

Yours faithfully,
Sd/-
Secretary (Revenue) to the
Government of Himachal Pradesh.

(Copy with ten spare copies to the Superintendent Incharge allotment of land to landless, in Revenue-B Section, for record).

No.Rev.2A(3)11/77
Government of Himachal Pradesh
Revenue Department

IMMEDIATE

From

1. The Secretary (Revenue) to the Government of Himachal Pradesh.

To

1. The Divisional Commissioner Kangra at Dharamshala/Mandi/Shimla.
2. The Settlement Officers Kangra at Dharamshala/Shimla-6.
3. The Director of Land Records, Himachal Pradesh, Shimla.
4. The Director Consolidation of Holdings, Himachal Pradesh, Shimla.
5. All the Deputy Commissioners in Himachal Pradesh.
6. All the Sub-Divisional Officers (Civil) in Himachal Pradesh.
7. All the Tehsildars in Himachal Pradesh.

Dated Shimla-171002, the 21st January, 1987.

Subject :- Allotment of land to landless and other eligible persons-Jurisdiction of Civil Courts to entertain suits arising therefrom.

Sir,

I am directed to say that at present land is being allotted to the landless or other eligible persons under the following three Schemes :-

1. The Himachal Pradesh Utilization of Surplus Area Scheme, 1975.
2. The Himachal Pradesh Village Common Land Vesting and Utilization Scheme, 1975.
3. The Himachal Pradesh Grant of Land to Landless and Other Eligible Persons Scheme, 1975.

2. In this behalf, as you know, the first two Schemes are statutory schemes and have been framed under the Acts passed by the Himachal Pradesh State Legislature. However, the third, namely the Nautor Schemes is an independent one and does not derive sanction from any other law. You are also aware that these Acts contain a provision barring the jurisdiction of the Civil Courts. It is, therefore, implied that a dispute arising out of the allotment of land or cancellation thereof by the competent authority is not subject to adjudication by the Civil Courts whose jurisdiction stands barred in the Acts. It has, however, been noted by the Government that cases are being taken to Civil Courts by the interested parties and the courts are entertaining them for decision totally disregarding the bar contained in the Acts. As you know, the very purpose of launching the programme of allotment of land is defeated once a case goes to the court since it takes a lot of time there and the person concerned who often not eligible for allotment of land, continues in possession of the land erroneously allotted to him.

3. It appears that the District Attorney or other officers are not well posted of this provision do not often raise this point before the courts at the time of admission of the suits. It should be brought home to all concerned that the civil courts have no jurisdiction to try the cases

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.