

arising out of the H.P. Ceiling on Land Holdings Act, 1972, or the H.P. Village Common Lands Vesting and Utilisation Act, 1974 and those cases where the land has been allotted under the two schemes namely The Himachal Pradesh Utilization of Surplus Area Scheme and the Himachal Pradesh Village Common Land Vesting and Utilization Scheme. A copy of these schemes should be made available to all Law Officers who are concerned with the defence of the cases arising out of the above two Schemes and they should be instructed to take the plea of jurisdiction in the courts invariably. Where however the courts still entertain in the cases, an appeal should be filed in the next court against this decision until the issue has been finally settled once for all.

4. As regards the cases of allotment of land under the third scheme, namely the Himachal Pradesh Grant of Land to Landless and Other Eligible Persons Scheme, suitable arrangements are being made to strengthen the hands of the authorities concerned in this behalf also.

Please acknowledge receipt.

Yours faithfully,

sd/-

Secretary (Revenue) to the
Government of Himachal Pradesh.

(Copy with 10 spare copies to the Superintendent Incharge, allotment of land to landless and other eligible persons in Revenue Branch-B, for record).

Immediate

No. 9-13/71-Rev.B
Government of Himachal Pradesh
Department of Revenue
Dated Shimla-2, the 24th August, 1987

From

The Deputy Secretary (Revenue)
to the Government of Himachal Pradesh
Shimla-171002.

To

1. The Divisional Commissioner Shimla/Mandi/Dharamshala, H.P.
2. All the Deputy Commissioners in Himachal Pradesh.
3. The Settlement Officer Kangra Division at Dharamshala, Shimla and Kinnaur Districts, Shimla-171006.
4. All the Sub-Divisional Magistrates in Himachal Pradesh.
5. All the Tehsildars, in Himachal Pradesh.

Subject: Nautor Policy

Sir,

I am directed to say that the nautor policy has been under going constant review from time to time at Govt. level and it has been taking shape keeping the various factors in view such as requirements of occasion, demands of the public etc. The major factor which shapes this policy is, however, the availability of the land. As you are aware the Govt. land is squeezing with a terrific speed and a stage has now come where we should consider all pros and cons involved in this matter.

2. In the year 1980 and 1982 the restrictions imposed vide this Department letter of even number dated 23.8.1976 on the grant of nautor land was partially removed and certain concessions were granted to the people. It has however, been noted with regrets that these concessions were taken un-due advantage of in some fields, even at the cost of the poor people whom these concessions were primarily meant for. The Government have therefore, taken the following decisions which should be implemented strictly in letter and spirit by all concerned:—

- (i) The grant of exchange of Govt. land under Rule 27 of the H.P. Nautor Rules, 1968 or otherwise has been banned and all such cases should be consigned to the Record Room without further action on them. A list of these cases should however be prepared and placed on record. However, if the Deputy Commissioner finds it necessary, in a particular case in compelling circumstances, the exchange would be permitted, for which prior approval of the Government shall be obtained.

- (ii) The grant of nautor land under rule 27-B (Grant of Govt. land surrounded by private land) has been banned. No land should now be granted under this rule and all the cases pending at present should be consigned to the Record Room without further action on them. A list of these cases should however, be prepared and placed on record.
- (iii) The extent of land to be granted for construction of residential buildings etc. shall now be reduced from 1 bigha to 5 biswas and grant in these cases shall be sanctioned, only with the prior permission of this Department. The pending cases should be processed accordingly.

3. All the cases of grant of nautor land under rule 27-B or for construction of residential buildings or of grant of exchange of Govt. land out of nautor land, or otherwise, made after 1.1.1986 shall be reviewed, do novo, by, the D.C. in case of sanction by S.D.O.(C), and by the Commissioner where sanctioned by the Deputy Commissioner and if these are found to be sanctioned in an irregular manner or against the rules or are otherwise found to be wrong, or where land has not been used for the purpose specified in the grant order, the grants made therein shall be cancelled after following due process of law.

4. The Government had issued instructions on grant of land free or in exchange to those persons who were affected by the floods, excessive rains or other natural calamities, vide this Department letter No. Rev.2A(3)-11/77, dated the 9th January, 1979. These instructions have been grossly abused in the field and are therefore withdrawn at once. The letter referred to above may kindly be treated as cancelled with immediate effect. However, should such an occasion arise in future, the Deputy Commissioner are hereby empowered to settle such persons temporarily and to formulate scheme for their settlement, for approval of the Government.

5. I am again directed to request you kindly to implement the above instructions strictly.

Kindly acknowledge receipt.

Yours faithfully,

Sd/-

Deputy Secretary (Revenue)
for Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst, No. 9-13/71.Rev.B. dated Shimla-2 the 24th August, 1987.

Copy forwarded for information and guidance to:—

1. The Under Secretary (Revenue) to the Govt. of Himachal Pradesh Shimla-171002.
2. The Clerk of Court to the F.C.(R) Himachal Pradesh Shimla-171002.

Sd/-

Deputy Secretary (Revenue)
for Secretary (Revenue) to the
Govt. of Himachal Pradesh.

क्रमांक: 9-13/71-राज. स
हिमाचल प्रदेश सरकार
राजस्व विभाग

प्रेषक:

उप सचिव {राजस्व}
हिमाचल प्रदेश सरकार, शिमला-2.

प्रेषित:

उपायुक्त,
चम्बा {हि.प्र.}
दिनांक : शिमला-171002, 9 फरवरी, 1988.

विषय :- नौतोड़ पोलिसी।

महोदय,

उपरोक्त विषयक आपके टेलिक्स सन्देश संख्या सी.बी.ए.-एस.के-7838/80-113, दिनांक 4 जनवरी, 1988 के सन्दर्भ में मुझे यह कहने का निर्देश हुआ है कि जैसी कि आपके टेलिक्स में कल्पना की गई है, इस विभाग के समसंख्यक पत्र तारीख 24 अगस्त, 1987 में दिए गए अनुदेश केवल नौतोड़ स्लज 1968 पर ही लागू है- बाकि किसी भी स्कीम जैसे लैंडलैस परसन्ज या ट्राउसलेस परसन्ज या किसी और योजना के अन्तर्गत दी जाने वाली भूमि पर लागू नहीं होते।