

MADHYA PRADESH ACT NO. 15 OF 1984

THE MADHYA PRADESH NAGARIYA KSHETRO KE BHOOMIHIN VYAKTI (PATTADHRITI ADHIKARON KA PRADAN KIYA JANA) ADHINIYAM, 1984.

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An Act to provide for the conferring of leasehold rights on landless persons in respect of sites for dwelling house in urban areas in the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-Fifth Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Madhya Pradesh Nagariya Kshetro ke bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan kiya Jana) Adhiniyam, 1984.

(2) It shall extend to urban areas in the State of Madhya Pradesh and Five Kilometers thereof.

(3) (A) It shall in the first instance come into force in the district headquarters and towns having population of more than one lac according to the last census.

(B) It shall come into force in any other town on such date as the State Government may, by notification, specify.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "**Authorised Officer**" means a Sub-Divisional Officer or any other Assistant Collector or Deputy Collector in the district as the Collector may by order specially authorise to exercise the powers of the Authorised Officer in such area as may be specified therein;

(b) "**dwelling house**" means a single storeyed super structure but shall not included any building owned by the Government of any local or statutory authority;"

- (c) Omitted;
- (d) **"Landless Person"** means a person who does not own either in his own name or in the name of any member of his family any house or land in an urban area where he is actually residing.

Explanation.- For the purpose of this clause 'family' includes husband, wife, minor son, unmarried daughter or any relation by blood wholly dependent on the landless person.";

- (d-1) **"Occupy"** means occupation of land in urban area belonging to the State Government, local body or Development Authority for residential purposes.

(d-2) Omitted.

- (d-3) **"Urban area"** means the area comprised within the limits of the Municipal Corporation constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) or Municipal Council or Nagar Panchayat constituted under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) or such area which is situated within a distance of five kilometers from the limits thereof and the area of the dissolved Special Area Development Authority constituted under Section 64 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and the planning area as per the Development Plan of a town prepared under Section 13 of the Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973)."

- (d-4) **"Government land"** means such vacant land held by the State Government in the Revenue Department situated in an urban area and which has not been allotted to any other Government department for special purpose;

(d-5) Omitted.

(d-6) Omitted.

- (e) Words and expressions used but not defined in this Act and defined in the Madhya Pradesh land Revenue Code, 1959 (No. 20 of 1959), shall have the meanings, respectively, assigned to them in that Code.

3. Settlement of land.- (1) Notwithstanding anything contained in any law for the time being in force, the land occupied by a landless person in any urban area on

the 31st day of December, 2012 shall subject to the provisions of sub-section (2) be deemed to have been settled in his favour on the said date.

(2) The Authorised Officer may, subject to the rules framed or directions issued by the State Government from time to time, either settle the land in actual occupation of the landless person or allot to him any other land not exceeding forty five square metres in lease hold rights in his favour, provided he adduces following proof of his residence in the urban area prior to 31st December, 2012,-

(a) the ration card issued to him by the competent authority; or

(b) the written testimony from the appropriate officer authorized by the Municipal Corporation, Municipality or Nagar Panchayat as the case may be, certifying that he lived in the area prior to 31st December, 2012:

Provided that where the landless person is in occupation of more than forty-five square metres of land, settlement may be made for land up to 80 square metres in a Nagar Panchayat area, 60 square metres in a Municipal Council area; however the land settlement in the area of a Municipal Corporation shall not exceed 45 square metres of land".

(3) The lease hold rights accrued under sub-section (1) shall not be transferable by sub-lease, sale, gift, mortgage or any other manner whatsoever except by inheritance."

Provided that such lease hold rights may be mortgaged in favour of a nationalized bank or a Co-operative society or a government undertaking, to securing loan for construction of a expansion of a residential house.

(4) If the landless person to whom the leasehold rights have been accrued in respect of any land under this Act, transfers such land in contravention of the provisions of sub-section (3) or uses the said land for any purpose other than residential purpose, the following consequences shall ensue, namely:-

(i) the lease shall stand automatically cancelled on the data of such transfer.

(ii) such transfer shall be null and void.

(iii) no lease hold rights shall accrue to the transferee in respect of such land.

(iv) the authorised officer shall have the right to disposes the person who is in actual possession of such land.

(5) Notwithstanding anything contained in the Registration Act, 1908 (No. 16 of 1908) no officer empowered to register documents thereunder shall admit to registration any document which purports to contravene charges at such rate and in such manner as may be prescribed.

(6) The landless person to whom the lease hold rights have accrued under sub-section (shall) pay development charges at such rate and in such manner as may be prescribed.

(7) The lease deed in respect of the lease hold rights granted to the landless person shall be affixed with a recent photograph of the person and a copy of such photograph shall also be affixed in the land rent register and where the lease hold rights are granted jointly in the name of both husband and wife a joint photograph of both shall be affixed on the aforesaid documents.

3-A. Removal of dwelling houses.- (1) the Committee constituted by the State Government in this behalf shall decide the removal of any slum dwelling and its settlement in accordance with the procedure prescribed.

(2) Any landless person who is occupation of the land of a public park in the side of a road or in between road and dwellings may be removed from such place in public interest and may be given lease hold rights elsewhere.

(3) Any site for dwelling house where the landless persons are settled under sub-section (1) of Section 3 may be shifted elsewhere in public interest and their lease hold rights may be cancelled and such persons may be settled elsewhere."

4. Restoration of possession.- (1) If any landless person to whom leasehold rights have accrued in the land under section 3 dispossessed from that land or any part thereof otherwise than in due course of law, the Authorised Officer shall on an application made to him by the said landless person within six months from the date of dispossession restore such possession.

(2) If any dispute arises as to the occupation of the land in question on the 31st December 2012 the landless person claiming such occupation on the said date may

refer the dispute to the Authorised Officer for decision. The decision of the Authorised Officer thereon shall be final.

Provided that no order under sub-section (2) shall be passed without giving a reasonable opportunity of being heard to the parties in dispute.

4-A. Revision - The Collector may, at any time, on his own motion or on application made by any party interested for the purpose of satisfying himself as to legality or propriety of any order passed by or as to the regularity of any proceeding before the authorised officer, call for and examine record of any cause disposed of by or pending before such officer and may pass such order in reference thereto as he thinks fit:

Provided that-

(i) no such application shall be entertained unless presented within thirty days from the date of the order;

(ii) no order shall be varied or reversed in revision unless notice has been served on the party interested and the opportunity given to him of being heard.

5. Penalties.-(1) Any person who-

(i) Wrongfully dispossesses or attempts to dispossesses an occupier of a dwelling house;

(ii) Recovers or attempts to recover rent in any manner from an occupier of a dwelling house.

(iii) Conceals any information or gives wrong information with intention to fraudulently acquire leasehold rights;

Shall be punished with rigorous imprisonment which shall not be less than three months but which may extend to three years and with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees.

(2) If it is found that the landless person to whom the lease hold rights have accrued in respect of any land under this Act sold such land or otherwise transferred the same in contravention of the provisions of sub-section (3) of Section 3, the

Authorised Officer may file a complaint before the competent court and such person shall, on conviction, be punished which imprisonment which shall not be less than three months but which may extend to three years and with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees.

(3) If any person by force, deception or Seduction of money, dispossess an occupier of a land or dwelling house, the Authorised officer may file a complaint against such person in the competent court and such person shall, on conviction, be punished with imprisonment which shall not be less than three months but which may extend to three years and with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees.

5-A. Effect of illegal Possession.- If any land is not is not in possession of the occupier who has been given lease hold rights under this Act but is in possession of any other person, then an amount equal to one and a quarter times of the market value of the land, in case such land is used for dwelling purposes and two times of the market value of such land if it is used for commercial or for other non-dwelling purposes, shall be recovered from such person who is in possession of such land at present and upon payment of such amount the present occupier shall be entitled to get a lease hold rights over such land under this Act.

6. Power to make rules.- (1) The State Government may make rules to carry out all or any of the purposes of this Act including matters relating to premium and ground rent.

(2) Any rule made under this Act shall be laid on the table of the legislative Assembly.

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