



GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

# HYDERABAD ACT No. XXI OF 1950.

## THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.

As re-enacted by section 2 of the Hyderabad Tenancy  
and Agricultural Lands (Re-enactment, Validation and  
further Amendment) Act, 1961  
(Mah. XLV of 1961)

*(As modified upto the 23rd May 2018.)*

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(i)

1950 : Hyd. Act XXI ]

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS  
ACT, 1950**

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**<sup>1</sup>THE HYDERABAD TENANCY AND AGRICULTURAL  
LANDS ACT, 1950\* . No. XXI OF 1950.**

Amended by Hyd. Act No. 13 of 1951.  
" " " " No. 23 of 1951.  
" " " " No. 3 of 1954.  
" " " " No. 3 of 1956.  
" " " " No. 40 of 1956.

Adapted and modified by the Bombay (Hyderabad area) Adaptation of Laws  
(State and Concurrent Subjects) Order, 1956.

Amended by Bom. 32 of 1958.  
" " " 32 of 1959.  
" " " 20 of 1960.

Adapted and modified by the Maharashtra Adaptation of Laws (State  
and Concurrent Subjects) Order, 1960.

Amended by Mah. 28 of 1960.  
" " " 27 of 1961. †  
" " " 45 of 1961.  
" " " 39 of 1964.

Hyd. Act. XXI of 1950. "3. (1) Notwithstanding any judgement, decree or order of any court, anything done or any action taken in the exercise or the purported exercise of any powers or the discharge or purported discharge of any functions or duties, conferred or imposed, by or under the Hyderabad Tenancy and Agricultural Lands Act, 1950, or that Act as amended from time to time (including *inter alia* any notification or order issued, any rules, appointments, confirmation, declaration, determination, acquisition or disposal of land, transfer of appeal or proceedings made, any order or decision of any Court, Tribunal, Government or other authority made or passed, any sanction or permission given, any powers, rights or privileges conferred any duties, restriction, prohibition, obligation, liability or penalty imposed, any rent or reasonable price fixed, any leases, suspensions or stay of pending proceedings, remissions, or refunds granted, any contributions levied, any management of lands assumed, any transfer of ownership of eviction effected, or possession restored, any alienations validated or invalidated, any exemptions granted or withdrawn, any powers delegated, any institution of suits or proceedings barred) shall be deemed to have been validly and effectually done or taken under the Hyderabad Tenancy and Agricultural Lands Act, 1950, as re-enacted or that Act as amended from time to time by the Amending Laws, as re-enacted, and as in force on the date when such thing was done or action was taken, and accordingly, no suit or other legal proceedings shall be entertained or continued in any Court or Tribunal, or before the State Government or any other authority or officer, on the ground only that the provisions of the said Act or of that Act as amended from time to time, were not validly in force on the date when such thing was done or action was taken.

Hyd. Act. XXI of 1950. (2) Any reference to the Hyderabad Tenancy and Agricultural Lands Act, 1950 or to any of the amendments to that Act, or to that Act as amended from time to time in any law in force (or passed or made by the Legislature but not in operation) or in any instrument or document shall be deemed to be a reference to that Act, or to the Amending Laws, or to that Act as amended by the Amending laws, as re-enacted by this Act".

Validation and construction of references.

<sup>1</sup> Published in the *Gazette*, Extraordinary, No. (54), dated 10th June 1950.

\* This Act and all Acts amending it, namely.—Hyd. Act No. 13 of 1951, Hyd. Act No.23 of 1951, Hyd. Act No. 3 of 1954, Hyd. Act No. 3 of 1956, s. 48 of Hyd. Act No. 40 of 1956, Bom. 32 of 1958, Bom. 32 of 1959, s. 22 and the Second Schedule to Bom. 20 of 1960 in so far as it relates to Hyd. Act No. 21 of 1950, provisions contained in s. 2 of Maharashtra Ordinance 4 of 1960, Mah. 28 of 1960 and the provisions contained in the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956, and the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 which adapt and modify Hyd. Act No. 21 of 1950 were repealed and re-enacted by Mah. 45 of 1961.

† Section 3 of the Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validation and Further Amendment) Act, 1961 (Mah. 45 of 1961) reads as follows :—



*Hyderabad Tenancy and Agricultural  
Lands Act, 1950*

[1950 : Hyd. Act XXI

Amended by Mah. 45 of 1965. (1-12-1965) ‡

”	”	”	41 of 1966.
”	”	”	49 of 1969.
”	”	”	35 of 1974.
”	”	”	21 of 1975 (15-9-1975) ‡
”	”	”	5 of 1982.
”	”	”	28 of 1994 (3-2-1994) ‡
”	”	”	25 of 2005 (17-5-2004) ‡ £
”	”	”	1 of 2014 (7-2-2014) ‡
”	”	”	10 of 2014 (27-5-2014) ‡
”	”	”	1 of 2016 (1-1-2016) ‡
”	”	”	20 of 2016 £ £ (7-5-2016) ‡

‡ This indicates the date of commencement of Act.

£ Except as provided in clause (aa) in the *Explanation* to sub-section (4) of section 89A, the Act shall be deemed to have come into force on 17th May 2004.

‡ £ Section 8 of Mah. 20 of 2016 reads as under :-

Power to  
remove  
difficulty.

“8. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the said Acts, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of the State Legislature”.

LXVII  
of  
1948.  
Hyd.  
Act.  
XXI  
of  
1950.  
XCIX  
of  
1958.

WHEREAS it is expedient to amend the law regulating the relations of landholders and tenants of agricultural land and the alienation of such land;

AND WHEREAS it is also expedient to enable landholders to prevent the excessive sub-division of agricultural holdings, to empower Government to assume in certain circumstances the managements of agricultural lands,<sup>1\*\*\*</sup> and to make further provisions for matters incidental to the aforesaid purposes;

It is hereby enacted as follows :—

## CHAPTER-I

### PRELIMINARY

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands Act, 1950. Short title, extent and commencement.
- (2) It extends to the whole of<sup>2</sup>[the Hyderabad area of the<sup>3</sup>[State of Maharashtra].
- (3) It shall come into force at once.
2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.
- (a) “Agriculture” with its grammatical variations and cognate expressions includes—
- (i) horticulture,
  - (ii) the raising of crops, grass or garden produce,
  - (iii) dairy farming [ <sup>4\*</sup> ],
  - (iv) poultry farming and stock breedings,<sup>4</sup>[and]
  - <sup>4</sup>[(v) grazing;]
- but does not include the cutting of wood only;
- (b) “Agriculturist” means a person who cultivates lands personally,
- (c) “Agricultural land” means land which is used or is capable of being used for agriculture<sup>4</sup>[or reserved for growing forests] and includes—
- (i) fallow land,
  - (ii) the sites of farm buildings appurtenant to agricultural land, and
  - (iii) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;
- <sup>4</sup>[(cc) “Basic Holding” means a holding the area of which is equal to one third of the area of the family holding determined under section 4 for the local area concerned];

<sup>1</sup> The words “to provide for the registration of co-operative Farms” were deleted by Bom. 20 of 1960 Second Schedule.

<sup>2</sup> These words were substituted for the words “the Hyderabad State” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>3</sup> These words were substituted for the words “State of Bombay” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960, cl. 4.

<sup>4</sup> Amended by Act No. III of 1954 published in *Gazette*, Extraordinary No. 29, dated 4th February 1954.

<sup>1</sup>[(*cd*) “Collector” includes an Assistant or Deputy Collector performing the duties and exercising the powers of the Collector under the Hyderabad Land Revenue Act, or any other officer specially empowered by the State Government to perform the functions of the Collector under this Act.]

2\* \* \* \* \*

3\* \* \* \* \*

<sup>4</sup>[(*f*) “to cultivate” means to carry on any agricultural operation;

(*g*) “to cultivate personally” means to cultivate on one’s own account—

(*i*) by one’s own labour, or

(*ii*) by the labour of any member of one’s family, or

<sup>4</sup>[(*iii*) by servants on wages payable in cash or kind, but not in crop share or by hired labour under one’s personal supervision, or the personal supervision of any member of one’s family.]

*Explanation.*—In the case of an undivided Hindu family, land shall be deemed to be cultivated personally, if it is cultivated by any member of such family;

<sup>4</sup>[(*h*) “Family Holding” means a holding the area of which is equal to the area determined for any class of land under section 4 as the area of a family holding for the class of land of which the holding consists in the local area in which it is situate;

5\* \* \* \* \* ]

(*j*) “Land” means agricultural land whether alienated or unalienated; and includes land used for purposes subservient to agriculture and all benefits arising out of such land and things thereon attached to the earth, or permanently fastened to anything attached to the earth;

(*k*) “Land Revenue Act” means the Hyderabad Land Revenue Act (VIII of 1317 F);

(*l*) “Lease” includes the counterpart of a lease and a sub-lease;

(*m*) “Local area” means an area specified as such in a notification issued under section 3;

<sup>1</sup> This clause was inserted by Bom. 32 of 1958, s.2(*I*).

<sup>2</sup> This clause was omitted by Hyd. Act No. 40 of 1956, s. 48(*I*).

<sup>3</sup> Clauses (*dd*) and (*e*) were deleted by Bom. 20 of 1960, Second Schedule.

<sup>4</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>5</sup> Clause (*hh*) was omitted by Hyd. Act No. 40 of 1956, s. 48 (*I*).

<sup>1</sup>[(*mm*) “ordinary tenant” means a tenant other than a protected tenant;]

(*n*) “person” includes an undivided Hindu family;

<sup>2</sup>[(*o*) “permanent alienation” includes any sale, exchange or gift and any transfer of a right of occupancy or of the *patta* of a holding but does not include any disposition by will;]

(*p*) “prescribed” means prescribed by rules made under this Act;

3\*                    \*                    \*                    \*                    \*                    \*

(*r*) “Protected tenant” means a person who is deemed to be a protected tenant under the provisions of sections 34 to <sup>4</sup>[37A];

(*s*) “Reasonable rent” means the rent determined under section 17;

(*t*) “Rent” means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but does not include the rendering of any personal service or labour;

<sup>5</sup>[(*tt*) “Serving member of the armed forces” means a person in the service of the armed forces of the union; provided that if any question arises whether any person is a serving member of the armed forces of the union, such question shall be decided by the State Government, and its decision shall be final;]

(*u*) “Tenancy” means the relationship of landholder and tenant;

(*v*) “Tenant” means an asami shikmi who holds land on lease and includes a person who is deemed to be a tenant under the provisions of this Act;

<sup>6</sup>[(*w*) “Tribunal” means an Agricultural Lands Tribunal constituted under section 87;]

<sup>7</sup>[(*x*) “Village Panchayat” means a panchayat constituted under <sup>8</sup>[the Hyderabad Gram Panchayats Act, 1956 (XVII of 1956);]

(*y*) “Year” means any year ending on the 30th day of June or on such other \*date as Government may, by notification in the <sup>9</sup>[*Official Gazette*] appoint for any area;

(*z*) Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Hyderabad Land Revenue Act (VIII of 1317 F).

(2) In any provision of this Act which is expressed by whatever form of words to have effect notwithstanding anything contained in any other law, the reference to any other law shall be read as including only laws with respect to matters enumerated in List II in the Seventh Schedule to the Constitution of India.

<sup>1</sup> This clause was inserted by Bom. 32 of 1958, s 2 (2).

<sup>2</sup> Amended by Act No. XXIII of 1951, published in *Gazette*, Extraordinary No. (32), dated 30th June 1951.

<sup>3</sup> Clause (q) was omitted by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>4</sup> These figures and letter were substituted for the figures “37” by Bom. 32 of 1958, s 2(3).

<sup>5</sup> This clause was inserted by Mah. 39 of 1964, s. 2, Sch.

<sup>6</sup> This clause was substituted by Mah. 28 of 1960, s. 2.

<sup>7</sup> Substituted by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>8</sup> This reference was substituted for the reference to the Hyderabad Village Panchayats Act, 1951 by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>9</sup> These words were substituted for the words, “Jarida” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

\* For the Hyderabad area of the State of Maharashtra 31st day of March has been appointed as the order date for the purpose of clause (y) of sub-section (1) of section 2, *vide* G. N., R. and F. D., No. TNC-6750/6897-M, dated the 22nd January 1965.

## CHAPTER—II

<sup>1</sup> [FAMILY HOLDINGS].

Specification  
of local  
areas.  
Determination  
of area  
of Family  
Holdings.

3. Government may by Notification in the <sup>2</sup>[*Official Gazette*] specify and delimit areas each of which shall constitute a local area for the purposes of this Chapter.

<sup>1</sup>[4. (1) Subject to and in accordance with the provisions of this section the Government shall determine in the manner prescribed for all or any class of land in any local area, the area of a family holding which a family of five persons including the agriculturist himself, cultivates personally according to local conditions and practices and with such assistance as is customary in agricultural operations and which area, will yield annually a produce the value of which, after deducting fifty per cent., therefrom as cost of cultivation, is Rs. 800 according to the price levels prevailing at the time of determination.

(2) The Government shall determine the extent of land which shall be regarded as a family holding for each class in each kind of soil in all the local areas which may be determined for <sup>3</sup>[the area to which this Act extends] subject to the limits specified below, shall notify in the <sup>4</sup>[*Official Gazette*] the “local areas” and the extents so determined not later than six months from the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, comes into force and shall lay a copy of the Notification before <sup>5</sup>[the Houses of the Legislature if they are in session and if they are not in session when they next reassemble].

Hyd. Act.  
No. III  
of 1954.

*Limits.*—(1) Wet land—Single Crop each year, all kinds of soils—

- |  |       |          |
|--|-------|----------|
| (a) Classification of 8 annas or above | .. .. | 6 Acres. |
| (b) All other classes                  | .. .. | 9 Acres. |

(2) Dry Land—

- |   |       |           |
|---|-------|-----------|
| (a) Black Cotton or laterite soils—                       |       |           |
| (i) Class I with soil classification of 8 annas or above. |       | 24 Acres. |
| (ii) All other classes                                    | .. .. | 36 Acres. |
| (b) Chalkar soils—  |       |           |
| (i) Class I with soil classification of 8 annas or above. |       | 48 Acres. |
| (ii) All other classes                                    | .. .. | 72 Acres. |

Provided that the Government may, by general or special order direct that the limits of the family holdings specified in this sub-section, shall for any local area be varied if the Government is satisfied that such variation is necessary or expedient for ensuring that the value of produce after deducting fifty per cent., therefrom, as cost of cultivation is Rs. 800.]

<sup>1</sup> Substituted by Act No. III of 1954 published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> These words were substituted for the words, “Jarida” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>3</sup> These words were substituted for the words “the State” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>4</sup> These words were substituted for the word “Jarida” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>5</sup> These words were substituted for the words “Legislative Assembly if it is in Session and if it is not in Session when it next reassembles” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>1</sup>[(3) Where different classes of land are held in the same local area, or any class or classes of land are held in different local areas, the manner of calculating the family holding in such case shall be as prescribed by rules.]

### CHAPTER—III

#### TENANTS.

##### *General Provisions.*

IV of  
1882.

<sup>2</sup>[4A. The provisions of Chapter V of the Transfer of Property Act, 1882, shall, in so far as they are not inconsistent with the provisions of this Act, apply to tenancies and leases of land to which this Act applies.]

Application  
of Chapter V  
of Transfer  
of Property  
Act, 1882.

5. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the landholder and if such person is not—

Persons  
deemed to  
be  
tenants.

(a) a member of the landholder's family, or

<sup>3</sup>[(b) a servant on wages payable in cash, or kind, but not in crop share or a hired labourer cultivating the land under the personal supervision of the landholder of any member of the landholder's family, or]

(c) a mortgagee in possession :

Provided that if upon an application made by the landholder within one year from the commencement of this Act to the Tahsildar within whose jurisdiction the land is situate—

(a) the Tahsildar declares that such person is not a tenant and his decision is not reversed on appeal or revision, or

(b) the Tahsildar refuses to make such declaration but his decision is reversed on appeal or revision,

such person, shall not be deemed to be a tenant :

<sup>4</sup>[Provided further that a sub-tenant cultivating any land belonging to another person on the day on which the Hyderabad Tenancy and Agricultural Lands (Second Amendment) Act, 1951, came into force shall notwithstanding the fact that the creation of the sub-tenancy might have been prohibited by any law for the time being in force, be deemed to be lawfully cultivating the land as a tenant for the purposes of this section :]

Bom.  
XXXII  
of 1958.

<sup>5</sup>[Provided also that, any person who, on the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957 (that is 8th day of June 1958) was cultivating personally any land belonging to another, and

<sup>1</sup> This sub-section was added by Mah. 28 of 1960, s. 3.

<sup>2</sup> This section was inserted by Mah. 28 of 1960, s. 4.

<sup>3</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>4</sup> Amended by Act No. XXIII of 1951, published in *Gazette*, Extraordinary No. (32), dated 30th June 1951.

<sup>5</sup> This proviso was substituted by Mah. 45 of 1961, s. 4.

*Hyderabad Tenancy and Agricultural  
Lands Act, 1950*

[1950 : Hyd. Act XXI

(a) is in possession thereof on the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Ordinance, 1960 (that is, the 18th day of October 1960), or

Mah. Ord.  
IV of  
1960.

(b) who has been dis-possessed (otherwise than in the manner and by order of the Tahsildar as provided in section 32), and the land is in actual possession of the landholder or his successor-in-interest at the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validations and Further Amendment) Act, 1961, shall notwithstanding that such person did not hold a lease in conformity with the provisions of sections 6, 7, 8 or 9, as those sections stood immediately before the 8th day of June 1958, be deemed to be tenant for the purposes of this section].

Mah.  
XLV  
of  
1961.

Tenancy  
not  
terminable  
by efflux  
of time.

<sup>1</sup>[6. No tenancy of any land <sup>2</sup>[other than the tenancy of land duly sanctioned under section 36 or section 36A of the Maharashtra Land Revenue Code, 1966] shall be terminated merely on the ground that the period fixed for its duration, whether by agreement or otherwise has expired.

Mah.  
XLI  
of  
1966.

Tenancies  
to be  
recorded in  
Record of  
Rights or  
other village  
record.

7. The rights of every tenant under this Act shall be recorded in the Record of Rights or where there is no Record of Rights in such village record as may be prescribed.

Tahsildar  
to decide  
question  
whether a  
person is  
a tenant.

8. If any question arises whether <sup>3</sup>[any person is or was at any time in the past a tenant], the Tahsildar shall, after holding an inquiry, decide such question.]

4\*            \*            \*            \*            \*            \*            \*

Maximum  
rents.

<sup>5</sup>[11. (I) Notwithstanding any agreement or usage or any decree or order of the Court, or any law to the contrary, the maximum rent payable by a tenant for a lease in respect of the following classes of land shall be the multiples of the land revenue for the time being in force or if no land revenue is in force the land revenue which may be assessed thereon, as shown hereunder against them—

- |  |       |  |
|--|-------|--|
| (a) Dry land of Chalka Soil  | .. .. | 4 times the land revenue.  |
| (b) Dry land of Black Cotton Soil  | .. .. | 5 times the land revenue.  |
| (c) Bagayat  | .. .. | 5 times the land revenue.  |
| (d) Wetland  |       |  |
| (i) Irrigated by wells   | .. .. | 3 times the land revenue.  |
| (ii) Irrigated by other sources  | .. .. | 4 times the land revenue.  |
| (e) Classes of land which do not fall within the clauses (a), (b), (c) or (d). |       | Reasonable rent determined, having regard to the classes of land the rent fixed for the said categories. |

<sup>1</sup> These sections were substituted for sections 6, 7 and 8 by Bom. 32 of 1958, s. 3.

<sup>2</sup> Substituted by Mah. XXXV of 1974, s. 9.

<sup>3</sup> These words were deemed always to have been substituted for the words "any person is a tenant" by Mah. 49 of 1959, s. 2, Sch.

<sup>4</sup> Sections 9 and 10 were deleted by Bom. 32 of 1958, s. 4.

<sup>5</sup> Substituted by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

*Explanation I.*—Lands irrigated by wells which are assessed as dry shall be deemed to be wet lands for purposes of this section.

*Explanation II.*—In the former non-Diwani areas which have not yet been settled or resettled the multiples of land revenue payable as rent shall be calculated on the land revenue prevailing in the adjoining Diwani areas :

Provided that only the landholder shall be liable for the payment of the land revenue to the Government and in case the tenant pays the same to the Government he shall be entitled to deduct the same from the rent payable by him :

Provided further that where on any land special improvements have been made by the landholder, such as sinking a well, the Tribunal may in respect of such land fix any higher multiple of land revenue as the rent payable therefor.

(2) When the land revenue of any land is revised, suitable adjustment in the multiples of land revenue payable as rent under sub-section (1) may also be effected on the application of the landholder or the tenant or by the Government on its own motion.

<sup>1</sup>[(3) If the amount of rent payable by a tenant for any year in respect of any land exceeds the value of one-sixth of the produce of such land in that year, the tenant shall be entitled to deduct from the rent for that year the amounts so in excess, and the quantum of rent payable by the tenant shall be deemed to have been reduced to the extent of such deduction.

(4) For the purpose of sub-section (3), the value of the produce of land shall be determined in the manner prescribed.

(5) Any dispute regarding a deduction under sub-section (3) shall be decided by the Tahsildar.] ]

<sup>2</sup>[12. The rent payable by a tenant shall, subject to the provisions of sections 11 and 13 be the rent agreed upon between such tenant and his landholder or in the absence of such agreement the rent payable according to the usage, of the locality or if, there is no such agreement or usage or where there is dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent : Rent.

3\* \* \* \*

<sup>4</sup>[13. (1) With effect from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, a tenant shall not be liable to pay the rent at any rate exceeding that specified in section 11 subject to any application to the Tribunal as to the assessment of rent payable under section 12. Liability to payment.

(2) The rent due shall be payable by the tenant at the rate fixed in accordance with the provisions of sections 11 and 12 and the tenant will have the option to pay the rent in cash so fixed, or in equivalent produce grown on the land estimated according to the market value thereof.]

<sup>1</sup> These sub-sections were inserted by Bom. 32 of 1958, s. 5.

<sup>2</sup> Substituted by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>3</sup> The proviso was deleted by Bom. 32 of 1958, s. 6.

<sup>4</sup> Substituted by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.



*Hyderabad Tenancy and Agricultural  
Lands Act, 1950*

[1950 : Hyd. Act XXI

Prohibition  
for  
receiving  
rent in  
terms  
of labour.

**14.** (1) Any landholder receiving rent from any tenant in terms of service or labour shall within twelve months from the commencement of this Act apply to the Tahsildar in the prescribed form for commutation of such rent into cash rent.

(2) On receipt of an application under sub-section (1), the Tahsildar shall, after holding an enquiry, by an order in writing commute such rent into a cash rent.

(3) Notwithstanding any agreement or usage, or any decree or order of a Court or any law to the contrary, no landholder shall recover or receive rent in terms of service or labour after a period of twelve months from the commencement of this Act.

Refund of  
rent  
recovered in  
contra-  
vention of  
the  
provisions  
of the Act  
and other  
penalties.

**15.** If any landholder recovers rent from any tenant in contravention of the provisions of sections 11, 12, 13 or 14, he shall forthwith refund to the tenant the excess amount recovered and shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar in this behalf and shall also be liable to such penalty as may be prescribed.

Abolition  
of all  
cases, etc.

**16.** Notwithstanding any agreement, usage or law, it shall not be lawful for a landholder to levy any cess, rate, tax or service of any description or denomination whatsoever, from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Enquiries  
as regards  
reasonable  
rent.

**17.** (1) For the determination of the reasonable rent of any land the tenant or his landholder may apply in writing to the Tribunal in the prescribed form.

(2) On receipt of an application under sub-section (1) the Tribunal shall give notice to the landholder or to the tenant, as the case may be, and after holding an enquiry shall determine the reasonable rent of the land.

(3) In determining the reasonable rent regard shall, subject to the provisions of section 11, be had to the following factors:—

- (a) the rental values of lands used for similar purposes in the locality;
- (b) the profits of agriculture of similar lands in the locality;
- (c) the prices of crops and commodities in the locality;
- (d) the improvements made in the land by the landholder or tenant;
- (e) the assessment payable in respect of the land; and
- (f) such other factors as may be prescribed.

(4) A tenant may at any time during the pendency of proceedings under this section deposit with the Tribunal, or if an appeal from the Tribunal's order has been filed under sub-section (1) of section 90, with the Collector, a sum equal to the amount of the rent which if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings the Tribunal, or the Collector as the case may be, shall direct that the amount so deposited or such part of it, as is equal to the amount determined as reasonable rent under this section shall be paid to the landholder and shall make such other orders as may be necessary.

(5) Every determination of reasonable rent under this section shall remain in force for a period of 5 years from the date of <sup>1</sup>[the Tribunal's order] under sub-section (2) or, if an appeal therefrom is filed, from the date of Collector's order on such appeal, and shall not be called in question during that period :

Provided that the Tribunal or the Collector, as the case may be, may during the said period—

(a) reduce the rent if on an application made by the tenant, the Tribunal or the Collector is satisfied that on account of deterioration of the land by flood or other causes beyond the control of the tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation; or

(b) enhance the rent if on an application made by the landholder the Tribunal or the Collector is satisfied that on account of any improvement made in the land by or at the expenses of the landholder the produce of the land has been increased.

**18.** (1) Notwithstanding anything contained in section 73 of the Land Revenue Act, whenever for any cause the payment of the whole land revenue payable by a landholder in respect of any land is suspended or remitted, the landholder shall suspend or remit, as the case may be, the payment to him of the whole of the rent of such land by the tenant. If in the case of any land payment of the land revenue is partially suspended or remitted, the landholder shall suspend or remit a proportionate amount of the rent payable in respect of such land by the tenant.

Suspensions or remissions of rent.

(2) If no land revenue is payable in respect of any land and if for any cause, the payment of the whole or any part of the land revenue payable in respect of any other land in the neighbourhood of such land has been suspended or remitted the Collector shall, subject to the general or special orders of Government, suspend or remit, as the case may be, the payment to the landholder of the whole or part of the rent due in respect of such first mentioned land.

<sup>1</sup> Substituted by Act No. XIII of 1951, published in *Gazette*, Extraordinary No. (18), dated 31st March 1951.

(3) No application <sup>1</sup>[under sub-section (2) of section 28;] shall be entertained, no suit shall lie and no decree of a Civil Court shall be executed for recovery by a landholder of any rent the payment of which has been remitted or is for the time being suspended under this section, and any period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed or any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in <sup>1</sup>[sub-section (2) of section 28] the <sup>1</sup>[Tahsildar] shall, in passing an order under the <sup>1</sup>[said sub-section] for rendering assistance to the landholder, allow to the tenant a set-off of the sum, if any, paid by such tenant to the landholder in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 73 of the <sup>1</sup>[Land Revenue Act] :

Provided that such set-off shall be allowed in respect only of the sum paid by the tenant to the landholder during a period of three years immediately preceding the date of the application made under <sup>1</sup>[sub-section (2) of section 28].

(5) If any landholder fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention thereof, and on the application of the tenant, the Tahsildar may, after due enquiry, make an order for the refund of such amount.

Termination  
of tenancy.

**19.** (1) Notwithstanding any agreement or usage or any decree or order of a Court of law <sup>2</sup>[no tenancy shall be terminated] otherwise than—

<sup>1</sup>[(a) by the tenant by surrender of his rights to the landholder at least a month before the commencement of the year :

Provided that such surrender is made by the tenant in writing is admitted by him before and is made in good faith to the satisfaction of the Tahsildar; or

Provided further that where the land is cultivated jointly by joint tenants or members of an undivided Hindu family, unless the surrender is made by all of them it shall be ineffective in respect of such joint tenants as have not joined in the application for surrender, irrespective of the fact that the names of all the joint tenants are not mentioned in the certificate];

(b) by the landholder on a ground specified in sub-section (2).

(2) The landholder may terminate a tenancy on the ground that the tenant—

(a) (i) has failed to pay in any year, within fifteen days from the day fixed under the Land Revenue Act for the payment of the last instalment of <sup>1</sup>[land revenue due for the land concerned in that year], the rent of such land for that year; or

<sup>1</sup> Substituted by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> These words were substituted for the words, brackets and figure beginning with the words “but subjects to” and ending with the words “to be leased” by Bom. 32 of 1958, s. 7(1).

(ii) if an application for the determination of reasonable rent is pending before the Tribunal or the Collector under section 17, has failed to deposit within 15 days from the aforesaid date with the Tribunal or the Collector, as the case may be, a sum equal to the amount of rent of which he would have been liable to pay for that year if no such application has been made; or

(iii) in case the reasonable rent determined under section 17 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Tribunal or the Collector, as the case may be; or

(b) has done any act which is destructive or permanently injurious to the land; or

(c) has sub-divided the land; or

(d) has sub-let the land or failed to cultivate the land personally or has assigned any interest therein; or

(e) has used such land for a purpose other than agriculture :

<sup>1</sup>[Provided that no tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this sub-section unless the landholder gives six months' notice in writing intimating his decision to terminate the tenancy and the grounds for such termination] : and

Provided <sup>1</sup>[further] that the tenancy of a tenant who—

(a) is a female or a minor, or

(b) is a subject to physical or mental disability, or

<sup>2</sup>[(c) is a serving member of the armed forces],

shall not be determined on the ground only that the land comprised in the tenancy has been sub-let by or on behalf of such tenant.

3\* \* \* \* \*

<sup>4</sup>[19A. (1) Subject to the provisions of this section, where a tenancy is terminated by surrender under clause (a) of sub-section (1) of section 19, the landholder shall be entitled to retain so much only of such land as will prevent the total area which he cultivates personally, whether as owner or tenant, or both from exceeding three family holdings.

5\* \* \* \*

Lands or portion thereof which landholder is not entitled to retain on surrender to be declared as surplus.

<sup>1</sup> Substituted by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> These clause was substituted for the original by Mah. 39 of 1964, s. 2, Sch.

<sup>3</sup> Sub-section (3) was deleted by Bom. 32 of 1958, s. 7 (2).

<sup>4</sup> This section was inserted, by Bom. 32 of 1958, s. 8.

<sup>5</sup> The words "for that local area" were deleted and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 6.

(2) The Tahsildar shall hold an inquiry and declare whether the whole, or what part (if any) of the land surrendered the landholder is entitled to retain under sub-section (1), and notwithstanding anything in that sub-section, he may adjust by reduction or increase the area of any such part to be retained, but only so as to ensure that such part is not a fragment within the meaning of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956. The Tahsildar shall declare any land surrendered which the landholder is not entitled to retain under the provisions of aforesaid, to be surplus land].

Hyd.  
Act  
No.  
XL  
of  
1956.

Bar to  
eviction  
from  
dwelling  
house.

**20.** (1) If in any village, a tenant is in occupation of a dwelling house on a site belonging to his landholder, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment), unless—

(a) the landholder proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title,

(b) such tenant makes a default in the payment of the rent, if any, which he has been paying for the use and occupation of such site.

(2) The provisions of sub-section (1) shall not apply to a dwelling house which is situate on any land used for the purposes of agriculture the tenancy of which has been terminated under sub-section (1) of section 44.

Tenant to  
be given  
first option  
of purchas-  
ing site on  
which he  
has built a  
dwelling  
house.

**21.** (1) If the landholder of a site referred to in section 20 intends to sell such site, such tenant at the expense of whom or whose predecessor-in-title, a dwelling house is built thereon, shall be given in the manner provided in sub-section (2) the first option of purchasing the site at a value determined by the Tribunal.

(2) The landholder intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from date of service of such notice whether he is willing to purchase the site.

(3) If within the said period the tenant intimates in writing to the landholder that he is willing to purchase the site, the landholder shall make an application to the Tribunal for the determination of value of the site. On receipt of such application, the Tribunal, after giving notice to the tenant and after holding enquiry, shall determine the value of the site, and shall by an order in writing, require the tenant to deposit the amount of value so determined within three months from the date of such order. On the deposit of such amount, the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landholder and the Tribunal shall, on payment of the prescribed fees, grant a certificate in the prescribed form to the tenant specifying therein the site so transferred and the name of the tenant.

<sup>1</sup>[(4) If in respect of a site which a landholder offers to sell to the tenant under the provisions of sub-section (1) the value payable therefor by the tenants is agreed to between him and the landholder either the landholder or the tenant or both jointly may apply to the Tribunal and thereupon the Tribunal shall on the payment of the prescribed fees grant a certificate in the prescribed form. The value that is so agreed upon shall be deemed to be the value determined by the Tribunal for the purposes of sub-section (3)].

<sup>1</sup>[(5) If the tenant fails to intimate his willingness to purchase the site within the period referred to in sub-section (2) or fails to deposit the amount of the value within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right or first option to purchase the site and the landholder shall thereupon be entitled to evict the tenant after either paying him such compensation for the value of structure of the dwelling house as may be determined by the Tribunal or allowing the tenant at his option to remove the materials of the structure].

<sup>1</sup>[(6) Any sale of a site effected in contravention of this section shall be void].

22. Government may, by notification in the <sup>2</sup>[*Official Gazette*] direct that the provisions of sections 20 and 21 shall in any area specified in the notification apply also in respect of houses and the sites thereof occupied by agricultural labourers or artisans.

Dwelling houses of agricultural labourers and artisans.

23. If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for such trees as may be determined by the Tahsildar :

Tenant's rights to tree planted.

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant :

Provided further that the landholder shall during the continuance of the tenant be entitled to the rent of the land as if the trees had not been planted.

24. (1) A tenant shall during the continuance of his tenancy be entitled to two-thirds of the total produce of trees naturally growing on the land, the landholder being entitled to one-third of the produce of such trees.

Rights to produce of naturally growing trees.

(2) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce under sub-section (1) the tenant or the landholder may apply in the prescribed form to the Tahsildar.

<sup>1</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> These words were substituted for the word, "Jarida" by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

(3) On receipt of such application the Tahsildar shall after holding an inquiry pass such orders thereon as he deems fit.

Tenants  
responsible  
for  
maintenance  
of boundary  
marks.

**25.** Notwithstanding anything contained in the Land Revenue Act, the responsibility for the maintenance and good repair of the boundary marks of lands held by a tenant and any charges reasonably incurred on account of service by revenue officers in cases of alteration, removal or repair of such boundary marks shall be upon the tenant.

Repairs of  
protective  
bunds.

**26. (1)** Notwithstanding any agreement, usage or custom to the contrary, if it appears to Government that the construction, maintenance or repair of any bunds protecting any land held by a tenant is neglected owing to a dispute between the landholder and the tenant or for any other reason, Government may by an order in writing direct that the construction, maintenance or repair shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the persons in actual possession of the land as arrears of land revenue.

(2) The person from whom the costs are recovered under sub-section (1) shall be entitled to recover the same or the appropriate part thereof from any person who under any agreement, usage or custom is wholly or partially liable to construct, maintain or repair the bunds.

(3) Notwithstanding anything contained in sub-section (1) it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his cost and the costs so incurred by him shall on application made by him to the Tahsildar be recoverable by him from the landholder according to his liability under any agreement, usage or custom. The cost of the proceedings on the tenant's application shall also be recoverable from the landholder in case the landholder is held wholly or partially liable to pay the cost incurred by the tenant for the construction, maintenance or repair of the bunds.

Betterment  
contribution.

<sup>1</sup>[**26A.** If at any time on a land held by a tenant any amount is levied or imposed by the Government as betterment contribution under the provisions of the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952, the tenant and the landholder thereof shall be liable to pay such amount to the Government in such proportion as the Government may, by general or special order, determine under the Act as though both were owners for the purposes thereof :

Provided that the general or special orders so made shall be laid before <sup>2</sup>[the Houses of the Legislature].

<sup>1</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> These words were substituted for the words, "the Assembly" by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

27. Where tenancy of any land held by a tenant is terminated on the ground that the tenant has done any Act which is destructive or permanently injurious to the land, no proceeding for ejectment shall lie against such tenant unless and until the landholder has served on the tenant a notice in writing specifying the act of destruction or injury complained of and the tenant has failed within a period of one year from the service of such notice to restore the land to the condition in which it was before such destruction or injury.

Relief  
against  
termination  
of tenancy  
in certain  
cases.

28. (1) Whereas a tenancy of any land held by a tenant is terminated for non-payment of rent and the landholder files any proceeding to eject the tenant, the Tahsildar shall call upon the tenant to tender to the landholder the rent in arrears together with the cost of proceeding within <sup>1</sup>[ninety] days from the date of the order, and if the tenant complies with such order, the Tahsildar shall, in lieu of making an order of ejectment pass an order directing that the tenancy has not been terminated, and thereupon the tenant shall hold the land as if the tenancy had not been terminated :

Relief  
against  
termination  
of tenancy  
for non-  
payment  
of rent.

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed <sup>1</sup>[for] any three years to pay rent within the period specified in sub-clause (1) of clause (a) of sub-section (2) of section 19 <sup>2</sup>[and the landholder has given intimation to the tenant of the default within a period of six months of each default].

<sup>1</sup>[(2) The landholder may apply to the Tahsildar in the prescribed form for recovery of arrears of rent for any period not exceeding three years. The Tahsildar may, after such enquiry as he considers necessary pass such order as he deems fit. The Tahsildar in passing an order shall allow the tenant to set-off the sum if any, paid by him to the landholder within the period of three years immediately preceding the date of application made under sub-section (1) in excess of the rent due from him :

Provided that if the Tahsildar is satisfied that in consequence of a total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Tahsildar may, for reasons to be recorded in writing, direct that the arrears of rent together with costs of the proceedings, if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.

<sup>1</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> These words were added by Mah. 28 of 1960, s. 7.



(3) When a tenant tenders an amount on account of rent to the landholder for any period and if the landholder refuses to receive it or refuses to grant a receipt for it, the tenant may present to the Tahsildar an application in writing for permission to deposit in his office the full amount of rent. The Tahsildar may receive the amount in deposit and give a receipt for it, which shall constitute a discharge of the tenant's liability in respect of rent for such period and no claim or application by a landholder for rent shall be maintainable in respect of the period for which the rent has been so deposited by the tenant. Notice of the amount so deposited shall be given to the landholder and the amount will, on his application, be paid to him].

Receipts  
for rent.

**29.** (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by tenant to his landholder shall be presumed to be a payment on account of the rent due by such tenant for the year in which the payment is made.

(2) Every landholder shall, immediately upon the receipt of any amount paid to him on account of rent of any land furnish a written receipt for the same in such form and in such manner as may be prescribed.

Sub-  
division,  
sub-letting  
and  
assignment  
prohibited.

**30.** (1) No sub-division or sub-letting of any land by a tenant and no assignment of any interest held by a tenant shall be valid.

(2) Notwithstanding anything contained in sub-section (1) it shall be lawful for a tenant to be a member of a Co-operative farming society, and as such member to sub-let, assign, mortgage or create a charge on his interest in the land in favour of such society.

Bar to  
attachment  
or sale by  
process of  
Court.

**31.** No interest of a tenant in any land held by him as a tenant shall be liable to be attached or sold in execution of a decree or order of a Civil Court.

Procedure  
of taking  
possession.

**32.** (1) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house under any of the provisions of this Act <sup>1</sup>[may, within a period of two years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, or the date on which the right to such possession accrued to him whichever is later, apply to the Tahsildar in writing in the prescribed form for such possession :

<sup>2</sup>[Provided that, a tenant falling under clause (b) of the third proviso to section 5 may, within a period of two years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validation and Further Amendment) Act, 1961, apply to the Tahsildar for possession].

Bom.  
XXXII  
of  
1958.

Mah.  
XLV  
of  
1961.

<sup>1</sup> This portion was substituted for the words "may apply" by Bom. 32 of 1958, s. 9 (1).

<sup>2</sup> This proviso was added by Mah. 45 of 1961, s. 5.

(2) <sup>1</sup>[Save as otherwise provided in sub-section (3A), no landholder] shall obtain possession of any land or dwelling house held by a tenant except under an order of the Tahsildar, for which he shall apply in the prescribed form <sup>2</sup>[within a period of two years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, or the date on which the right to such possession accrued to him whichever is later].

(3) On receipt of an application under sub-section (1) or sub-section (2) the Tahsildar shall, after holding an enquiry, pass such order thereon as he deems fit.

<sup>3</sup>[(3A) Where a landholder proceeds for termination of the tenancy under sub-section (1) of section 46-B, then notwithstanding anything contained in this Act, the application for possession of the land shall be made to the Collector, who shall, after holding an enquiry in the prescribed manner, pass such order, thereon as he deems fit].

(4) Any person taking possession of any land or dwelling house otherwise than in accordance with the provisions of <sup>4</sup>[sub-sections (1), (2), or as the case may be, (3A)] shall, without prejudice, to his liability to the penalty provided in section 96 be liable to forfeiture, of the crops, if any, grown on the land and to the payment of such costs as may be awarded by the Tahsildar or by the Collector on appeal from the Tahsildar.

<sup>5</sup>[33. Save as provided in this Act, the rights and privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a Court or otherwise howsoever shall not be limited or abridged].

Rights and  
privileges  
of tenants  
not to be  
affected.

## CHAPTER-IV

### PROTECTED TENANTS.

34. (1) A person shall, subject to the provisions of sub-sections (2) and (3), be deemed to be a protected tenant in respect of land if he—

Protected  
tenants.

(a) has held such a land as a tenant continuously—

(i) for a period of not less than six years, being a period wholly included in the Fasli years 1342 to 1352 (both years inclusive), or

<sup>1</sup> These words, brackets, figure and letter were substituted for the words “No landholder” by Mah. 39 of 1964, s. 2, Sch.

<sup>2</sup> This portion was inserted by Bom. 32 of 1958, s. 9 (2).

<sup>3</sup> This sub-section was inserted by Mah. 39 of 1964, s. 2, Sch.

<sup>4</sup> These words, brackets, figures and letters were substituted for the words, brackets, figures “sub-section (1) or sub-section (2) as the case may be”, by Mah. 39 of 1964, s. 2, Sch.

<sup>5</sup> This section was substituted for the original by Bom. 32 of 1958, s. 10.

(ii) for a period of not less than six years immediately preceding the 1st day of January 1948, or

(iii) for a period of not less than six years commencing not earlier than the 1st day of the Fasli year 1353 (6th October 1943), and completed before the commencement of this Act, and

(b) has cultivated such land personally during such period :

<sup>1</sup>[Provided that where the landholder is a minor <sup>2</sup>[or is a serving member of the armed forces] the tenant shall not be deemed to be a protected tenant if before the expiration of one year from the date on which the minor attains majority <sup>3</sup>[or the landholder ceases to be serving member of the armed forces] the landholder gives three months' notice in writing intimating his decision to terminate the tenancy <sup>4</sup>[and in the case of a landholder who has attained majority, he states in good faith in the notice that he requires the land to cultivate personally]:

Provided further that where the landholder is a person permanently incapable of cultivating the land by reason of mental disability the tenant shall not be deemed to be a protected tenant if before the expiry of one year from the death of the landholder, the person who succeeds to the land gives, three month's notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally.

*Explanation.*—Where the land is held under more than one joint landholders the last two provisions shall not apply unless all such landholders are subject to a disability specified in the said provisions].

*Explanation I.*—If the person who held such land as a tenant on the date of expiry of any of the three qualifying periods mentioned in clause (a) came to hold the same by inheritance or succession from another person who so held the land or if he has held such land as a tenant and is an heir to such other person the period during which such other person held such land as a tenant shall be included in calculating such qualifying period.

*Explanation II.*—If the person who held such land as a tenant on the date of expiry of any of the three qualifying periods mentioned in clause (a), held as a tenant at any time within six years before the said date from the same landholder in the same village any other land which he cultivated personally, the period during which he held such other land shall be included in calculating such qualifying period.

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<sup>1</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1951.

<sup>2</sup> These words were substituted for the words "or is serving in the Naval, Military or Air Forces in India" by Mah. 39 of 1964, s. 2, Sch.

<sup>3</sup> These words were substituted for the words "or the landholder ceases to serve in the said Forces" by Mah. 39 of 1964, s. 2, Sch.

<sup>4</sup> These words were substituted for the words "if in good faith he requires the land to cultivate personally," by Mah. 39 of 1964, s. 2, Sch.

*Explanation III.*—Where any land is held by two or more persons jointly as tenants all such persons shall, if any of them cultivated and continued to cultivate such land personally and, if the other conditions specified in this section are fulfilled be deemed to be protected tenants in respect of such land.

(2) Where more than one person would be entitled under sub-section (1) to be deemed to be a protected tenant in respect of any land, then, notwithstanding anything contained in that sub-section, the only one of such person entitled to be so deemed shall be—

(a) the person whose qualifying period is the period specified in sub-clause (1) of clause (a) of that sub-section, or

(b) if there is no such person the person whose qualifying period is the period specified in sub-clause (2) of that clause.

(3) A person who at the commencement of this Act is no longer in possession of land in respect of which he is deemed under sub-section (1) to be a protected tenant shall, notwithstanding anything contained in that sub-section, not be deemed to be a protected tenant in respect of such land if—

(a) he was evicted from such land in pursuance of a decree or order of a competent Court, or

(b) such land is being cultivated personally by the landholder<sup>1</sup>[for at least one year before the commencement of this Act, or after the land was surrendered to the landholder by the tenant], or

(c) a permanent structure has been built by the landholder on such land, or

(d) such land has been permanently diverted by the landholder to non-agricultural uses.

*Explanation.*—In sub-sections (2) and (3) of this section and in sections 35, 36 and 37 references to a person include references to such two or more persons as are referred to in *Explanation III* to sub-section (1).

Decision  
on claims.

**35.** (1) If any question arises whether any person, and if so what person, is deemed under section 34 to be a protected tenant in respect of any land, the landholder, or any person claiming to be so deemed, may, within one year from the commencement of this Act, apply in the prescribed form to the Tahsildar for the decision of the question and the Tahsildar shall, after enquiring into the claim or claims in the manner prescribed, declare what person is entitled to be deemed to be a protected tenant or, as the case may be, that no person is so entitled.

<sup>1</sup> Added by Act No. XXIII of 1951, published in *Gazette*, Extraordinary No. (32), dated 30th June 1951.

(2) A declaration by the Tahsildar that the person is deemed to be a protected tenant or, in the event of an appeal from the Tahsildar's decision such declaration by the Collector <sup>1</sup>[on appeal], shall be conclusive that such person is a protected tenant and his rights as such shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.

Recovery of possession by protected tenant.

**36.** (1) A person deemed under section 34 to be a protected tenant in respect of any land of which he is not in possession at the commencement of this Act shall, if he intimates to the landholder within six months of the said commencement that he is willing to hold the land on the terms and conditions on which he held it before he lost possession thereof, be entitled to recover possession thereof on the said terms and conditions from the 1st day of March 1951.

(2) Sub-section (1) shall have effect notwithstanding that another person may be in possession of the land, whether under a lease which is not due to expire until after the first day of March 1951 or otherwise, and where such other person is so in possession, he shall be liable, on an application made to the Tahsildar in accordance with section 32, to be evicted on the said date.

Persons not entitled under section 34 deemed in certain circumstances to be protected tenants.

**37.** (1) Every person who at the commencement of this Act holds as tenant any land in respect of which no person is deemed to be protected tenant under section 34, shall, on the expiration of one year from such commencement or, the final rejection of all claims by any other person to be deemed under section 34 to be a protected tenant in respect of such land, whichever is later, be deemed to be a protected tenant in respect of such land unless the landholder has before such expiration or final rejection as aforesaid made an application in the prescribed form to the Tahsildar for a declaration that such person is not a protected tenant :

<sup>2</sup>[Provided that where the landholder is a minor <sup>3</sup>[or is a serving member of the armed forces] he shall make the application for declaration before the expiry of one year from the date on which the minor attains majority, <sup>4</sup>[to or the landholder ceases to be a serving member of the armed forces] :

Provided further that, where the landholder is a person permanently incapable of cultivating the land by reason of mental disability, the person who succeeds to, the land on the death of the said landholder shall make the application within one year from the date on which he succeeds to the land.

*Explanation.*—Where the land is held under more than one joint landholders the last two provisions shall not apply unless such landholders are subject to a disability specified in the said provisions.

<sup>1</sup> These words were substituted for the words beginning with the words "on first appeal" and ending with the words "on second appeal" by Bom. 32 of 1958, s. 11.

<sup>2</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th January 1954.

<sup>3</sup> These words were substituted for the words "or a person serving in the Naval, Military or Air Forces of India" by Mah. 39 of 1964, s. 2, Sch.

<sup>4</sup> These words were substituted for the words "or the landholder ceases to serve in the Naval, Military or Air Forces of India" by Mah. 39 of 1964, s. 2, Sch.

(2) If after enquiring in the prescribed manner into such application, the Tahsildar refused to make such declaration and his decision is not set aside by the Collector<sup>1</sup>[on appeal] the tenant shall be deemed to be a protected tenant.

(3) The rights as a protected tenant of a person deemed under sub-section (1) or sub-section (3) to be a protected tenant shall be recorded in the Record of Rights or where there is no Record of Rights in such record as may be prescribed.

<sup>2</sup>[37A. (1) Notwithstanding anything contained in this Act, every person who at commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 holds as tenant any land in respect of which he is not deemed to be a protected tenant under this Act, shall be deemed to be protected tenant if the total area of the land owned by the landholder including the land under the cultivation of his tenants is more than three times the area of a family holding : 3\* \* \* \* \*

Persons holding land as tenants at the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 to be deemed to be protected tenants.

Provided that nothing in this section shall affect the rights of any other person who already holds a protected tenancy certificate in respect of such land or whose rights as protected tenant are under investigation before a competent authority, if such other person applies to the Tribunal for safeguarding his rights within a period of six months from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955.

<sup>4</sup>[*Explanation.*—Where a person is, immediately before such commencement, in possession of land, then such person shall, notwithstanding any judgement, decree or order of any Court or the order of a Revenue Board or Revenue Tribunal or other authority and the fact that he did not hold lease in conformity with the provisions of sections 6, 8 or 9 as those sections stood immediately before the 8th day of June 1958, be deemed to hold land as tenant as such commencement for the purpose of this sub-section].

(2) The rights as a protected tenant of a person deemed under sub-section (1) to be a protected tenant shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed].

<sup>1</sup> These words were substituted for the words “on first appeal or by the Board of Revenue on second appeal” by Bom. 32 of 1958, s. 12.

<sup>2</sup> Added by Act No. III of 1956, published in *Gazette*, Extraordinary No. 46, dated 12th March 1956.

<sup>3</sup> The words “for the local area concerned” were deleted and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 8 (a).

<sup>4</sup> This Explanation was added and shall be deemed always to have been added by Mah. 45 of 1961, s. 6.

<sup>1</sup>[CHAPTER IV-A

RIGHTS OF PROTECTED TENANTS, ORDINARY TENANTS AND LANDHOLDERS].

Rights of  
protected  
tenant to  
purchase  
land.

[38. <sup>2</sup>[(1) Notwithstanding anything to the contrary in any law, usage or contract, and subject to the provisions of sub-section (7), a protected tenant <sup>3</sup>[or, as the case may be, ordinary tenant <sup>4</sup>[(not being a tenant holding land from a landholder who is a serving member of the armed forces)] shall at any time after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, be entitled to purchase the landholder's interest in the land held by the former as a protected tenant <sup>3</sup>[or, as the case may be, ordinary tenant] :

<sup>5</sup>[Provided that where such tenant is an ordinary tenant and the landholder is of the following category, namely :—

(a) a minor,

(b) a widow,

6\*            \*            \*            \*            \*            \*

(d) a person subject to any physical or mental disability,

such tenant shall be entitled to purchase the landholder's interest under this section after the expiry of two years from the date on which—

(i) the landholder of category (a) attains majority,

6\*            \*            \*            \*            \*            \*

(iii) the landholder of category (d) ceases to be subject to such disability,  
and

(iv) interest of the landholder of category (b) in the land ceases to exist.

*Explanation.*—Where land is held by the tenant under two or more joint landholders, the proviso to sub-section (1) shall not apply if at least one joint holder is outside the categories specified in the said proviso].

<sup>2</sup>[(2) A protected tenant who desires to exercise the right conferred by sub-section (1) shall make an offer to the landholder stating the price which he is prepared to pay for the landholder's interest in the land upto fifteen times for dry lands or eight times for wet lands irrigated by well and six times of wet lands irrigated by other sources, of the rent payable by him, and where he is not entitled to purchase the whole of the land, the portion thereof which he is entitled to purchase].

<sup>1</sup> This heading was inserted by Bom. 32 of 1958, s. 13.

<sup>2</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>3</sup> These words were inserted by Bom. 32 of 1958, s. 14 (1).

<sup>4</sup> These brackets and words were inserted by Mah. 39 of 1964, s. 2. Sch.

<sup>5</sup> This proviso was added by Bom. 32 of 1958.

<sup>6</sup> Clauses (c) and item (ii) were deleted by Mah. 39 of 1964, s. 2, Sch.

Bom  
XXXII of  
1958.

<sup>1</sup>[(2a) (a) An ordinary tenant, and notwithstanding sub-section (2), after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, a protected tenant, who desires to exercise the right conferred by sub-section (1) shall make an offer to the landholder stating the price at which he is prepared to purchase the landholder's interest in the land, such price not exceeding twelve times the rent payable by him.

(b) Where the tenant is entitled to purchase the landholder's interest in respect of a part of the land held by him as tenant, he shall state in the offer the part which he is entitled to purchase].

(3) If the landholder refuses or fails to accept the offer and to execute a sale-deed within three months from the date of the offer the protected tenant <sup>2</sup>[or, as the case may be, ordinary tenant] may apply to the Tribunal for the determination of the reasonable price of the land.

<sup>3</sup>[(4) On receipt of an application under sub-section (3), the Tribunal shall give notice to the Applicant and the landholder and to all persons who appear to the Tribunal to be interested, of the date, time and place at which the Tribunal will enquire into the application and shall determine the reasonable price of the landholder's interests in the land not exceeding the maximum multiple of rent provided in sub-section (2) <sup>4</sup>[or (2a)] in conformity with such rules as may be prescribed] <sup>5</sup>[and shall determine the amount of encumbrances lawfully subsisting on the land in the manner provided in section 38A]:

Provided that where in the opinion of the Tribunal the reasonable price determined under this sub-section, does not sufficiently recompense the landholder for the value of the improvements made by him, such as sinking a well, it shall be competent for the Tribunal after taking into accounts the value of the contribution of the protected tenant <sup>6</sup>[or, as the case may be, ordinary tenant] towards the improvements, if any, to add such further sum as it considers adequate to the price so determined.

<sup>3</sup>[(5) The protected tenant <sup>6</sup>[or, as the case may be, ordinary tenant] shall deposit with the Tribunal the amount of the price determined under sub-section (4)–

(a) either in a lump sum within the period fixed by the Tribunal, or

(b) in such instalments not exceeding sixteen and at such intervals during a period not exceeding eight years and on or before such dates as may be fixed by the Tribunal in each case.

<sup>7</sup>[in such annual installments not exceeding twelve and on or before such date as may be fixed by the Tribunal in relation to an offer under sub-section (2a)]:

<sup>1</sup> This sub-section was inserted by Bom. 32 of 1958, s 14 (2).

<sup>2</sup> These words were inserted by Bom. 32 of 1958, s. 14 (3).

<sup>3</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>4</sup> The words, brackets, figures and letters were inserted by Bom. 32 of 1958, s. 14 (4) (i).

<sup>5</sup> The words, figures and letters were inserted, by Bom. 32 of 1958, s. 14 (4) (ii).

<sup>6</sup> The words were inserted, by Bom. 32 of 1958, s. 14 (3).

<sup>7</sup> This portion and the proviso were substituted for the original proviso, by Bom. 32 of 1958, s. 14 (5).



Provided that during any period for which payment of rent is suspended or remitted under section 18, the tenant shall not be bound to pay the purchase price in lump sum or the amount of any instalments fixed under this section or any interest thereon, if any]:

Provided further that when the reasonable price fixed by the Tribunal is payable in instalments, the protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] shall in addition to the instalments be liable for the payment of the land revenue due to the Government on the land till the instalments are paid.

(6) (a) On deposit or recovery of the entire amount of the reasonable price being made, the Tribunal shall issue a certificate in the prescribed form to the protected Tenant <sup>1</sup>[or, as the case may be, ordinary tenant] declaring him to be the purchaser of the land and such certificate shall be conclusive evidence of the sale as against the landholder and all persons interested therein :

2\*            \*            \*            \*

Provided that if the application of the protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] relates to an 'Inam', the Tribunal shall not issue such certificate unless previous sanction of Government has been obtained therefor.

(b) If a protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] is permitted to pay the reasonable price in instalments, under the provisions of sub-section (5), interest at the rate of three per cent. per annum shall be payable by him in respect of the balance of the price due and if he commits default in respect of any instalment the same may be recovered by the Government as arrears of land revenue.

<sup>3</sup>[(c) On the deposit of the amount of the reasonable price in a lump sum or of any instalment thereof under sub-section (5) or on the recovery of any amount of such price under the proviso to clause (d), the Tribunal shall, out of the amount so deposited or recovered, pay to the holder of the encumbrance the amount of this claim determined under sub-section (4) and the balance, if any, to the landholder :

Provided that where there are more such holders than one, the payment to them shall be made in the order of priority or *pro-rata*, as the case may be :

Provided further that any payment made to such holder shall not affect the right of such holder to proceed against the landholder in respect of encumbrance in any other manner or under any other law for the time being in force].

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<sup>1</sup> These words were inserted by Bom. 32 of 1958, s. 14 (3).

<sup>2</sup> These words beginning with the words "and the Tribunal" and ending with the words "to the landholder" were deleted, by Bom. 32 of 1958, s. 14 (6) (i).

<sup>3</sup> This clause was substituted for the original by Bom. 32 of 1958, s. 14 (6) (ii).

(d) If the protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] fails to pay the entire amount of the reasonable price within the period fixed under sub-section (5) or the same is not recovered from him, the purchase by the protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] shall not be effective and he shall forfeit the right of purchase of the land, and the amount paid by him towards the reasonable price shall be refunded to him with interest at three per cent. per annum together with land revenue paid by him if any after deducting therefrom the rent due from him for the period :

Provided that if the amount of reasonable price in respect of which the protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] has committed default, does not exceed one-fourth of the price fixed by the Tribunal under sub-section (5), the right of purchase of the protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] shall not be forfeited and Tribunal shall cause the balance of reasonable price to be recovered as arrears of land revenue and paid to the landholder.

<sup>2</sup>[(e) Where in a case under sub-section (2a) a tenant is in arrears of four instalments on account of sufficient reasons, he may within a period of three months from the date of the default of the last instalment apply to the Tribunal to condone the default on the ground that he for sufficient reasons was incapable of paying the instalments and if the Tribunal after holding such inquiry as it may think fit, if so satisfied, it may allow further time for the payment of the arrears and may for that purpose increase the number of instalments to sixteen. If the tenant thereafter is at any time in arrears of four instalments or commits default in payment of the purchase price within the period so extended, the purchase shall be ineffective and provisions of clause (d) shall apply.

(f) If within three months from the date on which the purchase of any land has become ineffective, the landholder fails to refund to the tenant the amount paid after deducting any rent due to him, it shall be recovered from him as an arrear of land revenue and paid to such tenant].

<sup>3</sup>[(6A) With effect from the year in which the price is deposited with the Tribunal in lump sum or where the tenant is permitted to pay the price in instalments with effect from the year in which the first instalment thereof became payable, the tenant shall not be liable to pay to the land holder the rent for such land save where clause (f) of sub-section (6) applies].

<sup>4</sup>[(7) The right of a protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] under this section to purchase from his landholder the land held by him as a protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] shall be subject to the following conditions, namely :—

(a) If the protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] does not hold any land as a land holder, the purchase of the land held by him as a protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] shall be limited to the extent of the area of a family holding. <sup>6</sup>\* \* \*

<sup>1</sup> These words were inserted by Bom. 32 of 1958, s. 14 (3).

<sup>2</sup> These clauses were added by Bom. 32 of 1958, s. 14 (6) (iii).

<sup>3</sup> This sub-section was inserted, by Bom. 32 of 1958, s. 14 (7).

<sup>4</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>5</sup> These words were inserted by Bom. 32 of 1958, s. 14 (3).

<sup>6</sup> The words “for the local area concerned” were deleted and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 8 (a).

(b) If the protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] holds any land as a landholder, the purchase of the land held by him as a protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] shall be limited to such area as along with other land held by him as a landholder will make the total area of land that will be held by him as a landholder equal to the area of a family holding.  
2\* \* \* \* \*

<sup>3</sup>[Provided that in the case of land remaining with the tenant as tenant after such purchase, the first preference to purchase land <sup>4</sup>\* \* \* \* shall, subject to the provisions of Chapter V, vest in the tenant].

5\* \* \* \* \*

<sup>6</sup>(c) The extent of the land remaining with the landholder after the purchase of land by the tenant whether to cultivate personally or otherwise shall not be less than one family holding <sup>2</sup>\* \* \* \* \*

<sup>7</sup>(8) If in the course of an inquiry under this section any question arises as between the landholder and the <sup>8</sup>[protected or, as the case may be, ordinary] tenant desiring to purchase land, or as between different persons claiming to be landholders or <sup>8</sup>[protected or, as the case may be, ordinary] tenants in respect of the whole or any part of the land concerned, regarding—

(a) the area of land which the <sup>8</sup>[protected or, as the case may be, ordinary] tenant is entitled under sub-section (1) to purchase, or

(b) where he is not entitled to purchase the whole of the land held by him as a <sup>8</sup>[protected or, as the case may be, ordinary] tenant, the particular portion of that land which he should be permitted to purchase, or

(c) the priority of the rights exercisable by different <sup>8</sup>[protected or, as the case may be, ordinary] tenants under sub-section (1), or

(d) the person entitled to receive the amount deposited under sub-section.

(5) The question shall be determined by the Tribunal in the prescribed manner :

<sup>9</sup>[Provided that the area to be purchased by the tenant shall as far as practicable be a survey number or sub-division of a survey number].

<sup>10</sup>(9) If at any time after the purchase of land under this section the purchaser fails to cultivate the land personally he shall, unless the Collector condones such failure for sufficient reasons be evicted and the land shall be declared as surplus land].

<sup>1</sup> These words were inserted by Bom. 32 of 1958, s. 14 (3).

<sup>2</sup> These words “for the local area concerned” were deleted and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 8 (a).

<sup>3</sup> This proviso was substituted for the original by Bom. 32, of 1958, s. 14.(8) (i).

<sup>4</sup> The words “at the prevailing market value in the local area” were deleted by Mah. 45 of 1965, s. 2 (i).

<sup>5</sup> The second proviso was deleted, by Mah. 45 of 1965, s. 2 (ii).

<sup>6</sup> This clause was substituted for the original by Bom. 32 of 1958, s. 14 (8) (ii).

<sup>7</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>8</sup> These words were substituted for the word “protected” by Bom. 32 of 1958, s. 14 (9) (i).

<sup>9</sup> This proviso was added, by Bom. 32 of 1958, s. 14 (9) (ii).

<sup>10</sup> This sub-section was added, by Bom. 32 of 1958, s. 14 (10).

<sup>1</sup>[38A-1. (1) During an inquiry held under sub-section (4) of section 38, the Tribunal shall publish in the prescribed manner a notice calling upon all holders of encumbrances lawfully subsisting against the landholder in respect of the land to notify their claims in writing to the Tribunal within two months from the date of the publication of the notice.

Tribunal to determine encumbrances subsisting on land purchased by tenant under section 38.

(2) If any claims are notified under sub-section (1) the Tribunal shall give notice to the landholder and the holders of the encumbrances of the inquiry to be held in respect of such claims and shall hold an inquiry and determine the amount of such claims :

Provided that where any such claim involves question of law regarding :—

- (a) the validity of the claim,
- (b) the amount due in respect of such claim,
- (c) the right of the holder of the encumbrances to such claim,
- (d) where there are two or more such holders, the order of priority of such claims,

then notwithstanding anything contained in sections 99 and 99A the Tribunal shall in the prescribed manner refer such question for decision to the Subordinate Judge within the territorial limits of whose jurisdiction the land is situate.

(3) On receipt of such reference, the Subordinate Judge shall, after giving notice to the parties concerned, try the questions referred to and record his findings thereon and send the same to the Tribunal. The Tribunal shall then determine the claim in accordance with such findings].

<sup>2</sup>[38A. If in respect of a land held by a protected tenant <sup>3</sup>[or, as the case may be, ordinary tenant] the landholder consents to sell his interest in the land to the protected tenant <sup>3</sup>[or, as the case may be, ordinary tenant] and the reasonable price payable therefor by the protected tenant <sup>3</sup>[or, as the case may be, ordinary tenant] is agreed to between them, the provisions of sub-section (7) of section 38 shall not apply to such sale, and either the landholder or the protected tenant <sup>3</sup>[or, as the case may be, ordinary tenant] or both jointly, may apply to the Tribunal and thereupon all the provisions of sub-sections <sup>4</sup>[(4), (5), (6), (6A), (8) and (9)] of that section shall apply *mutatis mutandis* to such application :

Procedure when reasonable price is agreed to between the landholder and protected tenant,<sup>3</sup>[or, as the case may be, ordinary tenant].

Provided that the reasonable price so agreed to by the parties themselves shall be deemed to be the reasonable price determined by the Tribunal for the purposes of the said sub-section : 5\* \* \* \* \*

Provided further that if the landholder does not sell the whole of the land held by him but retains some land with him, the extent of the land remaining with him after the purchase of the land by the protected tenant <sup>3</sup>[or, as the case may be, ordinary tenant] whether to cultivate it personally or otherwise, shall not be less than the area of a basic holding : 6\* \* \* \* \*

<sup>1</sup> This section was inserted by Bom. 32 of 1958, s. 15.

<sup>2</sup> Substituted by Act No. III of 1956, published in *Gazette*, Extraordinary No. (46), dated 12th March 1956.

<sup>3</sup> These words were inserted by Bom. 32 of 1958, s. 16 (1).

<sup>4</sup> The brackets, figures, letters and words were substituted for the brackets, figures and words “(5), (6) and (8)”, by Bom. 32 of 1958, s. 16 (2).

<sup>5</sup> The brackets, figures, letters and words “(5), (6) and (8)” were deleted, by Bom. 32 of 1958, s. 16 (3).

<sup>6</sup> The words “for the local area concerned” were deleted and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 8 (a).

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Provided also that the right of the protected tenant <sup>1</sup>[or, as the case may be, ordinary tenant] shall be limited to the extent of three family holdings <sup>2</sup>\* \* \* including the land, if any, owned by protected tenant <sup>3</sup>[or, as the case may be, ordinary tenant].

Procedure when landholder agrees to relinquish his rights in favour of the protected tenant, <sup>5</sup>[or, as the case may be, ordinary tenant].

<sup>4</sup>**[38B.** If in respect of a land held by a protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] the landholder concerned intends to relinquish his interest in the land without receiving any consideration therefor, the provisions of sub-section (7) of section 38 shall not apply to such a case and the landholder may apply to the Tribunal and thereupon the Tribunal shall issue to such protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] a certificate so far as may be provided for in sub-section (6) of section 38 :

Provided that the right of the protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] and the grant of the certificate shall be limited to the extent of three family holdings, <sup>6</sup>\* \* \* \* including the land, if any, owned by the protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] and that any excess over such extent shall vest in the Government free of all right of the said protected tenant <sup>5</sup>[or, as the case may be, ordinary tenant] :

Provided further that if the landholder does not relinquish the whole of the land held by him but retains some land with him, the extent of the land remaining with him after the relinquishment, whether to cultivate it personally or otherwise, shall not be less than the area of a basic holding. <sup>7</sup>\* \* \* \*

8*	*	*	*	*
9*	*	*	*	*

Ownership of lands held by protected tenants to stand transferred to them from a notified date.

<sup>10</sup>**[38E.** Notwithstanding anything in this chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the Government may, by notification in the <sup>11</sup>[*Official Gazette*], declare in respect of any area and from such date as may be specified therein that ownership of all lands held by protected tenants which they are entitled to purchase from their landholders, in such area under any provision of this Chapter shall <sup>12</sup>\* \* \* \* stand transferred to and vest in the protected tenants holding them and from such date the protected tenants shall be deemed to be the full owners of such lands :

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<sup>1</sup> These words were inserted by Bom. 32 of 1958, s. 16 (I).  
<sup>2</sup> The words “in the local area concerned” were deleted by Mah. 28 of 1960, s. 8 (8).  
<sup>3</sup> These words were inserted by Bom. 32 of 1958, s. 16 (I).  
<sup>4</sup> Substituted by Act No. III of 1956, published in *Gazette*, Extraordinary No. (46), dated 12th March 1956.  
<sup>5</sup> These words were inserted by Bom. 32 of 1958, s. 17.  
<sup>6</sup> The words “in the local area concerned” were deleted, and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 8 (b).  
<sup>7</sup> The words “for the local area concerned” were deleted, by Mah. 28 of 1960, s. 8 (a).  
<sup>8</sup> Section 38C was deleted by Bom. 32 of 1959, s. 2.  
<sup>9</sup> Section 38D was deleted by Mah. 45 of 1965, s. 3.  
<sup>10</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.  
<sup>11</sup> These words were substituted for the word “Jarida” by the Bombay (Hyderabad area) Adaptation Laws (State and Concurrent Subjects) Order, 1956.  
<sup>12</sup> The words “subject to the provisions of sub-section (7) of section 38 the Act” were deleted and the provisos were added by Bom. 32 of 1958, s. 18 (I).

<sup>1</sup>[Provided that the transfer under this sub-section shall be subject to the conditions (a) and (b) mentioned in sub-section (7) of section 38 and the further condition that the extent of the land remaining with the landholder after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than twice the area of a family holding : 2\* \* \* \*]

Provided further that where in respect of any such land, any proceeding under sections 19, 19A, or 32 is pending on the date so notified, the transfer of ownership of such land shall take effect on the date on which such proceeding is finally decided and the tenant retains possession of the land in accordance with the decision in such proceeding].

<sup>3</sup>[*Explanation.*—If a protected tenant, on account of his being dispossessed otherwise than in the manner and by order of the Tahsildar as provided in section 32 is not in possession of the land on the date of the notification issued hereunder then for the purpose of the sub-section, such protected tenant shall notwithstanding any judgement, decree or order of any court, or the order of a Revenue Board or Revenue Tribunal or other authority, be deemed to have been holding the land on the date of the notification; and accordingly, the Tahsildar shall notwithstanding anything contained in the said section 32, either *suo motu*, or on the applications of the protected tenant hold summary enquiry and direct that such land in possession of the landholder or any person claiming through or under him in that area, shall be taken from the possession of the landholder or such person, as the case may be, and shall be restored to the protected tenant and the provisions of this section shall apply thereto in every respect as if the protected tenant had held the land on the date of such notification with the modification that in sub-section (8), for the words, figures and brackets “Within 90 days from the date specified in the notification under sub-section (1)” the words, figures and brackets “Within 90 days from the date of restoration of the possession under the *Explanation* to sub-section (1)” shall be substituted].

(2) A certificate in the prescribed form declaring him to be owner shall be issued by the Tribunal to every such protected tenant and notice of such issue shall simultaneously be issued to the landholder. Such certificate shall be conclusive evidence of the protected tenant having become the owner of the land with effect from the date of the certificate as against the landholder and all other persons having any interest therein :

Provided that when the land held by a protected tenant happens to be an “Inam” the Tribunal shall not issue such a certificate unless the previous sanction of the Government has been obtained.

(3) Within 90 days from the date specified in a notification under sub-section (1) every landholder of lands situated in the area specified in such notification shall file an application before the Tribunal for the determination of the reasonable price of his interest in the land which has been transferred to the ownership of a protected tenant under sub-section (1) <sup>2</sup>[and if an application is not so filed within such period by a landholder but a certificate under sub-section (2) has been issued, the Tribunal may *suo motu* proceed to determine such price and thereupon] all the provisions of sub-sections (4) to <sup>3</sup>[(9)] of section 38 shall *mutatis mutandis* apply to such application :

<sup>1</sup> The words “subject to the provisions of sub-section (7) of section 38 the Act” were deleted and the provisos were added by Bom. 32 of 1958, s. 18 (1).

<sup>2</sup> The words “for the local area concerned” were deleted, by Bom. 32 of 1958, s. 8 (a).

<sup>3</sup> This *Explanation* was inserted by Mah. 45 of 1961, s. 7.

<sup>4</sup> This portion was substituted for the words “and thereupon” by Bom. 32 of 1958, s. 18 (2) and shall be deemed to have been substituted from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954.

<sup>5</sup> The brackets and figures were substituted for the brackets and figure “(8)” by Bom. 32 of 1958, s. 18 (3).

Provided that if the protected tenant commits default in respect of any instalment, it shall be recovered by the Government as arrears of land revenue and paid to the landholder :

Provided further that if the whole or any part of the price due to the landholder cannot be recovered as arrears of land revenue, the transfer shall not be effective and the amount, if any, already paid by the protected tenant towards the price shall be refunded to him together with interest at three per cent. per annum and the land revenue paid by him, if any, after deducting therefrom the rent for the period].

Transfer of  
ownership  
of land to  
tenants  
deemed  
to be  
protected  
to tenants  
under  
section 37A.

<sup>1</sup>[38F. (1) Notwithstanding anything in this Chapter or Chapter IV-B or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the State Government may at any time after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957 by notification in the *Official Gazette* declare in respect of any area and from such date as may be specified in such notification that the ownership of all lands held by all tenants deemed to be protected tenants under section 37A which they are entitled to purchase from their landholders in such area under any of the provisions of this Chapter shall stand transferred to such protected tenants and from such date all such protected tenants shall be deemed to be the full owners of such lands.

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(2) The provisions of section 38E shall *mutatis mutandis* apply to the transfer of ownership of land to the protected tenants under sub-section (1).

Transfer of  
ownership  
of land  
to tenants  
from  
notified  
date.

38G. (1) Notwithstanding anything in this Chapter or Chapter IV-B or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the State Government may at any time after the expiry of three years from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, by notification in the *Official Gazette*, declare in respect of any area and from such date as may be specified in such notification that the ownership of all lands held by ordinary tenants which they are entitled to purchase from their landholders in such area under any of the provisions of this Chapter shall, stand transferred to, and vest in, such tenants and from such date such tenants shall be deemed to be the full owners of such lands :

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Provided that if on such date any such tenant is of the following category namely:—

(a) a minor,

(b) a widow,

<sup>2</sup>[(c) a serving member of the armed forces, or]

(d) a person subject to any physical or mental disability; the ownership of the land shall stand transferred,—

(i) to the tenant on the expiry of one year from the date on which the tenant of category (a) attains majority, <sup>3</sup>[the tenant of category (c) ceases to be a serving member of the armed force]; the tenant of category (d) ceases to be subject to such disability; and

(ii) in the case of widow to her successor-in-title on the expiry of one year from the date on which the widow's interest in the land ceases to exist.

<sup>1</sup> Sections 38F, 38G and 38H were inserted by Bom. 32 of 1958, s. 19.

<sup>2</sup> This clause was substituted for the original by Mah. 39 of 1964, s. 2, Sch.

<sup>3</sup> These words, brackets and letter were substituted for the words, brackets and letter "the tenant of category (c) ceases to serve in such Forces", by Mah. 39 of 1964, s. 2, Sch.

(2) The provisions of section 38E shall *mutatis mutandis* apply to the transfer of ownership of land to ordinary tenants under sub-section (1).

**38H.** <sup>1</sup>[(1)] In the case of a tenancy created in any area <sup>2</sup>[by a landholder <sup>3</sup>[not being a landholder within the meaning of Chapter IV-C] after the date notified under section 38G in respect of such area, every tenant holding land under such tenancy shall be entitled to purchase within one year from the commencement of the tenancy so much of such land as he may be entitled to purchase under section 38 and the provisions of that section shall *mutatis mutandis* apply to such purchase.]

Right of tenant holding land under tenancy created after notified date to purchase land.

4\* \* \* \* \*

**39.** (1) Notwithstanding anything contained in this Act or in any other law and notwithstanding any agreement or usage, all or any of the persons holding lands as protected tenants <sup>5</sup>[or, as the case may be, ordinary tenants] in the same village may agree and may make an application to the Tahsildar in the prescribed form for the exchange of their tenants in respect of the lands held by them as the protected tenants <sup>5</sup>[or, as the case may be, ordinary tenants].

Right of protected tenants<sup>5</sup>[or, as the case may be, ordinary tenants] to exchange lands.

(2) On receipt of the application, the Tahsildar, after giving notice to the landholders concerned and after making an inquiry, may sanction the exchange on such terms and conditions as may be prescribed and may issue certificate in the prescribed form to the applicants.

(3) The certificates so issued shall be conclusive of the fact of such exchange against the landholders and all persons interested in the lands exchanged.

(4) Each of the protected tenants <sup>5</sup>[or, as the case may be, ordinary tenants] shall hold the land received by him as the result of such exchange on the same terms and conditions on which it was held by the original tenant immediately before the exchange subject to such modifications as may have been sanctioned by the Tahsildar.

<sup>6</sup>[(5) Nothing in the foregoing provisions of this section shall be deemed to authorise the exchange of tenancies between a protected tenant and an ordinary tenant].

<sup>7</sup>[**40.** (1) Where a tenant dies, the landholder shall be deemed to have continued the tenancy—

Rights of tenants are heritable.

(a) If such tenant was a member of an undivided Hindu family, to the surviving members of the said family, and

(b) If such tenant was not a member of an undivided Hindu family, to his heirs, on the same terms and conditions on which such tenant was holding it at the time of his death.

<sup>1</sup> This section was renumbered as sub-section (1) of that section by Mah. 28 of 1960, s. 9 (a).

<sup>2</sup> These words and brackets were inserted, by Mah. 28 of 1960.

<sup>3</sup> These brackets, words, figures and letter were substituted for the brackets and words “(not being a person serving in the Naval, Military or Air Forces in India)” by Mah. 39 of 1964, s. 2, Sch.

<sup>4</sup> Sub-section (2) was deleted by Mah. 39 of 1964, s. 2, Sch.

<sup>5</sup> These words were inserted by Bom. 32 of 1958, s. 20 (1).

<sup>6</sup> This sub-section was inserted by Bom. 32 of 1958, s. 20 (2).

<sup>7</sup> This section was substituted for the original by Bom. 32 of 1958, s. 21.



(2) The surviving members, or as the case may be, the heirs to whom the tenancy is continued under sub-section (1) shall be entitled to partition and sub-divide the land leased subject to the following conditions :—

(a) each sharer shall hold his share as a separate tenant,

(b) the rent payable in respect of the land leased shall be apportioned among the shares according to the share allotted to them,

(c) the area allotted to each sharer shall not be less than the unit which the State Government may, by general or special order, specify in this behalf having regard to the productive capacity and other circumstances relevant to the full and efficient use of the land for agriculture,

(d) the area is less than the unit referred to in clause (c), the sharers shall be entitled to enjoy the income jointly, but the land shall not be divided by metes and bounds,

(e) if any question arises regarding the apportionment of the rent payable by the sharers, it shall be decided by the Tahsildar, whose decision shall be final].

Compensation for improvements made by protected tenant<sup>1</sup>[or, as the case may be, ordinary tenant.]

**41.** (1) A protected tenant<sup>1</sup>[or, as the case may be, ordinary tenant,] who has made an improvement on the land held by him shall, if his tenancy is terminated under the provisions of this Act, be entitled for such improvement to compensation the amount of which shall, on an application made by the tenant in the prescribed form, be determined by the Tribunal in accordance with the provisions of sub-section (2).

(2) The amount of compensation determined by the Tribunal shall be the value of the improvement at the time of the termination of the tenancy estimated with due regard to :—

(a) the amount by which the value of the land is increased by the improvement;

(b) the present condition of the improvement and the probable duration of its effect;

(c) the labour and capital provided or spent by the tenant for the making of the improvement; and

(d) any reduction or remission of rent or other advantage allowed to the tenant by the landholder in consideration of the improvement.

Protected tenant's right to erect farmhouse.

**42.** A protected tenant<sup>1</sup>[or, as the case may be, ordinary tenant,] shall be entitled to erect a farmhouse on the land held by him as a protected tenant<sup>1</sup>[or, as the case may be, ordinary tenant].

Mortgage or charge by protected tenant<sup>1</sup>[or, as the case may be, ordinary tenant,] as security for loans.

<sup>2</sup>[**43.** Notwithstanding anything contained in any law for the time being in force or any custom, decree or contract to the contrary, it shall be lawful for a protected tenant<sup>1</sup>[or, as the case may be, ordinary tenant,] to mortgage or create a charge, on his interest in the land in favour of the Government in consideration of loan advanced to him by the Government under the Hyderabad Agriculturists Loans Act, 1950, and without prejudice to any other remedy open to the Government in the event of his making a default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the Government to cause his interest in the land to be sold, and the proceeds to be applied in payment of such loan].

<sup>1</sup> These words were inserted by Bom. 32 of 1958, s. 22.

<sup>2</sup> This section was substituted by Hyd. III of 1954, s. 26.

<sup>1</sup>[CHAPTER IV-BTERMINATION OF TENANCIES BY LANDHOLDERS FOR  
CULTIVATING LAND PERSONALLY.

44. (1) Notwithstanding anything contained in section 6 or 19 but subject to the provisions of sub-sections (2) to (7), <sup>2</sup>[landholder (not being a landholder within the meaning of Chapter IV-C) may], after giving notice to the tenant and making an application for possession as provided in sub-section (2), terminate the tenancy of any land, if the landholder *bona fide* requires the land for cultivating it personally.

Termination of tenancy by landholder for cultivating land personally.

(2) The notice required to be given under sub-section (1) shall be in writing, shall state the purpose for which the landholder requires the land and shall, save as otherwise provided in sub-section (3), be served on the tenant on or before the 31st day of December 1958. A copy of such notice shall, at the same time, be sent to the Tahsildar. An application for possession under section 32 shall be made to the Tahsildar, on or before 31st day of March 1959.

(3) Where the landholder is of the following category, namely :—

(a) a minor

(b) a widow

3\* \* \* \* \*

(d) a person subject to any physical or mental disability,

then, if he has not given a notice and made an application as required by sub-section (2) and the tenant is not a protected tenant such notice may be given and such application may be made—

(A) by the landholder within one year from the date on which—

(i) in the case of category (a) he attains majority;

4\* \* \* \* \*

(iii) in the case of category (d) he ceases to be subject to such mental or physical disability; and

(B) in the case of a widow by the successor-in-title within one year from the date on which the widow's interest in land ceases to exist :

Provided that where land is held by two or more joint holders, the provisions of this sub-section shall not apply if at least one joint holder is outside the categories specified in <sup>5</sup>[in clauses (a), (b) and (d)] of this sub-section.

(4) If at the date on which the notice is given and on the date on which it expires—

<sup>1</sup> This Chapter was substituted for the original section 44 by Bom. 32 of 1958, s. 23.

<sup>2</sup> These words, brackets, figures and letters were substituted for the words “landholder, may” by Mah. 39 of 1964, s. 2, Sch.

<sup>3</sup> Clause (c) was deleted, by Mah. 39 of 1964, s. 2, Sch.

<sup>4</sup> Item (ii) was deleted, by Mah. 39 of 1964, s. 2, Sch.

<sup>5</sup> These words, brackets and letters were substituted for the words, brackets and letters “clauses (a) to (d)”, by Mah. 39 of 1964, s. 2, Sch.

(a) the landholder is not already cultivating personally any land whether as landholder or tenant, he shall subject to the provisions of sub-section (5) and (6) be entitled to take possession of an area equal to three times the family holding. <sup>1</sup>\* \* \*

(b) the land cultivated by the landholder, whether as landholder or tenant, is less than three family holdings <sup>2</sup>\* \* \* \*, he shall subject to the provisions of sub-section (5) and (6) be entitled to the possession of so much area of the land leased as will be sufficient to raise the area in his possession to the extent of three times the family holding.

(5) The landholder's right to terminate tenancy of any tenant under sub-section (1) shall be subject to the following conditions :—

(a) he shall not be entitled to resume more than a family holding unless the income by the cultivation of such land will be his main source of income for his maintenance.

(b) where the land held by a landholder, whether as owner or tenant, does not exceed a basic holding, he will be entitled to terminate the tenancy of the entire land leased by him.

(c) where the land held by a landholder, whether as owner or tenant, exceeds a basic holding, he will be entitled to resume only so much area leased to the tenant as will, after such termination, leave with the tenant either an area which together with the land owned by him or held by him as a tenant would be equal to a basic holding, or if the area so left would be less than a basic holding than half the area leased out by him to the tenant.

(6) Nothing in this section shall entitle a landholder to terminate the tenancy of a tenant who is for the time being a member of a Co-operative farming society.

3\* \* \* \* \*

(7) The tenancy in respect of the land left with the tenant after the termination of the tenancy under this section shall not at any time afterwards be liable to termination again on the ground that the landholder *bona fide* requires that land for cultivating personally; and this provision shall apply also in regard to the termination of tenancy under sub-section (5) of section 44 of the Act as it stood before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957.

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(8) If in consequence of the termination of tenancy under this section any part of the land leased is left with the tenant, the rent of the land left with the tenant shall apportioned in the prescribed manner in proportion of the area of the land left with the tenant.

(9) Any proceeding instituted by a landholder for terminating the tenancy of any land on the ground that he requires the land for cultivating it personally and pending on the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, comes into force shall be deemed to be a proceeding instituted for terminating the tenancy under this section and the provisions of this section shall apply to such proceeding.

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<sup>1</sup> The words "for the local area concerned" were deleted and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 8 (a).

<sup>2</sup> The words "for the local area concerned" were deleted and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 8 (a).

<sup>3</sup> Sub-section (6A) which was inserted by Mah. 28 of 1960, s. 10, was deleted by Mah. 39 of 1964, s. 2, Sch.

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Lands Act, 1950*

(10) the State Government shall provide by rules for—

(i) the manner of conducting enquiries into the applications for possession of lands made under sub-section (2),

(ii) selection of lands for taking possession,

(iii) exchange and consolidation of fragments to secure as far as possible contiguous blocks to the landholder or the tenant,

(iv) the time when the termination of tenancy will take effect, and

(v) any other matter as may be considered necessary for giving effect to the provisions of this section.

**44A.** (1) Nothing in section 44 shall be deemed to affect the right of a tenant to purchase under section 38, land held by him as tenant :

Provisions of section 44 not to affect right of tenant to purchase land.

Provided that where the tenant makes an offer to the landholder under sub-section (2) or (2a) of section 38 in respect of any such land, the landholder may, within three months from the date of receipt of such offer, select the land cultivating personally and give an intimation in writing to the tenant of his intention to terminate the tenancy of such land :

Provided further that the landholder's right to terminate the tenancy shall be subject to the provisions of section 44.

(2) The question whether the landholder is entitled to terminate the tenancy of the land in preference to the right of the tenant to purchase such land shall be decided by the Tahsildar.]

**45.** (1) If upon the termination of a tenancy under section <sup>1</sup>[44 or section 44A] the landholder—

Landholder to restore possession if he fails to cultivate within one year.

(a) does not within one year from the date on which he resumed possession of the land <sup>2</sup>[cultivate the same personally], or

(b) having commenced such <sup>3</sup>[cultivation] discontinues the same within ten years of the said date, he shall forthwith restore possession of the land to the tenant whose tenancy was terminated by him unless he has obtained from the tenant his refusal in writing to accept the tenancy on terms and conditions prevailing before the termination of the tenancy or has offered in writing to give possession of the land to the tenant on the said terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof :

<sup>4</sup>[Provided that such refusal by the <sup>5</sup>\* \* tenant to accept the tenancy shall be recorded before and to the satisfaction of the Tahsildar].

<sup>1</sup> These figures, words and letters were substituted for the figure "44" by Bom. 32 of 1958, s. 24 (1).

<sup>2</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>3</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>4</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>5</sup> The word "protected" was deleted by Bom. 32 of 1958, s. 24 (2).

(2) After the tenant has recovered possession of the land under sub-section (1) he shall, subject to the provisions of this Act, hold the same on terms and conditions on which he held it immediately before the termination of his tenancy.

(3) If the landholder fails to restore possession of the land to the tenant as provided in sub-section (1), he shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar for the loss suffered by the tenant on account of the eviction.

<sup>1</sup>[(4) The provisions of this section shall not apply to a landholder, who becomes a serving member of the armed forces; and on that account, fails to cultivate the land personally or discontinues such cultivation, within the period specified in sub-section (1)].

*Explanation.*—For the purposes of this section, references to a <sup>2</sup>\* \* tenant shall include references to the heirs <sup>3</sup>[of such tenant to whom the tenancy is continued under] section 40.

Application  
for  
recovery of  
possession  
by tenant.

**46.** If at any time the tenant makes an application to the Tahsildar and satisfies him that the landholder has failed to comply within a reasonable time with the provisions of section 45, the <sup>4</sup>\* \* tenant shall be entitled on a direction by the Tahsildar to obtain immediate possession of the land and to such compensation as may be awarded by the Tahsildar for any loss caused to the tenant by his eviction and by the failure of the landholder to restore or give possession of the land to him as required by the said section].

#### <sup>5</sup>[CHAPTER IV-C

##### SPECIAL PROVISIONS FOR TERMINATION OF TENANCY BY LANDHOLDERS WHO ARE OR HAVE BEEN SERVING MEMBERS OF THE ARMED FORCES; AND FOR PURCHASE OF THEIR LANDS BY TENANTS

Definition.

**46A.** In this Chapter, unless the context requires otherwise ‘landholder’ means a landholder who is, or has ceased to be, a serving member of the armed forces; and in relation to the land of a landholder who is dead, includes his widow, son, son’s son, unmarried daughter, father or mother.

Right of  
landholder  
to terminate  
tenancy.

**46B.** (1) Notwithstanding anything contained in the foregoing provisions of this Act, but subject to the provisions of this section, it shall be lawful to a landholder to terminate the tenancy of any land and obtain possession thereof, but—

(a) of so much of such land as will be sufficient to make up the total land in his actual possession equal to three family holdings; and

<sup>1</sup> This sub-section was inserted by Mah. 39 of 1964, s. 2, Sch.

<sup>2</sup> The word “protected” was deleted by Bom. 32 of 1958, s. 24 (2).

<sup>3</sup> These words were substituted for the words “mentioned in the explanation to” by Bom. 32 of 1958, s. 24 (3).

<sup>4</sup> The word “protected” was deleted by Bom. 32 of 1958, s. 25.

<sup>5</sup> This Chapter was inserted by Mah. 39 of 1964, s. 2, Sch.

(b) where the landholder is a member of a joint family, only to the extent of his share in the land (not exceeding three family holdings) held by the joint family, provided that the Tahsildar on inquiry is satisfied that such share has (regard being had to the area, assessment, classification and value of land) been separate by metes and bounds in the same proportion as his share in the entire joint family property and not in a larger proportion.

(2) No tenancy of any land shall be terminated under sub-section (1), unless a notice in writing is given to the tenant and an application for possession under sub-section (3A) of section 32 is made to the Collector :

Provided that in the case of a landholder, who has ceased to be a serving member of the armed forces, such notice shall be given and application made within two years from the date of such cesser and if he dies before the expiry of these two years (without giving such notice or making such application), then, within two years from the date of his death.

(3) Nothing in this Chapter shall—

(a) apply to a tenancy of land created (after obtaining possession thereof under the provisions of this Chapter) by a landholder who has ceased to be a serving member of the armed forces; but the provisions of the section 38H shall apply to such tenancy as they apply in relation to a tenancy created after the date referred to in the section;

(b) entitle a landholder who has ceased to be a serving member of the armed forces (as a result of his being duly dismissed or discharged after a court martial or on account of bad character or as a result of desertion) or who has not been attested, to terminate the tenancy of his land under this section.

BomLXII of 1947. (4) Nothing, in the \* Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, shall affect the termination of any tenancy under this Chapter.

Mah.  
XXXIX  
of  
1964.

**46C.** All proceedings for recovery or restoration of possession of land filed under section 44 or 44A by a landholder pending immediately before the commencement of the Tenancy and Agricultural Lands Laws (Amendment) Act, 1964 before a Tahsildar shall (subject to any rules made as respects such transfer of any matter, incidental thereto), on such commencement, stand transferred to the Collector and all such proceedings pending in appeal before the Collector or in revision before the Maharashtra Revenue Tribunal shall likewise stand transferred to the State Government; and such proceeding shall be deemed to have been instituted for restoration of the land before the Collector under section 46B or as the case may be pending in revision before the State Government under section 89C and be disposed of accordingly.

Transfer of pending proceedings to Collector and State Government.

**46D.** (1) Notwithstanding anything contained in the foregoing provisions of this Act, or any law, agreement, custom or usage to the contrary, but subject to the provisions of this section, a tenant holding land from a landholder shall, subject to the provisions of sub-section (7) of section 38, be entitled to purchase from the landholder—

Right of tenants to purchase land from landholder.

(a) where the landholder fails to make an application as required by section 46B, the entire land so held by him; and

\* Short title of this Act has been amended as “The Maharashtra Prevention of Fragmentation and consolidation of Holdings Act” vide Mah. 24 of 2012, s. 2, Sch. Entry 29, w. e. f. 1st May 1960.

(b) in any other case, such part of the land held by the tenant as is left with him after the termination of tenancy under section 46B.

(2) The right to purchase land under sub-section (1) shall be exercised within one year from the date on which possession of the land is obtained by the landholder in pursuance of the provisions of section 46B; or as the case may be, after the expiry of the period referred to in the proviso to sub-section (2) of section 46B; and intimation of exercise of the right shall be sent to the landholder and the Tribunal in the prescribed manner within the period aforesaid.

(3) The provisions of Chapter IV-A shall apply to the purchase of the land by a tenant under sub-section (1) as those provisions apply in relation to the purchase of land under section 38.

Saving. **46E.** Nothing in this Chapter shall apply in relation to land, which before the commencement of the Tenancy and Agricultural Land Laws (Amendment) Act, 1964, is purchased by any tenant under the provisions of this Act.]

Mah.  
XXXIX  
of  
1964.

## CHAPTER V

### RESTRICTIONS ON TRANSFERS OF AGRICULTURAL LANDS.

Transfer to  
non-  
agriculturists  
barred.

<sup>1</sup>[47. (1) Save as provided in this Act,—

(a) no permanent alienation (including sale in execution of a decree of a civil court, or for recovery of arrears of land revenue, or for sum recoverable as arrears of land revenue) or lease of any land or interest therein (not being permanent alienation or lease of dwelling house or the site thereof or of any land appertaining to it, in favour of an agricultural labourer or an artisan), or

(b) no mortgage of any land or interest therein which the possession of the mortgaged property is delivered to the mortgagee (not being a mortgage of any land or interest therein effected in favour of a co-operative bank as security for any loan advanced by such bank or any transfer declared to be mortgage by a court under section 24 of Hyderabad Agricultural Debtors' Relief Act, 1956),

Hyd. Act  
XVI  
of 1956.

shall be valid in favour of a person, who is not an agriculturist or an agricultural labourer or who being an agriculturist or an agricultural labourer, will, after such permanent alienation or lease or mortgage aforesaid hold land as landholder or tenant or partly as landholder and partly as tenant <sup>2</sup>[exceeding the ceiling area] determined under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 <sup>3</sup>[as amended by the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972] :

Mah.  
XXVII of  
1961.

Mah. XXI  
of 1975.

<sup>1</sup> Sections 47, 48 and 49 were substituted for the original sections 47 to 50 (both inclusive), by Mah. 45 of 1965, s. 4.

<sup>2</sup> These words were substituted by Mah. 21 of 1975, sec. 34, Second Sch. (a).

<sup>3</sup> These words were inserted, by Mah. 21 of 1975, s. 34, Second Sch. (b).

Provided that, the Collector or any officer authorised by the State Government in this behalf may grant permission for such permanent alienation, lease or mortgage in such circumstances and subject to such conditions as may be prescribed.  
<sup>1</sup>[Such permission shall not be granted, where land is being sold to a person who is not an agriculturist for agricultural purposes, if the annual income of such person from other sources is Rs. 12,000 or more].

<sup>2</sup>[*Explanation.*—For the purpose of this sub-section, the expression “agriculturist” shall include any person and his heirs whose land has been acquired for a public purpose and who as a result of such acquisition has been rendered landless from the date of such acquisition].

(2) Where any condition subject to which permission for any permanent alienation or lease or mortgage is granted is contravened, then the land in respect of which such permission was granted shall be liable to be forfeited in accordance with the provisions of section 98C-2.

(3) Where permission is granted to any permanent alienation or lease or mortgage of land under sub-section (1), any subsequent permanent alienation lease or mortgage of such land shall also be subject to the provisions of sub-section (1).

<sup>3</sup>[(3A) Nothing in sub-section (1) shall apply to the land situated within the limits of a Municipal Corporation or a Municipal Council, or within the jurisdiction of a Special Planning Authority or a New Town Development Authority appointed or constituted under the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, and also to any land allocated to residential, commercial, industrial or any other non-agricultural use in the draft or final Regional plan or Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force :

Mah.  
XXXVII  
of 1966.

Mah.  
XXXVII  
of 1966.

Provided that, any transfer of land in favour of a person who is not an agriculturist for any non-agricultural use such as residential, commercial, industrial or any other non-agricultural use, shall be subject to the condition that such land shall be put to such non-agricultural use within a period of five years from the date of transfer, and due entry of such condition shall be made in the Record of Rights of such land :

Provided further that, in respect of land transferred for any non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value shall be calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time:

<sup>1</sup> These words were added by Mah. 21 of 1975, s. 34, Sch. (c).

<sup>2</sup> This *Explanation* was substituted for the existing *Explanation* by Mah. 10 of 2014, s. 3.

<sup>3</sup> Sub-section (3A) was inserted by Mah. 1 of 2016, s. 4.



Provided also that, if the transferee, including subsequent transferee, if any, fails to put the land to non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, within a period of five years or, where non-utilization charges as aforesaid have been paid, within the total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting transferee, and the land so resumed by the Collector shall vest in the Government free from all encumbrances, and shall first be offered to the original land-holder by way of grant, on the same tenure on which it was initially held by such original landholder before its transfer for such non-agricultural use and at the same price at which it had been transferred by the original landholder for such non-agricultural use :

Provided also that, if the original landholder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be; and in both the cases, the defaulting transferee shall only be entitled to compensation equal to the price at which such land had been purchased by him and the Collector shall remit such compensation to the defaulting transferee within a period of ninety days from the date of receipt of payment under the said auction :

Provided also that, if a person who is not an agriculturist fails to utilize the said land for the non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, fully or partly, and wants to sell the same subsequently, before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso, be permitted by the Collector to do so for any non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, for the remaining period out of the specified period of ten years, from the date of first transfer of the said land for such non-agricultural use, subject to the condition that the transferee shall have to deposit transfer charges at the rate of twenty-five per cent of the market value of such land as per current Annual Statement of Rates].

(4) Nothing in section 50C shall apply to any sale made under sub-section (1).

Transfer  
to non-  
agriculturist  
for  
*bonafide*  
industrial  
use.

<sup>1</sup>[47A. (1) Notwithstanding anything contained in section 47, it shall be lawful for a person to sell land, without permission of the Collector, to any person who is or is not an agriculturist and who intends to convert the same to a *bona fide* industrial use <sup>2</sup>[or for Integrated Township Project, as the case may be.] where such land is located within—

<sup>3</sup>[(i) the agricultural zone of a draft or final Regional Plan or draft or final Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, and plans or schemes and the development control regulations or rules framed under such Act or any of such laws for the time being in force permit industrial use of land; or]

(ii) the area where no such plan or scheme as aforesaid exists; <sup>4</sup>[or]

<sup>5</sup>[(iii) the area taken over by a private developer for development <sup>6</sup>[of Integrated Township Project:]

Mah.  
XXXVII  
of  
1966.

<sup>1</sup> Section 47A was inserted by Mah. 28 of 1994, s. 4.

<sup>2</sup> These words were substituted for the words "or for special township project, as the case may be," by Mah. 1 of 2016, s. 5 (1) (a).

<sup>3</sup> Clause (i) was substituted for the existing clause (i) by Mah. 1 of 2016, s. 5 (1) (b).

<sup>4</sup> This word was added by Mah. 25 of 2005, s. 3 (a) (ii).

<sup>5</sup> Clause (iii) was inserted by Mah. 25 of 2005, s. 3 (a) (iii).

<sup>6</sup> These words were substituted for the words "of special township project" by Mah. 1 of 2016, s. 5 (1) (c).

1950 : Hyd. Act XXI]

*Hyderabad Tenancy and Agricultural  
Lands Act, 1950*

<sup>1</sup>[Provided that, where such purchase of land is for *bona fide* industrial use, it shall be subject to the condition that such land shall be put to *bona fide* industrial use within a period of five years from the date of purchase :

Provided further that, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value is calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time.

Provided also that, if the purchaser fails to put the land to *bona fide* industrial use within a period of five years or, where non-utilization charges as aforesaid have been paid, within a total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting purchaser, and the land so resumed by the Collector shall vest in the Government, free from all encumbrances, and shall first be offered to the original landholder by way of grant, on the same tenure on which it was initially held by such landholder before its sale for such *bona fide* industrial use and at the same price at which it had been sold by the original landholder for such *bona fide* industrial use :

Provided also that, if the original landholder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the Development plan or the Regional plan, as the case may be, if any, sanctioned under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force; and in both the cases, the defaulting purchaser shall only be entitled to compensation equal to the price at which such land had been purchased by him, and the Collector shall remit such compensation to the defaulting purchaser within a period of ninety days from the date of receipt of payment under the said auction] :

Mah.  
XXXVII  
of 1966.

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<sup>1</sup> These provisos were substituted for the first and second proviso by Mah. 1 of 2016, s. 5 (I) (d).

<sup>1</sup>[Provided also that, the purchaser who fails to put the land to *bona fide* industrial use within five years from the date of the purchase, and is on the date of coming into force of the Maharashtra Tenancy and Agricultural Lands Laws (Amendment) Act, 2004, holding such land without having been put to the *bona fide* industrial use, shall be permitted to put such land to *bona fide* industrial use within the remaining period from the total period of fifteen years, subject to the condition that,—

Mah.  
XXV  
of  
2005.

(a) if the land purchased under sub-section (I) was held by the seller as the Occupant Class-II, such purchaser landholder shall pay an additional amount equal to 48 per cent of the price for which it was originally purchased and three times of an annual assessment of non-agricultural tax payable under the Maharashtra Land Revenue Code, 1966 as a non-utilization tax per year;

Mah.  
XLI  
of  
1966.

(b) if the land purchased under sub-section (I) was held by the seller as the Occupant Class-I, the purchaser landholder shall pay three times of an annual assessment of the non-agricultural tax payable under the Maharashtra Land Revenue Code, 1966 as a non-utilization tax per year :

Mah.  
XLI  
of  
1966.

Provided also that, the provisions of this sub-section shall not apply to the areas notified as the Eco-sensitive Zone by the Government of India] :

Provided also that, where the land being sold belongs to a person belonging to the Scheduled Tribe, such sale of land shall be subject to the provisions of sections 36 and 36A of the Maharashtra Land Revenue Code, 1966 and of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974.

Mah.  
XLI  
of  
1966.

(2) if the land to be purchased under sub-section (I) is held by Occupant Class-II, the purchaser shall pay to the Collector, an amount equal to <sup>2</sup>[two per cent. of the purchase price, in case the purchase of land is for *bona fide* industrial use and fifty per cent. of the purchase price, if the purchase of land is <sup>3</sup>[for Integrated Township Project] within one month of the execution of the sale-deed irrespective of the tenure of such land. This payment shall be in lieu of any *nazrana* or such other charges which may otherwise be payable by such Occupant Class-II by or under the provisions of the Maharashtra Land Revenue Code, 1966. In addition, the purchaser of such land shall pay the non-agricultural assessment as may be levied by the Collector under sections 67 and 115 of the Maharashtra Land Revenue Code, 1966 :

Mah.  
XLI  
of  
1966.

Mah.  
XLI  
of  
1966.

<sup>4</sup>[Provided that, if such land purchaser fails to deposit such amount within one month, then such purchaser shall pay to the Government an amount equal to seventy-five per cent. of the purchase price or the market value of the land as per the Annual Statement of Rates of that year, whichever is higher].

<sup>1</sup> These provisos were substituted for the second proviso by Mah. 25 of 2005, s. 3 (a) (iv).

<sup>2</sup> These portion was substituted for the words “two per cent” of the purchase price”. by Mah. 25 of 2005. s. 3 (b).

<sup>3</sup> These words were substituted for the words “for special township project” by Mah. 1 of 2016, s. 5 (II) (a).

<sup>4</sup> These proviso was added by Mah. 1 of 2016, s. 5 (II) (b).

(3) The person purchasing the land under sub-section (1) for conversion thereof for a *bona fide* industrial use <sup>1</sup>[or for Integrated Township Project, as the case may be,] shall give intimation of the date, on which the change of user of land commenced, within thirty days from such date, to the Collector.

(4) If the person fails to inform to the Collector within the period specified in sub-section (3), he shall be liable to pay in addition to the non-agricultural assessment which may be leviable by or under the provisions of the Maharashtra Land Revenue Code, 1966, such penalty not exceeding twenty times the amount of non-agricultural assessment, as the Collector may, subject to the rules, if any, made by the State Government in this behalf, direct.

<sup>2</sup>[(5) If the person purchasing the land under sub-section (1) for conversion thereof for a *bona fide* industrial use, fails to utilize the said land for *bona fide* industrial use, fully or partly, and wants to sell the same before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso to sub-section (1), be permitted by the Collector to do so for the remaining period out of the specified period of ten years from the date of original purchase, subject to the following conditions, namely :—

(i) where the said land is to be sold for *bona fide* industrial use, the transferor shall have to deposit with the Collector the transfer charges at the rate of twenty-five per cent of the value of such land as per the current Annual Statement of Rates;

(ii) where the said land is to be sold for any non-agricultural purpose other than the *bona fide* industrial use, which is consistent with the draft or final Development plan or Regional plan or Town Planning Scheme, if any, made under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, the transferor shall have to deposit with the Collector the conversion charges equal to fifty per cent of the market value of such land as per the current Annual Statement of Rates and in case of Occupant Class-II land, an additional amount equal to forty-eight per cent of the price at which such land was originally purchased, in lieu of the *nazarana*].

<sup>1</sup> These words were substituted for the words “or for special township project” by Mah. 1 of 2016, s. 5. (III).

<sup>2</sup> Sub-section (5) was added by Mah. 1 of 2016, s. 5. (IV).

*Explanation.*—For the purposes of this section,—

(a) the expression “*bona fide* industrial use” means the activity of manufacture, preservation or processing of goods, or any handicraft, or industrial business or enterprise, carried on by any person <sup>1</sup>[or the activity of tourism within the areas notified by the State Government as the tourist place or hill station] and shall include construction of industrial buildings used for the manufacturing process or purpose, or <sup>2</sup>[power projects and ancillary industrial usage like research and development units pertaining to *bona fide* industrial use, godown, canteen, office building of the industry concerned], or providing housing accommodation to the workers of the industry concerned, or establishment of an industrial estate including a co-operative industrial estate, service industry, cottage industry, *gramodyog* units or *gramodyog vasahats*.

<sup>3</sup>[(aa) “Integrated Township Project” means the Integrated Township Project or projects under the Regulations framed for development of Integrated Township by the Government under the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force].

Mah.  
XXXVII  
of  
1966.

(b) “Scheduled Tribes” means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India and persons, who belong to the tribes or tribal communities, or parts of, or groups within, tribes or tribal communities specified in Part IX of the Schedule to the Order made under the said article 342, but who are not resident in the localities specified in that order who nevertheless need the protection of this section (and it is hereby declared that they do need such protection) shall, for the purposes of this section, be treated in the same manner as members of the Scheduled Tribes].

Sale of  
agricultural  
land to  
particular  
person.

**48.** (1) Where a landholder intends to sell any land leased to a tenant, he shall apply to the Tribunal for determining the reasonable price thereof. The Tribunal shall thereupon determine the reasonable price of the land in accordance with the provisions of section 50C. The Tribunal shall also direct that the price shall be payable either in a lump sum, or in annual instalments not exceeding six carrying simple interest at three per cent. per annum.

(2) After the Tribunal has determined the reasonable price, the landholder shall simultaneously in the prescribed manner, make an offer to sell such land—

(a) in the case of agricultural land—

(i) to the tenant in actual possession thereof, such land being a fragment, notwithstanding, and

(ii) to all persons or bodies mentioned in the priority list,

<sup>1</sup> These words were inserted by Mah. 25 of 2005, s. 3. (d) (I).

<sup>2</sup> These words were substituted for the words “power projects and ancillary industrial usage like research and development, godown, canteen, office building of the industry concerned” by Mah. 1 of 2016, s. 5. (V) (i).

<sup>3</sup> Clause (aa) was substituted by Mah. 1 of 2016, s. 5. (V) (ii).

(b) in the case of a dwelling house, or a site of a dwelling house or land appurtenant to such house when such dwelling house site or land is not used or is not necessary to carry on agricultural operations in the adjoining lands—

(i) to the tenant thereof;

(ii) to the persons residing in the village who is not in possession of any dwelling house :

Provided that, if there be more than one such person, the offer shall be made to such person or persons and in such order of priority as the Collector may determine in this behalf regard being had to the needs of the following persons, that is to say—

(i) an agricultural labourer,

(ii) an artisan,

(iii) any other person in the village.

(3) The persons to whom such offers are made shall intimate to the landholder within one month from the date of receipt of the offer, whether they are willing to purchase the land referred to in sub-section (2) at the price determined by the Tribunal.

(4) (a) If only one person intimates to the landholder his willingness to accept the offer, the landholder shall call upon such person, and

(b) If more persons than one so intimate, the landholder shall call upon the person having the highest priority in the order of priority provided by sub-section (2), by notice in writing in the prescribed form, to pay him the amount of reasonable price determined by the Tribunal or to deposit the same with the Tribunal within one month or such further period as the landholder may consider reasonable from the date of receipt of the notice by such person.

(5) If the person to whom a notice is given fails to pay such price to the landholder or to deposit the same with the Tribunal within the period provided by that sub-section, such person shall be deemed to be not willing to purchase the land and the landholder shall then call upon in the manner provided in sub-section (4) the person who stands next highest in the order of priority, and who has intimated his willingness to the landholder to purchase the land.

(6) If any dispute arises under this section regarding—

(a) the offer made by the landholder under sub-section (2), or

(b) the notice given by the landholder under sub-section (4) or (5), or

(c) the payment or deposit of the reasonable price, or

(d) the execution of the sale-deed,

such dispute shall be decided by the Tribunal.

*Hyderabad Tenancy and Agricultural  
Lands Act, 1950*

[1950 : Hyd. Act XXI]

(7) Any sale made in contravention of this section shall, subject to the provisions of section 49, be invalid.

(8) If a tenant refuses or fails to purchase the land or a dwelling house offered to him under this section, and the land or the dwelling house, as the case may be, is sold to any other person under this section, the landholder shall be entitled to evict such tenant and put the purchaser in possession.

*Explanation.*—For the purposes of this section, the priority list shall be as follows, namely :—

(i) a Co-operative farming society, the members of which are agricultural labourers, landless persons or a combination of such persons;

(ii) agricultural labourers;

(iii) landless persons;

(iv) a Co-operative farming society of agriculturists who hold either as landholder or tenant or partly as landholder and partly as tenant, landless in area than one family holding and who are artisans;

(v) an agriculturist who holds either as landholder or tenant or partly as landholder and partly as tenant, landless in area than one family holding and who is an artisan;

(vi) any other Co-operative farming society;

(vii) any agriculturist, who holds either as landholder or tenant or partly as landholder and partly as tenant, land larger in area than one family holding but less in area than two-thirds of the ceiling area as determined under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961;

Mah.  
XXVII  
of  
1961.

(viii) any person, not being an agriculturist, who intends to take to the profession of agriculture.

Exemption  
to sales by or  
in favour of  
co-operative  
banks.

**49.** Nothing in sections 47 and 48 shall apply to sales effected by or in favour of a co-operative bank registered under the Maharashtra Co-operative Societies Act, 1960].

Mah. XXIV  
of 1961.

Provisions  
of Chapter  
V  
not to apply  
in certain  
cases.

<sup>1</sup>[**50A.** Nothing in the foregoing provisions of this Chapter shall apply to the sales of agricultural lands under—

(i) the provisions of Chapter IV-A, <sup>2\*</sup> \* \*

<sup>3\*</sup> \* \* \*

(iii) the provisions of Chapter VI, or

(iv) section 98-C].

<sup>1</sup> This section was substituted by Bom. 32 of 1959, s. 3.

<sup>2</sup> The words, figures and letters “except section 38D” were deleted by Mah. 45 of 1985, s. 5 (a).

<sup>3</sup> Clause (ii) was deleted by Mah. 45 of 1985, s. 5 (b).

<sup>1</sup>[50B. (1) No land purchased by a tenant under sections 38, 38A, <sup>2\*</sup> \* 38E, 38F, 38G, <sup>3</sup>[38H or] <sup>4</sup>[46D or 48], or sold to any person under sections 53F, 53G, 53H, or 98C shall be transferred by sale, gift, exchange, mortgage, lease or assignment <sup>5</sup>[\* \* \*] † without the previous sanction of the Collector:

Restrictions on transfers of land purchased or sold under this Act.

<sup>6</sup>[Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government;

(b) the purchaser shall be an agriculturist;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; and

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated].

(2) Any transfer <sup>7</sup>[\* \* \*] † of land in contravention of sub-section (1) shall be invalid.

50C. (1) Except as otherwise expressly provided in this Act, the price of any land sold or purchased under the provisions of this Act consist of the following amounts, namely :—

Reasonable price of land for purpose of its sale or purchase.

(a) an amount not exceeding twelve times the rent of the land as determined in accordance with the provisions of section 11 and sub-section (3) of section 17;

(b) by value of any structures, wells and embankments constructed and trees planted on the land.

<sup>1</sup> Sections 50B and 50C were inserted by Bom. 32 of 1958, s. 28.

<sup>2</sup> The figures and letter “38D” were deleted by Mah. 45 of 1965, s. 6.

<sup>3</sup> These figures, letters and words were substituted for the words, figures and letter “or 38H” by Mah. 39 of 1964, s. 2, Sch.

<sup>4</sup> The words and figures “46D or 48” were inserted by Mah. 45 of 1965, s. 6 as amended by Mah. 11 of 1976, s. 3, Second Schedule.

<sup>5</sup> These words were deleted by Mah. 5 of 1982, s. 5 (1) (a).

<sup>6</sup> This proviso was added by Mah. 1 of 2014, s. 3.

<sup>7</sup> These words were deleted by Mah. 5 of 1982, s. 5 (1) (b).

† Sub-section (2) of section 5 of the Maharashtra Tenancy Laws and Maharashtra Land Revenue Code (Amendment and validation or appointments of certain officers and proceedings) Act, 1981 (Mah. 5 of 1982) reads as follows :—

(2) “Notwithstanding the amendment of section 50B of the Hyderabad Tenancy Act made by sub-section (1) of this section, where any orders have been made, by the Collector or any officer exercising the powers of the Collector under the said section 50B, declaring partition of any land as invalid and the person concerned has been evicted by the Collector or such officer from such land, before the commencement of this Act, then such orders shall not be affected by the amendment aforesaid, but shall continue to be in operation as before.”



(2) Where in the case of any sale or purchasers of any land under this Act the Tribunal, the Tahsildar or any other officer, has to fix the purchase price of such land under this Act, the Tribunal, the Tahsildar or such officer, as the case may be shall, subject to the quantum specified in sub-section (1), fix the price having regard to the following factors, namely :—

- (a) the structures and wells constructed and permanent fixtures made and trees planted on the land by the landholder or the tenant;
- (b) the profits of agriculture of similar land in the locality;
- (c) the improvements made in the land by the landholder or the tenant;
- (d) the prices of crops and commodities in the locality;
- (e) such other facts as may be prescribed].

1*	*	*	*	*	*
2*	*	*	*	*	*

## CHAPTER VI

### MANAGEMENT OR ACQUISITION OF UNCULTIVATED, IMPROPERLY CULTIVATED OR SURPLUS LANDS.

Power to  
assume  
manage-  
ment of  
land.

**51.** <sup>3</sup>[(1) Notwithstanding any law for the time being in force or any usage or custom or the terms of any contract or grant, if it appears to Government that for any two consecutive years including any period before the commencement of this Act, any land has remained uncultivated through default either of the landholder or of the tenant, or that cultivation of any land has seriously suffered for any other cause whatsoever <sup>4</sup>[not beyond his control or that the full and efficient use of the land has not been made for the purpose of agriculture,] or that any land capable of being used, if reclaimed or otherwise improved, howsoever, has not been so reclaimed or otherwise improved and cultivated or that any land is remaining as a pasture land in excess of the ordinary grazing requirements of the cattle of the persons entitled to graze cattle thereon, the Government may after such enquiry as may be prescribed declare by notification in the <sup>5</sup>[*Official Gazette*] that the management of such land shall be assumed, and such declaration shall be conclusive].

(2) On the publication of a notification under sub-section (1), Government or an officer authorised by Government in this behalf shall appoint a manager to be in charge of the land and the manager so appointed shall be deemed to be a public servant within the meaning of the <sup>6</sup>[Indian Penal Code, 1860].

45  
of  
1860.

<sup>1</sup> Sub-section (3) was deleted by Mah. 45 of 1959, s. 7.

<sup>2</sup> Chapter VA was deleted by Mah. 41 of 1966, s. 334, Sch. K.

<sup>3</sup> Amended by Act No. XXIII of 1951, published in *Gazette*, Extraordinary No. 32, dated 30th June 1951.

<sup>4</sup> These words were inserted by Mah. 45 of 1965, s. 8.

<sup>5</sup> These words were substituted for the words "Jarida" by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>6</sup> Substituted by Act No. III of 1956, published in *Gazette*, Extraordinary No. 46, dated 12th March 1956.

52. During the period of management, that is to say, the period commencing with the publication of the notification under sub-section (1) of section 51 and ending with the termination of management under section 53, the following provisions shall have effect, namely :—

Conse-  
quences of  
assumption  
of manage-  
ment.

1\*            \*            \*            \*            \*            \*

(b) all legal proceedings pending and all processes, executions or attachments in force in respect of debt and liabilities enforceable against the land shall be suspended and no fresh proceedings, processes, executions or attachments shall be instituted, issued, enforced or executed in respect thereof;

(c) the holder of the land shall be incompetent and the manager shall be competent—

- (i) to enter into contract with respect to the land,
- (ii) to mortgage, charge, lease or alienate the land or any part thereof,
- (iii) to grant valid receipts for rents or profits accruing from the land;

(d) all powers which, if the management of the land had not been assumed would have been exercisable by the landholder shall be exercisable by the manager who shall receive and recover all rents and profits due in respect of the land under management and for the purpose of covering the same may exercise in addition to the powers exercisable by the landholder the powers exercisable by a Collector for the recovery of land revenue;

(e) from the sums received on account of the land, the manager shall pay—

- (i) the costs of management including the cost of necessary repairs;
- (ii) the Government revenue and all sums due to the Government in respect of the land under management;
- (iii) the rent, if any, due to any superior holder in respect of the land;
- (iv) such periodical allowances the Collector may from time to time fix for the maintenance and other expenses of the landholder and of such members of his family as the Collector directs; and
- (v) the cost of such improvement of the land as he thinks necessary and is approved by the Collector;

(f) the manager shall pay to the landholder the balance, if any, remaining after the expenses referred to in clause (e) have been defrayed:

Provided that if any proceedings in respect of debts and liabilities enforceable against the land have been suspended under clause (b) the manager may deposit an amount, not exceeding the amount estimated to be required for the meeting of such debts and liabilities with the Court in which the proceedings were pending.

<sup>1</sup> Omitted by Act No. XXIII of 1951, published in *Gazette*, Extraordinary No. 32, dated 30th June 1951.

Termination  
of manage-  
ment.

**53.** (1) When in the opinion of Government it has become unnecessary to continue the management of the land, Government shall by notification in the <sup>1</sup>[*Official Gazette*] terminate the management thereof.

(2) On the termination of management, the land (together with any balance of monies creditable to the landholder) shall be delivered to the landholder from whom the management was assumed or if he is dead, to the person appearing to Government to be entitled to the land.

(3) All acts done by the manager during the period of management shall be binding on the landholder or other person to whom the land is delivered under sub-section (2).

(4) The period during which the institution of any proceeding has been prohibited by clause (d) of section 52 shall be excluded from the computation of the period of limitation for the institution of that proceeding.

Census of  
landhold-  
ings and  
details of  
cultivation.

<sup>2</sup>[**53-A.** (1) For the purposes of this Act generally and in particular for the administration of this Chapter, the Government may take a census of land holdings and details of cultivation in the prescribed manner.

(2) Any person who has any interest in agricultural lands, either as a landholder, mortgagee or tenant or otherwise, shall furnish fully and correctly any information that may be required of him for the purpose of the said census].

3\* \* \* \* \*

Assump-  
tion of  
manage-  
ment of  
surplus  
land and  
payment of  
compensa-  
tion  
thereof.

<sup>4</sup>[**53-C.** (1) Where any land has been declared to be surplus land under any of the provisions of this Act, the State Government shall be deemed to have assumed the management of such land for a public purpose from the date of the declaration.

(2) In this section “public purpose” includes settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of cultivation and management.

(3) The Collector shall appoint a manager to be in charge of the land and thereafter the provisions of section 52 shall *mutatis mutandis* apply to such land.

(4) The amount of compensation payable for the assumption of management shall consist of recurring payment of a sum equal to the reasonable rent determined in accordance with the provisions of section 11 and sub-section (3) of section 17 and, of a further sum equal to one-half of such rent to compensate the landholder for all or any of the following matters, namely :—

(i) pecuniary loss due to assumption of management;

(ii) expenses on account of vacating the land the management of which has been assumed;

<sup>1</sup> These words were substituted for the words “Jarida” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>2</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>3</sup> Section 53-B was deleted by Mah. 45 of 1965, s. 9.

<sup>4</sup> Section 53-C was substituted for the original by Mah. 27 of 1961, s. 48, Second Schedule.

(iii) expenses on account of re-occupying the land on the termination of the management.

(iv) damage, if any, caused to the land during the period of management including the expenses that may have to be incurred for restoring the land to the condition in which it was at the time of assumption of management].

**53-D.** The Government may appoint a Village Panchayat or a Co-operative Farming Society as manager for the purpose of this Chapter.

Appointment of Village Panchayat or Co-operative Farming Societies as Managers.

**53-E.** In leasing out the lands where management is assumed under section 51 or section 51-C preference shall be given in the following order :—

Order of preference in leasing out the surplus land.

Co-operative Farming Societies, agricultural workers working on the said lands, landholders or tenants who cultivate personally less than a family holding, and other landless person residing in the village.

**53-F.** (1) Any person to whom lands over which management is assumed under section 51 or section 53-C are leased shall be entitled to purchase such lands, subject to the provisions of sub-section (2), on the same terms as <sup>1</sup>\* \* tenants are entitled to do under section 38 :

Right of lessee to purchase lands.

Provided that the extent of land left to a landholder shall not be less than three times the area of a family holding <sup>2</sup>\* \* \*

<sup>3</sup>[(2) The reasonable price of the lands purchased by a person under sub-section (1) shall be determined in accordance with the provisions of section 50-C].

**53-G.** (1) Notwithstanding anything contained in this Chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the Government may acquire the lands, the management of which it can assume under the provisions of section 53-C subject to the payment of the reasonable price payable under the provisions of sub-section (2) of section 53-F, as compensation.

Power to acquire lands.

(2) The Government may issue bonds on such terms as may be prescribed on payment of the whole or part of the compensation payable under the provisions of sub-section (1).

(3) The Government shall distribute the land so acquired in the order laid down in section 53-E and may collect the price of the land so distributed at such rates as may be prescribed in a lump sum of or instalments from the persons to whom the lands are distributed.

**53-H.** [*Assumption of management of surplus lands*] deleted by Mah. 27 of 1961, s. 48, Second Schedule].

<sup>1</sup> The word "Protected" was deleted by Bom. 32 of 1958, s. 30 (1).

<sup>2</sup> The words "for the local area concerned" were deleted and shall be deemed always to have been deleted by Mah. 28 of 1960, s. 8 (a).

<sup>3</sup> This sub-section was substituted for the original by Bom. 32 of 1958, s. 30 (2).

**\*CHAPTER VII**

PREVENTION OF FRAGMENTATION AND THE CONSOLIDATION OF HOLDING.

[Omitted by Hyd. Act. No. 40 of 1956, s. 48 (3)]

**CHAPTER VIII [Deleted]**

1\*                    \*                    \*                    \*                    \*                    \*

**CHAPTER IX**

CONSTITUTION OF TRIBUNAL ; PROCEDURE AND  
POWERS OF AUTHORITIES ; APPEALS, ETC.

Tribunals.      @<sup>2</sup>[87. (1) For the purposes of this Act, there shall be a Tribunal called the Agricultural Lands Tribunal for each taluka or for such area as the State Government may think fit :

<sup>3</sup>[Provided that, it shall be lawful for the State Government, by notification in the *Official Gazette*, from time to time to alter the local limits of the jurisdiction of the Tribunal or to abolish the Tribunal so constituted or reconstitute the Tribunal for such area as may be specified in the notification; and in any such case to arrange for transfer of proceedings pending before any Tribunal on the date of such alternation or reconstitution].

\* Section 48 (3) of Hyd. Act No. 40 of 1956 reads as under —

“(3) Chapter VII shall be omitted :

Provided that the omission of the said Chapter shall not affect the previous operation of that Chapter, and any action taken thereunder before the commencement of this Act shall in so far it is not inconsistent with the provisions of this Act, be deemed to have been taken under this Act and shall continue in force until it is superseded under this Act.”

<sup>1</sup> Chapter VIII (Sections 66 to 86) was deleted by Bom. 20 of 1960, Second Schedule.

<sup>2</sup> This section was substituted for the original by Bom. 32 of 1959, s. 4.

<sup>3</sup> This proviso was added by Mah. 45 of 1965, s. 10. This amendment shall be deemed to have come into force on 26th January 1957 for validation of things done and action taken see s. 15 of Mah. 45 of 1965.

@ Section 6 of the Maharashtra Tenancy Laws and Maharashtra Land Revenue Code (Amendment and Validation of Appointments of certain Officers and Proceedings) Act, 1981 (Mah. V of 1982) reads, as follows :—

Validation  
of  
appointment  
of Naib-  
Tahsildars  
as Tribunals  
under  
section 87  
of Hyd.  
XXI of  
1950 and of  
their  
proceedings.

“Notwithstanding anything contained in section 87 or in any other provisions of the Hyderabad Tenancy Act, and notwithstanding any judgement, decree or order of any Court or Tribunal the Naib-Tahsildar, who during any period or periods before the commencement of this Act, exercised the powers and performed the duties conferred and imposed on an Agricultural Lands Tribunal by or under the said Act, in any of the areas formerly forming part of a Mahal and which now stand included in the talukas of—

- (a) Khuldabad and Soegaon talukas of Aurangabad District;
- (b) Jafrabad taluka of Jalna District;
- (c) Patoda taluka of Beed District;
- (d) Mukhed and Bokhar talukas of Nanded District;
- (e) Bhoom taluka of Osmanabad District,

shall be deemed to have been validly appointed and authorised by the State Government to exercise the powers and perform the duties of the Tribunal during the said periods; and, accordingly any proceedings conducted, orders passed, sanctions given, certificates issued, declarations made or other action taken by any of the said Naib-Tahsildars during the said periods, in exercise of the powers and performance of the duties or in the purported exercise of the powers and performance of the duties conferred or imposed by or under the said Act on the Tribunal, shall be deemed to have been validly and effectively conducted, passed, given, issued, made or taken, as the case may be, as if he had been duly appointed and authorised for such purposes, and shall not be called in question in any proceedings before any Court or Tribunal merely on the ground that he was not duly appointed or authorised or that he had no jurisdiction”.

(2) The State Government may appoint an officer not below the rank of a Tahsildar to be the Tribunal and to exercise the powers and perform the duties and functions of the Tribunal under this Act in a taluka or any other area referred to in sub-section (1) :

Provided that the State Government may for any area constitute a Tribunal consisting of not less than three members of whom—

(a) at least one shall be a person who is holding or has held a judicial office not lower in rank than that of a Civil Judge or who is qualified to practice as a lawyer in the <sup>1</sup>[State of Maharashtra], and

(b) one shall be appointed to be the President of the Tribunal, and the Tribunal so constituted shall exercise the powers and perform the duties and functions of the Tribunal under this Act.

*Explanation.*—In this section “lawyer” means any person entitled to appear and plead for another in Court in the State and includes an advocate, a vakil and an attorney of the <sup>2</sup>[High Court of Maharashtra].

3\*            \*            \*            \*            \*

**88.** <sup>4</sup>[(1) The Tahsildar, the Tribunal and the Collector shall, in addition to exercising the powers and discharging the duties conferred upon them by any provisions of this Act, perform such other functions in relation to this Act as may be prescribed and shall decide such other questions as may be referred to them by Government] :

<sup>5</sup>[Provided that a dispute as to whether a tenant or protected tenant in any area is entitled to purchase the land held by him from his landholder, and whether such tenant is or should be deemed to be the full owner of the land, shall be decided by the Tribunal].

<sup>6</sup>[(2) The Government may by notification in the <sup>7</sup>[*Official Gazette*] vest in any other officer or authority such as a Village Panchayat or a Co-operative Farming Society any of the powers or duties conferred by or under this Act on the Tahsildar, the Deputy Collector or the Collector].

<sup>8</sup>[(**88A.** Save as expressly provided by or under this Act, all inquiries and other proceedings before the Tahsildar or Tribunal shall be commenced by an application which shall contain the following particulars :—

(a) the name, age, profession and place of residence of the Applicant;

Additional functions of Tahsildar, Tribunal and Collector and vesting of powers in a Village Panchayat or a Co-operative Farming Society.

Commencement of proceedings.

<sup>1</sup> These words were substituted for the words “State of Bombay” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960, clause. 4.

<sup>2</sup> These words were substituted for the words “High Court of Bombay”, by the Maharashtra Adaptation of Laws (State and concurrent subjects) order, 1960, clause 4.

<sup>3</sup> Section 87A was deleted by Mah. 28 of 1960, s. 12.

<sup>4</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>5</sup> This proviso was deemed always to have been added by Mah. 49 of 1969, s. 2, Sch.

<sup>6</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>7</sup> These words were substituted for the word “Jarida” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>8</sup> This section was inserted by Bom. 32 of 1958, s. 33.

*Hyderabad Tenancy and Agricultural Lands Act, 1950* [1950 : Hyd. Act XXI]

(b) a short description and situation of the property of which possession is sought or the amount of the claim as the case may be;

(c) the circumstances out of which the cause of action arose;

(d) a list of the applicant's documents, if any, and of his witnesses and whether such witnesses are to be summoned to attend or whether the Applicant will produce them on the day of hearing;

(e) such other particulars as may be prescribed].

Procedure. <sup>1</sup>[**89.** In all inquiries and proceedings commenced on the presentation of applications under section 88A, the Tahsildar or the Tribunal shall exercise the same powers as the Mamlatdar's Court under the Mamlatdars Courts Act, 1906, and shall save as provided in section 32 follow the provisions of the said Act, as if the Tahsildar or the Tribunal were a Mamlatdar's Court under the said Act and the application presented was a plaint presented under section 7 of the said Act. In regard to matters which are not provided for in the said Act, the Tahsildar or the Tribunal shall follow such procedure as may be prescribed by the State Government. Every decision of the Tahsildar or the Tribunal shall be recorded in the form of an order which shall state the reasons for such decision.

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of 1906.

Distribution of business amongst Tahsildars. **89A.** Where in any taluka in addition to the Tahsildar appointed under sub-section (1) of section 9 of the Land Revenue Act, one or more Tahsildars or Naib-Tahsildars are appointed under the said section 9 or one or more officers are appointed by the State Government to exercise the powers and perform the duties of a Tahsildar under this Act, each such Tahsildar or Naib-Tahsildar or officer shall dispose of such inquiries or proceedings commenced before the Tahsildar under section 88A as the Tahsildar, subject to the control of the Collector, may by general or special order refer to him.

Power of Collector to transfer proceedings. **89B.** The Collector may after due notice to the parties, by order in writing, transfer any proceeding under this Act pending before a Tahsildar in his district from such Tahsildar to any other Tahsildar in his district and the Tahsildar to whom the proceeding is so transferred shall thereupon exercise jurisdiction under this Act in such proceeding :

Provided that any order to be issued to village officers under section 94 shall be issued by the Tahsildar to whom such village officers are subordinate].

Designated Tribunal to conduct proceedings in respect of land held by the same tenant in different areas. <sup>2</sup>[**89C.** (1) If in the course of a proceeding under sections 38, 38A, 38B, 38E, 38F, 38G or 38H in respect of any tenant, the Tribunal finds that such tenant holds as a tenant other land outside its jurisdiction, then the Tribunal shall refer the case in the prescribed manner to the Collector if the other land is in the same district, and to the Commissioner, if the other land is in another district and to the State Government if the other land is in another division.

<sup>1</sup> These sections were substituted for the original by Bom. 32 of 1959, s. 5.

<sup>2</sup> This section was inserted by Mah. 45 of 1965, s. 11.

(2) On receipt of the reference, the Collector or the Commissioner or as the case may be, the State Government shall,—

(a) call for the details of the land in the prescribed form from the Tribunal within whose jurisdiction the land is situate;

(b) after taking into consideration the extent of land held by the tenant situate within the jurisdiction of different Tribunals, direct that the proceedings under sections 38, 38A, 38B, 38E, 38F, 38G or 38H in respect of all the lands held by the tenant as tenant shall be conducted and disposed of by the Tribunal designated for the purpose, and transfer the case accordingly; and

(c) give intimation of the transfer to the Tribunal, the landholders and the tenant concerned.

(3) The Tribunal designated under sub-section (2) shall exercise jurisdiction under this Act in respect of all the said lands :

Provided that, any order to be issued to the village officers under section 94 shall be issued by or through the Tahsildar to whom such officers are subordinate].

<sup>1</sup>[<sup>2</sup>[89D.] (1) For the purpose of an inquiry under sub-section (3A) of section 32, the Collector shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit, namely :—

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1908.

(a) proof of facts by affidavits;

(b) summoning and enforcing attendance of any person and examining him on oath; and

(c) compelling the production of documents.

Power of  
Collector in  
inquiries  
under sub-  
section  
(3A) of  
section 32;  
provisions  
as respects  
revision  
and  
execution  
of orders.

(2) The order of the Collector under sub-section (3A) of section 32 shall, subject to revision under sub-section (3) be final.

(3) The State Government may, *suo motu* or on an application from any person interested in the land, call for the record of any such inquiry for the purpose of satisfying itself as to the legality or propriety of the order passed by the Collector and pass such order thereon as it deems fit :

Provided that no such order shall be modified, annulled or reversed unless an opportunity has been given to the interested parties to appear and to be heard.

<sup>1</sup> This section was inserted by Mah. 39 of 1964, s. 2, Sch.

<sup>2</sup> 89C was renumbered as 89D by Mah. 11 of 1976, s. 3, Second Sch.



(4) Every such order of the Collector or the State Government in revision awarding possession of any land shall be executed by the Tahsildar in the manner provided in section 21 of the Mamlatdar Courts Act, 1906, as if it was the decision of the Tahsildar under that Act.

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of 1906.

(5) An order or decision of Tahsildar in execution proceedings conducted under sub-section (4), subject to appeal (if any) to the Collector, shall be final].

Appeals  
and  
revisions.

<sup>1</sup>[90. (1) From every order other than interim order passed by the Tahsildar <sup>2\*</sup> or the Tribunal under this Act, an appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final.

(2) From every original order other than an interim order passed by the Collector an appeal shall lie to <sup>3</sup>[the \* \* \* Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in that Act and the order of the Bombay Revenue Tribunal] on such appeal shall be final.

Bom. II  
of  
1939.

<sup>4\*</sup> (3) There shall be no appeal from any interim order passed by the Tahsildar <sup>5\*</sup> or Tribunal or Collector in any case, but an application for revision on the grounds mentioned in section 91 shall lie from an interim order passed by the Tahsildar <sup>5\*</sup> to the Collector.

<sup>6</sup>[(3A) Save as otherwise provided in this Act, the provisions of Chapter XI of the Land Revenue Act shall apply to the appeals to the Collector under this Act as if the Collector were the immediate superior of the Tahsildar or the Tribunal. The Collector in appeal shall have power to award costs].

<sup>7</sup>[(4) In deciding appeals under sub-section (2), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908].

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Powers of  
Collector to  
transfer and  
withdraw  
appeals.

<sup>8</sup>[90A. The Collector may, after due notice to the parties, by order in writing,—

(a) transfer any appeal pending before him or before any Assistant or Deputy Collector subordinate to him to any Assistant or Deputy Collector specified in such order, performing the duties and exercising the power of a Collector and upon such transfer the Assistant Collector or the Deputy Collector, as the case may be, shall have power to hear and decide the appeal as if it was originally filed to him; or

(b) withdraw any appeal pending before any Assistant or Deputy Collector and himself hear and decide the same].

<sup>1</sup> Added by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> The words “or Deputy Collector” were deleted by Mah. 32 of 1958, s. 34 (1).

<sup>3</sup> These words and figures were substituted for the words “the Board of Revenue and the order of the Board of Revenue”, by Mah. 32 of 1958, s. 34 (2).

<sup>4</sup> The words “or Deputy Collector” were deleted by Mah. 32 of 1958, s. 34 (1).

<sup>5</sup> The words “or Deputy Collector” were deleted by Mah. 32 of 1958, s. 34 (1).

\* See sub-section (2) of section 21 of Bom. 31 of 1958.

<sup>6</sup> This sub-section was inserted by Bom. 32 of 1959, s. 6.

<sup>7</sup> This sub-section was inserted by Act No. III of 1954, s. 34 (3).

<sup>8</sup> This section was substituted for the original by Bom. 32 of 1959, s. 7.

<sup>1</sup>[90B. (1) Where no appeal has been filed within the period provided for it, the Collector may, *suo motu* or on a reference made in this behalf by the <sup>2</sup>[Commissioner] or the State Government, at any time,—

Revisional powers of Collector.

(a) call for the record of any inquiry or the proceedings of any Tahsildar or Tribunal for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of such Tahsildar or Tribunal, as the case may be, and

(b) pass such order thereon as he deems fit :

<sup>3</sup>[Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Tahsildar or Tribunal shall be modified, annulled or reversed unless an opportunity has been given to the interested parties to appear and to be heard].

(2) Where any order under section 53C is made by an Assistant or Deputy Collector performing the duties or exercising the powers of the Collector or by an officer specially empowered by the State Government to perform the functions of the Collector under this Act, such order shall be subject to revision by the Collector and the provisions of sub-section (1) shall apply to the proceedings of the Assistant or Deputy Collector or officer concerned, as they apply to the proceedings of a Tahsildar or Tribunal.

Bom. XII of  
1939.

91. (1) Notwithstanding anything contained in the \*Bombay Revenue Tribunal Act, 1939, an application for revision may be made to the \*£Bombay Revenue Tribunal constituted under the said Act against any order passed on appeal or under section 90B by the Collector on the following grounds only :—

Revision.

(a) that the order of the Collector was contrary to law :

(b) that the Collector failed to determine some material issue of law; or

(c) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(2) In deciding applications under this section the \*£Bombay Revenue Tribunal shall follow the procedure which may be prescribed by rules made by the State Government under this Act after consultation with the \*£Bombay Revenue Tribunal].

<sup>1</sup> Sections 90B and 91 were substituted for the original section 91 by Bom. 32 of 1958, s. 35.

<sup>2</sup> This word was substituted for the words "Chief Controlling Authority" by Mah. 28 of 1960, s. 13.

<sup>3</sup> This proviso was substituted by Bom. 32 of 1959, s. 8.

\* See sub-section (2) of section 21 of Bom. 31 of 1958.

<sup>s</sup> See now, the Maharashtra Revenue Tribunal Constituted under the Maharashtra Land Revenue Code, 1966 (Mah. 41 of 1966).

*Hyderabad Tenancy and Agricultural  
Lands Act, 1950*

[1950 : Hyd. Act XXI

Powers exercisable on appeal or revision.

**92.** As authority exercising Appellate or revisional jurisdiction under this Act shall pass such order consistent with this Act, whether by way of confirmation, recession or modification of the order under appeal or revision as appears to it to be just. <sup>1</sup>\* \* \* \*

Limitation.

**93.** Every appeal and every application for revision under this Act, shall be filed within sixty days from the date of the order against which the appeal or application is filed and the provisions of the <sup>2</sup>\*[Indian Limitation Act, 1908] shall apply for the purposes of the computation of the said period.

Execution of orders.

**94.** When an original, appellate or revisional order under this Act involves the payment of money by any person, the money shall be recoverable from such person as if it was an arrear of land revenue and where such order involves the putting of any person in possession of land it shall be executed <sup>3</sup>[in the manner provided in section 21 of the Mamlatdar's Courts Act, 1906, as if it were a decision of Tahsildar under the said Act :

Bom. II of 1906.

Provided that such order shall not be executed till the expiry of the period of appeal or as the case may be, of application for revision as provided in section 93].

Court fees.

**95.** Notwithstanding anything contained in the Hyderabad Court Fees Act (VI of 1324-F) every original application, every appeal and every application for revision filed under this Act shall bear a court-fee stamp of such value as may be prescribed :

<sup>4</sup>[Provided that, the State Government may by order published in the *Official Gazette*, remit whether prospectively or retrospectively, in the whole or any part of the State, the court fee so payable on any application or appeal made by any person or class of persons].

Inquiries and proceedings to be judicial proceedings.

<sup>5</sup>[**95A.** All inquiries and proceedings before the Tahsildar, the Tribunal, the Collector and the \*<sup>£</sup>Bombay Revenue Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

**95B.** 6\* \* \* \* \*

<sup>1</sup> The words, brackets and figures "and shall have the powers conferred on the original authority by sub-section (2) of section 89" were deleted by Bom. 32 of 1959, s. 9.

<sup>2</sup> Amended by Act No. III of 1954, published in Gazette, Extraordinary No. (29), dated 4th February 1954.

\* See now the Limitation Act, 1963.

<sup>3</sup> These words were substituted for the words "in the prescribed manner" by Bom. 32 of 1959, s. 10.

<sup>4</sup> This proviso was added by Mah. 45 of 1965, s. 12.

<sup>5</sup> Sections 95A and 95B were inserted by Bom. 32 of 1958, s. 36.

£ See now the Maharashtra Revenue Tribunal Constituted under the Maharashtra Land Revenue Code, 1966 (Mah. 41 of 1966).

<sup>6</sup> Section 95B was deleted by Mah. 45 of 1961, s. 8.

## CHAPTER X

## OFFENCES AND PENALTIES

Offences  
and  
penalties.

**96.** (1) Whoever contravenes any provision of any of the sections or sub-sections <sup>1</sup>[or of any order made thereunder] mentioned in the first column of the following table shall, on conviction for such contravention, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

*Explanation.*—The entries in the second column of the said table headed “Subject” are not intended to be definitions of the offences described in the sections or sub-sections <sup>2</sup>[or of orders] mentioned in the first column, or even as abstracts of those sections and sub-sections <sup>3</sup>[or of orders] but are inserted merely as a reference to the subject matter of the section or sub-section <sup>4</sup>[the reference to which is made] in the first column.

Section, sub-section or clause	Subject	Fine which may be imposed <sup>5</sup> [in rupees]
1	2	3
6*           *	*	*
7*           *	*	*
Section 14 (3) ..	Receipt of rent in the form of labour or service ..	1,000
Section 16 ..	Levy of cess, rate, tax or service which has been abolished.	1,000
Section 19 (1) ..	Unlawful termination of tenancy ..	1,000
Section 29 (2) ..	Failure to give written receipt for the amount of rent received.	100
<sup>8</sup> [Section 32 (2) ..	Taking possession of land or dwelling house ..	1,000]
9*           *	*	*

V of 1898. (2) Notwithstanding anything contained in the <sup>10</sup>[\*Code of Criminal Procedure V of 1898] a contravention of provisions of section 14 or section 16 <sup>11</sup>[or sub-section (2) of section 29 or sub-section (2) of section 32] shall be a cognisable offence.

<sup>1</sup> These words were inserted by Mah. 28 of 1960, s. 14 (a).

<sup>2</sup> These words were inserted, by Mah. 28 of 1960, s. 14 (b) (i).

<sup>3</sup> These words were inserted by Mah. 28 of 1960, s. 14 (b) (i).

<sup>4</sup> These words were substituted for the words “the members of which are given”, by Mah. 28 of 1960, s. 14 (b) (ii).

<sup>5</sup> These words were added by Mah. 28 of 1960, s. 14 (c) (i).

<sup>6</sup> These entries relating to sections 6 and 8 were deleted by Bom. 32 of 1958, s. 37 (1).

<sup>7</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>8</sup> Amended by Act No. XIII of 1951, published in *Gazette*, Extraordinary No. (18), dated 31st March 1951.

<sup>9</sup> Entries relating to sections 50D and 50F were deleted by Mah. 41 of 1966, s. 334, Sch. K.

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

<sup>10</sup> Amended by Act III of 1954, published in *Gazette*, Extraordinary No. (29) dated 4th February 1954.

<sup>11</sup> These words, brackets, figures were inserted by Bom. 32 of 1958, s. 37 (2).

General  
provision  
as to  
penalties.

<sup>1</sup>[96A. <sup>2</sup>[(1)] Whoever contravenes any provision of this Act for which no penalty has been otherwise provided therein shall be punishable with fine not exceeding Rs. 500].

<sup>3</sup>[(2) Nothing in sub-section (1) shall apply to a contravention to which the provisions of sections 98A, 98B, 98C or 98D apply].

## CHAPTER XI

### MISCELLANEOUS.

Rules. **97.** (1) Government may by notification in the <sup>4</sup>[*Official Gazette*] make rules for carrying out the purposes of this Act.

5 \* \* \* \* \*

<sup>6</sup>[(3) In making a rule under this Act the Government may provide that its contravention shall be punishable with fine not exceeding Rs. 500].

<sup>7</sup>[(4) Rules made under this section shall be subject to the condition of previous publication].

(5) All rules made under this section shall be laid before each House of the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following, and publish in the *Official Gazette*.

Summary  
eviction.

**98.** Any person unauthorisedly occupying or wrongfully in possession of any land—

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

(b) the management of which has been assumed under the said provisions, or

(c) to the use and occupation of which he is not entitled under the said provisions, may, if the said provisions do not provide for the eviction of such person, be summarily evicted by the Collector.

<sup>1</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> Section 96A was renumbered as sub-section (1) of that section and sub-section (2) was inserted by Bom. 32 of 1958, s. 38.

<sup>3</sup> Section 96A was renumbered as sub-sections (1) of that section and sub-section (2) was inserted by Bom. 32 of 1958, s. 38.

<sup>4</sup> These words were substituted for the word "Jarida" by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>5</sup> Sub-section (2) was deleted by Bom. 20 of 1960, Second Schedule.

<sup>6</sup> Added by Act No. III of 1956, published in *Gazette*, Extraordinary No. (29), dated 12th March 1956.

<sup>7</sup> This sub-section was added by Mah. 28 of 1960, s. 15 (b).

<sup>1</sup>[98A. (1) A permanent alienation or transfer of any land in contravention of any of the provisions of <sup>2</sup>[section 38D or of] Chapter V as it stood before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957 (hereinafter referred to as “the Amending Act, 1957”)—

Validation of alienations, etc., made before the 1st day of December 1957.

(a) if made on or after the 10th day of June, 1950, but before the 26th day of January 1956, shall not be declared to be invalid merely on the ground of such contravention if the alienee or transferee pays <sup>3</sup>[to the State Government a penalty of five rupees];

(b) if made on or after the 26th day of January 1956, but before the 1st day of December 1957, shall not be declared to be invalid merely on the ground of such contravention if the alienee or transferee pays to the State Government a penalty equal to one per cent. of the consideration or Rs. 100 whichever is less :

<sup>4</sup>[Provided that, if any such alienation or transfer has been made in favour of a tenant in actual possession, the penalty shall be one rupee only :

Provided further that, if any, permanent alienation or transfer is made in favour of any person other than the tenant who was in actual possession and such alienation or transfer is made either after the unlawful eviction of such tenant, or the alienation or transfer results in the eviction of such tenant, then the alienation or transfer shall not be validated as aforesaid, but if the tenant so evicted has failed to apply for restoration to possession of the land under section 32 within the period therein provided the alienation or transfer may be validated as aforesaid].

(2) On payment of such penalty, the Tahsildar shall issue a certificate to the alienee or transferee that such transfer is not invalid.

(3) Where the alienee or transferee fails to pay the penalty referred to in sub-section (1) within such period as may be prescribed, the transfer shall be declared invalid by the Tahsildar and thereupon the provisions of sub-sections (3) to (5) of section 98C shall apply.

(4) The validation of any permanent alienation or transfer under this section shall not affect the right accrued to any person under section 37A or section 38E <sup>5</sup>[or section 38F].

(5) The validation of the permanent alienation or transfer of any land under this section shall not preclude the assumption of management of such land by Government under section 53C.

<sup>1</sup> Sections 98A, 98B, 98C and 98D were inserted by Bom. 32 of 1958, s. 39.

<sup>2</sup> These words, figures and letters were inserted by Mah. 28 of 1960, s. 16 (a).

<sup>3</sup> These words were substituted for the portion beginning with the words “to the State Government penalty” and ending with the words “in any other case” and shall be deemed to have been substituted on the 8th day of June 1958, by Mah. 28 of 1960, s. 16 (b).

<sup>4</sup> These provisions were inserted and shall be deemed to have been inserted on the 8th day of June 1958 by Mah. 28 of 1960, s. 16 (c).

<sup>5</sup> These words, figures and letters were added and were deemed to have been added and to have come into force on 8th day of June 1958 by Mah. 45 of 1965, s. 13.

(6) Nothing in the foregoing provisions of this section shall apply to a permanent alienation or transfer which has been validated in accordance with the provisions of the first proviso to sub-section (1) of section 47.

Certain alienation, etc. made between 1st December 1957 and the commencement of the Amending Act, 1957, invalid.

**98B.** (1) Where in respect of any permanent alienation, transfer or acquisition of any land made on or after the 1st day of December 1957, but before the commencement of the Amending Act, 1957, the Tahsildar, *suo motu* or on the application of any person interested in such land has reason to believe that such alienation or transfer or acquisition—

(a) was in contravention of any of the provisions of Chapter V as it stood before the commencement of the Amending Act, 1957, or

(b) is inconsistent with any of the provisions of this Act as amended by the Amending Act, 1957, the Tahsildar shall issue a notice in the prescribed form to the transferor; the transferee or the person acquiring such land, as the case may be, to show cause as to why the alienation, transfer or acquisition, should not be declared to be invalid and shall hold an inquiry and decide whether the alienation, transfer, or acquisition is or is not invalid.

(2) If after holding such inquiry the Tahsildar declares the alienation, transfer or acquisition to be invalid, he shall direct that the land shall be restored to the person from whom it was acquired, and the amount of consideration paid, if any, shall be recovered as arrears of land revenue from the transferor and paid to the transferee and until the amount is so fully paid, the said amount shall be a charge on the land :

Provided that, where the alienation, transfer or acquisition was in favour of the tenant in possession of the land, such alienation, transfer or acquisition shall not be declared to be invalid if the tenant pays to the State Government a penalty of Rs. 1.

(3) If the person to whom the land is directed to be restored refuses to take possession of the land, the Tahsildar shall declare it to be surplus land.

(4) The amount of recurring compensation or reasonable price realised in respect of land declared as surplus land under sub-section (3) shall be payable to the <sup>1</sup>[transferor].

(5) If the transferee refuses to accept the amount paid to him under sub-section (2) <sup>2</sup>[or the transferor refuses to accept the amount paid to him under sub-section (4)].

**98C.** (1) Where in respect of the permanent alienation, transfer or acquisition of any land made on or after the commencement of the Amending Act, 1957, the Tahsildar *suo motu* or on the application of any person interested in such land has reason to believe that such alienation, transfer or acquisition is or becomes invalid under any of the provisions of the Act, the Tahsildar shall issue a notice and hold inquiry as provided for in section 98-B and decide whether the alienation, transfer or acquisition is or is not invalid.

Disposal of  
land  
alienation  
of which is  
invalid.

(2) If, after holding such inquiry, the Tahsildar comes to the conclusion that the alienation, transfer or acquisition of land is invalid, he shall make an order declaring the alienation, transfer or acquisition to be invalid :

<sup>3</sup>[Provided that, where the alienation or transfer of land was made by the landholder to the tenant in possession of the land and the area of the land so alienated or transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed three family holdings, the Tahsildar shall not declare such alienation or transfer to be invalid if—

(i) the price of the land received by the landholder does not exceed the reasonable price thereof under section 50C and the alienee or transferee pays to the State Government a penalty of one rupee within such period not exceeding three months as the Tahsildar may fix, or

(ii) the price of the land received by the landholder exceeds the reasonable price thereof under section 50C and the alienor or transferor as well as the alienee or transferee pays to the State Government each a penalty equal to one-tenth of the reasonable price within such period as the Tahsildar may fix].

(3) On the declaration made by the Tahsildar under sub-section (2)—

(a) the land shall be deemed to vest in the State Government free from all encumbrances lawfully subsisting thereon on the date of such vesting and shall be disposed of in the manner provided in sub-section (4); the encumbrances shall be paid out of the occupancy price in the prescribed manner, but the right of the holder of such encumbrances to proceed against the person liable, for the enforcement of his right in any other manner, shall not be affected;

<sup>1</sup> This word was substituted for the word “transferee” by Bom. 32 of 1959, s. 11 (1).

<sup>2</sup> These words, brackets and figures were substituted for the word, brackets and figure, “or (4)”, by Bom. 32 of 1959., s. 11 (2).

<sup>3</sup> This proviso was added, by Bom. 32 of 1959, s. 12 (1).



(b) the amount which was received by the alienor or transferor as the price of the land shall be deemed to have been forfeited to the State Government and it shall be recovered as arrears of land revenue;

(c) the Tahsildar shall in accordance with the provisions of section 50-C determine the reasonable price of the land.

(4) After determining the reasonable price, the Tahsildar shall dispose of the land by sale on payment of occupancy price equal to the reasonable price determined under sub-section (3) in the prescribed manner in the following order of priority :—

(i) the tenant in actual possession of the land,

(ii) the persons or bodies in the order given in section 53-E :

<sup>1</sup>[Provided that, where the alienation or transfer of land was made by the landholder to the tenant in possession of the land and the area of the land so alienated or transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed three family holdings, then—

(a) if the price of the land received by the alienor or transferor does not exceed the reasonable price, the amount forfeited under sub-section (3) shall be returned to the alienor or transferor and the land restored to the alienee or transferee on payment to the State Government of a penalty of one rupee; and

(b) if the price of the land received by the alienor or transferor exceeds the reasonable price, the Tahsildar shall grant the land to the alienee or transferee on payment of price equal to one-tenth of the reasonable price and out of the amount forfeited under sub-section (3), the alienor or transferor shall be paid back an amount equal to nine-tenths of the reasonable price].

(5) The amount of occupancy price realised under sub-section (4) shall subject to the payment as aforesaid of any encumbrances subsisting on the land be credited to the State Government :

Provided that, where the acquisition of any excess land was on account of gift or bequest, the amount of the occupancy price realised under sub-section (4) in respect of such land shall, subject to the payment of encumbrances, subsisting thereon be paid to the donee or legatee in whose possession the land had passed on account of such acquisition.

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<sup>1</sup> This proviso was substituted by Bom. 32 of 1959, s. 12 (2).

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Lands Act, 1950*

<sup>1</sup>[(6) Notwithstanding anything contained in sub-sections (1) to (5), the alienation, transfer or acquisition of any land shall not be declared invalid by the Tahsildar, if,—

Mah. XX  
of 2016.

(i) the proceedings under sub-section (1), in respect of alienation, transfer or acquisition of such land are initiated after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (hereinafter in this sub-section referred to as “the commencement date”), or had been initiated before the commencement date, but no order under sub-section (2) had been made on or before the commencement date; and

Mah.  
XXVII of  
1961.

(ii) the area of such land including other land, if any, held by the transferee, who is an agriculturist, is not in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; and

(iii) the land so alienated, transferred or acquired,—

(a) is being used only for the agricultural purposes and the transferee (other than tenant) pays an amount equal to fifty per cent of the market value of such land as per the Annual Statement of Rates; or

(b) is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent of the market value of such land as per the Annual Statement of Rates.

*Explanation.*—For the purposes of this sub-section, the term “Annual Statement of Rates” means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (a) or (b), as the case may be, of this clause].

Mah.  
XLV  
of  
1965.

<sup>2</sup>[**98C-1.** (1) Notwithstanding anything contained in sections 98A, 98B or 98C, a permanent alienation, transfer or acquisition of any land in contravention of section 38D or any of the provisions of Chapter V as they stood immediately before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1965 made before the 9th day of July 1965 and which has not already been validated under section 98A, 98B or 98C before such date, shall not be deemed or declared to be invalid merely on the ground that such permanent alienation, transfer or acquisition was made in contravention of the said section 38D or Chapter V if the purported alienee is in possession of the land and he pays to the State Government a penalty equal to 1 per cent. of the consideration or Rs. 100 whichever is less.

Certain  
alienations,  
etc; of land  
made  
before 9th  
July 1965  
not to be  
invalid.

<sup>1</sup> Sub-section (6) was added by Mah. XX of 2016, s. 4.

<sup>2</sup> Sections 98C-1 and 98C-2 were inserted by Mah. 45 of 1965, s. 14.

(2) Nothing in sub-section (1) shall apply to a permanent alienation or transfer made by a landholder in favour of a person other than a tenant in actual possession where such permanent alienation or transfer is made either after unlawful eviction of such tenant or results in the eviction of the tenant in actual possession, unless such tenant has failed to apply for possession of the land under sub-section (1) of section 32 within the period referred to in that section .

(3) The validation of any permanent alienation or transfer of any land under this section shall not affect the right accrued to any person under sections 37A, 38E, 38F or 38G.

Disposal of  
land,  
permanent  
alienation,  
lease or  
mortgage of  
which is  
invalid for  
breach of  
conditions.

**98C-2.** (1) Where the Collector *suo motu*, or on an application made to him in this behalf has reason to believe, that there has been a breach of any of the conditions subject to which permission for permanent alienation or lease or mortgage was granted under section 47, he shall issue a notice and hold an inquiry and after giving an opportunity of being heard to the person in whose favour any such transfer was made, decide whether there has been any breach of condition of such transfer and on his holding in the affirmative, make an order declaring any such transfer to be invalid unless he holds that the breach was occasioned for reasons beyond the control of such person.

(2) On making an order under sub-section (1), the land shall stand forfeited and transferred to, and shall vest without further assurance, in the State Government.

(3) The land vesting in the State Government under sub-section (2) shall be disposed of by the Collector to persons or bodies in the order given in section 48 or in such other manner as the State Government may, by general or special order, direct and the encumbrance lawfully subsisting thereon on the date of the vesting shall be determined in the manner provided in section 38A-1 and be paid out of the occupancy price in the manner provided in sub-section (4).

(4) (a) If the total amount of encumbrances lawfully subsisting on the land on the date of vesting referred to in sub-section (3) is less than the purchase price of the land—

(i) where the purchase price is paid in lump sum, it shall be deducted from the purchase price and balance paid to the landholder;

(ii) where the purchase price is made payable in instalments, the Tribunal shall deduct such amount from such instalments towards the payment of the encumbrances :

Provided that, where under any agreement, award, decree or order of a court or any law, the amount of the encumbrances is recoverable in instalments, the Tribunal shall deduct such amount as it deems reasonable from the instalments so payable.

(b) If the total amount of such encumbrances is more than the amount of the purchase price, the purchase price in lump sum or the instalments, as the case may be, shall be distributed in the order of priority. If any person has a right to receive maintenance or alimony from the profits of the land, the Tribunal shall make deductions of payments out of the purchase price.

<sup>1</sup>[(4A) Notwithstanding anything contained in sub-section (1) to (4), the transfer of land shall not be declared invalid by the Collector, where the transferee fulfills the requirements under sub-section (1) of section 47, and if,—

Mah. XX  
of 2016.

(i) the proceedings under sub-section (1), are initiated, after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (hereinafter in this sub-section referred to as “the commencement date”) or such proceedings had been initiated prior to the commencement date, but no order under the said sub-section (1) had been made on or before such commencement date, for breach of any conditions, subject to which permission for permanent alienation, lease or mortgage such land was granted under section 47; and

(ii) (a) the land so transferred is being used for agricultural purposes only and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates; or

(b) the land so transferred is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

*Explanation.*—For the purposes of this sub-section, the term “Annual Statement of Rates” means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (a) or (b), as the case may be, of this clause].

(5) Nothing in this section shall affect the rights of the holder of any such encumbrances to proceed to enforce against the ‘landholder’ his right in any other manner or any other law for the time being in force.

**98-D.** (1) Where any land has become liable to be disposed of under section 98-C and the Tahasildar considers that such disposal is likely to take time and that with a view to preventing the land remaining uncultivated, it is necessary to take such a step, he may lease the land for cultivation to any agriculturist who has under personal cultivation land less than two family holdings, subject to the following conditions :—

Temporary leases of land liable to be disposed of under section 98-C.

(i) the lease shall be for a period of one year;

<sup>1</sup> Sub-section (4A) was added by Mah. 20 of 2016, s. 5.

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Lands Act, 1950*

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(ii) the lessee shall pay rent as determined in accordance with the provisions of section 11 and sub-section (3) of section 17;

(iii) the lessee shall be liable to pay land revenue and other cesses;

(iv) if the lessee fails to vacate the land on the expiry of the term of the lease he shall be liable to be summarily evicted by the Tahsildar.

(2) The person holding land or lease under sub-section (1) shall not be deemed to be a tenant within the meaning of this Act.

(3) The amount of rent realised under sub-section (1) shall be forfeited to Government].

Bar of  
Jurisdiction.

**99.** (1) <sup>1</sup>[Save as provided in this Act] no Civil Court shall have jurisdiction to settle, decide or deal with any question <sup>2</sup>[including a question whether a person is or was at any time in the past a tenant or protected tenant and whether any such tenant or protected tenant is or should be deemed to be the full owner of the lands] which is by or under this Act required to be settled, decided or dealt with by the Tahsildar, Tribunal or Collector or by the <sup>3</sup>[Commissioner] or Government.

(2) No order of the Tahsildar, Tribunal or Collector or of the <sup>3</sup>[Commissioner] or Government made under this Act, shall be questioned in any Civil or Criminal Court.

Suits  
involving  
issues  
required to  
be decided  
under this  
Act.

<sup>4</sup>**99A.** (1) If any suit instituted in any Civil Court, involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as the “competent authority”) the Civil Court shall stay the suit and refer such issues to such competent authority for determination.

(2) On receipt of such reference from the Civil Court the competent authority shall deal with and decide such issues in accordance with the provisions of this Act and shall communicate its decision to the Civil Court and such Court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

*Explanation.*—For the purpose of this section a Civil Court shall include a Mamlatdar’s Court constituted under the Mamlatdar’s Courts Act, 1906].

Bom. II  
of 1906.

<sup>1</sup> Amended by Act No. III of 1954, published in *Gazette*, Extraordinary No. (29), dated 4th February 1954.

<sup>2</sup> This portion was deemed always to have been inserted by Mah. 49 of 1969, s. 2. Sch.

<sup>3</sup> This word was substituted for the words “Board of Revenue” by Mah. 28 of 1960, s. 17.

<sup>4</sup> This section was inserted by Bom. 32 of 1958, s. 40.

1950 : Hyd. Act XXI]

*Hyderabad Tenancy and Agricultural  
Lands Act, 1950*

**100.** Government shall have the same authority and control over Tahsildars, Collectors and the <sup>1</sup>[Commissioners] acting under this Act as they have and exercise over them in the general land revenue administration. Control.

<sup>2</sup>[**100A.** The Government may by notification in the <sup>3</sup>[*Official Gazette*] delegate to <sup>4</sup>[any officer not below the rank of an Assistant or Deputy Collector] all or any of power conferred on Government by or under this Act subject to such conditions as may be specified in the notification]. Delegations of powers to the Board of Revenue.

**101.** No suit or other proceeding shall lie against any person in respect of any thing which is in good faith done or intended to be done under this Act. Indemnity.

<sup>5</sup>[**102.** (1) Save as provided in this section, nothing in Chapters IV-A and IV-B shall apply to lands taken under management—

6\*                    \*                    \*                    \*                    \*

(ii) of the Courts of Wards,

(iii) of a Government Officer appointed in his official capacity as a guardian under the Guardians and Wards Act, 1890, or

(iv) temporarily by civil, revenue or criminal courts by themselves or through receivers appointed by them till the decision of the title of the rightful holders;

Certain provisions of the Act not to apply to lands taken under management under Chapter VI or of the Court of Wards, etc.

VIII  
of 1890.

And nothing in this Act shall affect the power vested in the Court of Wards, such Government Officer or court or receiver as respects the recovery of dues under any law including the law under which such land is taken under management and the manner of recovery provided in such law.

<sup>1</sup> This word was substituted for the words “Board of Revenue” by Mah. 28 of 1960, s. 17.

<sup>2</sup> Amended by Act No. XXLI of 1951, published in *Gazette*, Extraordinary No. (32), dated 30th June 1951.

<sup>3</sup> These words were substituted for the word “Jarida” by the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1958.

<sup>4</sup> These words were substituted for the words “the Board of Revenue” by Bom. 32 of 1958, s. 41.

<sup>5</sup> Sections 102, 102A and 102B were substituted for the original section 102 by Bom. 32 of 1958, s. 42.

<sup>6</sup> Clause (i) was deleted by Bom. 32 of 1959, s. 13 (i).

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(2) If on the date of the release of any land from such management any tenancy subsist in respect of such land, <sup>1</sup>[and if the management had been assumed before the landholder could exercise the right to terminate the tenancy under section 44 then] the landholder shall be entitled to terminate such tenancy under section 44 by giving three months notice within one year from such date; and the tenant <sup>2</sup>\* \* \* \* shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the landholder was entitled to terminate the tenancy as aforesaid.

Certain lands exempted from the operation of the Act and conditions of exemption, etc.

**102A.** Nothing in the foregoing provisions of this Act shall apply—

(a) to lands leased or held by the Government, a local authority, a co-operative society or a university established by law in the State;

(b) to lands leased to, or held by, any industrial or commercial undertaking (other than a co-operative society) which in the opinion of State Government *bona fide* carries on any industrial or commercial operations and which is approved by the State Government;

(c) to service inam lands;

(d) to lands transferred to or by a Bhoodan Samiti recognised by the State Government in this behalf;

(e) to lands which are the property of a trust for an educational purpose, hospital, Panjarpol, Gaushala or an institution for public religious worship provided the entire income of such lands is appropriated for the purpose of such trust;

(f) to area which Government may, from time to time by notification in the *Official Gazette*, specify as being reserved for non-agricultural; or industrial development.

*Explanation.*—For the purposes of clause (e), a certificate granted by the Collector, after holding an inquiry, that the conditions mentioned in the clause are satisfied by a trust, shall be conclusive evidence in that behalf.

Power of Government to withdraw exemption.

**102B.** (1) Notwithstanding anything contained in section 102A, if the State Government is satisfied—

(i) that the lands transferred by Bhoodan Samiti are not cultivated personally by the transferee or are alienated by them;

(ii) in the case of land referred to in clause (e) of section 102A that the trust is unable to look after the property or has mismanaged it or that there are disputes between the trust and the tenants; and

<sup>1</sup> These words and figures were inserted by Bom. 32 of 1959, s. 13 (2) (i).

<sup>2</sup> The words, figures and letters “if he has not already exercised the right of purchase under section 53-F” were deleted, by Bom. 32 of 1959, s. 13 (2) (ii).

(iii) in the case of an area referred to in clause (f) of section 102A that the chances of non-agricultural or industrial development are remote or that after the eviction of tenants from any land in such area, the land has not been used for non-agricultural or industrial purpose, the State Government may by order published in the prescribed manner direct that with effect from such date as may be specified in the order such land or area, as the case may be, shall cease to be exempted from all or any of the provisions of this Act from which it was exempted under any of the sections aforesaid and any certificate granted under the Explanation to section 102A shall stand revoked.

(2) Where any such land or area ceases to be so exempted, then in the case of a tenancy subsisting on such date in respect of any such land, the landholder shall be entitled to terminate such tenancy under section 44 by giving the tenant a three months' notice within one year from such date and the tenant shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the landholder is entitled to terminate the tenancy under section 44].

<sup>1</sup>[102C. (I) The foregoing provisions of this Act except those of Chapter VI and of sections 95-B, 96-A, 97, 98, 99, 100, 100-A and 101 shall not apply—

(i) to lands, the management of which is assumed under section 51, and

(ii) to surplus lands, the management of which is assumed under section 53-C or 53-H,

Certain provisions of the Act not to apply to lands taken under management.

So long as such management continues.

(2) On the termination of the management of any such land or surplus land the foregoing provisions of this Act shall apply thereto subject to the following modifications, namely :—

(a) if on the date of the termination of the management, any land referred to in clause (i) of sub-section (I) is in the possession of a tenant holding it from the landholder immediately before the assumption of the management, or where such tenant is dead, in the possession of his successor-in-title and if the management had been assumed before the landholder could exercise the right to terminate the tenancy under section 44 then, the landholder shall be entitled to terminate the tenancy under section 44 by giving three months' notice within one year from such date and the tenant shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the landholder was entitled to terminate the tenancy as aforesaid;

<sup>1</sup> This section was inserted by Bom. 32 of 1959, s. 14.



(b) If on the date of the termination of the management of any land referred to in clause (i) of sub-section (1), or of any surplus land referred to in clause (ii) of sub-section (1), such land or as the case may be, such surplus land is in possession of a lessee holding it under a lease granted by the manager, and such lessee has not already exercised the right of purchase under section 53-F, then on the expiry of the period of the lease, the person to whom the possession of such land or surplus land is delivered under section 53, shall be entitled to take possession of it unless the said lessee within a period of three months from the expiry of the lease offers to purchase the land. Such offer shall be made in the manner provided in section 38 and thereupon the provisions of that section shall *mutatis mutandis* apply to such purchase as if the said lessee were a tenant applying under section 38 :

Provided that, where by such purchase the interest of the land holder as well as the interest of the tenant, if any, holding from the landholder is acquired by the lessee, the amount payable to the landholder under section 38 shall be apportioned by the Tribunal between the landholder and the tenant and paid accordingly].

Provisions of Act not to apply in relating to certain leases.

<sup>1</sup>[102-CC. Notwithstanding anything contained in this Act, a person who does not belong to a Scheduled Tribe shall, after the commencement of the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974, not have the right to purchase under this Act the land duly leased to him with the previous sanction of the Collector under the provisions of section 36 or section 36A of the Maharashtra Land Revenue Code, 1966].

Mah.  
XXXV  
of  
1974.

Mah.  
XLI  
of  
1966.

Repeal and savings.

**103.** <sup>2</sup>[(1) The Prevention of Agricultural Land Alienation Act (III of 1349F.) and the Hyderabad Assami Shikimis Act (1 of 1354 F.) are hereby repealed :

Provided that any appointment, rule, order, notification or proclamation made or issued, any lease, right or liability granted, fixed, acquired or incurred and any other thing done under either of the Acts repealed hereby shall, in so far as it is not inconsistent, with the provisions of this Act, be deemed to have been respectively made, issued, granted, fixed, acquired, incurred or done under this Act made, shall continue in force until it is superseded thereunder :

Provided further that the repeal of the said Acts shall not affect—

(a) the previous operation of the Acts repealed hereby or anything done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed;

<sup>1</sup> This section was inserted by Mah. 35 of 1974, s. 9.

<sup>2</sup> Amended by Act No. XIII of 1951, published in *Gazette*, Extraordinary No. (18), dated 31st March 1951.

(d) any investigation, legal proceeding, remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and, any such investigation, legal proceeding or remedy may be instituted, continued or enforced, or any such penalty, forfeiture or punishment may be imposed as if the said Acts, aforesaid had not been repealed.

<sup>1</sup>[(2) Notwithstanding anything contained in the second proviso to sub-section (1), clause (c) of sub-section (2) of section 10 of the Prevention of Agricultural Land Alienation Act (III of 1349F) shall for the purposes of the said proviso have effect as though for the said clause the following clause was substituted, namely :-

“(c) if the amount received by the mortgagee from the mortgagor in case of a simple mortgage or the value of the benefits realised by the mortgagee from the possession of land together with the amounts paid by the mortgagor to the mortgagee in case of an usufructuary mortgage is less than the amount due, the Collector shall, on the mortgagor paying the amounts due in case, terminate the mortgage by an order in writing and if the mortgagee is in possession of the land, he shall place the mortgagor in possession thereof. If the mortgagor fails to pay the amount due, the Collector shall order that the land, if it is already in the possession of the mortgagee shall continue to be in his possession for such period not exceeding 10 years, as may be considered by the Collector reasonable for the payment of the amount due after the expiry of which the land shall be restored to the possession of the mortgagor].

**104.** This Act and any rule, order or notification made or issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II in the Seventh Schedule to the Constitution of India or in any instrument having effect by virtue of any such other enactment.

Act to  
prevail over  
other  
enactments.

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<sup>1</sup> Amended by Act No. XIII of 1951, published in *Gazette*, Extraordinary No. (18), date 31st March 1951.

