



सत्यमेव जयते

GOVERNMENT OF GUJARAT

**LEGISLATIVE AND PARLIAMENTARY
AFFAIRS DEPARTMENT**

**The Saurashtra Gharkhed, Tenancy Settlement
and Agricultural Lands Ordinance, 1949**

(Saurashtra Ordinance No. XLI of 1949)

(As modified upto 28th February, 2021)





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**THE SAURASHTRA GHARKHED, TENANCY SETTLEMENT AND
AGRICULTURAL LANDS ORDINANCE, 1949.
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ORDINANCE NO. XLI OF 1949.**[THE SAURASHTRA GHARKHED, TENANCY SETTLEMENT AND
AGRICULTURAL LANDS ORDINANCE, 1949.]**[First published in the Gazette on 8th July, 1949.]

Amended by

- (1) Ordinance No. LXXXV of 1949.
 (2) Saurashtra Act No. XXX of 1950.
 (3) Saurashtra Act No. XLIV of 1953, and repealed in part by
 (1) Saurashtra Act No. XXV of 1951,
 (2) Saurashtra Act No. III of 1952.
 Amended by Saurashtra Act No. XLIV of 1953.
 Amended by Saurashtra Act No. XXXIX of 1955.
 Amended by Guj. 16 of 1973.
 Amended by Presi. Act 13 of 1974.
 Amended by Guj. 17 of 1976.
 Amended by Guj 30 of 1977.
 Amended by Guj. 7 of 1997.
 Amended by Guj. 28 of 2015.
 Amended by Guj. 18 of 2019.
 Amended by Guj. 13 of 2020.

AN ORDINANCE to provide for the settlement of disputes between land holders and their tenants and other matters.

WHEREAS it is expedient for the peace and good government of the State of Saurashtra to provide for the settlement of disputes relating to the quantum of Gharkhed land, rent and evictions, between the land holders and their tenants, for the improvement of the economic and social conditions of peasants, for the full and efficient use of land for agriculture and for certain other matters hereinafter appearing:

NOW, THEREFORE, in exercise of the powers conferred by paragraph (3) of Article IX of the Covenant, read with paragraph III of the Supplementary Covenant and all other powers enabling him in this behalf, the Raj Pramukh is hereby Pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called The Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949.

Short title, extent and commencement.

(2) It extends to the whole of the State of Saurashtra.

(3) It shall come into force on such date as may be specified by Government by a notification in the *Official Gazette*.*

2. In this Ordinance, unless there is anything repugnant in the subject or context;

Definitions.

(a) “Agency” means the former Western India and Gujarat State Agency;

(b) “agriculture” includes horticulture, raising of crops fodder or garden produce, dairyfarming, poultry froming, stock breeding and grazing, but does not include cutting of wood only;

(c) “agriculturist” means a person who cultivates the land personally;

(d) “an agreeing Talukdar or Estate-holder” mean a Talukdar or Estateholder who has entered into an agreement with the Government of India to accept Zamindari of his Taluka or Estate and to merge his Taluka or Estate in the State of Kathiawar known thereafter as the State of Saurashtra;

* This Ordinance was brought into force on 20th July, 1949 by Legal and Constituent Assembly Department notification No. LD/118 dated 13th July, 1949.

(e) "Bid land" means such land as has been used by the landholder for grazing his cattle or for cutting grass for the use of his cattle for not less than 10 years previous to 1st January, 1948;

(f) "to cultivate" means to carry on any agricultural operation;

(g) "to cultivate personally" means to cultivate on one's own account-

(1) by one's own labour, or

(2) by the labour of any member of one's family, or

(3) by servants on wages payable in cash or kind, but not in cropshares or by hired labour, under one's personal supervision or of any member of one's family;

Explanation I.- An agriculturist who is a widow or a minor or is subject to any physical or mental disability or who is in active service of the Government of the State of Saurashtra, the Government of India or any State Government in India, shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;

Explanation II.- In the case of Undivided Hindu Family, the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family;

(h) "Gharkhed" means land reserved by a landholders for cultivating personally:

Provided that the land shall continue to be Gharkhed land even if a landholder allows the same to be cultivated by the tenant cultivating the land on the 1st January, 1948;

(i) "Government" means the Government of the State of Saurashtra;

(j) "improvement" means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held and includes,-

(a) the construction of tanks, well, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(b) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water;

(c) the reclaiming, clearing, enclosing, levelling or terracing of land;

(d) the erection of building on the land required for the convenient or profitable use of such land for agricultural purposes; and

(e) the renewal or re-construction of any of the foregoing works or alterations therein or additions thereto as are not of the nature of ordinary repairs;

but does not include such clearances, embankments, levelling, enclosures, temporary wells, water channels and other works as are commonly made by the tenants in the ordinary course of agriculture;

(k) "land" means land which is used for agricultural purpose and includes:-

(a) sites of farm building appurtenant to land used for agricultural purposes; and

(b) sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;

(l) "landholder" means a Zamindar, Jagirdar, Girasdar, Talukadar, Bhayt, Bhagdar, Mulgirasia, Barkhalidar, Inamdar, Jiwaidar or and person who is a holder of land or who is interested in land and whom the Government has declared on account of the extent and value of the land or his interests therein to be a landholder for the purposes of this Ordance;

(m) "Mamlatdar" includes a Mahalkari and any other officer whom the Government may appoint to perform the duties of a mamlatdar under this Ordinance;

(n) "person" includes an Undivided Hindu Family;

(o) "prescribed" means prescribed by rules made under this Ordinance;

(p) "profits of agriculture" in respect of any land means the surplus remaining with the cultivator after the expenses of cultivation including wages of the cultivator working on the land are deducted from the gross produce;

(q) "reasonable rent" means the rent determined under section 13;

(r) "rent" means any consideration in money or kind paid or payable by a tenant on account of the use or occupation of the land held by him, but shall not include the rendering of any personal service or labour;

(s) "State" means the State of Saurashtra;

(t) "tenancy" means the relationship of landholders and tenant;

(u) "tenant" means an agriculturist who holds land or lease and includes a person who is deemed to be a tenant under the provisions of this Ordinance;

(v) "Tribunal" means the Agricultural Lands Tribunal constituted under section 58;

(w) "State of Saurashtra" means the State created and established under the Covenant entered into by the rulers of Kathiawar and the Agreement entered into by the Talukadars and Estate-holders of Kathiawar and the former State of Junagath, Manavadar, Bantwa, Sardargadh, Mangrol and Babariawad which have integrated under the Supplementary Covenant entered into by the representative of these States and rulers of Kathiawar and includes any other State, area or territory which may hereafter integrate or merge into the State of Saurashtra;

(x) "year" means the year ending on the 31st of March or on such date as the Government may, by notification appoint for any locality;

(y) words and expressions used in this Ordinance but not defined shall have the meaning assigned to them, as the case may be, in the Bombay Land Revenue Code, 1879, as adapted and applied to the State and the Transfer of Property Act, 1882.

[CHAPTER II.

[* * * * *]

CHAPTER III.

NON-GHARKHED LANDS.

²[16. * * * * *]

²[17 * * * * *]

²[18 * * * * *]

1. Chapter II was repealed by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).

2. Sections 16, 17 and 18 were repealed by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).

Modifications in
the Bombay Land
Revenue Code
as adapted and
applied.

19. (1) ¹[The] Bombay Land Revenue Code, 1879, as adapted and applied to the State, shall apply to the estates of landholders to which this Ordinance applies.

²[(2) * * * * *]

²[(3) * * * * *]

³[(4) * * * * *]

⁴[20. * * * * *]

⁵[CHAPTER IV.

[* * * * *]

⁶[CHAPTER V.

[* * * * *]

CHAPTER VI.

MANAGEMENT OF ESTATES HELD BY LANDHOLDERS

Power to assume
management of
landholder's estate.

35. Notwithstanding any law for the time being in force, usage or custom or the terms of contract or grant, when the Government is satisfied that on account of the neglect of a landholder or disputes between him or his tenants the cultivation of his estate has seriously suffered, or when it appears to the Government that it is necessary for

⁷[* * * * *]

ensuring the full and efficient use of the land for agriculture to assume management of any landholder's estate, a notification announcing such intention shall be published in the *Official Gazette* and the Collector shall cause notice of the substance of such notification to be given at convenient place in the locality where the estate is situated. Such notification shall be conclusive.

Vesting estate in
management.

36. On the publication of the notification under section 35, the estate in respect of which the notification has been published shall, so long as the management continues, vest in the Government. Such management shall be deemed to commence from the date on which notification is published and the Government shall appoint a manager to be in charge of such estates.

Effect of
declaration of
management.

37. On the publication of the notification under section 35, the following consequences shall ensue :-

(1) All proceeding then pending in any civil court in respect of the debts and liabilities enforceable against the estate shall be stayed and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended.

(2) So long as the management continues no fresh proceedings, processes, executions or attachments shall be instituted in or issued, enforced or executed by any civil court in respect of such debts and liabilities.

(3) So long as the management continues the holder of the estate shall be incompetent:-

(a) to enter any contract involving the estate in pecuniary liability;

(b) to mortgage, charge, lease, or alienate the property under management or any part thereof; or

(c) to grant valid receipts for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this section shall be deemed to preclude the manager from letting and the holder from taking the whole or any part of such estate on such terms consistent with this Ordinance as may be agreed upon between the parties.

1. This word was substituted for the words "Subject to the Provisions of sub-sections (2) and (3)" by section 18 of the Saurashtra Estates Acquisition Act, 1952 (Act No. III of 1952).

2. Sub-sections (2) and (3) were omitted, *ibid.*

3. Sub-section (4) was repealed by the Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951).

4. Section 20 was repealed, *ibid.*

5. Chapter IV was repealed, *ibid.*

6. Chapter V was repealed, *ibid.*

7. The words "the purpose of improving the economic and social condition of peasants or" were omitted by ordinance No. LXXXV of 1949.

(4) So long as the management continues, no person other than the manager shall be competent to mortgage, charge, lease or alienate such estate or any part thereof.

38. (1) The manager shall, during the management of the estate, have all the powers which the holder thereof might as such have exercised and shall receive and recover all rents and profits due in respect of the property under management. **Manager's powers.**

(2) For the purpose of recovering such rents and profits the manager shall have, in addition to any powers possessed by the Collector under the law for the time being in force for securing and recovering land revenue due to Government.

39.(1) From the sums received or recovered under section 38, the manager shall pay: **Manager to pay costs of management, etc.**

(i) the costs of management including the costs of necessary repairs;

(ii) the Government revenue and all debts and liabilities for the time being due or incurred to the Government in respect of the property under management;

(iii) the rent, if any, due to any superior holder in respect of the said estate;

(iv) such periodical allowances as the Collector may from time to time fix for the maintenance and other expenses of the holder and of such members of his family as the Collector directs;

(v) the cost of such improvements of the said estate as he thinks necessary and as approved by the Collector.

(2) The residue shall be retained by the manager for the liquidation, in the manner hereinafter provided, of the debts and liabilities other than those mentioned in sub-section (1) and also for the repayment either before or after the liquidation of such debts and liabilities, of any loan received from Government by the manager under this Ordinance. The balance, if any, shall be paid to the holder.

40. On the publication of the order of management, the manager shall publish in the *Official Gazette* a notice calling upon all persons having claims against the estate under management to notify the same writing to such manager within two months from the date of the publication. He shall also cause copies of such notice to be exhibited at such several places as he thinks fit. **Notice to claimants.**

41. (1) Every such claimant shall, along with his claim, present full particulars thereof. **Claim to contain full particulars.**

(2) Every document on which the claimant founds his claim or on which he relies in support thereof, shall be delivered to the manager along with the claim.

(3) If the document be an entry in any book, the claimant shall produce the book to the manager, together with a copy of the entry on which he relies. The manager shall mark the book for the purpose of identification and, after examining and comparing the copy with the original, shall return the book to the claimant.

(4) If any document in possession or under the control of the claimant is not delivered or produced by him before the manager along with the claim, the manager may refuse to receive such document in evidence on claimant's behalf at the investigation of the case.

**Claim not
duly notified
to be barred.**

42. Every such claim other than the claim of the Government not informed to the manager within the time and in the manner required by such notice shall, except as provided herein, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that when proof is made to the manager that the claimant was unable to comply with the provisions of section 40, the manager may receive such claim within the further period of two months from the expiration of the original period of two months.

**Determination of
debts and liabilities.**

43. The manager shall inquire into history and merits of every claim received under the preceding section and shall in accordance with the rules to be made under this Ordinance determine the amount of the debts and liabilities, if any, justly due to the several claimants.

**Power to rank debts
and fix interest.**

44. If such amount cannot be paid at once, the manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid and fix the interest, if any, to be paid thereon, respectively from the date of the final decision thereon to the date of the payment and discharge thereof.

**Scheme for
Liquidation.**

45. When the total amount of the debts and liabilities including those due and incurred to the Government has been finally determined, the manager shall prepare and submit to the Collector a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation scheme) showing the mode in which it is proposed to pay discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

**Provision of
scheme.**

46. Every liquidation scheme shall further provide for the continuance of payments to be made by the manager and for the repayment of money, if any, the manager proposes to borrow from Government under this Ordinance and may provide for the improvement of the estate under management either from the said income or with aid of the funds raised as aforesaid or partly in one of such ways and partly in the other.

**Effects
of sanctioning
scheme.**

47. When the Collector sanctions the liquidation scheme, he shall notify the fact of such sanction at such place and in such manner as the Government may from time to time by rule direct ; and thereupon:-

(i) all proceedings, processes, executions and attachments stayed or suspended under section 37 shall be forever barred;

(ii) every debt or liability due or owing to any person which was provable before the manager shall be extinguished, and such person shall be entitled to receive under the liquidation scheme the amount, if any, finally awarded to him under the preceding sections in respect of such debt or liability.

**Power to remove
mortgagee in
possession.**

48. (1) If the estate under management or any part thereof be in the possession of a mortgagee or conditional vendee, the manager at any time after the liquidation scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current year.

(2) If such incumbrancer refuses or neglects to obey such order, the manager may without resorting to a civil court enter upon the property and summarily evict therefrom the said incumbrancer or any other person obstructing or resisting in his behalf.

(3) Nothing in this section shall be held to affect the right of any incumbrancer to receive under the liquidation scheme the amount, if any, awarded to him under this ordinance.

**Power to sell or
lease.**

49. Subject to the rules made under this Ordinance, the manager, after the liquidation scheme has been sanctioned as aforesaid, shall have power to sell or grant on lease all or any part of the estate under the management:

Provided that the estate or any part thereof shall not be sold or leased for a period exceeding 10 years without the previous permission of the Collector:

Provided further that the Collector shall not give such permission unless he is satisfied that such sale or lease is necessary for the benefit of the estate. The decision of the Collector shall be final.

50. The manager's receipt for any moneys, rents or profits raised or received by him under this Ordinance shall discharge the person paying the same therefrom or from being concerned to see to the application thereof. **Manager's receipt a discharge.**

51. (1) If the holder of the estate dies after the publication of the order of management, the management shall continue and proceed in all respects as if the holder were still living. **Holder of estate dying.**

(2) Any person succeeding to the whole or any part of the estate under management shall, while such management continues, be subject in respect of such estate to the disabilities imposed under this Ordinance.

(3) No civil court shall, during the continuance of the management, issue any attachment or other process against any portion of the estate under management for or in respect of any debt or liability incurred by any such person either before or after his said succession.

52. The Government, when it is of opinion that it is not necessary to continue the management of the estate, by order published in the *Official Gazette*, may direct that the said management shall be terminated. On the termination of the said management the estate shall be delivered into the possession of the holder, or, if he is dead, of any person entitled to the said estate together with any balances which may be due to the credit of the said holder. All acts done of or purporting to be done by manager during the continuance of the management the estate shall be binding on the holder or on any person to whom the possession of the estate has been delivered. **Termination of Management.**

53. The manager appointed under this Chapter shall be deemed to be a public servant under section 21 of the Indian Penal Code. **Manager deemed to be public servant.**

CHAPTER VII.

RESTRICTION ON TRANSFERS OF AGRICULTURAL LANDS, MANAGEMENT OF UNCULTIVATED LANDS AND ACQUISITION OF ESTATES AND LANDS.

54. (1) Save as provided in this Ordinance :-

(a) no sale (including sales in execution of a decree of a civil court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift, exchange or lease of any land ¹[where lease is by law allowed] or interest therein, or

(b) no mortgage of any land or interest (herein in which the possession of the mortgaged property is delivered to the mortgagee, shall be valid in favour of a person who is not an agriculturist ; ²[or]

³[c) no agreement made by an instrument in writing for the sale, gift, exchange, lease or mortgage of any land or interest therein]:

Provided that the Collector or an officer authorised by the Government may grant permission for such sale, gift, exchange, lease, ⁴[where lease is by law allowed], or mortgage, ⁵[or for such agreement] on such conditions as may be prescribed:

⁶[Provided further that no such permission shall be granted, where land is being sold to a person who is not an agriculturist for agricultural purpose, if the annual income of such person from other sources exceeds five thousand rupees.]

⁷[(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.]

(2) Nothing in this section shall be deemed to prohibit the sale, gift, exchange or lease of a dwelling house or the site thereof or any land appurtenant to it in favour of an agricultural labourer or an artisan.

Transfer to non-agriculturists barred.

1. These words were inserted by Saurashtra Act No. XLIV of 1953.
2. This word was added by Guj. 30 of 1977, s. 9(i).
3. Clause (c) was inserted, *ibid.* s. 9 (ii).
4. These words were inserted by Saurashtra Act No. XLIV of 1953, s. 2 (i) (b).
5. These words were inserted Guj. 30 of 1977, s. 9 (iii).
6. This proviso was added by Guj. 16 of 1973, s.2.
7. Sub-section (1A) was inserted by Guj. 5 of 2015, s. 3.

¹[**Explanation:**—For the purpose of this section in so far as it relates to sale or lease of land, the term “agriculturist” shall include a ²[Maldhari and Landless Labourers employed in agricultural operations].]

Last transaction if made to an agriculturist to be valid even if earlier transaction or transactions may be invalid.

³[**54A.** (1) Notwithstanding anything contained in section 54, where the Mamalatdar *suo moto* or on the application of any person interested in the land, has reason to believe that, in the breach of the provisions of clauses (a), (b) or (c) of sub-section (1) of section 54, transfer of the land had taken place in favour of a person who was not an agriculturist, and that certain transaction or transactions have taken place thereafter and the person in whose favour the last transaction was made on or before the 30th June, 2015, is an agriculturist, he shall issue a notice to such person and shall give him an opportunity of being heard and also make an inquiry as he deems fit.

(2) If the Mamalatdar comes to the conclusion that as a result of the last transaction in respect of such land the person to whom such land was transferred is indeed an agriculturist, he shall call upon such person to pay to the State Government, for the use of such land only for the agricultural purpose, the amount of ten per cent. of the prevailing *Jantri* and after such payment he shall declare, by an order, such last transaction to be valid irrespective of the fact that any one or more of such transactions was or were invalid and upon such order, no proceedings under section 75 shall be initiated and if already initiated shall be discontinued forthwith.

Conversion of land into non-agricultural purpose if the land is purchased before the commencement of Amending Act, 2015.

54B. (1) Notwithstanding anything contained in section 54 or 75A but subject to the provisions of any other law for the time being in force, any institution registered as a public trust for charitable purpose under the Gujarat Public Trusts Act, 1950, or any company registered under the Companies Act, 2013 which has in its objects the promotion of charity and to which provisions of section 8 of the said Act are applicable, has purchased the land in contravention of the provisions of sub-section (1) of section 54 on or before the 30th June, 2015 ⁴[such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.]

Bom. 29 of 1950.
18 of 2013.

Guj. 18 of 2019.

(2) On an application made under sub-section (1), the Collector shall make a detailed inquiry and comes to the conclusion that such institution has, in contravention of the provisions as referred to in sub-section (1) purchased the land, he shall call upon such public trust or the company as referred to in sub-section (1) to pay such amount in such manner as may be prescribed by the state Government and if such public trust or company pays such sum as directed by the Collector, the Collector shall allow the conversion of such land into the non-agricultural purpose and pass the order accordingly.]

Sale of land for bonafide industrial purpose permitted in certain cases.

⁵[**55.** (1) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 in favour of any person for use of such land by such person for a *bonafide* industrial purpose:

Bom. V of 1879.

Provided that—

(a) the land is not situated within the urban agglomeration as defined in clause (n) of section 2 of the Urban Land (Ceiling and Regulation) Act 1976.

33 of 1976.

(b) where the area of the land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Industries Commissioner, Gujarat State or such other officer, as the State Government may, by an order in writing authorise in this behalf.

(c) the area of land proposed to be sold shall not exceed four times the area on which construction for a *bonafide* industrial purpose is proposed to be made by the purchaser:

1. This Explanation was added by Saurashtra Act No. XLIV of 1953, s 2 (b).
2. These words were substituted for the word “Maldhari” by Saurashtra Act No. XXXIX of 1955, s. 2.
3. Sections 54A and 54B were inserted by Guj. 28 of 2015, s. 5.
4. This portion was substituted by Guj. 18 of 2019, s. 4.
5. This section was inserted by Guj. 7 of 1997, s. 5.

Provided that any additional land which may be required for pollution control measures or required under any relevant law for the time being in force and certified as such by the relevant authority under that law shall not be taken into account for the purpose of computing four times the area.

(d) where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Bombay Land Revenue Code, 1879.

Bom. V of 1879.

(2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for a *bonafide* industrial purpose, send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

¹[(aa) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agricultural assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct];

²[(b) the purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence production of goods or providing of services within five years from such date of certificate:

Provided that the period of five years may, on an application made by the purchaser in that behalf be extended by two years by the Collector as it may by an order in writing in such circumstances as may be prescribed:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

³[Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.]]

(c) Where, on receipt of the notice of the date of purchase for the use of land for a *bonafide* industrial purpose and other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit—

(i) is satisfied that the purchaser of such land has validly purchased the land for a *bonafide* industrial purpose in conformity with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.

(ii) is not so satisfied, he shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of land to the purchaser shall be deemed to be in contravention of section 54.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such officer, as it may, by an order in writing, authorise in this behalf.

(ii) The State Government or the authorised officer, shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

1. Clause (aa) was inserted by Guj. 18 of 2019, s. 5 (1) (a).
2. Clause (b) was substituted by Guj. 28 of 2015, s. 6 (2).
3. This proviso was substituted by Guj. 18 of 2019, s. 5 (1) (b).

(3) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for industrial purpose before the land is put to use for such purpose.

(b) The purchaser to whom a certificate is issued under sub clause (i) of clause (c) of sub-section (2) shall commence industrial activity on such land within three years from the date of certificate and commence production of goods or providing of services within five years from such date:

Provided that the period of three years or, as the case may be five years may, on an application made by the purchaser in that behalf, be extended from time to time, by the State Government or such officer, as it may, by an order in writing, authorise in this behalf, in such circumstances as may be prescribed:

¹[Provided further that where the land is sold to a purchaser which is a company as defined by clause (20) of section 2 of the Companies Act, 2013, it may offer the equity shares of the company, to the person by whom such land is being sold, in lieu of the sale price of such land and if such person is in agreement for accepting such equity shares, either in full or partly, then it shall be incumbent upon such company to allot such equity shares of equivalent amount, either in full or partly, to such person.]

²[(3A) In case where the purchase fails to commence the production of goods or providing of services within three years from the date of certificate issued under sub-clause (ii) of clause (c) of sub-section (2) or thereafter, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

³[Provided that such permission shall be granted by the Collector only upon the payment of-

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);

(b) 60 per cent. of the prevailing *Jantri* value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);

(c) 30 per cent. of the prevailing *jantri value*, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);

(d) 25 per cent. of the prevailing *jantri value* if the application is made beyond ten years:

Provided however that,-

(i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

(ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value;

1. This proviso was inserted by Guj. 28 of 2015, s. 6(1).
2. Sub-sections (3A) and (3B) were inserted by Guj. 28 of 2015, s.6(3).
3. This proviso was substituted by Guj. 13 of 2020, s.4(1)

(iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator/ Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value;]

(iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 Per cent. of the prevailing *jantri* value.]

(3B) Notwithstanding anything contained in sub-section (3) or sub-section (3A),—

(i) where the land is sold to a person in pursuance of sub-section (1) for the purpose of establishing an industrial park in consonance with the policy and conditions of the State Government in that behalf, the purchaser shall fulfill all the conditions in such manner and within such period as may be prescribed;

(ii) the purchaser shall be required to obtain certificate/certificates from the Industries Commissioner, Gujarat State, in the manner as may be prescribed of having fulfill the conditions as referred to in clause (i);

¹[(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.]

(iii) in case where the purchaser fails to obtain the certificate/certificates as referred to in clause (ii), the provisions of sub-section (4), in so far as vesting of such land or part of such land in case where the purchaser has already transferred any portion or portions of such land, in the State Government and disposal of such land are concerned, shall *mutatis mutandis* apply;

(iv) the purchaser shall be entitled to transfer or sell portion of such land to any person for establishing an industry thereon subject to the provisions of the policy of the State Government with regard to the industrial park;

(v) the transferee under clause (iv) or any person to whom such land may be transferred in any subsequent transaction or transactions shall be entitled to sell or transfer such portion of land to any person for the purpose as provided in clause (iv);

1. Clauses (ii-a) and (ii-b) were inserted by Guj. 18 of 2019, s.5(2)(a).

¹[(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of,—

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

²[Provided that,—

(i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;

(ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri value*;

(iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator/ Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/ Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent. of the prevailing *jantri value*;

(iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent. of the prevailing *jantri value*.

³[**Explanation.**—For the purpose of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.]

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1. Clause (vi) was substituted by Guj. 18 of 2019, s. 5(2) (b).
 2. This proviso was substituted by Guj. 13 of 2020, s.4 (2).
 3. This Explanation was added by Guj. 18 of 2019, s 5 (3).

¹[(4) Where the Collector after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard comes to the conclusion that the purchaser has failed to commence production of goods or providing of services within the period specified in clause (b) of sub-section (3), or the period extended under the provisos to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the State Government may determine and such land shall be disposed of by the State Government in the manner as may be prescribed.]

²[55A. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time: **Sale of land for the purposes other than industrial purposes.**

Provided that -

Bom. V
of 1879

(a) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than *bonafide* industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time.

(b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

Bom. V
of 1879

(c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale of such land shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

(2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as "the purchaser"), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase for the land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-

(i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1) shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 54.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.

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1. Sub-section (4) was substituted by Guj. 28 of 2015, s. 6 (4).
 2. Section 55A was inserted by Guj. 13 of 2020, s. 5.

(ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.

(3) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.

(b) The area of land which is desired to be sold shall not be used for any other purpose other than intended to use.

(c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the Collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

(d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of-

(i) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;

(ii) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;

(iii) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;

(iv) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

(a) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use such land as per the zone declared in the Common General Development Control Regulations;

(b) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.]

¹[56 * * * * *]

¹[57 * * * * *]

²[CHAPTER VIII]

¹[* * * * *]

²[CHAPTER IX]

¹[* * * * *]

CHAPTER X

MISCELLANEOUS.

73. (1) The Government may make rules for carrying out the purposes of this Ordinance. **Rules.**

²[(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters:—

(a) the manner of determining debts and liabilities under section 43;

(b) the manner of notifying liquidation scheme sanctioned under section 47;

(c) the conditions subject to which permission to acquire land or interest therein may be granted under Section 54;

(d) the form of notice and particulars to be sent under clause (a), the rules subject to which the Collector may direct the payment of fine under clause (b), the form of and the time within which a certificate is to be issued under sub-clause (i) of clause (c) of sub-section (2) and the circumstances in which the period may be extended under the proviso to clause (b) of sub-section (3) of section 55, and

³[(d-a) the manner and period to fulfill the conditions by purchaser of the industrial park under sub-section (3B) of section 55;

(d-b) the manner for disposal of land vested in the State Government under sub-section (4) of section 55;]

(e) any other matter which is to be or may be prescribed under this Ordinance.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

(4) All rules made under this section shall be laid before the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any modifications so made by the State Legislature shall be published in the *Official Gazette* and shall there upon take effect].

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1. Sections 56, 57, Chapter VIII, and Chapter IX were repealed by Saurashtra Land Reforms Act, 1951 (Act No. XXV of 1951.)
 2. Sub-section (2) to (5) were substituted for original sub-section (2) and (3) by Guj. 7 of 1997, s. 6.
 3. Clauses (d-a) and (d-b) were inserted by Guj. 28 of 2015, s.8.

**Delegation
of powers.**

74. The Government may, subject to such restrictions and Conditions as it may impose, by notification in the *Official Gazette*, delegate to any of its officers, not below the rank of an Assistant or Deputy Collector, all or any of the powers conferred on it by this Ordinance.

**Summary
eviction.**

75. Any person unauthorisedly occupying or wrongfully in possession of any land,

(a) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Ordinance,

(b) the management of which has been assumed under the said provisions, or

(c) to the use and occupation of which he is not entitled under the said provisions and the said provisions do not provide for the eviction of such persons, may be summarily evicted by the Collector.

**Penalty to
transferee for
transfer of
land in breach
of provisions of
sub-section (1)
of section 54.**

¹[75A. (1) Notwithstanding anything contained in section 75, where the Collector *suo moto* or on the application of any person, has reason to believe that, in the breach of the provisions of clause (a), (b) or (c) of sub-section (1) of section 54, transfer of the land has taken place in favour of a person who is not an agriculturist or in favour of any institution, the Collector shall issue a notice to such person or institution and, after affording an opportunity of being heard, decide whether the transfer of the land is valid or not.

(2) If the Collector comes to a decision that the transfer of such land is not valid then he shall pass an order thereby imposing the penalty of three times the amount of the prevailing *Jantri* of such land on the person or the institution in whose favour such land is not validly transferred.

Explanation.—For the purpose of this Ordinance, the expression “*Jantri*” means the index of base market values as may be determined by the State Government from time to time.]

**Bar of
jurisdiction.**

76. (1) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Ordinance required to be settled, decided or dealt with by the mamlatdar or Tribunal, a manager, the Collector or the Saurashtra Revenue Tribunal in appeal or revision or the Government in exercise of their powers of control.

(2) No order of the mamlatdar, the Tribunal, the Collector or the Saurashtra Revenue Tribunal or the Government made under this Ordinance shall be questioned in any civil or criminal court.

Explanation.—For the purpose of this section, a civil court shall include a Mamlatdar’s Court constituted under the Saurashtra Mamlatdars’ Court Ordinance, 1948.

Control.

77. In all matters connected with this Ordinance, the Government shall have the same authority and control over the mamlatdars’ and the Collectors acting under this Ordinance as they have and exercise over them in the general and revenue administration.

Indemnity.

78. No suit or legal proceeding shall lie against any person in respect of a thing which is in good faith done or intended to be done under this Ordinance.

**Ordinance
not to apply to
certain lands
and areas.**

79. (1) Nothing in the foregoing provisions of this Ordinance shall apply :-

(a) to lands held on lease from the Government, a local authority or a co-operative society;

(b) to lands held on lease for the benefit of an industrial or commercial undertaking;

²[(c) * * * * *]

(d) to any area which the Government may, from time to time, by notification in the *Official Gazette*, specify as being reserved for urban non-agricultural or industrial development.

1. Section 75A was inserted by Guj. 28 of 2015, s. 7.
2. Clause (c) was omitted by Guj. 17 of 1976, s. 2.

(2) Notwithstanding anything contained in sub-section (1) the Government may, by notification published in the *Official Gazette*, direct that any particular land or class of lands in any area shall not be exempt from all or any of the provisions of this Ordinance.

80. (1) The Ordinance specified in ¹[Schedule II] are hereby repealed.

Repeal.

(2) But nothing in this Ordinance or any repeal effected thereby shall, save as expressly provided in this Ordinance, affect or be deemed to affect—

(a) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Ordinance, or

(b) any legal proceedings or remedy in respect of any such right, title, interest, obligation or liability or anything done or suffered before the commencement of this Ordinance.

and any such proceeding shall be continued and disposed of as if this Ordinance was not passed.

(3) Notwithstanding anything contained in sub-section (2), all proceedings for the recovery or restoration of the possession of the land under the Ordinance so repealed pending at the date of commencement of this Ordinance before the mamlatdar or in appeal before the Collector, shall, notwithstanding anything contained in this section, be deemed to have been instituted and pending before the mamlatdar or in appeal before the Collector, as the case may be, under this Ordinance and shall be disposed of in accordance with the provisions of this Ordinance.

(4) Any appointment, notification, order, rule or form made or issued under the Ordinances so repealed, shall continue to be in force and be deemed to have been made or issued under the provisions of this Ordinance, in so far as such appointment, notification, notice, order, rule or form is not inconsistent with the provisions of this Ordinance or rules made thereunder, and shall continue to be in force unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Ordinance.

²[SCHEDULE I.

Crop Share

I—Name of the crop and extent of share.

1	2	3
Millet	Ground-nut	Wheat
Jowar	Seasamum	Summer Jowar
Adad	Kapas	Summer Millet
Mug	Kala	Summer Mug
Math	Winter Jowar	Rajka Seed
Kalthi	Bavto	Dangar
Kang	Kodara	
Banti	Garlic (Green)	
Tali	Gram	
}	}	}
$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{5}$

1. These words were substituted for the words "the Schedule" by Saurashtra Act No. XXX of 1950.

2. This Schedule was inserted by Saurashtra Act No. XXX of 1950.

II.—Cash rent

Garlic (Dry)	Rs. 8-0-0 per Bigha
Sugarcane	Rs. 15-0-0 to Rs. 25-0-0 per Bigha
Vegetable	Rs. 6-0-0 to Rs. 10-0-0 per Bigha,]

THE SCHEDULE 'II]

Ordinances repealed

(See section 80).

Year	No.	Short title.
1948	XXII	The Saurashtra Protection of Tenants Ordinance, 1948.
1948	XXVI	The Saurashtra Zamindars and Tenants Settlement of Rent Disputes Ordinance, 1948.
1948	XXXVI	The Saurashtra Protection of Tenants (Amendment) Ordinance, 1948
1949	XXVIII	The Saurashtra Postponement of Eviction Ordinance, 1949.

1. This was renumbered as Schedule II by Saurashtra Act No. XXX of 1950.