Challenge on the ground of "being beyond 3 years" cannot be sustained; **All India Laws Reporter 50**

Section 33--Determination of surplus area--Area declared surplus under the Punjab Law-Matter cannot be re-opened by the Collector unless there is a reference made to the Financial Commissioner--Collector cannot review earlier order even with the permission of Commissioner; **1983 (1) All India Laws Reporter 610**

Section 33(2) (ii)-Financial Commissioner under Section 24 of Punjab Security on land Tenures Act or under Section 39(3) Pepsu Tenancy and Agricultural lands Act can exercise revisional powers at any time even when no proceedings were pending immediately before the Commencement of the Act; **1985 (1) All India Laws Reporter 423**

Section 32(2) (iv)--Concealment of facts--Exact land not disclosed--Sufficient guidelines are provided to cover up against the concealment in the shape of section 5C of the Punjab Security of land Tenures Act, 1953; **1983 (1) All India Laws Reporter 610**

Section 33(2) (ii)--Words proceedings for determination of surplus area pending immediately before commencement of this Act-- Meaning of--Filing of appeal against order declaring surplus area under the Punjab Security of Land Tenures Act after the Haryana Ceiling of land Holdings Act came into force Appeal is a statutory right--Appellate Court can entertain time barred appeal--Surplus area held to be pending; **1985 (1) All India Laws Reporter 423**

THE SCHEDULE
[See Section 16 (1)]
Valuation Statement for Ambala District
(Figures represent value in annas per acre)

CLASS OF LAND

Tehsil	Chahi		Chahi and Abi			Chahi, Nehri and Abi		Sailab	Abi		Brani and Bagh Barani		
	Area or assessment circle	Valu-ation	Area or assessment circle	Valu-ation	assessment	Area or assessment circle	Area or assessment circle	Area or assessment circle	Valu-ation	assessment	Area or assessment circle	Valu-ation	assessment
1	2	3	4	5	6	7	8	9	10	11	12	13	
Ambala and Kalka Jagadhri	All	15	...	...	All tehsil	9	...	...	All tehsil	10	
	All	15	All tehsil	9	...	...	Kandi and Northern Jamma Khadar circle	8	

VALUATION STATEMENT FOR GURGAON DISTRICT

(Figures represent value in annas per acre)

Tehsil	CLASS OF LAND								
	Chahi			Abi			Nehri		
	Area or assessment circle	or	Valuation	Area or assessment circle	or	Valuation	Area or assessment circle	or	Valuation
1	2	3	4	5	6	7			
Nuh	All tehsil except Taoru		10	All tehsil	9	All tehsil	8		
Rewari including Pataudi	Taoru		12			All tehsil	8		
	Chahat		12						
	Chahat		14						
	Mitha								
	Pahar		11						
	Sahibi		13						
Ferozpur Jhirka	Bangar		10	All tehsil	9	All tehsil except Dahar	8		
	Budher and Dhar		12			Dahar	9		
	Chiknot		9			Dahar	9		
Palwal	Bangar		13			All tehsil	8		
	Khadir		9						
Ballabhgarh	Khadir		9	All tehsil	8	All tehsil	8		
	Bangar		13						
	Dhar		12						
Gurgaon	Sohna		12	All tehsil	8	Sohna	7		
	and Sahibi					Gurgaon	8		
	Bhud		13			Bahora	7		
	Gurgaon and Bahora		14						

<u>All Barani</u>		<u>Bhud</u>		<u>Nehri</u>		<u>Sailab</u>		
Area or Valuation assessment circle	8	9	10	11	12	13	14	15
All tehsil	7	All tehsil	4	Perennial	16			
				All tehsil				
				Non-Perennial	10			
All tehsil	6	All tehsil	4	All tehsil				
				Perennial	16			
				All tehsil				
				Non-Perennial	10			
All tehsil	7	All tehsil	4	All tehsil				
except Dahar		except Dahar		Bangar	16			
Dahar	9	Dahar	5					
Bangar								
Bangar	8	All tehsil	4	Bangar	16		All tehsil	8
Khadir	6			Khadir	12			
All Teshil	6	All	4	Perennial	16		Khadir	8
				All tehsil				
except Bangar	8							
Sahibi	5	All tehsil	4					
Sohna	6							
Gurgaon								
Bhud								
Bahora								
Chiknot								
Bahora								
Other	6							

- Notes: - 1. Ala barani includes Chiknot, Narmote and Magda.
2. Banjar land shall be valued at 2 annas.
3. The Kallar, thur and sem land shall be valued at 1 1/2 annas.
4. The kind of land as on 24th January, 1971 shall be considered.

VALUATION STATEMENT FOR HISSAR DISTRICT
(Figures represent value in annas per acre)

CLASS OF LAND

Irrigated (Nehri) Tehsil	Area of assessment circle	Valuation	Irrigated (Chahi) Area of assessment circle	Valuation	Unirrigated Area of assessment circle	Valuation	Sailab Area of assessment circle	Valuation
1	2	3	4	5	6	7	8	9
Hissar and Tohana	All tehsil	15	All tehsil	10	Nehri Haryana	5	Nehri Haryana	5
	Non-perennial All tehsil	10			Barani Haryana Bagar	4	Barani Haryana Bagar		4
Bhiwani and Loharu	Eastern Haryana	15	All tehsil	10	Eastern Haryana	6		
	Rest	10			Western Haryana Rest	5 3		
Sirsa and Dubwali	Perennial All tehsil	15	All tehsil	10	Bagar	4		
	Non-Perennial All tehsil	10			Rest	5		
Hansi	Perennial All tehsil	16	All tehsil	10	All tehsil	5		

1	2	3	4	5	6	7	8	9	10
Fatehabad	All tehsil	15	All tehsil	10	Bagar Nehri	4			
					Barani				
					Rangoi and Nali	5			
					Jangle	6			

Notes - 1. Tul area in Bagar tract shall be evaluated- (i) in Hissar Tehsil at annas 3; and (ii) in Sirsa and Fatehabad Tehsils at annas 5.

2. Banjar land shall be valued at 2 annas,

3. The Kallar, thur and seem land shall be valued at 1 1/2 annas.

4. The kind of land as on 24th January, 1971, shall be considered.

VALUATION STATEMENT FOR HISSAR DISTRICT
(Figures represent value in annas per acre)
CLASS OF LAND

Tehsil	Nahri Chahi		Chah Khalis		Nehri		Chahi Nehri		Barani		Sailab		Bhud	
	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Narwana	...	...	All tehsil	62	All tehsil	100	All tehsil	81	All tehsil except Barani Villages	50	All tehsil	56	All tehsil	15
Jind	All tehsil	90	All tehsil	87	Perennial	100	All tehsil	87	All tehsil	50				
Safidon	All tehsil	94	All Tehsil	94	Non-Perennial	75	All tehsil	94	except Barani	41	All tehsil except Barani	56	Barani	
			Non-perennial	75					Barani	44				

Notes :-

1. Banjar land shall be valued at 12 paise.
2. Kallar, thur and sem land shall be valued at 10 paise.
3. The kind of land as on 24th January, 1971, shall be considered.

VALUATION STATEMENT FOR HISSAR DISTRICT
(Figures represent value in annas per acre)

CLASS OF LAND

Tehsil	Chahi and Abi		Chahi		Nehri		Unirigated		Nehri,non-perennial or other Nehri and Nehri Innidation.	
	Area or assessment circle	Valua- tion	Area or assess- ment circle	Valua- tion	Area or assess- ment circle	Valua- tion	Area or assess- ment circle	Valua- tion	Area or assessment circle	Valua- tion
1	2	3	4	5	6	7	8	9	10	11
Karnal	All tehsil except Bangar Indri and Bangar Karnal	15	...	...	All tehsil	17	All tehsil	9	All tehsil	12
	Bangar Indri and Bangar Karnal	16								
Panipat	...	...	All tehsil	16	Khadir circle	16	All tehsil	10	All tehsil	12
					Bangar	17				

Thanesar	All tehsil except Southern Chachra	16	...	...	...	...	Bet Markanda and Khadir	10	All tehsil	12
	Southern Chachra	15					Rest of	9		
Kaithal	All tehsil	15	...	...	All Tehsil	16	Nardak and Bangar Banagr Pahowa	9	All tehsil	12
Guhla	All tehsil	15	...	...	All Tehsil	16	Naili	8	All tehsil	12
							Inderwal and Powadh	9		

Notes :-

1. Banjar land shall be valued at 1 1/2 annas.
2. The Kallar, thur and seem land shall be valid at 1 1/2 annas.
3. The kind of land as on 24th January, 1971, shall be considered.

VALUATION STATEMENT FOR HISSAR DISTRICT
(Figures represent value in annas per acre)

CLASS OF LAND						
Tehsil	Chahi		Barani		Bhud	
	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation
1	2	3	4	5	6	7
Dudri	All Tehsil	100	All Tehsil	50	Chak Tibba	19
					Rest of tehsil	25
Mohindergarh	All tehsil except Kanina Pargana	75	All tehsil except Kanina Pargana	37	All Tehsil	25
	Kanina Pargana	94	Kanina Pargana	50	...	...
Narnaul	All tehsil except Pasikoh	81	All tehsil except Pasikoh	34	All tehsil except Pasikoh	25
	Pasikoh	56	Pasikoh	25	Pasikoh	19

- Note: - 1. Bangaar land shall be valued at 12 paise.
2. Kallar, thur and sem land shall be valued at 10 paise.
3. The kind of land as on 24th January, 1971 shall be considered.

VALUATION STATEMENT FOR ROHTAK DISTRICT
(Figures represent value in annas per acre)

CLASS OF LAND										
Tehsil	Nehri		Barani		Bhud		Chahi		Saliab	
	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation	Area or assessment circle	Valuation
1	2	3	4	5	6	7	8	9	10	11
Rohtak	All Tehsil	16	Nehri I,II & III	9	Nehri I,II & III	6	All Tehsil	16	...	...
Gohana	All Tehsil	17	Rest Mohm Eastern Western and Southern	8 8 10 9	Rest Mohm Eastern Western Southern	4 4 6...	...	...	...	...
Sonepat	Bangar	16	All Tehsil	9	All Tehsil	7	Bangar Khadir	17 16	All Tehsil	12
Jhajj	Nehri Seasonal All Tehsil	10	All Tehsil	8	All Tehsil	4	All Tehsil	15	...	...

- Notes: - 1. In Rohtak Teshil "Rest" includes Rajput and Barani Circle.
2. Banjar Land shall be valued at 2 annas.
3. The Kallar, thur and sem land shall be valued at 1 1/2 annas.
4. The kind of land as on 24th January, 1971, shall be considered.

**THE HARYANA CEILING ON LAND HOLDINGS
RULES, 1973
CONTENTS**

1. Short title.
2. Definitions.
3. Prescribed authority.
4. Tenants.
5. Evaluation of land.
6. Form and manner of declaration and its verification.
7. Collection of information.
8. Preparation of statement.
9. Form of order.
10. Form of statement for amount payable and the manner of
Serving the same.
11. Mode of payment of amount.
12. Amount of voucher.
13. Form and manner of appeal and revision.
14. Procedure of authority.
15. Court-fees.
16. Manner of service of notice or orders.
17. Repeal.
Forms.

**THE HARYANA CEILING ON LAND HOLDINGS
RULES, 1973**

(Published of the powers conferred by Section 31 of the Haryana Ceiling Land Holdings Act, 1972 (Act No. 26 of 1972), the Governor of Haryana hereby makes the following rules. namely; - .

1. SHORT TITLE. - These rules may be called the Haryana Ceiling on Land Holdings Rules, 1973.

2. DEFINITIONS.--In these rules, unless the context otherwise requires,

- (i) 'Act' means the Haryana Ceiling on Land Holdings Act, 1972;
- (ii) 'A category land' means the land under assured irrigation capable of growing at least two crops in a year and irrigated by a canal or State tubewell as mentioned in Section 4(1) (a);
- (iii) 'AA category land' means the land under assured irrigation. capable of growing at least two crops in a year and irrigated by private tubewells/pumping sets as mentioned in Section 4(1) (a) read with Section 4(5);
- (iv) 'S category land' means the land under assured irrigation capable of growing. at least one crop in a year as mentioned in Section 4(1)(b);
- (v) 'C category land' means land of all other types including land under or charge as mentioned in section 4(1)(c);
- (vi) 'Form' means a form appended to these rules;
- (vii) 'Section' means a section of the Act;
- (viii) 'Special Collector' means an Officer appointed as such by the State Government.

3. PRESCRIBED AUTHORITY.(SECTION 3 (O)).--Unless otherwise provided in these rules, the prescribed authority shall be-

- (i) Sub-Divisional Officer (Civil) where the land owned or held by a person is situated in the same sub-division;
- (ii) Collector where the land owned or held by a person is situated in more than one sub-division but in the same district;
- (iii) Special Collector where the land owned or held by a person is situated in more than one district.
- (iv) Any officer not below the rank of an Assistant Collector of the first grade empowered in this behalf of the State Government in respect of any particular area.

4. TENANTS. (SECTION 3 (S)).--The following relations of the landlord shall not fall under the definition of a tenant, namely:

- (i) children;
- (ii) father/mother,
- (iii) sister of the father/mother and their husbands;
- (iv) brother of father/mother and their wives;
- (v) brothers, their wives and their children;
- (vi) sisters, their husbands and their children;
- (vii) Wife, her parents, her brothers and their wives, her sisters and their husbands.

CASE LAW

Rule 4--Rule is not applicable to proceedings under the Punjab Security of Land Tenure Act; **1986 (2) All India land laws Reporter 13**

5. EVALUATION OF LAND. (Section 4).-The land held by a person shall be evaluated by converting various categories into C category land according to the following formula:-

1 unit of A category= land	1.25 units of AA category= land	1.5 units of B category land	3 units of C category land
----------------------------------	---------------------------------------	------------------------------------	----------------------------------

Such person shall be allowed to select an area equivalent to 21.8 hectares of C category land as permissible area and the remaining land shall be treated as surplus area.

(2) Land irrigated by Canal /Government tubewells.- In case the land is irrigated by canal or Government tubewells,

- (a) Where land is commanded for irrigation by a perennial canal, the area of such land shall be multiplied by half of the irrigation intensity ratio specified against such canal in Schedule 'A' appended hereafter. The figure thus arrived at shall be treated as 'A' category land and the remaining area of such land shall be treated as 'C' category land;

Provided that where the whole or part of the land so commanded is described in the revenue record as 'Thur' or 'Kallar', the area so described shall be multiplied by half of the irrigation intensity ratio specified against such canal in Schedule 'A'. The figure thus arrived at shall be treated as 'B' category land and the remaining area of such land shall be treated as 'C' category land;

- (b) Where land is commanded for irrigation by a non-perennial/restricted perennial canal, the area of such land shall be multiplied by the irrigation intensity ratio specified against such canal in Schedule 'A'. The figure thus arrives at shall be treated as 'B' category land and the remaining area of such land shall be treated as 'C' category land:

Provided that the extent of land described in the revenue record as 'Thur' of 'Kalka' shall be excluded from the commanded area for the purpose of calculations and shall be treated as 'C' category land;

(c) Where the land is commanded for irrigation by a Government tubewells, the area of such land shall be multiplied by half of the irrigation intensity ratio specified against Government tubewell in Schedule 'A'. The figure thus arrived at shall be treated as 'C' category land:

(d) Where irrigation by canal water or Government tubewell is supplemented by water drawn from privately owned tubewell, pumping set, well or other sources, the area treated as 'M' category land in accordance with the provisions of sub-rule (3) or sub-rule (4) shall be added to the land determined under the aforesaid clause (a) clause (b) or clause (c) as the case may be.

Illustrations under Rule 5(2) (a)

1. A person holds 25 hectares of land commanded for irrigation by a perennial canal, the irrigation intensity ratio whereof 57 per cent is.

His permissible area will be determined as under:-

$$\text{'A' category land} = 25 \times \frac{57}{2} \times \frac{1}{100} = 7.12 \text{ hectares.}$$

$$\text{'C' category land} = 25 - 7.12 = 17.88 \text{ hectares.}$$

25 hectares on conversion into 'C' category comes to $7.12 \times 3 + 17.88 = 39.24$ hectares.

$$\text{Permissible area} = \frac{21.8}{39.24} \times 25 = 13.88 \text{ hectares.}$$

$$\text{Surplus area} = 25 - 13.88 = 11.12 \text{ hectares.}$$

2. A persons holds 25 hectares of land commanded for irrigation by a perennial canal the irrigation intensity ratio whereof 57 per cent is. Besides, he has Barani land measuring 10 hectares.

His permissible area will be determined as under:-

$$\text{'A' category land} = 25 \times \frac{57}{2} \times \frac{1}{100} = 7.12 \text{ hectares.}$$

$$\text{'C' category land} = 25 - 7.12 = 17.88 \text{ hectares.}$$

(i) In case he selects 10 hectares of Barani land, he would be allow to select land equivalent to 11.8 hectares (balance of 21.8) of 'C' category land out of 25 hectares.

25 hectares on conversion into 'C' category comes to 39.24 hectar (as calculated in illustration No.1).

11.8

Permissible area = $\frac{39.24}{2} \times 25 = 7.52$ hectares + 10 hectares of

39.24

Barani land = 17.52 hectares

Surplus area = $35 - 17.52 = 17.48$ hectares.

(ii) In case he selects the whole of the permissible area out of 25 hectares of commanded area, the permissible area shall be determined as in illustration No.1.

3. In the illustration No.1, if out of 25 hectares, 10 hectares is 'Thur' of 'Kallar', then his permissible area will be determined as under:-

(i) In case he selects land out of 15 hectares commanded area other than 'Thur' or 'Kallar', his permissible area will be determined as under:-

$$\text{'A' Category land} = (25-10) \times \frac{57}{2} \times \frac{1}{100} = 4.27 \text{ hectares.}$$

'C' Category land = $15 - 4.27 = 10.73$ hectares.

15 hectares land on conversion into 'C' category land comes to $4.27 \times 3 - 10.73 = 23.54$ hectares.

$$\text{Permissible area} = \frac{21.8}{23.54} \times 15 = 13.9 \text{ hectares}$$

Surplus area = $25 - 13.9 = 11.1$ hectares.

(ii) In case he selects 10 hectares of 'Thur' or 'Kallar' land, his permissible area will be determined as under:-

$$\text{'B' Category land} = 10 \times \frac{57}{2} \times \frac{1}{100} = 2.85 \text{ hectares.}$$

'C' category land = $10 - 2.85 = 7.15$ hectares.

10 hectares on conversion into 'C' category land comes to $2.85 \times 2 + 7.15 = 12.85$ hectares.

He is to get $(21.8 - 12.85) = 8.9$ hectares of 'C' category out of 15 hectares i.e.

$$\frac{8.95}{23.54} \times 15 = 5.7 \text{ hectares.}$$

Permissible area = $5.7 + 10.0 = 15.7$ hectares.

Surplus area = $25 - 15.7 = 9.3$ hectares.

4. A person holds 25 hectares of land commanded for irrigation by a perennial canal irrigation intensity ratio whereof 45 per cent is. There is a privately owned tubewell with a motor of 5 H.P. installed in that land falling within the area of Community Development Block Karnal. His permissible area will be determined as under:-

$$\text{'A' category land} = 25 \times \frac{45}{100} \times \frac{1}{2} = 5.62 \text{ hectares. According to}$$

Schedule 'B', the land irrigated by the private tubewell with a motor of 5 H.P. shall be 2.5 hectares of "AA" category.

$$\text{'C' category land} = 25 - (5.62 + 2.5) = 16.88 \text{ hectares. 25 hectares on}$$

$$\text{conversion into 'C' category land comes to } 5.62 \times 3 + 2.5 \times \frac{12}{5} + 16.88$$

$$= 39.74 \text{ hectares.}$$

$$\text{Permissible area} = \frac{21.8}{39.74} \times 25 = 13.71 \text{ hectares.}$$

$$\text{Surplus area} = 25 - 13.71 = 11.29 \text{ hectares"}$$

Illustrations under Rule 5(2)(b)

1. A person holds 10 hectares of land commanded by a non-perennial restricted perennial canal the irrigation intensity ratio whereof 40 per cent is. Besides, he has 20 hectares of Barani land.

His permissible area will be determined as under:-

$$\text{'B' category land} = \frac{10 \times 40}{100} = 4 \text{ hectares}$$

$$\text{'C' category land} = 10 - 4 = 6 \text{ hectares.}$$

10 hectares on conversion into 'C' category land comes to $4 \times 2 + 6 = 14$ hectares.

(i) In case he selects the commanded area of 10 hectares, his permissible area will be as under: - .

10 hectares (equal to 14 hectares of 'C' category) plus 7.8 hectares out of Barani land = 17.8 hectares. .

$$\text{Surplus area} = 30 - 17.8 = 12.2 \text{ hectares.}$$

(ii) In case he selects 20 hectares of Barani land, he will be entitled to 1.8 hectares of 'C' category land out of 10 hectares.

$$\text{Permissible area} = 20 + \frac{18}{14} \times 10 = 21.3 \text{ hectares.}$$

Surplus area = 30--21.3 = 8.7 hectares.

2. In the illustration No.1, if out of 10 hectares, 5 hectares is 'Thur' or 'Kallar', then his permissible area will be determined as under:

(i) In case he selects out of Barani land (20 hectares) and 'Kallar' land (5 hectares), he is entitled to select 21.8 hectares as permissible area as 'Kallar' land in this case shall be treated as 'C' category.

(ii) In case he selects 20 hectares of Barani land and the balance of 1.8 hectares of 'C' category land out of 10 hectares of commanded area other than 'Kallar', his permissible area will be determined as under:-

Out of 10 hectares, 5 hectares of 'Kallar' land shall be 'treated as '0 category. So, out of remaining 5 hectares.

$$\text{'B' category land} = 5 \times \frac{40}{100} = 2 \text{ hectares.}$$

'C' category land = 5--2=3 hectares.

5 hectares conversion into 'C' category = $2 \times 2 + 3 = 7$ hectares.

$$\text{Permissible area} = \frac{1.8}{7} \times 5 + 20 \text{ hectares Barani} = 21.3 \text{ hectares.}$$

Surplus area = 30--21.3 = 8.7 hectares.

3. A person holds 10 hectares of land commanded by a non-perennial canal whereof irrigation intensity ratio is 40 per cent. There is a private owned tubewell with a motor of 5 H.P. installed in that land. Besides, he has 20 hectares of Barani land falling within the Community Development Block Ladwa.

His permissible area will be determined as under:-

According to Schedule 'B' the land irrigated by the tubewell with a motor of 5 H.P. shall be 2.5 hectares of 'AA' category land.

$$\text{B' category land} = 10 \times \frac{40}{100} = 4 \text{ hectares. Out of 10 hectares, 'C'}$$

Category land will be = 10-(4 + 2.5) = 3.5 hectares 10 hectares on

$$\text{conversion into 'C' category land comes to } 2.5 \times \frac{12}{5} + 4 \times 2 + 3.5 = 17.5 \text{ hectares.}$$

In case he selects 20 hectares of Barani land, he will be entitled to 1.8 hectares of 'C' category land out of 10 hectares.

$$\text{Permissible area} = \left(\frac{1.8}{17.5} \times 10 \right) + 20 = 21.03 \text{ hectares.}$$

Surplus area = 30--21.03 = .897 hectares."

(3) Land irrigated by private tube-well/pumping set owned by landowner. - In case of irrigation by water drawn from a privately owned tube ell(s)/pumping set(s) owned by that landowner, the land to the extent mention

In Schedule 'B' for each tubewell pumping set shall be treated as 'AA' category land and the remaining area shall be deemed to be 'C' category land.

Illustration

1. A person holds 25 hectares of land which is irrigated by a tubewell owned by that person with a motor of 5 H.P. within the area of the Community Development Block, Thanesar.

In this case the permissible area shall be determined as under:

According to the Schedule referred to in rule 5(3), the commanded area shown in 2.5 hectares which will be treated as 'M' category land.

This on conversion into 'C' category comes to $2.5 \times \frac{12}{5} = 6$ hectares.

The remaining land $(25 - 2.5) = 22.5$ hectares will be treated as 'C' category land.

His permissible area shall be equal to $2.5 + 15.8 = 18.3$ hectares.

Surplus area = $25 - 18.3 = 6.7$ hectares.

2. In case the above landowner has two tubewells each with a motor of 5 H.P. In his holding, the permissible area shall be determined as under:

Area to be treated as 'AA' category = $2 \times 2.5 = 5.00$ hectares $\frac{5 \times 11}{5}$
 = 12 hectares of 'C' category. Area to be treated as 'C' category land = $25 - 5 = 20$ hectares.

Permissible area = 5 (equal to 12 hectares of 'C' category) + 9.8 = 14.8 hectares.

Surplus area = $25 - 14.8 = 10.2$ hectares."

(4) Land irrigated by well and other sources.-- In case of land irrigated by well or other sources owned by the landowner himself except those mentioned in sub-rules (2) and (3), 0.50 hectares of land shall be treated as 'AA' category land and the remaining area shall be deemed to be 'C' category land.

Illustration

A person holds 25 hectares of land which is irrigated by a source other than that mentioned in sub-rules (2) and (3).

In this case the permissible area will be 0.50 hectare of 'AA' cate

gory land (equal to $0.50 \times \frac{12}{5} = 1.2$ hectares of 'C' category land) +

20.6 hectares of 'C' category land = 21.1 hectares.

Surplus area = $25 - 21.1 = 3.9$ hectares."

CASE LAW

Rule 5(a)-Does not go beyond section 4(1);**1980 All India Land Laws Reporter 365**

Rule 5(2)(a), Illustration I-Petition 'CC' category tenant, entitled to kanals of C category land-Based on the intensity of irrigation was allotted 2ir K 10M of Nehri Land-Seeks 28 kanals--Vide illustration I under the Rule, 2 K of Nehri Land with irrigation intensity of 57% is equal to 40.02 K of 'C' land -No change in the order is considered necessary;**1998(1) All-India Land Laws Reporter 294**

6. FORM AND MANNER OF DECLARATION AND ITS VERIFICATION. (Section 9).

(1) The declaration supported by an affidavit required to be furnish under Section 9 shall be furnished by a person in Form I either personally through in agent duly authorised in writing to the concerned Prescribed Authority who shall issue a receipt in token thereof.

(2) Such person may make an application to the Prescribed Authority so as to arrange to fill up Form I for him. Such an application shall bear a court fee stamp of ten rupees. The person concerned shall be bound to supply the attested copies of the revenue records and other documents required for the purpose of filling in the form in respect of the concerned land.

(3) On receipt of declaration form from such person, the Prescribed Authority shall get the particularly given therein verified by the Tehsildar / Tehsiidars of the Tehsil /Tehsils in which the person owns or holds land.

CASE LAW

Rule 6- Declaration form out duly verified-Is a Technical defect--La owner cannot challenge the proceedings on this Score; **1989 (2) All India Land Laws Reporter 237**

7. COLLECTION OF INFORMATION.(Section 10).-(1) Where a person fails to furnish the declaration as required by Section 9, the Prescribed Authority shall cause the statements to be prepared in Form II by the Circle Revenue Officer.

(2) The Statement thus prepared would be communicated through notice in Form III. In case any objections are raised. the Prescribed Authority shall dispose of the same by an order giving reasons therefore.

8. PREPARATION OF STATEMENT.(Section 11). (1) After satisfying himself as to the correctness of the particulars given in Form I or II, the Pr scribed Authority shall prepare a statement as required by sub-section (1) Section 11 in Form IV:

Provided that if Form IV is not prepared in accordance with the particulars given in Form I, the Prescribed Authority shall pass an order giving re sons for the variation.

(2) One copy of the statement, in Form IV shall be sent to (the Ian owner, mortgage with possession, and their tenant) by registered post; and also to the Tehsildar and Collector of the district.

(3) A fee of ten rupees in the shape of Court fee stamp per copy shall be charged for each additional copy supplied on demand.

9. FORM OF ORDER. (Section 13).--(1) The order to be issued under section (1) of Section 13 shall be in Form V.

(2) The Prescribed Authority for the purpose of Section 13 shall be the Circle Revenue Officer.

10. FORM OF STATEMENT FOR AMOUNT PAYABLE AND THE MANNER OF SERVING THE SAME.(Section 16).--(1) When the statement under Section 11 has been finalised, the Prescribed authority shall as soon as thereafter as may be practicable, prepare the statement for the payment of amount, in accordance with the provisions of Section 16, in Form VI, after taking into account the market value of the building, structure, (tubewell, water courses including its subsidiary works) crop or tree including fruit tree, if any on the land as determined by the Prescribed Authority.

(2) The notice referred to in sub-section (2) of Section 16 shall be in Form VII.

(3) In determining the market value of building structure or tubewell, water courses including its subsidiary works the Prescribed Authority may call for the advance of the Sub- Divisional Officer, P.W.D. (Buildings and Roads), or any other persons considered suitable for the purpose.

(4) Under the proviso to sub-section (5) of Section 16 the period shall be:-

- (i) two months from the date on which the intimation to remove the structure, etc. if any, is sent;
- (ii) reasonable time for removing a crop.

EXPLANATION.-- The extent of reasonable time shall be determined by the Prescribed Authority with due regard to the climatic conditions of the area and other circumstances in which a farmer of average produce may be expected to harvest his crop once it was ripe.

11. MODE OF PAYMENT OF AMOUNT.(Section 17).--(1) The amount all be paid in the following manner, namely :

- (i) The first equated instalment shall become due on the 1st February or 1st August following the taking over the possession;
- (ii) The remaining nine equated instalment shall become due at regular annual interval following the date of first instalment.

(2) All instalments referred to sub-rule (1) shall be equal in amount upto a rupee, the balance, if any, being payable with the last instalment.

(3) Payment of amount in cash shall be made by the Treasury Officer as indicated by the Prescribed Authority through vouchers in Form VIII:

Provided that where a person entitled to receive the amount wants that a payment of amount payable to him be paid by money order, the amount shall be paid to him by money order after deducting money order fee from the amount payable.

(4) A voucher which is not encashed within three months from the date of Issue shall cease to be cashable unless it is on an application by the holder thereof, countersigned and revalidated for a further period of two months for payment by the Sub- Divisional Officer (Civil), who is authorised to revalidate the voucher once only. The holder, on failure to obtain payment three months from the date of issue shall

submit the voucher with an application for revalidation of the same. Such an application for revalidation shall be made within one month of date of expiry of validity of the voucher.

In case of loss, destruction, mutilation of the original voucher or on expiry of the revalidated/original voucher, the holder may apply for the issue of a fresh voucher. In such a case, fresh voucher shall not be issued until the expiry of six months from the date of issue of the original voucher and after a non- payment certificate has been obtained from the Treasury officer

12. AMOUNT OF VOUCHER. (Section 17).-The Treasury Officer keep an account of the vouchers presented and encashed on each d payment in Form IX. The statement in Form VIII shall be kept in a guard Where no payments are made on any day, the Treasury Officer shall pr a statement in Form I"X. The Treasury Officer shall prepare a monthly statement in Form X, and send one copy thereof, to the Tehsildar who shall mate the details therein to the Deputy Commissioner. The Deputy Commissioner shall sent a consolidated statement in Form XI on 1st January, April, 1st July and 1st October, to the State Government.

13. FORM AND MANNER OF APPEAL AND REVISION.(Section -18).
(1)The memorandum of appeal shall be in the form of narrative and it set forth, concisely and other distinct heads, the grounds of objection to order appealed from and also the relief claimed.

(2) The memorandum of appeal shall be accompanied by a certifi copy of the order appealed from.

(3) The memorandum shall be presented to the appellate authori the appellate or his duly authorised agent and it shall be signed and verifi the manner in which plaints are signed and verified.

(4) The aforesaid provisions regarding the memorandum of appeal apply mutatis mutandis, to the applications for revision.

14. PROCEDURE OF AUTHORITY.(Section 24).--Except as otherwise provided in these rules, in all proceedings under the Act, the Prescribed Authority or any other officer shall observe the same procedure as is scribed for Revenue Officer under the provisions of the Punjab Tenancy 1887 and rules framed thereunder.

15. COURT FEES. (1) The following court fees shall be levied in of appeal and revision under sections indicated below:

	Rs.
(i) under Section 18(1)	10/-
(ii) under Section 18(2)	25/-
(iii)under Section 18(4)	25/-
(iv) (Deleted)	
(2) (Deleted)	

(3) Save as otherwise provided in the rules, all applications under this Act/rules shall bear a court fees of Rs. 2/-.

4) All fees shall be paid by means of court fees of stamps.

16. MANNER OF SERVICE OF NOTICE OR ORDERS.(Section 31).- Save as otherwise provided in these rules, notices or orders under the Act "be served in the manner provided in Section 90 of the Punjab Tennacy Act,1887 (Act XVI of 1887).

17. Repeal: The Pepsu Tenancy and Agricultural Lands Rules, 1958, Punjab Security of Land Tenures Rules, 1953 and Punjab Security of Tenure Rules, 1956, as amended from time to time, are hereby repealed far as they relate to the matters dealt in these rules and are inconsistent these rules;

Provided that, notwithstanding the repeal of the said rules, anything or any action taken in the exercise of any power conferred by or under Id rules all be deemed to have been done or taken in exercise of the rs conferred by or under these rules, as if these rules were in force on t day, on such thing was done or action was taken.

SCHEDULE A

[See Rule 5(2)]

Serial No.	Name of Canal	Intensity ratio
		per cent
1.	Bhakra Canals (Perennial)	57
2.	Bhakra Canals (Restricted Perennial)	39
3.	Western Yamuna Canal (Perennial)	45
4.	Lower Chautang Nala Canal (Non-perennial)	40
5.	Gurgaon Canal (Perennial)	10
6.	Agra Canal (Perennial)	36
7.	Government Tubewell	50

SCHEDULE B
[See provide to rule 5(3)]

(Area in hectares)

Sr. No.	Name of the tract	Community Developments Blocks	Upto 5 H.P	Above 5 and upto 7.5 H.P	Above 7.5 H.P
1	2	3	4	5	6
1.	KHADAR AREA	(i) Chhachhrauli (ii) Jagadhri (iii) Ladwa (iv) Nilokheri (v) Karnal (vi) Gharaunda (vii) Panipat (viii) Samalkha (ix) Ganaur (x) Sonapat (xi) Rai (xii) Faridabad (xiii) Ballabgarh (xiv) Palwal (xv) Hodel	2.50	3.00	4.00
2.	GHAGGAR TRACT	(i) Ghula (ii) Thanesar (iii) Shahabad (iv) Narwana (v) Tohana (vi) Ratia (vii) Rania	2.50	3.00	4.00
3.	UP LAND PLANTS	(i) Ambala (ii) Barar (iii) Pundri	2.00	2.50	3.50
4.	ARID TRACT (SAHIBI)	(i) Patudi	1.50	2.00	2.00
5.	ARID TRACT (OTHERS)	(i) Ateli (ii) Kanina (iii) Narnaul (iv) Nangal Chaudhary (v) Bhadhra (vi) Loharu (vii) Dadri	1.00	1.50	1.50
6.	CENTRAL PARTS	(i) Assand (ii) Kalayat (iii) Jind (iv) Safidon (v) Kaithal (vi) Fatehabad (vii) Sirsa (viii) Baragura	2.00	2.50	3.50
7.	REMAINING BLCOKS IN THE STATE		1.00	1.50	1.50

FORM I

Declaration Form (Under Section 9)

Presented to _____
Declaration by _____ Son of _____
_____, Village _____, Tehsil _____
District _____ under section 9 of Haryana Ceiling on Land Holdings Act,
1972, regarding particulars of land owned by him and his family and section of permissible
area for him and his family members.

PART A Details of family members

Sr.No.	Name	Age declarant	Relationship with the	Permissible area in terms of 'C' category land	Remarks
(a)	Primary Unit-				21.8 hectares
	(1)				
	(2)				
	(3)				
	(4)				
	(5)				
(b)	Additional members		(i.e. minor children in addition to the above 3 excepting married minor daughters)		
	(6)				
	(7)				
	(8)				
	(9)				
	(10)				
(c)	Separate Unit		(i.e. adult sons living with their parents or either of them, in case of death of any such son, his widow/children)		
	(1)				
	(2)				
	(3)				
	(4)				
	(5)				

PART B

Details of all land held by the members of the family as landowners, tenants or mortgagees with possession or partly in one capacity or partly in another

Serial No.	Name	Father's	Date and mode of acquisition, i.e.by inheritance / purchase	Approximate date of mutation	A Category Land	AA Category Land	B Category Land	C Category Land	Remarks
1	2	3	4	5	6	7	8	9	10

(a) As landowners

- (i)
- (ii)
- (iii)
- (iv)
- (v)
- (vi)

(b) As tenants

- (i)
- (ii)
- (iii)
- (iv)
- (v)
- (vi)

(c) As mortgagees

- (i)
- (ii)
- (iii)
- (iv)
- (v)
- (vi)

PART C

- (i) Valuation of all types of land held by all the members of the family (in terms of C Category Land) and
(ii) the calculation of extent of permissible area for all members of the family.

	Valuation of land		Extent of permissible area for				
			(Kanals in terms of C category Land)				
	Primary Unit of family		Additional members		Separate Unit		Total area (in Kanals)
	Name	Area (In Kanals)	Name	Area (In Kanals)	Name	Area (In Kanals)	
(i)	(Total) Kanals under column (6) of Part B-	(Total Kanals) x 3=					
(ii)	(Total) Kanals under column (7) of Part B-	(Total Kanals) x 12					
		----- =					
		5					
(iii)	(Total) Kanals under column (8) of Part B-	(Total Kanals) x 2=					
(iv)	(Total) Kanals under column (9) of Part B-	(Total Kanals) x 1=					

PART D

Details of land claimed / selection of 'and for retention as permissible area
Category of land permissible / selected

Part I	A Category Land		AA Category Land			B Category Land			C Category Land			Total area to be selected in terms of 'C' Category Land			Remarks
Khasra No.	Area (in Kanals)	Valuation of land	Khasra No.	Area (in Kanals)	Valuation of land	Khasra No.	Area (in Kanals)	Valuation of land	Khasra No.	Area (in Kanals)	Valuation of land	Khasra No.	Area (in Kanals)	Valuation of land	
	x3					$\frac{x12}{5}$			x2			x1			
Part II	(i)	Area held by landowner on 30.7.1958:													
	(ii)	Permissible area on 30.7.1958 under the Acts (The Punjab Security of Land Tenures Act, 1953/ The Pepsu Tenancy and Agricultural Lands Act, 1955.) indicated below:													
	(iii)	Area of land sold/transferred, if any, between 30.07.1958 and 24.1.1971													
		A.K.M													

PART E

(Details of area offered as surplus)

A Category Land			AA Category Land			B Category Land			C Category Land			Reamarks		
Khasra No.	Area (in Kanals)	Valuation of land	Khasra No.	Area (in Kanals)	Valuation of land	Khasra No.	Area (in Kanals)	Valuation of land	Khasra No.	Area (in Kanals)	Valuation of land	Khasra No.	Area (in Kanals)	Valuation of land

Signature of the declarant

I, _____ son of _____ of village _____, Tehsil _____, District _____ hereby solemnly declare and affirm that the particulars given by me in this declaration are true to the best of my knowledge and belief and that nothing.

Signature of the declarant

ATTESTED

Certified that the above declaration was made on solemn affirmation before me by _____ or has been read out by me to Shri _____ Son of _____ resident of village _____, Tehsil _____ District _____, this _____ day of _____ 19 at _____

Dated : _____

Magistrate 1st Class / Oath Commissioner
at _____

Certified by Prescribed Authority

Certified;

- (i) that this form has been entered at Serial No. _____ of the register maintained for the purpose, and
- (ii) that a duly signed receipt has been issued to the declarant.

Signature of the declaration in token of having
obtained the receipt.

Prescribed Authority

FORM II

Declaration Form
(Under Section 10)

Prepared by Shri _____ Tehsildar _____, District _____
_____ in respect of the land held by
Shri _____ of village _____ Tehsil
_____ District _____.

PART A

Details of family members

Sr. No.	Name	Age	Relationship with the declarant	Remarks
(a) Primary Unit				
	(1)			
	(2)			
	(3)			
	(4)			
	(5)			
(b) Additional Members (i.e. minor children in addition to the above excepting married minor daughters).				
	(6)			
	(7)			
	(8)			
	(9)			
(c) Separate Unit (i.e. adult sons in case of death of any such son, his widow/ Children)				
	(1)			
	(2)			
	(3)			
	(4)			

PART C

- (i) Valuation of all types of land held by all the members of the family (in terms of C Category Land) and
(ii) the calculation of extent of permissible area for all members of the family.

Valuation of land	Extent of permissible area for					
	(Kanals in terms of C category Land)					
	Primary Unit of family		Additional members		Separate Unit	Total area (in Kanals)
	Name	Area (In Kanals)	Name	Area (In Kanals)	Name	Area (In Kanals)
(i)	(Total) Kanals under column (6) of Part B- (Total Kanals) x 3=					
(ii)	(Total) Kanals under column (7) of Part B- (Total Kanals) x 12 ----- = 5					
(iii)	(Total) Kanals under column (8) of Part B- (Total Kanals) x 2=					
(iv)	(Total) Kanals under column (9) of Part B- (Total Kanals) x 1=					

FORM III
(Under Section 10)
NOTICE

A copy of the statement prepared under Section 10 of the Haryana Ceiling on Land Holdings Act, 1972 and pertaining to the land owned or held by you, as known at the moment, is sent herewith, for your information

You may appear personally or by duly authorised agent before the undersigned on _____ at _____ and state as to why surplus land be not determined under the Act on the basis of this statement.

Be it noted that in case you fail to appear on the said date and time, an exparte decision would be taken.

Prescribed Authority,

Dated _____

Designation _____

Place _____

Address _____

FORM IV

(Under Section 11)

Statement showing the particular of land of a landowner as required under Section 11 of the Haryana Ceiling on Land Holdings Act, 1972

Note: - Figures wherever required to be given in this form should be in English numerals.

PART A

Land held by the Family	Location of land				Additional-Land held by any person being treated as separate unit	Location of land			
	Tehsil	Village	Qila No.	Khasra No,		Tehsil	Village	Qila No.	Khasra No,
Head of the family									
-(1)									
Other Members:-									
(1)									
(2)									
(3)									
(4)									
(5)									

PART B

Area permissible of the Family	Details of the Land	Area permissible to Separate Unit	Details of Land	Remarks
	Village_____ Qila No.	Tehsil_____ Khasra No.	Name_____ Village_____ Qila No. Khasra No	Tehsil_____ Name_____

PART C
Details of the Land declared surplus

Tehsil

Village

Qila No.

Khasra No.

Prescribed Authority _____
Designation _____
Address _____

Total Area =

Regd. / A.D.

No. _____ Dated _____

Office of the _____ (Prescribed Authority)

A copy is forwarded to Shri _____, son of _____ resident of village _____,

Tehsil _____, and District _____ for necessary action under Section 11(2) of the Haryana Ceiling on Land Holdings Act, 1972.

Signature:

Prescribed Authority _____

Designation _____

Address _____

No. _____ Dated _____

A Copy in triplicate is forwarded to the Tehsildar as required under Section 11(2) of the Haryana Ceiling on Land Holdings Act, 1972. One copy be served on the tenant(s) of the landowner and the second copy to be returned in acknowledgement thereof

Signature:

Prescribed Authority _____

Designation _____

Address _____

No. _____ Dated _____

A copy is forwarded to the Collector of _____ District

Signature:

Prescribed Authority _____

Designation _____

Address _____

FORM V
[Under Section 13]

To

.....
.....

As per details given in the reverse of land belonging to you and situated in village (s) has been declared surplus.

You are hereby directed to handover the possession of this land to within 10 days of the service of this order.

Be it noted that in case you fail to deliver the possession as required action would be taken under Section 13(2) of the Haryana Ceiling on Land-Holding Act, 1972 to secure the possession.

Prescribed Authority

Place.....

Designation.....

Dated.....

Address.....

No.....

Dated.....

A copy is forwarded to Shri, son of..... resident of
Village..... Tehsil....., District..... for information. He should contact the
Tehsildar for payment of amount.

Prescribed Authority.....

Designation.....

Address.....

FORM VII
[(Under Section 16(2))]

To

A copy of the statement prepared under sub-section (2) of Section 16 of the Haryana Ceiling on Land Holdings Act, 1972, is forwarded to you under the said sub-section. You are hereby required to appear personally or by duly authorised agent before the undersigned on the _____ at _____ (mentioned here date) (Mentioned here time and place)

and state the nature of your interest on the land and the amount and particulars of your claim to the amount for such interest.

Date _____

Place _____

Prescribed Authority,

Designation _____

Address _____

FORM VIII
(For Office use only)

Voucher for payment of Amount in cash (in lieu of surplus land acquired under the Haryana Ceiling on Land Holdings Act, 1972)

Book No. _____ Voucher No. _____
Head of Account Chargeable _____
The Treasury Officer District is required to pay to Shri....., son of Village....., Tehsil....., District the sum of Rs. (in words) (Rs.....) as.....instalment of amount due to him on account of the surplus land acquired from him.

S.D.O. (C)

Received the voucher
Signature

Certified that entry has been made about this amount in Form VI in the possession of the payee.

S.D.O. (C)

FORM VIII
(For Office use only)

Voucher for payment of Amount in cash (in lieu of surplus land acquired under the Haryana Ceiling on Land Holdings Act, 1972)

Book No. _____ Voucher No. _____
Head of Account Chargeable _____
The Treasury Officer District is required to pay to Shri....., son of Village....., Tehsil....., District the sum of Rs. (in words) (Rs.....) as.....instalment of amount due to him on account of the surplus land acquired from him.

S.D.O. (C)

Received the voucher
Signature

Certified that entry has been made about this amount in Form VI in the possession of the payee.

S.D.O. (C)

FORM IX
[See Rule 12]

**Statement of encashed amount cash vouchers issued for the surplus area
determined under the Haryana Ceiling on Land Holdings Act, 1972.**

Treasury_____ District_____

Date of encash- ment	Book and serial No. of Vouchers	Treasury/Sub- Treasury Voucher No.	Amount paid	Signature of Treasury Officer	Remarks
1	2	3	4	5	6

FORM IX
[See Rule 12]

**Monthly statement of payment of amount in cash for the surplus area
determined under the provisions of the Haryana Ceiling on Land Holdings Act, 1972**

Tehsil_____, District_____, Month_____

Book and serial Voucher	No. of	Total amount encashment	Remarks
1	2	3	

Treasury Officer,

_____ District
Date _____

To

The Tehsildar,

FORM IX
[See Rule 12]

Consolidated quarterly statement of payment of amount in cash for the surplus area determined under the provisions of the Haryana Ceiling on Land Holdings Act, 1972.

For the month of _____, 19

Name of District	Total amount paid	Remarks
1	2	3

No. _____
Date. _____

Forwarded to the -

Secretary to Government, Haryana Revenue Department, for information.

Deputy Commissioner
_____ District.

THE HARYANA UTILISATION OF SURPLUS AND OTHERS AREAS SCHEME, 1976

CONTENTS

1. Short title.
2. Definitions.
3. Preparation of lists of surplus area.
4. Categories of eligible persons and inter se priority therein.
5. Application by eligible person.
6. Scrutiny of applications.
7. Principles and procedure of allotment.
8. Association of possession.
8. A Delivery of possession.
9. Mode of payment.
10. Issue of certificate and delivery of possession.
11. Recovery of instalments.
12. Conditions of allotment.
13. Appeal and revision.
14. Repeal and saving Forms.

The Haryana Utilisation of Surplus and Other Areas Scheme, 1976

(Published vide No. GSR 141/H.A. 2626/72/S. 15/76 dated 28.5.1976.)

In exercise of the powers conferred by Section 15 of the Haryana Ceiling on Land Holdings Act, 1972, the Governor of Haryana hereby frames the following scheme, namely :-

1. SHORT TITLE. -- This scheme may be called the Haryana Utilisation of Surplus and Other areas Scheme, 1976.

2. DEFINITIONS.--(1) In this scheme, unless the context otherwise requires-

(a) ."allotment authority' means the Sub-Divisional Officer (Civil) in whose jurisdiction the surplus area to be allotted is situate, or any other officer who may be declared as such by the State Government from time to time in respect of any particular area;

(b) 'form' means a form appended to this scheme.

(2) The words and expressions used and not defined in this scheme but defined in the Act or the rules made thereunder, shall have the same meaning as are assigned to them in the Act or the rules.

3. PREPARATION OF LISTS OF SURPLUS AREA.--The Allotment Authority shall prepare Village-wise lists indicating the surplus area and the tenants' permissible area deemed to have vested in the State Government under sub-section (3) of Section 12, excluding the surplus area or other area in respect of which the purchase applications under Section 18 of the Punjab Law or Section 22 of the Pepsu Law are pending since before the 23rd day of December, 1972 and are to be disposed of in terms of clause (i) of sub- section (2) of Section 33 of the Act, and shall

thereafter prepare such lists of the surplus area as and when acquired under sub-section (1) of Section 12 in form U.S.I mentioning therein

- (i) filed (Khasra) numbers in serial numerical order;
- (ii) name of the landowner;
- (iii) area of every filed (Khasra) number; and
- (iv) kind of soil in respect of each field (Khasra) number as entered in the latest khasra Girdawari.

4. CATEGORIES OF ELIGIBLE PERSONS AND INTER SE PRIORITY THEREIN. - -The categories of eligible persons shall be as follows, namely:

CATEGORY A. - a tenant holding land declared as the tenant's permissible area, under the Punjab Law or the Pepsu Law as the case may be;

CATEGORY B.- a tenant who was allotted and given possession of land in the surplus area by the State Government under the Punjab Law or the Pepsu Law and is holding the same; .

CATEGORY BB.-a tenant who has been in possession of land since 15th April, 1953 or prior to that date and such land is not included in the permissible area of the landowner.

CATEGORY C.-a tenant liable to ejection as a result of an ejection order of decree passed against him under clause (i) of sub-section (1) of Section 9 of the Punjab Law or sub-section (1) of Section 7 A of the Pepsu Law;

CATEGORY CC. - a tenant on the permissible area of the landowner or have been a tenant of the small landowner, on or before the appointed day and the land under his tenancy falls in the surplus area of the landowner under the Act. .

CATEGORY D. - a tenant who has been on the permissible area of the landowner or a tenant of a small landowner since before the appointed day. against whom no ejection order or decree has been passed under clause (i) of sub-section (1) of Section 9 of the Punjab Law or subsection (1) of Section 7 A of the Pepsu law.

CATEGORY E. - an agricultural worker.

CATEGORY F. - a tenant, settled on the surplus area by the landowner before Kharif, 1968 who is not

- (i) the landowner's relation of the category specified in clause (9) of Section 2 of the Punjab Law or the rules made thereunder; or
- (ii) the landowner's relation of the category specified in the rules made under sub-clause (ii) of clause (g) of Section 2 read with Section 52 of the Pepsu Law; or
- (iii) the landowner's relation of the category specified in the rules made under clause (s) of Section 3 read with Section 31 of this Act;

CATEGORY G. - A landless person;

CATEGORY H. - An ex-servicemen;

CATEGORY I.-A person owning land measuring less than two hectares of C

Category or land of its equivalent value.

EXPLANATION 1. The Eligible person, entitled to the allotment of surplus area in the village, falling in any of the Categories E, G, H and I means a person who has been residing in the Village, wherein the surplus area applied for by him is situate, since the 24th Day of January, 1971, and whose annual household income doe~ not exceed two thousand and fourhundred rupees.

EXPLANATION II.-No person, falling in category A on Category B whose application for the purchase of land under his tenancy under Section 18 of the Punjab Law or' Section 22 of the Pepsu Law, as the case may be, is pending, shall be entitled land under Pepsu Law, as the case may be, is pending, shall be allotted land under Pepsu Law, as the case may be, is pending, shall be allotted land under this scheme during the pendency of such application.

5. APPLICATIONS BY ELIGIBLE PERSONS.-(1) The allotment authority shall display for not less than seven days at his office a list of surplus area and the tenants permissible area deemed to have vested in the State Government under sub-section (3) of Section 12 and the list of the surplus area acquired from time to time under sub-section (1) of Section 12, in each village. He shall also display a list of the Categories of eligible persons who may apply for allotment. The display of the lists shall be announced by beat of drum in the village and the Patwari shall make an entry to that effect in e daily diary.

(2) Any eligible person, desiring to have land allotted to him, may, within a period of thirty days from the date of announcement under sub-paragraph (1), submit an application in Form U.S. 2 bearing a court fee stamp of two rupees to the allotment authority indicating the village of his residence.

(3) Any eligible person falling in Category A or Category B may submit an application in Form U.S.2, bearing a court fee stamp of two rupees to the allotment authority within a period of thirty days from the date of disposal of his application for the purchase of land under Section 18 of the Punjab Law or Section 22 of the Pepsu Law as the case may be.

(4) No application for allotment shall be entertained with respect to a village where no surplus area or the tenant's permissible area is available.

(5) Where after making allotment to infuture eligible persons in the village, surplus land is still available, applications for its allotment may be invited from the eligible persons:(i) belonging to the villages falling in the same Patwar circle;

(ii) belonging to the other villages whose boundaries adjoin the boundaries of the village in which surplus land is statue, if surplus land is still available after making allotment to the eligible persons mentioned in (i) above in accordance with the procedure laid down in paragraph 4 and sub clauses (1) and (2) of this paragraph.

NOTE.-Explanation 1 to paragraph 4 shall apply mutatis mutandis to the eligible persons under this clause."

6. SCRUTINY OF APPLICATIONS.-(1) The allotment authority shall scrutinize the applications, after such summary enquiry at it may deem necessary, draw up village wise lists of applicants who are found eligible for, allotment of land, and prepare separate lists of eligible persons falling in ~ah of the Categories mentioned in paragraph 4.

(2) The summary enquiry will, as far as possible, be made in the village to which the applicant belongs.

7. PRINCIPLES AND PROCEDURE OF ALLOTMENT.-The allotment authority shall make allotment first of all the surplus area and the tenants' permissible area deemed to have vested in the State Government under sub-section (3) of Section 1~ and thereafter the surplus area acquired from time to time under sub-section (1) of Section 12, in each village in favour of eligible persons after observing the following principles and procedure namely:

(i) inter se priority amongst the eligible Categories shall be in the same order in which these have been listed in paragraph 4, that is Category A will take precedence over Category B and Category B will take precedence over (Category BB) and so on;

(ii) eligible persons of category A will be allotted land to the extent of permissible area under this Act out of the area held by them;

(iii) eligible persons of Category B will be allotted the areas held by them; .

(iv) inter se priority amongst the eligible persons category-wise falling in categories (88, C, CC, 0, E,F,H and I) shall be arranged in the same order as the extent of .area acquired for their resettlement with the smallest landowner coming on the top. Where several claimants are entitled to the same priority, the allotment authority shall prepare a list of their names in alphabetical order in Hindi (Devnagri Scrip and the allotment to them shall be made according to the serial number of the list so prepared. The same principle of alphabetical order shall be .followed in the case of persons falling in Category G. The land owned by the claimants and the members of their families as on 1st day of January, 1976 shall be reckoned for the purposes of this paragraph;

(v) the extent of surplus are allotted to the various Categories mentioned in paragrpah 4 will be as follows:(A) CATEGORY A.- to the extent of the tenants' permissible area or the permissible area under the Act, whichever is less;

(B) CATEGORY B. - to the extent of the area allotted to and held by the eligible persons;

(BB) CATEGORY BB.-Two hectares of C category land or land of equivalent value, provided that the total area of land, including the land already held by the allottee shall not exceed two hectares, of C Category land or land of its equivalent value;

(C) CATEGORY C.-to the extent prescribed in Section 9A of the Punjab Law or Section 7 A of the Pepsu Law, and the rules made thereunder;

(CC) CATEGORY CC.-two hectares of C Category land or land of equivalent value:

Provided that the total area of land, including the land already held by the allottee shall not exceed two hectares of C Category land or land of its equivalent value";

(D) CATEGORY D TO 1.- two hectares of C category land or land of equivalent value subject to the condition that the area allotted plus.the area, if any, already held by the allottee shall be exceed two hectares of C Category land or land of its equivalent value;

(vi) the allotment authority shall first satisfy the requirements of applicants. in a village, falling in Categories (A, B, BB, C and CC) in that order, by allotment to them of the area available in the same village;

(vii) after making allotment to persons falling in Categories (A,B, BB,C and CC), the allotment authority shall take the following steps, namely

(a) three separate lists of eligible persons belonging to Scheduled Castes, Backward Classes and others falling in Categories D,E,F,G,H. and I. shall be prepared for allotment of the remaining surplus area in the village to them;

(b) the remaining available surplus area in the village after satisfying the claims of Categories (A, B, BB, C and CC). shall be sub-divided into three lists for allotment to members of the Scheduled Castes, Backward Classes and other and each list shall contain the particulars mentioned in paragraph 3. Forty per cent of such surplus area shall first be earmarked. according to the numerical order of field (Khasra) numbers, for eligible persons belonging to the Scheduled Castes, the next ten per cent. according to the numerical order of field (Khasra) numbers, shall be earmarked. for eligible persons belonging to the Backward Classes and the balance fifty per cent according to the numerical order of filed (Khasra) numbers shall be earmarked for the remaining eligible persons. Inter se priority within each of the lists mentioned in sub-clause (a) shall be according to the principles laid down in clause (1);

(c) allotment of land shall be made to the persons in the lists mentioned in sub-clause (a) from the respective area earmarked for them as in sub clause (b);

(d) in case the surplus area reserved for allotment to Scheduled Castes or a portion thereof remains unutilised after such allotment, such unutilised area shall be added to the area earmarked for allotment to the Backward Classes. If the total area thus becoming available for allotment to the Backward Classes or a portion thereof remains unutilised after such allotment, such unutilised area shall be added to the area earmarked for the other eligible persons in the village. Likewise overflow of surplus area earmarked for allotment to the other eligible persons shall first be added to the area reserved for Scheduled Castes and the unutilised balance, if any, to the area earmarked for the Backward Classes;

(viii) the eligible persons falling in Category 0 shall be allotted land only in case they relinquish their existing tenancies; .

(ix) while making the allotment to eligible persons falling in Categories (C, CC, 0, E, F, G, H and D), the allotment authority shall confirm to the numerical order of field (Khasra) numbers mentioned in the lists prepared under paragraph 3 and sub-clause (b) of the clause (vii);

(x) where mortgage rights in respect of any land falling within the surplus area have vested in the State Government under the proviso to sub section (1) of Section 12 of the Act, such land shall not be allotted to any person, until the Government becomes its full owner. The Government may, however, give such land on lease to any person from year to year.

8. ASSOCIATION OF NON-OFFICIALS.-Before drawing up villagewise lists under paragraph 6 and before passing an order of allotment under paragraph 7, the allotment authority shall consult at least two of such non-officials as the State Government may nominate in this behalf for any area;

8-A DELIVERY OF POSSESSION.-After the allotment of the land, the allotment authority shall issue a certificate in Form U.S. 3 to the allottee and

send a copy thereof to the Tehsildar who shall deliver possession of the land to the allottee, if such land is not already in his possession.

9. MODE OF PAYMENT.--The purchase price of the allotted land including the amount payable in respect of the building, structure, tube-well, water course including its subsidiary works or crop thereon, determined in accordance with the provisions of sub-section (4) of Section 15 read with Section 16 of the Act together with interest at the rate of five per cent annum shall be payable by the allotment in ten equated annual instalments. The first instalment shall be deposited by the allottee before the delivery of possession:

Provided that the allottee may at any time make payment of the purchase price or balance thereof together with interest, if any, thereon in lump sum.

10. ISSUE OF CERTIFICATE AND DELIVERY OF POSSESSION.-(1) Omitted vide 2nd amendment 1979.

(2) The allottee shall be issued a certificate in Form U.S.4 when he has made full payment of the purchase price together with interest; if any.

(3) Every allottee shall be bound to take possession of the land allotted to him within a period of seven days of the date when the same is offered to him, by the allotment authority. The allottee shall further be bound to deposit first instalment of the purchase price of the land within thirty days from the date of taking possession of the allotted land. If he fails to take possession of the allotted land or fails to deposit the first instalment within the specified period, the allotment be cancelled.

11. RECOVERY OF INSTALMENTS.-(1) It shall be the responsibility of the Tehsildar concerned to collect the instalments from the allottees. A separate account shall be maintained in Form U.S. 5 for every individual allottee.

(2) In case any instalment is not paid within a period of thirty days from the due date, the amount thereof shall become recoverable as arrears of land revenue together with interest thereon from the due date to the date of payment at the rate of ten per cent per annum.

12. CONDITIONS OF ALLOTMENT.--The allottee-

(a) shall be liable to pay all Government dues levied in respect of land allotted to him, from the date he takes over its possession;

(b) shall not be competent to transfer, sell, lease or mortgage the land allotted to him or transfer his rights therein in any manner whatsoever to any person till the purchase price and the interest, if any, thereon in respect of such land is paid in full:

Provided that subject to the charge created by sub-section (6) of section 15 of the Act, the allottee may mortgage or create a charge on the land allotted to him for raising loan from co-operative or nationalized bank or the State or Central Government for making improvement on the land or purchase of agricultural implements and inputs.

13. APPEAL AND REVISION.- The provisions in regard to appeal and revision made in Section 18 of the Act shall, so far as may be, apply to all orders passed under this scheme.

14. REPEAL AND SAVING --(1) The utilization of Surplus Area Scheme, 1960, framed under the Pepsu Tenancy and Agricultural Lands Act, 1955, and the Punjab Security of Land Tenures Rules, 1956 in so far as they relate to the matters dealt within this scheme, and are inconsistent with his scheme, are hereby repealed.

(2) Notwithstanding the repeal of the Utilisation of Surplus Area Scheme, 1960, and the Punjab Security of Land Tenures Rules, 1956, any- thing done or any action taken in exercise of any power conferred by or under the said scheme or rules shall be deemed to have been done or taken in exercise of the powers conferred by or under this scheme, as if this scheme were in force on the day, on which thing done or action was taken.

FORM US 1
(See Paragraph)

Details of surplus area available for allotment in village
Tehsil.....district.....

Sr. No.	Field (Khasra) number owner	Name of land	Area of filed (Khasra) number in acres	Kind of soil as per entry in the last khasra Girdawari
1	2	3	4	5

FORM US 2

[See Paragraph 5]

Application for allotment of land

To

The Allotment Authority

Sir,

I, son ofresident of village....., tehsil....., district.....hereby apply for allotment of land in the surplus area.

2. I claim allotment, being, as described in paragraph 4 of the scheme.

3. The details of the members of my family are as below:-

Name of wife / husband	Name of adult sons	Age	Name of minor children	Age
------------------------	--------------------	-----	------------------------	-----

4. The following land is owned by me & the members of my family:-

	Name	Area	Village
Self	...		
Wife/husband	...		
Adult sons	...		
Minor children	...		
Total	...		

5. The members of my family are in possession of the land measuring A.....K.....M..... as tenants/sub-tenants as per details given below:-

	Name of village	Field (Khasra) number	Kind of soil	Name of owner
(i)	self/husband/wife and minor children			
ii)	Adult son's			

6. My annual house hold income does not exceed two thousand and our hundred rupees.

Note. -- This paragraph is applicable only to the persons falling in any of the Categories from F to I.

7. I fully know that in case any of the facts given above is found to be incorrect at a later stage, my allotment shall be cancelled and I shall be liable to action under Section 15(7) and 21(2) of the Haryana Ceiling on Land Holdings Act, 1972.

Date..... Signatures of applicant)

Address.....

Affidavit (to be sworn before Magistrate 1st class/Oath Commissioner)

I,....., son of Shri..... resident of.....solemnly affirm and declare that the above facts are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

"I further solemnly affirm that I residing in this village since 24th January, 1971.

Date..... (Signatures of applicant)

Address.....

***Note.**--The affirmation regarding residence shall only be made by the persons falling in any of the Categories from E to I.

FORM US 3

[See Paragraph 10]

CERTIFICATE OF ALLOTMENT

Shri....., son of Shri.....
resident of village....., tehsil..... district.....
has been allotted land (described below) out of the land declared surplus
under the Haryana Ceiling on Land Holdings Act, 1972.

Particular of land:-

Name of the village	Field (Khasra) number	Kind of soil as per last khasra Girdawari	Area
.....			

Total Area.

2. The total purchase price of the land and the building, structure, tube-well, water-courts including its subsidiary work or crops thereon is Rs.....
This amount is to be deposited in ten annual equated instalments as indicated below :

- (a) The first installment of Rs.....shall be deposited with in thirty days the date of taking of possession.
- (b) The next nine instalments, each amounting to Rsshall be deposited on or before the.....

3. In case he fails to take possession of the allotted land within a period of seven days of the date when the same is offered to him or fail to deposit the first instalment within the specified period, the allotment shall be cancelled without any further notice.

4. The allottee shall abide by the conditions given on the reverse Allotment Authority.

No....., Date.....

To

Shri....., son of.....Village.....,

Tehsil.....

No..... Date.....

Copy forwarded to the Tehsildar..... to deliver the possession of the land and arrange to realise the purchase price.

Allotment Authority.

Conditions of Allotment

The allottee -

(a) shall be liable to pay all Government dues levied in respect of the land allotted to him, from the date he takes over its possession.

(b) shall not be competent to transfer, sell, lease or mortgage the land allotted to him on or any party thereof or transfer his right, title or interest therein, in any manner whatsoever, to any person for a period of five years from the date of his taking possession in pursuance of the allotment, even though the full purchase price has been in a lumpsum or in instalments along with interest within the aforesaid period;

(c) notwithstanding anything contained in sub-section (5) of Section 11 of the Act, shall be competent to mortgage or create a charge on the land allotted to him for raising loan from any co-operative society, bank, scheduled bank or any corporation owned or controlled by Government, for the purpose of making improvements in the land and for other agricultural purpose...

FORM US 4

[See Paragraph 10 (2)]

Whereas the property described in the Schedule hereto (hereinafter referred to as the said property) vested in the State Government under the provisions of the Haryana Ceiling on Land Holdings Act, 1972;

And whereas the said property was allotted by the State Government to Shri....., son of Shri..... under the Scheme framed under the Haryana Ceiling on Land Holdings Act, 1972, but the full price for the said property was not paid at the time of allotment.

It is hereby certified that the allottee has paid the full price of the said property together with interest thereon.

Allotment Authority

FORM US 5

[See Paragraph 11]

**Khatsuni for the recovery of purchase price of the land etc. from the
.....Allottee of Tehsil.....District.....**

(a) Name of Village with H.B. No.....

(b) Khataui No.....

(c) Name of Allottee.....

- (d) Area allotted with details of Khasra Nos. and date of order.....
 (e) Date of delivery of possession of land to the allottee.....
 (f) Total purchase price of allotted land to be paid by the allottee
 Rs.....
 (g) No. of equated instalments of repayment and amount of each instalment
 including interest at the rate of five per cent per annum.
 (i)
 (ii)

List of instalments

Sr. No.	Demand Amount of instalment				Date of	List of payment actually made Amount deposited			
	Due date of instalments	Prin- cipal	Interest	Total		By	Whom payment with No. of Dakhla	Prin- cipal	Interest	Total
1	2	3	4	5	6	7	8	9	10

Total repayment made upto date					Balance amount still to be paid				
Penal	Prin- cipal	Inte- rest	Penal inte- rest	Total	Prin- cipal	Interest	Penal inte	Total	Initial of Tehsildar Naib- Tehsildar regarding attestation of collection of entries
11	12	13	14	15	16	17	18	19	20

Grand Total: ---

Signature:- (i) Wasil Baqi Nawis-- (ii) Tehsildar/Naib Tehsildar—

