

Government Lands

Disposal of - so as not to defeat the object underlying the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

GOVERNMENT OF BOMBAY,
Revenue Department,
Circular No. 8159/49,
Bombay Castle, 29th February 1952.

In Government Resolution No. 366/33 XI, dated 10th March 1947, it is laid down that lands of small size or of awkward shape or situation should be disposed of in accordance with Section 117 ^{Land} ~~Bombay Land~~ Revenue Code, if that section applies to them. In other cases also, the lands are to be disposed of to the ~~xxxxxx~~ occupants of adjoining land or lands. When a land forms part of a survey number, or is a small survey number, which would more conveniently be amalgamated with the adjoining survey numbers it is to be offered at an economic price to the owners of the adjoining survey numbers, if the owner is one only and is a member of the non-backward classes. If the adjoining lands are owned by more than one person belonging to the non-backward classes, the Survey Number is to be auctioned among the owners of adjoining land. Thus even before the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 came into force, the policy of Government was not to dispose of small uneconomic pieces of Government land as separate holdings.

2. The Remembrancer of Legal Affairs in his memorandum, No. 2166, dated 11th February 1952, has held that although there is no express provision in the Bombay Prevention of Fragmentation and Consolidation of Holdings Act that it does not apply to Government lands, it appears that by necessary implication, the Act does not apply to Government lands. The opinion has been forwarded for information and guidance to the officers concerned under Government Resolution, No. 8159/49, dated 29th February 1952. According to this opinion, there would be no

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bar on disposing of Government lands in bits. This would, however, be defeating the object underlying the Act. All the Collectors are, therefore, requested not to dispose of small bits of Government lands which would be ~~xxx~~ fragments within the meaning of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act as separate holdings but to dispose of such lands in accordance with the procedure laid down in paragraph 4(c) of Government Resolution No. 366/33-XI, dated 10th March 1947, wherever such procedure is possible or applicable.

By order of the Governor of Bombay,

(D.S. BAKHLE),
Secretary to Government.

To. Government Circular, Revenue Department, No. 8159/40, dated,
29th February 1952.
All Collectors,
The Settlement Commissioner and Director of Land Records.

No. of 1952.

Copy forwarded for information and guidance to.

Send a copy to Secy
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