

**GOVERNMENT OF PUNJAB  
DEPARTMENT OF REVENUE  
(LAND REVENUE BRANCH)**

**MOST IMMEDIATE**

To

All the Deputy Commissioners in the State,

Memo. No. 3/7/78-LR(I) (Vol. IV)/7899

Chandigarh, dated the 5.6.1981

Subject: Disposal of inferior evacuee land-Policy regarding.

Ref.:- In continuation of Punjab Govt. Memo. No. 3/7/78-LR(I)/14529, dated 10.7.1979.

- 1.1 In accordance with clause (i) of the orders conveyed vide the memorandum under reference the lessees of land measuring 29,073 acres, who had entered into possession of the land in accordance with the policy laid down in 1961 and who had hitherto not purchased the land leased out of them or had still to exercise their option, were given another opportunity for purchasing the land in accordance with the terms and conditions already prescribed within 30 days of fresh notices to this effect to be issued by the Collectors concerned. This period was however later on extended upto 31.12.1979. Vide Memo. No. 3/7/78-LR-I/22285 dated 16/11/79.
- 1.2 The terms and conditions for transfer of the land were extremely liberal. The lessees were not required to pay any lease money, land revenue or other cesses in the first five years, except that the lease money for the 'Banjar' land was to be recovered at the rate of Rs. 1/ - per acre per year. If canal irrigation had been extended, then Abiana was also leviable. After the expiry of that period, the lessees were required to pay the land revenue and other cesses. The purchase price of the land was Rs. 40/- per acre of Banjar land and Rs. 25/- per acre of Ghair Mumkin land, lease money recovered was to be deducted from the sale price and the net amount due was payable either in lump sum or in 4 equal annual instalments. If the lessee did not want to purchase the land, he was to deliver vacant possession of the land lessee out to him. The lessee was required to bring under cultivation or proper use 1/4<sup>th</sup> of the land in the first 3 years of the lease period and the remaining 3/4<sup>th</sup> in the next 2 years. The cultivated area or the area put to proper use could not be reduced to less than 1/2 in any case after the 5<sup>th</sup> year.
- 1.3 In spite of these extremely favourable terms and conditions, lessees of the area measuring 17,911 acres (as on 22 April, 1979) had not exercised their right of purchase although there was no apparent reason why the lands should not have been transferred in the normal course. The only exception is where the lessee has not brought under cultivation or proper

use 1/4<sup>th</sup> of the land in the first three years, of the lease period and the remaining 3/4<sup>th</sup> in the next 2 years, or has reduced the cultivated area or the area put to proper use to less than ½ after the fifth year. Breach of these conditions can in any case be condoned by the authority prescribed by the Govt. in this behalf. However, no authority had been prescribed by the Govt. in this behalf. However, no authority had been prescribed in this behalf by the Government so far.

- 1.4 Government have now decided that the Deputy Commissioners would be the competent authority in this behalf.
- 1.5 However, if even after service of 30 days notice, the allottee is not willing to pay the purchase price the leases should be terminated vacant possession taken, and fresh allotment made in accordance with Government policy.
- 2.1 In accordance with clause (vi) of the orders conveyed vide Memo. under reference 'Banjar' and 'Ghair Mumkin' lands reported to be unfit for lease were to be surveyed by a Team of Officers, set up by the Rehabilitation Department for the survey of similar types of surplus rural evacuee agricultural lands. No such team of Officers has been set up so far by the Rehabilitation Department. The Government have now decided that the following Team may be constituted for each district:-
- (i) District Revenue Officer.
  - (ii) District Forest Officer or his representative.
  - (iii) District Development & Panchayat Officer or his representative.
  - (iv) Tehsildar concerned-Member Secretary.
- 2.2 Government have now decided that the work relating to survey of the land unfit for cultivation and its transfer to the Forest Department/Village Panchayats, both on paper and in the field, should be completed within a period of 3 months.
- 3.1 In accordance with clause (v) of the orders conveyed vide Govt. Memo. under reference, area not transferred to the unauthorized occupants on the approved terms and conditions, or not purchased by the lessees, was to be disposed of by auction restricted to the landless members of the Scheduled Castes, upto the limit of 10 ordinary acres. The procedure for the conduct of the acution was not specified, which had resulted in hesitation at the field level.
- 3.2 Government have now decided that the procedure laid down in Annexure 'A' to this letter be followed.
- 3.3 The amount realized on account of sale proceeds of the inferior evacuee land should be deposited into Govt. treasury under the Major Head of Account "068-Miscellaneous General Services -(d)- Sale of land and property."

4. Immediate steps may now be taken to allot/dispose of the inferior evacuee land in accordance with Government policy immediately and to send a compliance report at the end of three months from the date of issue of this letter, after which period the performance shall be reviewed by Government.
5. The receipt of this letter may please be acknowledged.

Sd/-  
Under Secretary to Govt., Punjab,  
Revenue Department.

Endst. No. 3/7/78-LR(I)/7900

Chandigarh, dated the 5.6.1981.

A Copy is forwarded to the:-

1. Commissioner, Jullundhar Division, Jullundhar.
2. Commissioner, Patiala Division, Patiala.
3. Commissioner, Ferozepur Division, Ferozepur.

for information and immediate necessary action in continuation of Punjab Govt.

Endst. No. 3/7/78-LR(I)/14531, dated 10.7.1979.

4. Deputy Secretary, Rehabilitation, Punjab, Jullundhar, in continuation of this Department Endst. No. : LRI/14530 dt. 10.7.79.

Sd/-  
Under Secretary to Govt., Punjab,  
Revenue Department.

A copy is forwarded to the:-

1. Private Secretary to Revenue & Rehabilitation Minister, Punjab, Chandigarh.
2. Private Secretary to Financial Commissioner, Revenue Punjab, Chandigarh for kind information of R.R.M/F.C.R.

Sd/-  
Under Secretary to Govt., Punjab,  
Revenue Department.

To

1. The Private Secretary to R.R.M., Punjab.
2. The Private Secretary to F.C.R., Punjab.

U.O. No. 3/7/78-LR(I)/7901

Chandigarh, dated the 5.6.1981

## **ANNEXURE 'A'**

Sale of inferior evacuee land by auction restricted to the landless members of Schedule Castes, who are depending upon agriculture or are sanjhis, sepis and agricultural labourers and have no other source of livelihood.

### **I. Persons who can participate in restricted auction**

Only landless members of Schedule Castes who are dependent upon agriculture or are sanjhis, sepis and agricultural labourers, and have no other source of livelihood, and who reside in any village of the Kanungo circle in which the land is situate.

### **II. Persons not eligible to participate in restricted auction**

- i) No minor or anyone on his behalf;
- ii) No Government servant or his dependent;
- iii) No member of the Scheduled Castes, who had already purchased land in restricted auction or on the basis of possession, and had disposed of it thereafter; shall be permitted to participate in the restricted auction.

### **III. Procedure for sale by auction**

Where any inferior evacuee land is to be sold by public auction:-

- i) it shall be sold by the Tehsildar (Mahal) or Naib Tehsildar (Mahal).
- ii) The Tehsildar (Mahal) or Naib-Tehsildar (Mahal) shall cause a proclamation of the intended sale to be made in the language of the principal civil court of the original jurisdiction within whose jurisdiction the property is situated.
- iii) notice of intended sale shall be given atleast fifteen days before the proposed sale and every such notice shall state the date, time and place of proposed sale, the description of land to be sold, the terms and conditions of the sale and any other particulars which the Tehsildar (Mahal) or Naib Tehsildar (Mahal) considers material. One copy of the notice shall be affixed on a conspicuous public place.
- iv) the proclamation and notice of sale shall be issued in all the village comprising the Kanungo Circle in which the land is situated.
- v) No sale shall take place until after the expiry of a period of fifteen days from the date of publication of the notice.
- vi) every auction of the land under these instructions shall be subject to a reserve price fixed in respect of the land.

- vii) the Tehsildar (Mahal) or Naib-Tehsildar (Mahal) may withhold the sale of any land after recording the reasons, in writing, which may not be made public.
- viii) The Tehsildar (Mahal) or Naib Tehsildar (Mahal) may if the situation so demands, for reasons to be recorded in writing, adjourn the sale to a specific date and hour and an announcement to that effect shall be made, at the time of adjournment of the sale;

Provided that where the sale is adjourned for a period exceeding fifteen days, a fresh notice shall be given.

- ix) the person declared to be the highest bidder for the land at the public auction shall pay in cash 25% of the amount of bid as earnest money on the spot to the Officer conducting the sale and in default of such deposit the land may be resold.
- x) Where the highest bidder, whose bid is provisionally accepted resiles from the bid before its approval is communicated to him, the amount deposited by him under clause (ix) shall be forfeited.
- xi) the bid in respect of which a deposit under clause (ix) has been accepted shall be subject to the approval of the District Collector.

Provided that no bid shall be approved until after the expiry of ten days of the auction.

- xii) a) intimation of the approval of the bid or its rejection shall be given to the highest bidder (hereinafter referred to as auction purchaser)
- b) the auction purchaser shall pay the balance price in three equated annual instalments with interest @ 7% per annum; the first instalment payable at the end of the first harvest after one year from the date of approval of the sale.
- xiii) if the auction purchaser does not deposit the balance of the purchase money within the period specified in clause (xii) or defaults in the payment of two successive instalments within the stipulated period, the Tehsildar (Mahal) or Naib Tehsildar (Mahal) shall be competent to cancel the sale, forfeit the amount already paid and resume the land, after giving due notice to the defaulting person when the purchase price has been realised in full from the auction purchaser the Tehsildar (Mahal) shall issue to him a certificate of sale in the form specified in Appendix 'B'.

#### **IV Fixation of Reserve Price**

The reserve price for disposal of the inferior evacuee land be determined on the following basis :-

- i) Banjar @ Rs. 40/- per acre.
- ii) Ghair Mumkin @ Rs. 25/- per acre.
- iii) Land irrigated by a source provided by the Govt. @ Rs. 1,000/- per acre.

**V Bar on the alienation of the inferior evacuee land purchased in restricted auction.**

- i) The auction purchaser shall not be entitled to lease transfer, sell, mortgage with possession or otherwise alienate or part with the land wholly or partly, so purchased, in any manner, in favour of a person, who is not a member of the Scheduled Castes, for a period of twenty years; provided that the land may be pledged in favour of Government or Semi-Government Corporation, or Co-operative financing institution, for securing loan for effecting improvements in the said land.
- ii) An auction purchaser shall cultivate the land so purchased him self or through any member of the Scheduled Castes only.
- iii) If any auction purchaser violates any of the conditions mentioned in clauses (i) & (ii) above, the Tehsildar (Mahal) or Naib Tehsildar (Mahal) shall be competent to cancel the sale, forfeit the amount already paid and resume the land, after giving due notice to him.

**VI Procedure for setting aside sale.**

- i) Where a person desires that the sale of any land made under these instructions should be set aside because of any alleged irregularity or fraud in the conduct of sale or otherwise, make an application to that effect to the District Collector.
- ii) Every application for setting aside the sale under this rule shall be made within ten days from the date of auction.
- iii) Where an application is made under sub rule (ii) above, the petitioner shall, on demand, deposit a sum equivalent to 20% of the highest bid, as challenge money, within ten days of demand by the District Collector.
- iv) If after consideration of the fact alleged, the District Collector is satisfied that any material irregularity or fraud has been committed in the Publication or conduct of sale he may make an order that the land or property be reauctioned.
- v) If any property is put to reauction under the preceding sub rule, the bid would start at 20% above the previous highest bid.

## **VII Procedure for appeal review or revision**

Where any person is aggrieved by an order of the Tehsildar (Mahal) or Naib Tehsildar (Mahal) with regard to sale of inferior evacuee land, he may prefer an appeal to the District Collector within thirty days from the date of such orders.

Provided that the District Collector may entertain an appeal after the expiry of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.