

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE AND REHABILITATION
(LAND REVENUE BRANCH)

Subject: Regarding sanction of mutations in favour of Panchayats after exchange of lands with Private Parties.

Financial Commissioner and Secretary to Government, Punjab, Rural Development and Panchayats Department may kindly refer to the subject noted above.

2. It has come to the notice of this Department that some times, Panchayats land is exchanged with the Private parties for common purposes. After the exchange of land, schools, Hospitals and other public buildings are construction thereon, but the mutation of such land is not sanctioned. In this context it would be useful to refer to the relevant extracts of the provisions of the Punjab Land Revenue Act, 1887 as under :-

“Section 34 of Punjab Land Revenue Act :

1. Any person acquiring by inheritance, purchase, mortgage, or otherwise, any right in an estate as a landowner, assignee of land revenue or tenant having a right of occupancy, shall report his acquisition of the right to the patwari of the estate.
2. If the person acquiring the right is a minor or otherwise disqualified his guardian or other person having charge of his property shall make the report to the Patwari.
3. The Patwari shall enter in his register of mutations every report made to him under sub-section (1) or sub-section (2), and shall also make an entry therein respecting the acquisition of any such right as aforesaid which he has reason to believe to have taken place, and of which a report should have been made to him under one or other of those sub-section and has not been so made.
4. A Revenue Officer shall from time to time enquire into the correctness of all entries in the register of mutations and into all such acquisitions as aforesaid coming to his knowledge of which, under the foregoing sub-section report should have been made to the patwari and entry made in the register and shall in each case make such order as he thinks fit with respect to the entry in the annual record of the right acquired.
5. Such an entry shall be made by the insertion in that record of a description of the right acquired and by the omission from that record of any entry in any record previously prepared which by reason of the acquisition has ceased to be correct”.

Section 39 of Punjab Land Revenue Act :

"Any person neglecting to make the report required by section 34 within three months from the date of his acquisition of a right referred to in that section shall be liable, at the discretion of the Collector, to a fine not exceeding five times the amount of the fee which would have been payable according to the scale fixed under the last foregoing section if the acquisition of the right had been reported immediately after its accrual".

3. The perusal of the above provisions would show that it is incumbent upon the person (including a Panchayat) acquiring the property to report its acquisition to the Patwari.
4. Besides, the Patwari would be able to enter the mutation on the basis of the evidence regarding the exchange of land which may be in the form of a Memorandum drawn by both the competent parties. Thereafter the Revenue Officers after considering the facts and circumstances of the case would proceed further to accord sanction to mutation or otherwise in terms of the relevant law and rules.
5. In view of the above provisions, the Rural Development and Panchayat Department is advised that whenever a Panchayat land is exchanged with the private parties, they may ensure that proper report alongwith relevant document is supplied to the Patwari concerned for entering the mutation as may be required.

Under Secretary Revenue (P)

To

The Financial Commissioner and
Secretary to Government, Punjab,
Rural Development & Panchayats Department.

I. D. No. 10/2/2004-LR-II/1525

Chandigarh, dated the 23.2.04

Endst. No. 10/2/2004-LR-II/1526

Chandigarh, dated the 23.2.04

A copy is forwarded to all the Deputy Commissioners Cum Collectors in the State to ensure quick follow up action.

Under Secretary Revenue (P)