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Bombay Prevention of Fragmentation
and Consolidation of Holdings
Act, 1947

Permission to Sub-divide the
consolidation block under the
clarification in respect of ..

GOVERNMENT OF MAHARASHTRA.

Revenue and Forests Department,
Circular No. CON/1171/261072-V,
Sachivalaya, Bombay- 32, dated 22nd. Nov. 1972.

Read :- Government Resolution, Revenue and Forests Department No.
CON-1161/42272-V, dated 29th. Sept. 1965.

C I R C U L A R .

Section 33-B of the Bombay Tenancy and Agricultural Lands Acts, 1948 provides that a certificated landlord may after giving notice and making an application for possession as provided therein, terminate the tenancy of an excluded tenant if the land lord bonafide requires such land for cultivating it personally. Further Sub-Section (5) of the aforesaid section also provides that the right of a certificated landlord to terminate a tenancy under aforesaid section is inter alia subject to condition that the land lord is entitled to terminate a tenancy and take possession of the land leased, but to the extent only of so much thereof as would result in both the landlord and tenant holding thereafter in total an equal area for personal cultivation the area resume or the area left with the tenant being a fragment not with standing and not with standing any thing contained in section 31 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947. Under Sub-Section (1) of section 31 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 Government has issued orders under Government Resolution, Revenue and Forests Department No. CON-1161/42272-V, dated 29th. September 1965, prescribing the conditions under which Permission to sub-divide the block of the land allotted under aforesaid act can be granted by the Commissioner, Since as pointed out above, section 33-B of the Bombay Tenancy and Agricultural Lands Act, 1948 provides that notwithstanding any thing contained in section 31 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, the landlord can terminate tenancy of an

SA/1, JDA, Mumbai and Agricultural Land Act, 1948
provided that notwithstanding anything contained in section 31
of the Bombay Tenancy and Agricultural Land Act, 1948, the landlord can terminate tenancy of an
excluded tenant, the orders issued in Government Resolution,
Revenue and Forests Department No. CON-1161/42272-V,
dated 29th. September 1965 are not applicable to the cases
wherein the landlord is to terminate tenancy of an excluded
tenant and to resume land leased to tenant according to the
provisions of section 33-B of the Bombay Tenancy and
Agricultural Land Act, 1948. In view of this position sanction
of Government to relax the conditions mentioned in Government
Resolution, Revenue and Forests Department No. CON-1161/
42272-V, dated 29th. Sept. 1965 in such types of cases, is not
necessary.

By order and in the name of the Governor of Maharashtra.

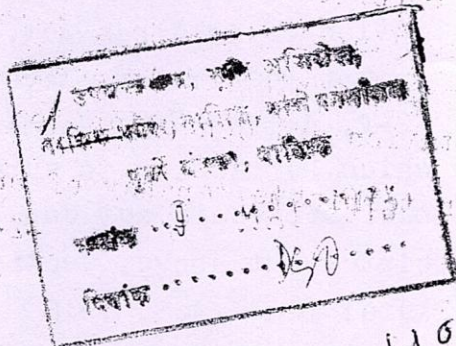
SA/- (D.V. MATHURE)
Under Secretary to the Government of
Maharashtra, Revenue and Forests Department.

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No. Con./LR-62/73.

Poona. Dt. 7/5/1973.

Copy forwarded to Deputy Director of Land Records, (all)/
Consolidation Officers (all) with spare copies for
Asstt. Consolidation Officers for information and guidance.



for Settlement Commissioner and
Director of Land Records,
M.S., Poona.