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NOTIFICATION.

Revenue Department,
Sachivalaya, Bombay,
9th April 1962.

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

No.CON 1161/42272-M. The following draft of rules further to amend the Bombay Prevention of Fragmentation and Consolidation of Holdings Rules, 1959, which the Government of Maharashtra proposes to make in exercise of the powers conferred by clause (n) of sub-section (2) of section 37 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom.LXII of 1947), and of all other powers enabling it in that behalf is published as required by sub-section (3) of the said section 37, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the 10th May 1962.

2. Any objections or suggestions which may be received by the Secretary to the Government of Maharashtra in the Revenue Department, Bombay, from any person with respect to the said draft on or before the date aforesaid will be considered by Government.

DRAFT RULES.

1. These rules may be called the Bombay Prevention of Fragmentation and Consolidation of Holdings (Amendment) Rules, 1962.

2. Where rule 27 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Rules, 1959, the following shall be substituted, namely :-

"27. Application for permission for transfer of consolidated holding or any part thereof and conditions for such transfer :- (1) Any person desiring to transfer any holding allotted under the Act or any part thereof

as provided by clause (a) of section 31 (such transfer not being a mortgage in favour of a co-operative land development bank, a primary land development bank or a primary co-operative society) may make an application to the Collector in that behalf.

(2) On receipt of an application under sub-rule (1), the Collector may, subject to the provisions of the relevant tenancy law and the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, (in so far as such provisions relate to restrictions on the transfer of agricultural land) permit the transfer of the holding or as the case may be, the part thereof -

- (a) if the land is required bona fide by the transferee for a non-agricultural purpose; or
- (b) if the land is required for the benefit of any industrial or commercial undertaking or any educational or charitable institution; or
- (c) if the land is required by a co-operative society ; or
- (d) if the land is to be transferred to the tenant of the holding or his heir; or
- (e) if the land is to be transferred to the owner of the adjoining holding who cultivates it personally; or
- (f) if the land is to be transferred to an agriculturist who holds land not exceeding an economic holding or a family holding; or
- (g) if the land is being sold -
 - (i) in execution of a decree of Civil Court; or
 - (ii) for recovering arrears of land revenue or any sums recoverable as arrears of land revenue and no person specified in clause (d)(e) or (f) is prepared to bid at such sale.

or

(h) if the land is being given in gift, (whether by way of trust or otherwise), bona fide by the owner in favour of a member of his family; or

(i) if the land (being land cultivated personally by the holder) is being exchanged for another land allotted under the Act (being a land likewise cultivated personally by its holder).

(3) Where a person desires to transfer by way of mortgage any land allotted under this Act in favour of a co-operative land development bank, a primary land development bank or a primary co-operative society, he may do so subject to the condition that the entire land so allotted is mortgaged, and in default of payment of loan to the bank, or as the case may be, the society, the entire land may be sold for recovery of the amount of the loan or any balance thereof.

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

(S.V. Chavan.)
Deputy Secretary to Government.