

APPENDIX-XII

The Himachal Pradesh Utilisation of Surplus Area Scheme, 1974

Short title and Commencement.

1. This scheme may be called the Himachal Pradesh utilisation of Surplus Area Scheme, 1974.
2. It shall come into force at once.

Definitions

2. In this scheme, unless the context otherwise requires:-
 - (a) "Act" means the Himachal Pradesh ceiling on land Holdings Act, 1972 (Act No. 19 of 1973);
 - (b) "Allottee" means a person who is allotted or is deemed to have been allotted land under this scheme;
 - (c) "Commissioner" means the Commissioner, Himachal Pradesh and includes an officer appointed as such by the State Government for the purpose of this Scheme".
 - (d) "eligible person means a person who is eligible for the allotment of surplus land under section 15 of the Act.
 - (e) "form" means a form appended to this scheme;
 - (f) "rules" means the Himachal Pradesh Ceiling on Land Holdings rules, 1973;
 - (g) all other words and expressions used herein and not defined in this scheme but defined in the Act or Rules shall have the meanings as are respectively assigned to them in the Act or the Rules, as the case may be.

Application.

3. An eligible person may make an application to the Tehsil Revenue Officer in Form I for allotment of land comprised in the surplus area. Such an application shall be made within three months of the date commencement of this scheme or within such extended period as may, for reasons to be recorded, be allowed by the Tehsil revenue Officer.

Power to proceed suo moto

4. Proceedings for allotment of land comprised in the surplus area may also be initiated suo moto by the Tehsil Revenue Officer.

Published in Gazette (Extraordinary) dated 20th July, 1974 vide Revenue Department Notification No. 10-7/74-Rev., dated 20th July, 1974.

* Inserted vide notification No. Rev. 2A(3)II/77 dt. 10.7.1978.

— All Deputy Commissioners appointed commissioners vide notification No. Rev 2A (4)—3/78 dated 6.1.79.

— A.D.M. Kangra, Shimla and Mandi appointed Commissioners vide notification No. Rev 2A (3)-11/78 dated 26.3.83.

— A.D.M. Solan appointed Commissioner vide notification No. Rev 2A(3)—11/77 dated 27.6.83.

Procedure to be observed by Tahsil revenue Officer

5. When application is made under paragraph 3 or when the Tehsil revenue Officer suo moto initiates proceedings under paragraph 4, he shall after giving the persons seeking allotment or being considered for allotment, an opportunity of being heard and after making such summary inquiry, as he may consider necessary, prepare a statement for each revenue estate, indicating:-

- (1) Particulars of each eligible person;
- (2) The land; if any, owned or held by each person;
- (3) The area which can be allotted to each such person under the Act; and
- (4) The revenue estate or estates for which such person indicated preference for allotment of land, in case no area is available for allotment in the revenue estate, where he resides.

Procedure for allotment of surplus area.

6. (a) After the procedure prescribed in paragraph 5 has been followed, the Tehsil revenue Officer shall prepare a list of all eligible persons for each revenue estate in such a manner that the members of scheduled castes and scheduled Tribes be placed at the top and the persons who do not own/hold any land and the persons who own or hold less than one acre of land are placed according to the area possessed by each, in an ascending order.

(b) The Tehsil revenue officer shall also prepare a list of khasra numbers (with area) of the land comprised in the surplus area available for allotment in a revenue estate mentioning such numbers in the numerical order. Where there are killas and rectangles, the numerical order of the rectangles shall be observed first and then of killas in each rectangle.

(c) The record of each case alongwith the lists referred to in sub-para (a) and (b) above shall be forwarded to the Collector who shall proceed to allot the land to eligible persons in the following order of preference:

(d) members of scheduled Castes/Scheduled Tribes, ex-servicemen, freedom fighters and ex-INA personnel, covered under the Government of India scheme, and also those freedom fighters who have been awarded commendation certificates by the state Govt.

(e) land owners or tenants whose holdings as a result of implementation of section 164 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 are reduced below one acre; and

(f) to remaining eligible persons.

Allotment of land to the eligible persons in other revenue estates

7. If any eligible person cannot be allotted land in the revenue estate in which he resides, the Collector may, having due regard to his preference, allot him surplus area in any revenue estate in which it is available.

When making such allotment, the Collector shall endeavour to allot him land in any other revenue estate nearest to his village of residence, as far as possible, in the following order:

- (i) in the Patwari Circle;
- (ii) in the Kanungo Circle, if no land is available in the patwari circle;
- (iii) in the tehsil, if no land is available in the Kanungo circle;
- (iv) in the district, if no land is available in the tehsil;

(v) in some other district, if no land is available in the district.

(2) If more than one eligible persons seek or are being considered for allotment of land in a revenue estate other than the revenue estate in which they reside, the principles mentioned in paragraph 6 shall, as far as possible, apply.

Surplus area to which scheme not to apply

8. This scheme shall not apply to the surplus areas to be demarcated by the Forest department in consultation with the revenue Department for efficient management of land.

8.A (1) No land containing more than 40 trees of valuable species per acre shall be granted under this scheme.

(2) If there are trees on the land granted under this scheme and the grantee is not in a position to pay the price of the trees at market rate, the trees shall be cleared by the Forest Department within a month from the date of grant of the land.

Issue of certificate

9. Each allottee shall be given a certificate in Form II by the Collector. A copy of certificate shall be sent to the Tehsil revenue Officer.

Delivery of possession

10. (1) After making the allotment under paragraph 6 or 7, as the case may be, the collector shall also pass an order for delivery of possession of the land to the allottee. On receipt of such an order, the landowner or any other person in possession of such land shall deliver possession of the land mentioned in the order to the allottee.

(2) The possession of the land shall be given to the allottee after the crops are harvested.

Condition of allotment

11. The allotment shall be subject to the following terms and conditions:

(a) The allottee shall be liable to pay all Government dues, including land revenue, rates and rents, from the date he takes possession of the land.

(b) The allottee shall be liable to pay for that land an amount as prescribed in section 15 of the Act;

(c) The allottee shall become full owner of the land allotted to him when all payments due in respect of such land have been made either in lumpsum or on payment of first instalment of such dues, as the case may be;

(d) the allottee shall not transfer his rights in the land allotted to him to any person within a period of 20 years from the date of taking over the possession after allotment* and in the event of violation of the provisions the land granted to him shall be liable to be resumed by the State Govt. and no further allotment of land shall be made to him thereafter.**

Provided that the allottee may transfer the land by way of mortgage without possession in favour of a Primary Agricultural Cooperative Credit Society, a bank as defined in the H.P. Agricultural credit Operations and Miscellaneous Provisions (Banks) Act, 1972 (Act No. 7 of 1973) for the purpose of issuing loans for development of such land, purchase of bullocks, seed, fertilisers etc. required for bringing the land under cultivation etc.

* Inserted vide notification No. Rev (2A) (3) 11/77 dated 9/12/87

** Inserted vide notification No. 10-4/74-Rev A Dated 3/6/76

(e) the land allotted under this scheme shall not be subject to fragmentation by way of partition, transfers or by any other mean; and

(f) the Revenue Officer shall record the conditions laid down in sub para (d) and (e) above in the mutation orders to be passed by him. His orders shall further be recorded in the remarks column of the jamabandi in which the mutation pertaining to the land is incorporated.*

Payment of amount in instalments

12. The amount prescribed in section 15 of the Act shall be paid by the allottee in the following manner:-

(1) The amount payable under section 15 of the Act shall, if it is not voluntarily paid in lump sum be paid-

(a) where it does not exceed 100 rupees, in four six-monthly instalments,

(b) where it exceeds 100 rupees but does exceed 200 rupees in eight six-monthly instalments.

(c) where it exceeds 200 rupees in twelve six-monthly instalments.

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

Cancellation of allotment in certain cases

13. If an allottee makes any default in the payment of the amount due from him or infringes any of the conditions of allotment, he shall render himself liable to cancellation of the allotment.

Provided that if default is made in paying part of the amount determined under paragraph 12, the Collector may conceal the allotment of an area proportionate to the amount which has remained unpaid.

Manner of payment of amount

14. (i) The amount shall be paid into the Government treasury or sub-treasury by the allottee

(ii) the Tehsil revenue Officer shall maintain a ledger account in respect of the amount due from and amount paid by each allottee. He shall also maintain a day book regarding payments received from them. At the end of every month a statement regarding payments received from allottees shall be furnished by the Treasury Officer or Sub-Treasury Officer, as the case may be, to the Tehsil Revenue Officer.

****14.A Revision.** If at any time it comes to the notice of the Commissioner either through an application made by any person or otherwise, that the allotment of any land under this Scheme was made to a person who was not entitled or eligible for such allotment or the allotment was wrong on any other grounds, he may call for the record of the case and after making such enquiries as he thinks proper either in person or through a Revenue Officer subordinate to him and after giving an opportunity to the parties concerned, he may cancel the grant of land and make such other orders in connection therewith as he deems necessary in the circumstances of the case.

14.B. No legal practitioner shall appear plead or act on behalf of any party, before any revenue officer, in any case under this scheme.***

* Inserted vide notification No. 10-7/60/74-Rev. A, dated 18.10.1975.

** Para 14A added vide notification No. Rev. 2A (3)-11/77 dated 10.7.78

*** Para 14B added vide notification No. Rev. 2A(3)-11/77 dated 11.9.80.

Repeal and savings

15. The Utilisation of the surplus Area Scheme, 1960, framed under section 32 of the pepsu Tenancy and Agricultural Lands, 1955, is hereby repealed:

Provided that anything done or any action taken under the scheme so repealed shall be deemed to have been done or taken under the corresponding provisions of this scheme.

Form 'I'
(See paragraph 3)

Name, parentage village, Tehsil and district of the applicant	Khasra No. land he owns/cultivates with the name of the estate, Tehsil and district	Area he wants to be allotted with the name of the estate, tehsil and district	Name of the scheduled castes or scheduled tribes to which he belongs	Remarks
1	2	3	4	5

I hereby certify that I have known the applicant personally for a period of _____ and to the best of my knowledge and belief, he belongs to the _____ which is one of the Scheduled castes/scheduled tribes declared for Himachal Pradesh under the Constitution of India.

*Sign. of the Sarpanch/Lambarder or any
Gazetted Officer or a Revenue Officer.*

(See paragraph 8)
(Form of Certificate)

Certified that _____ son of _____ resident of _____ has been allotted land measuring _____ and situated in _____ estate _____ Tehsil _____ District _____ under the provision of Himachal Pradesh Utilisation of Surplus Area Scheme, 1974, subject to the conditions specified in the scheme. The amount payable for such allotment has been determined as _____.

Collector.