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HARYANA GOVERNMENT
REVENUE & DISASTER MANAGEMENT DEPARTMENT

Notification

The 1st April, 2022

No. CFMS-824-R-2022/3185.—

Haryana Land Records Manual

Chapter: 7A

(The Record of Rights – Abadi Deh)

Background Note

The inhabited area of a village i.e. Abadi Deh, within the boundary line of Lal Dora, has remained without recording of rights of the land/home owners and proprietors, preparation of record, or the marking of boundaries by carrying out a map and survey. The right holder enjoys the use and occupation of the land/property during his/her lifetime and on death, this title passes to descendents, and the successor-in-interest of the right holder is entitled to lease, will, mortgage, etc. However, the well-established interest, title and proprietary right have not been recorded in records so far. Resultantly, it is causing hardship in identification of rights and, in administration of village.

Aims and Objectives

The object of this chapter is to identify and prepare the record and records-of-right and resolve the existing rights of the proprietors within the “Abadi Deh” by a process of ascertaining the person entitled to be recorded as proprietor and landowner on best effort basis. The land within the Abadi Deh is to be demarcated and boundaries will be delineated with the measurement of each survey unit. As such, the preparation of the record and records-of-rights would provide the efficient and effective administration of village. It would also provide and upgrade civic services and enhance the value of land by improving the layout and will result in settling the disputes about demarcation of boundaries. The rights would be conveyed further freely without causing hardship and a road map for development of the village will be administered in efficient and effective manner.

Provisions of Law

The Punjab Land Revenue Act, 1887 (hereinafter referred to as Act, 1887) has been enacted with respect to the making and maintenance of annual record and records-of-rights in land. Section 4 of Act, 1887 provides for the applicability of the provisions of Act on the inhabited site of a village (not the villages or posts thereof included and incorporated into municipality or a notified area). Chapter IV of the Act, 1887 provides for the records-of-rights and annual records, including the preparation and making of the records-of-rights. The Punjab Land Record Manual and Settlement Manual provide the procedural and substantive part for carrying out the process of preparation of the records. So, within the existing provisions, the record shall be prepared for the site of a village (not the villages or posts thereof included and incorporated into municipality or a notified area).

Para 7A.1- Applicability of Punjab Land Revenue Act, 1887.

The procedure prescribed under the provisions of Act, 1887 shall be applicable for preparing the records-of-rights on the land falling within the Lal Dora of a village i.e. the inhabited site of village. The State Government is well within its power for imposing any cess in the village, on account of market or fair etc. The preparation of records-of-rights shall only be for the villages beyond the limits of municipality or a notified area.

Para 7A.2- Record-of-rights and documents included therein

The record-of-right for an estate shall include the following documents, namely:

- (a) statement showing, so far as may be practicable:-
 - (i) the persons who are land-owners, tenants or assignees of land within Abadi Deh in the estate or who are entitled to receive any of the rents, profits and to occupy land therein;
 - (ii) the nature and extent of the interests of those persons and the conditions and liabilities attaching thereto;
 - (iii) the rent, rates, cesses or other payments due from and to each of those persons and to the Government.
- (b) a map of the estate;and
- (c) such other documents as the Financial Commissioner may, with the previous sanction of the State Government prescribe.

Para 7A.3- Classes of Revenue Officers

Section 6 of Punjab Land Revenue Act, 1887 provides the following classes of Revenue Officers, namely:

- (a) The Financial Commissioner;
- (b) The Commissioner;
- (c) Collector;
- (d) Assistant Collector 1st Grade; and
- (e) Assistant Collector 2nd Grade;

The notifications empowering the different authorities i.e. Divisional Commissioners, Deputy Commissioners, Sub Divisional Officers (Civil), Tehsildars and Naib Tehsildars, under the provisions of Act, 1887, shall exercise their power of authority notified. The Financial Commissioner Revenue shall exercise the jurisdiction extending to whole of the territories administered by the State Government and the other authorities shall have the jurisdiction in which they are for the time being employed.

Para 7A.4- Certain powers of Civil Court

The preparation and making of the record-of-rights is summarily in nature. Section 136 of Act, 1887 empowers the State Government by an order published in the official Gazette for investing any Revenue Officer making the record-of-rights in pursuance of Notification under Section 32 with all or any of the powers of any Court constituted under Punjab Courts Act, 1918. For the purpose of preparing the record-of-rights within the Abadi Deh the following powers of Civil Court under the Code of Civil Procedure shall be invested with, namely:

- (i) The summoning and enforcing the attendance of any person and examining him;
- (ii) Requiring the discovery and production of documents;
- (iii) Receiving evidence on affidavit;
- (iv) Subject to the provisions of section 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office and
- (v) Issuing commissions for the examination of witnesses or documents.

The notification in this regard in the official Gazette shall be issued separately.

Para 7A.5- Steps in making the record-of-rights

The procedure for making the record-of-rights is well defined in Act, 1887 Chapter IV of Act and Chapter 7 of Punjab Land Records Manual contain the provisions for preparing the record-of-rights. Appendix VIII and VIII of Settlement Manual contain the procedural aspect of complete measurement and the documentation in the standing records. Before commencing the field measurement of any village, it has been prescribed that the correct and complete, Khataunis should be drawn up. For drawing up the genealogical tree (Shajra-masad) of the owners, the reference of jamabandis of the land which were assessable to the revenue may be taken, therefore, the updation of the record available in Tehsil will be handy in ascertaining the persons with best title. The process of the measurements has also been given. Section 107 provides for making a survey and the Government may take help from any professional agency for surveying and mapping of the Abadi Deh with latest available techniques including drone

mapping. The surveying and mapping by Survey of India, in case where it has already been done, shall be considered as a valid document in preparing the record-of-rights. After measurement and numbering of the plots/houses/boundaries etc. in the Abadi deh, and alongwith the preparation of genealogical tree etc, the documents shall be put in a public domain to the proprietors of the village for asking their objections. The objections shall be considered in summary enquiry with brief notes at a level of Revenue Officer and after creating the same, if any, the attestation/authentication at level of the Tehsildar (Revenue Officer) shall be made as provided under the Settlement Manual and Act, 1887.

Para 7A.6- Initiation of the process for making the record-of-rights.

The Commissioner is empowered under Section 32 for making the record-of-rights for an estate where the records-of-rights does not exist. An estate means any area for which a separate record-of-rights is to be made; or which the State Government may, by general rule or special order, declare to be an estate. Under the provisions of Section 3 (1) of Act, 1887, the site of a village i.e. an Abadi deh shall be an estate for making record, recovery and administration of village cesses. The site of the village, which is part of an estate and has already been declared to be an estate by the State Government under the provisions of Act, 1887 and where the records-of-rights for the land falling in Abadi Deh has not been prepared, the Commissioner may initiate the process for making the records-of-rights after issuing the notification under Section 32 of Act, 1887.

Para 7A.7- Constitution of Village Committee

The Assistant Collector 1st Grade shall constitute a Committee for the purpose of identifying and demarcating the boundaries of the 'abadi deh' and the survey units, as also identifying the person best entitled to recorded as proprietor of the survey unit, which may comprise of the following:-

- (a) the Sarpanch of the Gram Panchayat;
- (b) the Lambardar of the village of which the standing record of rights is to be prepared;
- (c) a retired official of the armed forces or Central Armed Police Forces, if available, residing in the 'abadi deh';
- (d) any other public spirited person of the 'abadi deh' of the village;
- (e) a woman of the village concerned; and
- (f) a member of the Schedule Caste and backward class.

Para 7A.8- Survey and Mapping

The Assistant Collector 1st Grade may get a survey conducted and mapping done of the notified area of which the standing record-of-rights within an Abadi Deh is to be prepared to determine the boundary of Abadi deh, define the area and dimensions of each survey unit, and assign a unique survey number to each unit. The map of each estate form part of record-of-rights, as provided under Section 31 (2)(c). Map of the estate is the permanent feature of records-of-right, alongwith the statement showing the persons who are the land owners /tenants or assignees in the estate with nature and extent of interest of those persons. The surveying and mapping by Survey of India, in case where it has already been done, shall be considered as a valid document in preparing the record-of-rights.

Para 7A.9. Measurement

The base unit of measurement for the purposes of this Chapter shall be in meter & centimeter / foot & inch, as the case may be, and the area of the survey unit shall also be mentioned in square yards.

Para 7A.10- Entry upon land, dwelling and habitation areas of survey units for preparation of standing record of rights.

The Patwari, Kanungo, Assistant Collector 1st Grade/2nd Grade and persons authorized for the purpose of demarcation and preparation of the standing record of rights may enter upon: -

- (a) vacant un-inhabited land at any time;
- (b) the dwelling or inhabited units between sunrise and sunset with prior intimation to the occupants.

Para 7A.11- Inquiry by Patwari.

- (1) The Patwari by: -
 - (a) proclamation by beat of drum(munadi) in the village;
 - (b) pasting a notice at conspicuous places in the 'abadi deh' of a revenue estate; and
 - (c) informing the sarpanch of the village panchayat give due intimation and publicity, at least 15 days before, of the date of his visit to the 'abadi deh' area for the purpose of identifying the boundaries, demarcation, taking measurements and numbering of the survey units.

- (2) The Patwari shall for the purpose of survey: -
 - (a) explain the procedure to be followed to the inhabitants in a general gathering;
 - (b) take measurements, demarcate the boundary and record the area of each survey unit on the map prepared and record these in the field book in Annexure 7A(a);
 - (c) number consecutively in serial order the dwelling, habitable and all plots including vacant of the areas of the survey units in the 'abadi deh' in Arabic numerals commencing from number 1;
 - (d) assign numbers to the common areas and building or area which houses an institution under the Central government or the State government;
 - (e) mention the type of the survey unit such as house, street, shop, institutional building, open area, or common area or vacant sites.
- (3) In determining the area, boundary and type of survey unit, the Patwari may take into consideration such documents or writings submitted by a person interested, which show or determine boundary, area or type of the survey unit, and take measurements and prepare the record on its basis.
- (4) The Patwari shall compile and submit the record prepared to the Assistant Collector 1st Grade/2nd Grade, as the case may be, for preparing the standing record-of-rights.

Para 7A.12- Recording of rights of proprietors

The Assistant Collector 1st Grade/2nd Grade with the assistance of the village committee and after hearing the parties interested shall;

- (a) take into consideration such relevant and material document or writing, considered just and proper, submitted by a proprietor or person interested, in support of his claim in the survey unit;
- (b) in case a survey unit is found to be sub-divided, mark the sub-divided part of the survey unit, as may be considered suitable and proper, and record the area of each sub-divided survey unit; and
- (c) proceed to record in a summary manner and publish in Annexure 7A(b) the proposed entries of the proprietors and their proprietary rights in the survey units and sub-divided survey units.

Para 7A.13- Resolution of disputes

- (1) The survey map with demarcation, boundary and area of the survey unit prepared and the record of entries of proprietors in a survey unit prepared in Annexure 7A(b) shall for the purpose of inviting objections, if any, be displayed by the Assistant Collector 1st Grade/2nd Grade, as the case may be, at any one or more of the conspicuous places in the village like *panchayat ghar*, village co-operative society, *patwar khana*, *dharamsala*, community centre or common religious places in the village.
- (2) Copies of the record prepared shall be given to the *Sarpanch* of the village panchayat through an official functionary against receipt.
- (3) The objections, if any, may be filed before the Assistant Collector 1st Grade/2nd Grade in Annexure 7A(c) within a period of 15 days.
- (4) The objections received or filed shall be numbered in serial order in a separate register with the date of its receipt.
- (5) The Assistant Collector 1st Grade/2nd Grade on the expiry of the duration of filing objections, shall certify the number of objections received or filed and shall send a report in this regard to the Collector.
- (6) The Assistant Collector 1st Grade/2nd Grade shall consider the objections, conduct such inquiry as he thinks fit and pass a speaking order in respect of each objection.
- (7) Any correction or amendment made in the area, boundary or dimension of a survey unit while passing an order, shall be incorporated by the Assistant Collector 1st Grade/2nd Grade in red ink in the field book in Annexure 7A(a), as well as ascertain the person best entitled to be recorded as the proprietor in the survey unit

Note: The recording of the proprietary rights of a person in a survey unit shall not be conclusive proof of ownership and shall be subject to corrections and alterations in appeal or revision, as also the rights so determined by a judgment and order of a court of competent jurisdiction.

Para 7A.14- Preparation of record of rights

- (1) In case there is no objection to the entries recorded, the Assistant Collector 1st Grade/2nd Grade shall incorporate them in the record of rights of the survey unit in Annexure 7A(d).
- (2) In case of objections to the entries, the Assistant Collector 1st Grade/2nd Grade after hearing the affected parties and disposing the objections regarding recording of proprietary rights; area, boundary, dimensions or sub-division, if any, shall incorporate them in the record of rights of the survey unit in Annexure 7A(d) in accordance with the decision reached at.

- (3) The heading of the standing record of rights shall contain the hadbast number of the revenue estate by suffixing to it the words, 'abadi deh'.

Para 7A.15- Appeal, Review and Revision

Chapter II of Act, 1887 contains the provisions regarding appeal, review and revision. The aggrieved person may avail the efficacious remedy of appeal, review and revision against the rejection/considering of the objections, recording of proprietary rights. area, boundary, dimensions, sub-Division, etc., which affect the entry recorded in record-of-rights. The period of limitation is well prescribed and defined in Act, 1887.

Para 7A.16-Transfer and consignment of standing record of rights

- (1) After preparation and finalization of the stand record-of-rights of the Abadi deh area, it shall be attested by Assistant Collector 1st Grade/2nd Grade;
- (2) The standing record of rights prepared shall be published;
- (3) The record shall be transferred to the Collector concerned and shall be consigned to record in the district office;
- (4) One set of the record of rights prepared in Annexure 7A(d) shall be maintained with the patwari.
- (5) The provisions of Chapter IV of Act, 1887 after the transfer of record shall apply *mutatis mutandis* to such record.

Para 7A.17-Form for Mutation

The mutation of acquisition of rights in a survey unit by inheritance, succession, purchase, mortgage or otherwise on being reported to the revenue patwari shall be entered in Annexure 7A(e) and mutation number shall commence from serial no.1 in a separate register for each revenue estate. Mutation does not confirm any title and shall not be part of record-of-rights.

Para 7A.18-Presumption in favour of entries in the standing record-of-rights Any entry made in a standing record of rights prepared under this chapter shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor. [Section 44 of Act, 1887].

Para 7A.19- Suit for declaratory decree by persons aggrieved by an entry in a record

If any person considers himself aggrieved as to any right of which he is in possession by an entry in a standing record of rights, he may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1963 (Central Act No.47 of 1963). [Section 45 of Act, 1887].

Para 7A.20-Correction of clerical errors and arithmetical mistakes

Clerical or arithmetical mistakes, errors, accidental slips or omissions in orders or proceedings may, at any time, be corrected by the Collector. The Assistant Collector 1st Grade/2nd Grade, who passed the order or his predecessors in office, either of his own motion or on the application of any party, may correct such errors and before that he shall first obtain the sanction of the Collector to whose control he is subject. An intimation of such correction shall be made to the parties free of any charges and also to the officer concerned for its implementation.

Para 7A.21- Supply of copies

The procedure, as applicable, for inspection of record of cases and issuance of copies of documents in respect of proceedings under the Act, 1887 (Act No. XVII of 1887) shall apply *mutatis mutandis* to proceedings in respect of the standing record of rights prepared under this chapter.

Para 7A.22-Validity of the survey conducted and mapping etc. done till the insertion of this chapter

The survey conducted and the mapping done by an Agency of the Central or the State government for identifying the boundary of an 'abadi deh' and demarcating the units within the 'abadi deh' in accordance with the instructions, directions or orders issued by the Government from time to time shall be deemed to have been valid and no such act or proceeding shall be questioned merely on the ground that it had been carried out before the insertion of this Chapter.

P. K. DAS,
Financial Commissioner Revenue &
Additional Chief Secretary to Government of Haryana,
Revenue and Disaster Management Department.

Annexure 7A(a)**Records of Rights – Abadi Deh (lal dora)****(Field Book)**

Revenue Estate _____, H.B. No. _____ (Abadi Deh), Tehsil _____, District _____.

1	2	3	4	5	6	7	8
Sr. No.	Name of Locality; pana; patti; or taraf	Survey unit Number	Dimensions in Meter & centimeters / Yrard / Foot & inch Boundaries East: West: South: North:	Total Area in Sq. Yards.	Type of Property.*	Demand, with detail of cesses, if any	Remarks / Corrections and amendments, if any, made to columns 2 to 6 in appeal, revision etc. to be recorded in red ink.

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*Type – whether house, shop, institution, common area, path etc.

Note : The survey of the abadi deh depicting the number of the survey unit shall be submitted with this annexure.

Annexure 7A(b)**Records of Rights – Abadi Deh****(Draft record of entries of proprietor's in a survey unit)**

Revenue Estate _____, H.B. No. _____ (Abadi Deh), Tehsil _____, District _____.

1	2	3	4	5	6	7	8	9	10
Sr. No.	Name of Locality; panna;patti; or taraf.	Name of Proprietor / owner with father /grand-father's / husband / husband's father's name and extent of share i.e. owner with description/share	Survey unit/Sub Divided Survey unit No.	Dimensions in Meter & centimeters / Yrard / Foot & inch Boundaries East: West: South: North:	Area in Sq. Yards.	Type of Property.	Details of the persons with possession ; lessee, mortgage, assignee, etc. with details of rent etc.	The demand, with details of cesses, if any	Remarks

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Annexure 7A(c)
Records of Rights – Abadi Deh
(Objections with regard to Survey units)

Revenue Estate _____, H.B. No. _____ (Abadi Deh), Tehsil _____, District _____.

To

The Assistant Collector 1st/2nd Grade
Tehsil _____, District _____.

Subject: - Objections with regard to survey Unit No. _____.

Sir/Madam,

The applicant submits the following objection(s) in relation to (tick one):-

- i. Dimension, measurement, boundary or area;
- ii. Ownership / Proprietary rights; or
- iii. Both the above.
- iv. Any other objection.

Brief description of the objections:

Place:

Date:

(Signature of the applicant/objector)
Name (with ID Proof):
Father's/Husband's Name:
Complete Address:

Annexure 7A(d)**Records of Rights – Abadi Deh****(Final record of rights of the survey units)**

Revenue Estate _____, H.B. No. _____ (Abadi Deh), Tehsil _____, District _____.

1	2	3	4	5	6	7	8
Sr. No.	Name of Locality, if any.	Name of Proprietor / owner with father / grand-father's / husband / husband's father's name and extent of share	Survey unit /Sub Divided Survey unit No.	Dimensions in Meter & centimeters /Yard / Foot & inch Boundaries East: West: South: North:	Area in Sq. Yards.	Type of Property.	Remarks

It is certified that all necessary corrections have been made and entries in the record of rights are complete and correct in all respects.

Assistant Collector 1st/2nd Grade

Place:

Date:

Annexure 7A(e)
Records of Rights – Abadi Deh
(Register of Mutations)

Revenue Estate _____, H.B. No. _____ (Abadi Deh), Tehsil _____, District _____.

1	2	3	4	5	6	7	8	9	10	11	12	13
	Entry in last jamabandi abadi deh, which is proposed to be corrected.				New entry which is proposed to substitute							
Sr. No.	No. of holding as in last jamabandi abadi deh	Owner's name, father's name, grand-father's name / husband's name, husband's father's name, extent of share	Survey unit No.	Area and type (in Meter & centimeters/ Yrard / Foot & inch)	No. of holding in new jamabandi abadi deh	Owner's name, father's name, grand-father's name / husband's name, husband's father's name, extent of share	Survey Unit No.	Area and type (in Meter & centimeters / Yrard / Foot & inch)	Nature and date of transfer, with price in case of sale and amount of mortgage debt in case of mortgage	Mutation fee	Reports and orders.	Details of village cesses, if any