



भारत सरकार / Government of India

सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

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U.T. Administration of Dadra and Nagar Haveli
and Daman and Diu
Department of Law and Justice
Vidyut Bhawan, Nani Daman

NOTIFICATION

No. LAW/U.T. Merge (4) /Adapt. State Law/2022/59

Dated: 30/03/2022

In exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18th January, 2022 a copy of “**The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act No. LXII of 1947) as in force in the State of Gujarat as extended to the Union Territory of Dadra and Nagar Haveli and Daman and Diu**” dated 22/03/2022 is hereby publish in the Official Gazette of this Union territory of Dadra and Nagar Haveli and Daman and Diu for implementation and for general information.

Sd/-
(Rohit P.Yadav)
Secretary Law
Dadra and Nagar Haveli and
Daman and Diu

**THE BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF
HOLDINGS ACT, 1947 (BOMBAY ACT NO. LXII of 1947) AS IN FORCE IN THE
STATE OF GUJARAT AS EXTENDED TO THE UNION TERRITORY OF DADRA AND
NAGAR HAVELI ¹[AND DAMAN AND DIU]**

An Act to provide for the prevention of fragmentation of agricultural holdings and for their consolidation.

Whereas it is expedient to prevent the fragmentation of agricultural holdings and to provide for the consolidation of agricultural holding for the purpose of the better cultivation thereof it is hereby enacted as follows:—

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli ²[and Daman and Diu].

(3) It shall come into force in such areas and on such date as the Administrator may by notification in the Official Gazette direct.

2. Definition.—In this Act, unless there is anything repugnant in the subject or context —

(1) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli ³[and Daman and Diu], appointed by the President under article 239 of the Constitution;

(1A) "agricultural year" means the year commencing on the first day of April;

⁴[(1B) "Collector" means the Collector of a district and includes any other officer appointed by the Government to exercise and perform all or any of the powers and functions of a Collector under this Act;]

(2) "Consolidation of holdings" means the amalgamation and where necessary the redistribution of holdings or portions of holdings in any village or any part thereof so as to reduce the number of plots in holdings;

(3) "Consolidation Officer" means an officer appointed as such under section 15 by the Administrator and includes any person authorised by the Administrator to perform all or any of the functions of the Consolidation Officer under this Act;

(3A) "Cooperative Society" means a Cooperative Society registered or deemed to be registered under Gujarat Cooperative Societies Act, 1961 (10 of 1962) ⁵[or the

¹ Inserted by the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Law) Third Order, 2022 herein after referred to as the (Adaptation of State Law) Third Order, 2022

² Inserted by the (Adaptation of State Law) Third Order, 2022

³ Inserted by the (Adaptation of State Law) Third Order, 2022

⁴ Substituted by the (Adaptation of State Law) Third Order, 2022

Maharashtra Co-operative Societies Act, 1960 (XXIV of 1960) or any Co-operative Societies Act] as in force in the Union territory;

- (4) "fragment" means a plot of land less extent than the appropriate standard area determined under this Act:

Provided that no plot of land shall be deemed to be a fragment by reason of any diminution in its area by diluvion;

- (5) "land" means agricultural land, whether alienated or unalienated;
- (6) "local area" means any area notified as such in the Official Gazette under section 3;
- (7) Omitted;
- (8) "Owner" means in the case of unalienated land the occupant or tenure-holder and when such land has been mortgaged owner means the mortgagor; in the case of alienated land owner means the superior holder;
- (9) "prescribed" means prescribed by rules made under this Act;
- (9a) "Settlement Commissioner" includes the Collector or any other person authorized by the Administrator; and
- (9b) "Union territory" means the Union territory of Dadra and Nagar Haveli ⁶[Daman and Diu];
- (10) "Standard area" in respect of any class of land means the area which the Administrator may from time to time determine under section 5 as the minimum area necessary for profitable cultivation in any particular local area, and includes a standard area revised under the said section;
- (10a) "village committee" means a village committee constituted under section 34A;
- (11) words and expressions used in this Act, but not defined have the meaning assigned to them in the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 ⁷[and Goa, Daman and Diu Land Revenue Code, 1968 (9 of 1968).]

CHAPTER II DETERMINATION OF LOCAL AND STANDARD AREAS AND TREATMENT OF FRAGMENTS.

- 3. Determination of local area.**—The Administrator may, after such inquiry as it deems fit, by notification in the Official Gazette, specify a village, or any part thereof as a local area for the purpose of this Act.

⁵ Inserted by the (Adaptation of State Law) Third Order, 2022

⁶ Inserted by the (Adaptation of State Law) Third Order, 2022

⁷ Inserted by the (Adaptation of State Law) Third Order, 2022

4. Settlement of standard areas.—(1) The Administrator may, after such inquiry as deems fit and after consultation with the Advisory Committee or any other body, appointed by him, provisionally settle for any class of land in any local area the minimum area that can be cultivated profitably as a separate plot.

(2) The Administrator shall by notification in the Official Gazette, and in such other manner as may be prescribed publish the minimum areas provisionally settled by him under sub-section (1) and invite objections thereto.

5. Determination and revision of standard areas.—(1) The Administrator shall, after considering the objections, if any, received within three months of the date of publication of the notification under sub-section (2) of section 4 in the village concerned and making such further inquiry as he may deem fit, determine the standard area for each class of land in such local area.

(2) The Administrator may at any time if he deems fit expedient so to do, revise a standard area determined under sub-section (1). Such revision shall be made in the manner laid down in section 4 and sub-section (1).

(3) The Administrator shall, by notification in the Official Gazette, and in such other manner as may be prescribed, give public notice of any standard area determined under sub-section (1) or revised under sub-section (2).

6. Entry in the Record of Rights.—(1) On notification of a standard area under sub-section (3) of section 5 of a local area all fragments in the local area shall be entered as such in the Record of Rights or where there is no Record of Rights in such village record as the Administrator may prescribe.

(2) Notice of every entry made under sub-section (1) shall be given in the manner prescribed for the giving of notice under the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 ⁸[and Goa, Daman and Diu Land Revenue Code, 1968 (9 of 1969)] of an entry in the register of mutations.

7. Transfer and lease of fragments.—(1) No person shall transfer any fragment in respect of which a notice has been given under sub-section (2) of section 6 except to the owner of a contiguous of a survey number or recognised sub-division of a survey number :

Provided that the holder of such fragment may mortgage or transfer it to the Central Government or a land mortgage bank or any other cooperative society as security for any loan advanced to him by the Central Government or such bank or society, as the case may be.

(2) Notwithstanding anything contained in any law for the time being in force or in any instrument or agreement, no such fragment shall be leased to any person other than a person cultivating any land which is contiguous to the fragment.

8. Fragment on prohibited.—No land in any local area shall be transferred or partitioned so as to create a fragment.

⁸ Inserted by the (Adaptation of State Law) Third Order, 2022

8AA. Restriction on partition of land.—(1) Where, by transfer, decree, succession or otherwise, two or more persons are entitled to shares in an undivided agricultural land in any local area for which standard areas have been fixed, and the land has to be partitioned among them, such partition shall be effected so as not to create a fragment.

(2) Where such partition is made by the Court or the Collector, the following procedure shall be adopted —

- (a) if, in effecting a partition among several co-sharers, it is found that a co-sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment, he shall be compensated in money for that share. The amounts of compensation shall be determined so far as practicable in accordance with the provisions of ⁹[the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).]
- (b) if, in effecting a partition, it is found that there is not enough land to provide for the shares of all the co-sharers in accordance with the provisions of sub-section(1), the co-sharers may agree among themselves as to the particular co-sharer or co-sharers who should get the share of land and which of them should be compensated in money. In the absence of any such agreement, the co-sharers to whom a share of land can be provided and those to whom money compensation should be given shall be chosen by lot in the manner prescribed.
- (c) the compensation shall be payable by each co-sharer in proportion to the excess value of land he gets over the share of land legally due to him, and such co-sharer shall deposit the proportionate amount of compensation in the manner prescribed before taking possession of the share allotted to him. On his failure to do, so, his share shall be allotted to any other co-sharer to whom land has not been previously allotted and who is chosen in the manner provided in clause (b) subject to the payment of similar compensation to the co-sharers not getting shares of land.
- (d) if none of the co-sharers to whom land has been allotted under clause (c) pays the compensation and takes the share, the share shall be sold in auction to the highest bidder, and the purchase money shall be paid to the co-sharers not getting land in proportion to their respective shares.
- (e) where the parties agree upon any other method of partition which will not result in the creation of a fragment, that method shall be followed in effecting partition.

(3) Where a partition is effected in execution of a decree all questions relating to the partition of the land and apportionment of compensation shall be decided by the Court executing the decree or by the Collector effecting the partition, as the case may be, in accordance with the provisions of sub-section (2).

8A. Sections 7, ¹⁰[8 and 8AA] not to apply to transfer for public purpose.—Nothing in sections 7, 8 and 8AA shall apply to a transfer of any land for such public purpose as may be specified in this behalf by the Administrator by notification in the Official Gazette.

¹¹[**8B. Sections 7, 8 and 8AA not to apply to land situated in certain areas.**—Nothing contained in sections 7, 8 and 8AA shall apply to the land situated within the limits of a Municipal

⁹ Substituted for “section 23 of the Land Acquisition Act, 1894 (1 of 1894)”, by the (Adaptation of State Law) Order, 2022.

¹⁰ Substituted for “and 8”, by the (Adaptation of State Law) Order, 2022.

Council, or to the land situated within the jurisdiction of a Planning Development Authority or a New Town Development Authority appointed or constituted under the provisions of the Goa, Daman and Diu Town and Country Planning Act, 1974 (21 of 1975) or any other law for the time being in force, and also to any land allocated to residential, commercial, industrial or any other non-agricultural use in the draft or final Regional plan prepared under the Goa, Daman and Diu Town and Country Planning Act, 1974 (21 of 1975) or any other law for the time being in force:

Provided that, no person shall transfer any parcel of land situated in the areas specified above, which has area less than the standard area notified before the date of coming into force of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Law and Presidential Regulations) Order III, 2021, unless such parcel is created as a result of subdivision or layout approved by the Planning Development Authority or the Collector, as the case may be, under the provisions of the Goa, Daman and Diu Town and Country Planning Act, 1974 (21 of 1975) or any other law for the time being in force.]

9. Penalty for transfer or partition contrary to provisions of Act.—(1) The transfer or partition of any land contrary to the provisions of this Act shall be void.

(2) The owner of any land so transferred or partitioned shall be liable to pay such fine not exceeding Rs. ¹²[25000] as the Collector may, subject to the general orders of the Administrator direct, such fine shall be recoverable as an arrear of land revenue.

(3) Any person unauthorizedly occupying or wrong fully in possession of, any land, the transferor partition of which, either by the act of parties or by the operation of law, is void under the provisions of this Act, may be summarily evicted by the Collector.

¹³[Provided that, save as otherwise provided in section 31, the Collector may, upon an application made in this regard, regularise a transfer or partition of a land contrary to the provisions of this Act made on or after 30th November 1983 and before the date of commencement of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Law) Third Order, 2022, if such land is allocated to residential, commercial, industrial, public or semi-public or any non-agricultural use, in the prevailing draft or final Regional Plan; or is intended to be used for any bona fide non-agricultural user, subject to payment of regularisation premium at such per centum not exceeding twenty-five percent of the market value of such land as per the Annual Statement of Rates, as the Administrator may notify, from time to time, in the Official Gazette:

Provided further that, save as otherwise provided in section 31, if a transaction of transfer or partition of land contrary to the provisions of this Act is regularised on the ground that the land would be used for any bona fide non-agricultural use, then failure to start such bona fide non-agricultural use within five years from the date of regularization shall result in forfeiture of such land by the Collector. Such land thereafter shall be first offered to the holder or occupant of a neighboring contiguous survey number or recognized sub-division of a survey number on payment of fifty per cent of the market value of such land as per the prevailing Annual Statement of Rates and three-fourth of the amount so collected shall be paid to the defaulting person from whom such land was forfeited to the Union territory Administration and the remaining one-fourth

¹¹ Inserted by the (Adaptation of State Law) Third Order, 2022

¹² Substituted for the figure "250" by the (Adaptation of State Law) Third Order, 2022

¹³ Inserted by the (Adaptation of State Law) Third Order, 2022

of the amount so collected shall be credited into the Union territory Administration account. Where occupant of such neighboring contiguous survey number or recognized sub-division refuses to purchase the fragment, the fragment shall be auctioned by the Union territory Administration and the proceeds thereof shall be divided between the defaulting person and the Union territory Administration in the ratio of 3:1.

Explanation. — For the purposes of this sub-section, the term “Annual Statement of Rates” shall mean the Annual Statement of Rates published under the provisions of rules made under the Stamp Act prevailing in Union territory or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the order of regularisation is issued by the Collector or the year in which such premium is paid, whichever is later.]

10. Transfer of fragment to Government.—(1) Any owner of a fragment may transfer it to the Central Government on payment by the Central Government of such compensation to persons possessing interest therein as the Collector may determine and thereupon the fragment shall vest absolutely in the Central Government free from all encumbrances but no such fragment shall be transferred to the Central Government unless it is first offered to the owner of a contiguous survey number or recognised sub-division of a survey number on payment of the compensation determined by the Collector as aforesaid and such owner has refused to purchase the fragment on payment of such compensation.

(2) Any such fragment may be disposed off in accordance with the provisions of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971.

11. Omitted.

12. Determination of compensation for purpose of section 10.—In determining the compensation for the purposes of section 10 the Collector shall have regard to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (1 of 1894).

13. Amendment in the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971.—In section 81 of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971, the following shall be inserted at the commencement of the said section, namely:—

"Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 as in force in the state of Gujarat as extended to the Union Territory of Dadra and Nagar Haveli."

14. Fragment not to be sold at Court sale or created by such sale.—Notwithstanding anything contained in any law for the time being in force, no fragment, in respect of which a notice has been given under sub-section (2) of section 6, shall be sold at any sale held under the orders of any Court except to the owner of a contiguous survey number or recognised sub-division of a survey number and no land shall be sold at such sale so as to leave a fragment.

CHAPTER III PROCEDURE FOR CONSOLIDATION

15. Administrator may of his own accord or on application declare his intention to make schemes for consolidation of holdings.—With the object of consolidating holdings in any

village, or any part thereof for the purpose of better cultivation of lands therein, the Administrator may on his own motion or on an application made in that behalf declare by a notification in the Official Gazette and by publication in the prescribed manner in the village or villages concerned his intention to make a scheme for the consolidation of holdings in such village or villages or part thereof as may be specified. On such publication in the village concerned the Administrator may appoint a Consolidation Official who shall proceed to prepare a scheme for the consolidation of holdings in such village or villages or part thereof, as the case may be in the manner hereinafter provided.

15A. Preparation of scheme and principles to be followed in this preparation.—(1) The Consolidation Official shall, after giving due notice to the land owners concerned and the village committee, visit each of the concerned villages and shall, in consultation with the village committee proceed to prepare a scheme for the consolidation of holdings which shall include such statements, records and maps as may be prescribed.

(2) In preparing the scheme, the Consolidation Officer shall have regard to the procedure which the Administrator may from time to time prescribe in regard to the number of blocks in which the village lands are to be grouped, the manner of allotting new plots to each owner, the recommendations of the village committee and such other matters as may be prescribed.

16. Scheme to provide for compensation.—(1) The scheme prepared by the Consolidation Officer shall provide for the payment of compensation to any owner who is allotted a holding of less market value than that of his original holding and for the recovery of compensation from any owner who is allotted a holding of greater market value than that of his original holding.

(2) The amount of compensation shall be determined, so far as practicable, in accordance with the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (1 of 1894).

17. Amalgamation of public roads etc., within scheme for consolidation of holdings.—(1) Whenever in preparing a scheme for the consolidation of holdings, it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, land or path with any holding in the scheme, he shall make a declaration to that effect stating in such declaration that it is proposed that the rights of the public as well as of all individuals in or over the said road, street, land or path shall be extinguished or, as the case may be transferred to a new road, street, lane or path laid out in the scheme of consolidation.

(2) The declaration in sub-section (1) shall be published in the village concerned in the prescribed manner along with the draft scheme referred to in section 19.

(3) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over the said road, street, lane or path or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub-section (1) state to the Consolidation Officer in writing his objection to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and the particulars of his claim to compensation for such interest or right :

Provided that no claim for compensation on account of the extinction or diminution of the right of public highway over such road, street, lane or path shall be entertained.

(4) The Consolidation Officer shall, after considering the objections, if any, made to the proposal, submit it with such amendments, if any, as he may consider necessary, to the Settlement Commissioner, together with the objections received, his recommendations thereon and a statement of the amounts of compensation, if any, which in his opinion are payable, and of the persons *by* whom and the persons to whom such compensation is payable. The decision of the Settlement Commissioner on the proposal and regarding the amount of compensation and the persons *by* whom such compensation, if any, is payable, shall, subject to any modification made by the Administrator, be final.

18. Land reserved for public purpose.—(1) Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Consolidation Officer, in consultation with the village committee,—

- (a) to direct that any land specifically assigned for any public purpose shall cease to be so assigned and to assign any other land in its place;
- (b) if in any area under consolidation no land is reserved for any public purpose including extension of the village sites, or if the land so reserved is inadequate, to assign other land for such requirements and for that purpose to effect a proportionate cut in all the holdings of the village.

(2) Where a proportionate cut in all the holdings of a village has been effected under sub-section (1), the Central Government shall pay to every person affected thereby compensation in respect of the land covered by such cut at the market value of the land at the date of the publication of the notification under section 15.

(3) Save as provided in sub-section (2), the amount of such compensation shall be determined by the Consolidation Officer, so far as practicable in accordance with the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (1 of 1894).

19. Publication of draft scheme.—(1) When the scheme of consolidation is ready for publication, the Consolidation Officer shall publish it in the prescribed manner in the village or villages concerned. Any person likely to be affected by such scheme, shall, within thirty days of the date of such publication, communicate in writing to the Consolidation Officer any objection relating to the scheme. The Consolidation Officer shall, after considering the objections, if any received, submit the scheme with such amendments as he considers to be necessary, together with his remarks on the objections, to the Settlement Commissioner.

(2) The Consolidation Officer shall also publish the schemes as amended by him.

20. Confirmation of Scheme.—(1) If within thirty days of its publication, no objections are received to the draft scheme published under sub-section (1) or as the case may be, the amended draft scheme published under sub-section (2), or section 19, the Settlement Commissioner shall confirm the scheme.

(2) If any objections are received to such draft scheme of amended draft scheme, and

- (a) the Settlement Commissioner after considering the objections approves of the draft scheme or the amended scheme, he shall submit the draft scheme, or as the case may be, the amended scheme to the Administrator together with the objections received thereto; or

(b) the Settlement Commissioner, after considering the objections, further amends the scheme, the Settlement Commissioner shall publish the further amended scheme in the prescribed manner.

(3) If within fifteen days of the publication of a further amended scheme under clause (b) of sub-section (2),—

(a) no objections are received thereto, the Settlement Commissioner shall confirm the scheme; and

(b) if any objections are received, then the Settlement Commissioner shall submit such further amended scheme to the Administrator together with the objections received thereto.

(4) Upon submission of a scheme under clause (a) of sub-section (2) or clause (b) of sub-section (3), the Administrator may, after taking in to consideration the objections either confirm the scheme, with or without amendments or may refuse to confirm it.

21. Right to possession of new holdings.— (1) Upon the confirmation of the scheme under sub-section (1), (3) or (4) of section 20, a notification stating that the scheme has been confirmed shall be published in the Official Gazette and the scheme as confirmed shall be published in the prescribed manner in the village or villages concerned. If two-thirds or more of the owners affected by such scheme agree to enter into possession of the holdings allotted to them there under, the Consolidation Officer may allow all the owners to enter into such possession forthwith or from such date as may be specified by him.

(2) If two thirds or more of such owners do not agree to enter into possession under sub-section (1), all the owners shall be entitled to possession of the holdings allotted to them under the scheme from the commencement of the agricultural year next following the date of publication of the notification in the Official Gazette under sub-section (1).

(2A) In enforcing the provisions of sub-section (1) or (2) the Consolidation Officer shall, if necessary, put the owners in possession of the holding to which they are entitled under the scheme and for doing so may, in the prescribed manner, evict any person from any land.

(3) Notwithstanding anything contained in sub-section (2) no owner shall be entitled to possession of any holding allotted to him under the scheme unless he deposits in the prescribed manner within fifteen days of the commencement of the said agricultural year such compensation as is recoverable from him under the scheme.

(4) Where an owner fails to comply with the provisions of sub-section (3) his right in such manner by the Consolidation Officer to any other person who pays the value of the holding, and in such case the value realised after deducting the expense (hereinafter called the net value) shall be paid to the owner and any other person having an interest in the holding.

(5) If no person is forthcoming to pay the value of the holding, the Central Government may recover from the owner the compensation recoverable from him under the scheme as an arrear of land revenue or the Central Government may itself purchase the holding after paying the net value of the holding to the owner and any other person having interest in the holding.

22. **Coming into force of scheme.**—As soon as the persons entitled to possession of holdings under this Act have entered into possession of the holdings respectively allotted to them, the scheme shall be deemed to have come into force.

23. **Certain laws no ban on transfer of holdings.**—Notwithstanding anything contained in any law for the time being in force, the rights of owners, or other persons having interest, shall for the purpose of giving effect to any scheme of consolidation effecting them be transferable by exchange or otherwise.

24. **Certificate of transfer.**—(1) The Consolidation Officer shall grant to every owner to whom a holding has been allotted in pursuance of a scheme of consolidation and to every persons to whom a right is allotted under sub-section (4) of section 21, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908 (XVI of 1908), to that effect that the holding has been transferred to him in pursuance of the scheme.

The Consolidation Officer may, there upon, cause to be prepared a new record of rights in respect of the holdings so transferred and the record of rights so prepared shall be deemed to have been prepared under the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 (2 of 1971).

(2) Notwithstanding anything contained in any law for the time being in force no stamp or registration fee shall be payable in respect of such certificate.

25. **Loans to assist consolidation.**—For carrying out any of the purposes of this Act, a loan may be granted to an owner and recovered from him a loan under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884 (XIX of 1883) (XII of 1884).

CHAPTER IV

EFFECT OF CONSOLIDATION PROCEEDINGS AND CONSOLIDATION OF HOLDINGS.

26. **Functions of Consolidation Officer.**—(1) During the continuance of the consolidation proceedings, the Consolidation Officer shall exercise and discharge the functions of a revenue officer under Chapter IX of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 and Mamlatdar's Courts Act, 1906 (Bombay Act 2 of 1906) as in force in Dadra and Nagar Haveli and no revenue officer other than the Consolidation Officer shall take any proceedings under the said Act or Regulation in respect of any holding or land for the consolidation of which a notification has been issued under section 15.

(2) Where in respect of any holdings the Consolidation Officer proceeds to prepare a scheme under section 15,—

- (a) all applications and proceedings including execution proceedings pending before any revenue officer under Chapter IX of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971, the Mamlatdars Courts Act, 1906 (Bombay Act 2 of 1906) as in force in Dadra and Nagar Haveli, in respect of any holding or land for the consolidation of which a notification has been issued under section 15 shall be transferred to the Consolidation Officer; and
- (b) the Consolidation Officer shall, by proclamation, call upon all persons who claim to be entitled to possession under the said Act or Regulation of any holding for the Consolidation of which a notification has been issued under section 15 to make within

the prescribed period an application to be put in possession of such holdings; and any person who fails to do so within the prescribed period shall thereafter be debarred from making it:

Provided that nothing in this clause shall debar any person from making, after the coming in to force of a scheme of consolidation under section 22, any application in respect of any holding included in the scheme, if such application could lie under the provisions of any law for the time being in force;

(3) The Consolidation Officer shall submit any order passed by him under any of the said Acts to the Collector for confirmation if an application in that behalf is made to him by any party to a proceeding under this section within fifteen days from the date of the order.

27. Stay of certain proceedings; ban on transfer of land during continuance or consolidation proceedings.—When a Consolidation Officer proceeds to prepare a scheme under section 15, during the continuance of the consolidation proceedings—

(a) no proceedings,—

(i) under section 170 and 172 of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971;

(ii) for execution of any award made or deemed to be made under Gujarat Cooperative Societies Act, 1961 as in force in the Union territory;

(iii) for execution of any award made under the Union Territories Relief of Agricultural Indebtedness Regulation, 1976;

(iv) for execution of any decree made passed by a Civil Courts in respect of any land in respect of which a notification has been issued under section 15 shall be commenced, and all such proceedings if commenced shall be stayed;

(v) for partitioning or sub dividing in any manner.

(b) no person shall transfer any land in respect of which a notification under section 15 has been issued.

28. Rights in holdings.—Every owner to whom a holding is allowed in pursuance of a scheme of consolidation shall save as otherwise provided in section 29A, have the same rights in holding as he had in this original holding:

Provided that nothing in this section shall apply to any person to whom a holding has been allotted under the Provisions of sub-section (4) of Section 21.

29. Transfer of encumbrances.—(1) If the holding of an owner included in a scheme of consolidation which has come into force under section 22 is burdened with a mortgage, debt or other encumbrance other than a lease such mortgage, debtor other encumbrance shall be transferred there from and attach itself to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer may, subject to any rules made under section 37, appoint; and the mortgagee, creditor or other encumbrancer as the case maybe, shall exercise his rights accordingly.

(2) If the holding to which a mortgage, debtor other encumbrance is transferred under sub-section (1) is of less market value than the original holding from which it is transferred the mortgagee, creditor or other encumbrancer, as the case may be, shall subject to the provisions of

section 30 been titled to the payment of such compensation by the owner of the holding, as the case may require, as the Consolidation Officer may determine.

(3) Notwithstanding anything contained in section 21, the Consolidation Officer shall, in the Prescribed manner; put any mortgages, or other encumbrancer entitled to possession into possession of the holding to which his mortgage or other encumbrance has been transferred under sub-section (1).

29A. Consolidation Officer to decide whether lease should be transferred.—(1) If the holding of an owner included in a scheme of consolidation which has come into force under section 22 is burdened with a lease, the Consolidation Officer shall by an order in writing determine whether such lease shall or shall not be transferred there from. A copy of the order passed by the Consolidation Officer under this sub-section shall be affixed to a place near the holding and shall also be published in the prescribed manner.

(2) If the Consolidation Officer determines that such lease shall be transferred from the original holding it shall attach itself to the holding allotted to the owner under the scheme or such part of it as the Consolidation Officer may, subject to any rules made under section 37, appoint and the lessee shall exercise his rights, accordingly. The provisions of sub-sections (2) and (3) of section 29 shall apply to such lease as if the lease were a mortgage or other encumbrance.

(3) If the Consolidation Officer determines that such lease shall not be transferred from the original holding it shall remain attached thereto, and the owner to whom such holding as allotted under the scheme shall hold it subject to such lease; and the provisions of the relevant tenancy law, shall, so far as may be, notwithstanding the change in the ownership, apply to such lease; and the rights and liabilities of such owner and the lessee shall be governed by the provisions of the said law as between the landlord and his tenant :

Provided that such owners shall not be entitled to arrears of rent due under such lease immediately before the allotment of the holding as aforesaid.

(4) An appeal against the decision of the Consolidation Officer under this section shall lie to the Settlement Commissioner within the prescribed time.

30. Apportionment of compensation or net value in case of dispute.—Where there is a dispute in respect of the apportionment of—

- (a) the amount of compensation determined under sub-section (2) of section 16 or sub-section (4) of section 17;
- (aa) the amount of compensation determined under section 18;
- (b) the net value realized or payable under sub-section (4) or (5) of section 21;
- (c) the total amount of compensation determined under sub-section (2) of section 29,

the Consolidation Officer shall refer the dispute to the decision of the District Court and deposit the amount of the compensation or net value, as the case may be, in the Court and thereupon the provisions of sections 33, 53 and 54 of the Land Acquisition Act, 1894 (1 of 1894), shall, so far as may, apply.

31. Restrictions or alienation and sub-division of consolidated holdings.—(1) Notwithstanding anything contained in any law for the time being in force, no holding allotted under this Act, nor any part thereof, shall be—

(a) transferred, whether by way of sale (including sale in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for some recoverable as arrears of land revenue) or by way of gift, exchange, or lease, or otherwise, except in accordance with such conditions as maybe prescribed;

(b) sub-divided (including sub-division by a decree or order of a Civil Court or any other competent authority) except with the permission in writing of the Collector.

(2) Nothing in sub-section (1)—

(a) shall apply to a transfer of a holding allotted under this Act where the transfer is of the entire holding, not involving and sub-division thereof, or to a sub-division of a holding allotted under this Act where such sub division is made to provide for the shares of persons entitled thereto on the death of the owner, and does not create any fragment;

(b) omitted.

(c) omitted.

31A. Correction of clerical and arithmetical mistakes in scheme.—If, after a scheme has come in to force, it appears to the Settlement Commissioner that the scheme is defective, on account of any clerical or arithmetical mistake or error arising therein from any accidental slip or omission and he is satisfied that the correction of such mistake or error would not vary the scheme in any material particular, he may by order in writing correct such mistake or error and publish his order in the prescribed manner.

32. Power to vary scheme on ground of error, irregularity, informality.—(1) If after a scheme has come into force it appears to the Administrator that the scheme is defective on account of an error other than that referred to section 31A, irregularity or informality the Administrator shall publish a draft of such variation in the prescribed manner. The draft variation shall state every amendment proposed to be made in the scheme.

(2) Within one month of the date of publication of the draft variation any person affected thereby may communicate in writing any objection to such variation to the Administrator through the Settlement Commissioner.

(3) After receiving the objections under sub-section (2) the Administrator may, after making such enquiry as he may think fit make the variation with/without modification or may not make any variation.

(3A) If the scheme is varied under sub-section (3), a notification stating that the scheme has been varied shall be published in the Official Gazette and the scheme so varied shall be published in the prescribed manner in the village or villages concerned.

(4) From the date of the notification stating that the scheme has been varied the variation shall take effect as if it were incorporated in the scheme.

33. **Power to vary revoke scheme.**—A scheme for the consolidation of holdings confirmed under this Act may at any time be varied or revoked by a subsequent scheme prepared, published and confirmed in accordance with this Act.

CHAPTER V GENERAL

34. **Vesting powers Settlement Commissioner.**—The Administrator may, by notification in the Official Gazette invest the Collector with all or any of the powers of the Settlement Commissioner under this Act.

34A. **Constitution of village committees.**—(1) The village committee shall be constituted by the Consolidation Officer in the prescribed manner and it shall discharge and perform, in addition to the duties and functions imposed or assigned by this Act, such other duties and functions as may be prescribed for the purposes of this Act.

(2) Where at any time the Collector is satisfied that the village committee has refused or failed without reasonable cause or excuse to discharge the duties or perform the functions imposed or assigned by or under this Act or circumstances have so arisen that the committee has been rendered unable to discharge the duties or perform the functions aforesaid or it is otherwise expedient or necessary to do so he may by notification in the Official Gazette either reconstitute, for the purposes of this Act, the village committee in accordance with the provisions of subsection (1), or appoint some other authority to perform the functions or discharge the duties of the village committee under this Act, and thereupon all references to the village committee under this Act shall be deemed to include references to the village committee so reconstituted or the authority so appointed as the case may be.

35. **Power of Administrator to call for proceedings.**—The Administrator may at any time for the purpose of satisfying himself as to the legality or propriety of any order passed by any officer under this Act call for and examine the record of any case pending before or disposed off by such officer and may pass such order in reference thereto as he thinks fit :

Provided that no order shall be varied or revised until the parties interested have been given a reasonable opportunity of showing cause against the proposed variation or revision of the order.

36. **Appeal and revision.**—Except as provided in this Act, no appeal or revision application shall lie from any order passed under Chapter II, III or IV of this Act.

36A. **Bar of jurisdiction.**—(1) No Civil Court or Mamlatdar's Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Administrator or any officer or authority.

(2) No order of the Administrator or any such officer or authority made under this Act shall be questioned in any Civil, Criminal or Mamlatdar's Court.

36B. **Suits involving issues required to be decided under this Act.**—(1) If any suit instituted in any Civil Court or Mamlatdar's Court involves any issues which are required to be settled, decide settle, decide or deal with such issues under this Act (hereinafter referred to as the

'competent authority') at the Civil Court or Mamlatdar's Court shall stay the suit and refer such issues to such competent authority for determination.

(2) On receipt of such reference from the Civil Court or Mamlatdar's Court, the competent authority shall deal with and decide such issues in accordance with the provisions of this Act, and shall communicate its decisions to the Civil Court or Mamlatdar's Court and such Court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

36C. **Indemnity.**—No suit or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

37. **Rules.**—(1) The Administrator may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the forgoing power, the Administrator may make rules, providing for—

- (a) the manner of publication under sub-section (2) of section 4;
- (b) the manner of giving public notice under sub-section (3) of section 5;
- (c) village records in which fragments shall be entered under sub-section (1) of section 6;
- (cc) the manner of choosing by lot under clause (b) of sub-section (2) of section 8AA;
- (d) the manner in which the intention to make a scheme shall be published under section 15;
- (dd) the statement, records and maps to be included in the scheme of consolidation and the procedure and other matters to be observed in the preparation of the scheme under section 15A;
- (e) the manner of publication under sub-section (2) of section 17 of a declaration made under sub-section (1) of the said section;
- (f) the manner in which a draft scheme of consolidation shall be published under sub-section (1) of section 19 in the village or villages concerned;
- (ff) the manner of publication of further amended scheme under clause (b) of sub-section (2) of section 20;
- (g) the manner of publication of a scheme under sub-section (1) of section 21, on its being confirmed;
- (h) the manner in which a person may be evicted under sub-section (2A) of section 21;
- (i) the manner in which compensation recoverable from an owner shall be deposited by him under sub-section (3) of section 21;
- (j) the manner in which right of holding may be allotted under sub-section (4) of section 21;
- (k) the form in which a certificate shall be granted under section 24;
- (l) the period within which an application shall be made under clause (b) of sub-section (2) of section 26;
- (m) the guidance of the Consolidation Officer and other officers and persons in respect of the transfer of a mortgage, debtor other encumbrance under sub-section (1) of section 29;
- (n) the conditions in accordance with which holdings may be transferred under clause (a) of section 31;
- (nn) the manner of publication of an order under section 31A;
- (o) the manner of publication of a draft-variation under sub-section (1) of section 32 or of a varied scheme under sub-section (3A) thereof;

- (oo) the manner in which village committees shall be constituted, and the duties and functions to be discharged by them, under section 34A;
- (p) the manner in which the area and assessment (including water-rate, if any) of each reconstituted holding or part of such holding shall be determined;
- (q) the manner in which corrections shall be made in the Record of Rights in accordance with a scheme of consolidation;
- (r) generally, for the guidance of the Consolidation Officer and other officers and persons in all proceedings under this Act;
- (s) any other matter which is to be or maybe prescribed.

(3) All rules made under this section shall be subject to the condition of previous publication.

(4) Omitted.

38. Omitted.

By order and in the name of the
Administrator of U.T. of Dadra &
Nagar Haveli and Daman & Diu.

Secretariat,
Daman.

Dated: 22nd March, 2022

Sd/-
(Rohit P. Yadav)
Law Secretary
Department of Law & Justice
