

CR1965080222

Bombay Prevention of Fragmentation & Consolidation of Holdings Act, 1947.

Rule

Disposal of application received under Rule 27 of --- 134

GOVERNMENT OF MAHARASHTRA

Revenue and Forests Department,

Circular No: CON-1063/159312-V

Sachivalaya, Bombay-32, 2nd Aug.1965.

C I R C U L A R

Section 31 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, lays down that no holding allotted under the Act nor any part thereof shall be transferred by way of sale, gift, exchange etc. except in accordance with the conditions as may be prescribed. Under Rule 27 of Bombay Prevention of Fragmentation and Consolidation of Holdings Rules, 1959 certain conditions have been prescribed subject to which such ~~extension~~ permission is to be given by the Collector Item (f) of Rule 27(2) provides that such permission for transfer of allotted holding is to be given by the Collector if the entire land allotted under the Act is to be transferred to an agriculturist.

2. It has however been represented to Government that applications made by the parties for permission of the Collector under section 31(a) of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act 1947, are not disposed of within a reasonable period, thus causing unnecessary hardship to the parties. In view of the legal position explained above and with a view to facilitating early disposal of applications made for the Collector's permission under 31(a) of the Act, Government is pleased to direct that the permission in such cases should not be refused if the entire consolidated holding is sought to be sold or transferred in favour of an agriculturist and if as a result of the transfer the holding of the purchaser does not exceed two third of the ceiling area as determined under the Maharashtra Agricultural Lands (ceiling on Holdings) Act 1961. The expression "agriculturist" in item (f) of rule 27(2) should mean a person who is cultivating any land personally or the person who has obtained a requisite certificate from the Collector about his taking up the profession of an agriculturist (e.g. under section 63 of the Bombay Tenancy and Agricultural Land Act, 1948).

3. The Collectors, are, therefore, requested to follow the above instructions scrupulously and dispose of the applications under section 31(a) of the Act expeditiously.

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

Sd/-

(R.T.NADKARNI),

Under Secretary to Government.

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No. Con. L.R. 100

Poona, 10-65.

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Rabbingan az

For Settlement Commissioner &
Director of Land Records, Poona.

VRS/8/10