

## THE ASSAM FIXATION OF CEILING ON LAND

### HOLDINGS RULES, 1957

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**RULES UNDER THE ASSAM FIXATION OF CEILING ON  
LAND HOLDING ACT 1956**

**(Assam Act No 1 of 1957)**

*No. RRT 14/87/65. The 19th February, 1958 In exercise of the powers conferred by Section 40 of the Assam, Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act. 1 of 1957), the Government of Assam is pleased to make the following rules in order to carry out the purposes and objects of the Act.*

**1. Short title, extent and commencement :-** (1) These rules may be called the Assam Fixation of Ceiling on Land Holding Rules, 1957.

2) They shall have the like extent as the Act.

3) They shall come into force on the date on which the Act is brought into force.

**2. Definition :-** In these rules, unless there is anything repugnant in the subject or context-

a) the "Act" means the Assam Fixation of Ceiling on Land Holdings Act, 1956;

b) "Section" means a Section of the Act;

c) "excess land" means land held by a person in excess of the limit fixed under Section 4;

d) all words and expressions used in these rules and not defined herein but defined in the Act shall respectively have the meanings assigned to them in the Act;

e) "Planted area" means the area under special cultivation of tea as on 24th March, 1971.

f) "The Estate" means the whole of the area of land commonly known as Tea Estate which is owned or held under any grant or lease, by any person and so registered with the Tea Board constituted under the Tea Act, 1953.

**3. Submission of returns under Section 5 :-** (1) The Period within which the return shall be submitted by a person under Section 5 of the Act shall be three months from the date these rules come into force :

Provided that the State Government may, for reasons to be stated in writing, by order, extend the period for a further term not exceeding three months.

Provided further that when the ceiling limit under Section 4 of the Act has been refixed by "any amendment of the Act," the period within which the return shall be submitted by a person under Section 5 of the Act shall be three months from the date of enactment of such amending Act.

2) The return under Section 4 (1) shall be in the Form A and shall be submitted in duplicate. It shall show :

(a) the name and address of the person;

(b) the plot number, area, location, land revenue, Patta number or fouzi number and the nature of the patta i.e., (whether annual, *periodic*, *lakhiraj*, *nisfikhiraj*, etc.) of all the lands held as owner by the person or any member of his family,

(c) the plot number, area, location and patta number or *touzi* number of all the lands held as tenant by the person or any member of his family under any other person and the name and address of the latter, and the nature of the tenancy (whether occupancy or otherwise);

(d) the plot number, location and area of the orchard, if any, included in any of the lands mentioned in (b) and (c) above;

(e) any other particulars not inconsistent with the above as asked for by the Collector :

Provided that where the person or any member of his family holds any land jointly with another person who is not a member of his family, then the share held by him or the member of his family shall be shown distinctly in the return.

(3) In the case co-operative farming society, the above information shall be furnished for every individual member and for all his lands whether held within or outside such society.

(4) the person shall also state in the return-

(a) the plot number, location and area (not exceeding the limit fixed under Section 4) of the land which he selects for retention with him;

(b) the plot number, location and area of the land which is in excess of the limit fixed under Section 4; and

(c) the description of any building, structure, or crop that may exist in any part of the excess land mentioned at (b) above and the plot number and location of such land.

(5) The return under Section 4 (2) of the Act shall be in Form A (1) and shall be submitted in duplicate. It shall show—

(a) the name and address of the person;

(b) the name and location of the tea estates (gardens) inside the State;

(c) grant number, patta number or other lease numbers, covering the total area of each tea estate (garden) and land revenue assessed and payable against each;

(d) area under actual cultivation of tea as on the date of the commencement of the Act; namely, 24th March, 1971.

(e) Area used for ancillary purpose specified in the Act as on the date of the commencement of the Act, namely, 24th March, 1971.

(f) Any other particulars not inconsistent with the above as may be asked for by the Collector. It shall be submitted to the Collector of the Sub-division in which the person is ordinarily resident, and in other cases to such Collector as the State Government may by notification, order.

This return shall be accompanied by a cadastral map prepared by an approved Surveyor showing the details of the area used for actual cultivation of tea and specified ancillary purposed as on the date of the commencement of the Act namely, 24th March, 1971.

**4. Collection of information under Section 6:** -(1) If the return under the preceding rule is not submitted within the period prescribed in that rule, then the Collector shall obtain the information prescribed in sub-rules (2), (3) and (5) 2 of the preceding rule through the agency of the Settlement Officer and his staff where a settlement operation is in progress, and through the Circle sub-Deputy Collector and his staff where no such settlement operation is in progress, or through any such Government agency that the State Government may, by order, direct.

(2) The Settlement Officer or the Circle Sub-Deputy Collector, as the case may be, shall also furnished the Collector with the following information, namely—

(a) the plot number, location and area (not exceeding the limit fixed under Section (4) of the land which he recommends for retention with the person;

(b) the plot number, location and area of the excess land which he recommends for acquisition by the State Government; and

(c) the description of the building structure or crop that may exist in any part of the excess land mentioned at (b) above and the plot number and location of such land.

(3) The Collector may further proceed to get the person who fails to submit the return furnished under sub-section (2) of Section 34.

**5. Verification under Section 7 (1) of the information given in the return—**

Where a return is submitted duly under rule 3, the information contained therein may be verified through the agency of the settlement officer and his staff where a settlement operation is in progress, and through the Circle Sub-Deputy Collector and his staff where no such settlement operation is in progress or through any such Government agency that the State Government may, by order direct.

**5A.** Grant of land for ancillary purposes for increase in area under special cultivation of tea—

1) In respect of a person holding land for special cultivation of tea, if the verification under Rule 5 reveals that no land has been utilised for—

- a) factory buildings;
- b) staff buildings and labour lines;
- c) hospitals and dispensaries;

then the Collector may allow more land to be held for these ancillary purposes but not exceeding the following limits—

- a) Factory buildings — 2 hectares;
- b) Staff buildings and labour line — 4 hectares;
- c) Hospitals and dispensaries — 2 hectares;

Provided that the Collector may impose a condition that where such lands allowed under these rules are not utilised for purposes for which they have been allowed within a period of three years such lands shall be deemed to be not needed for the purposes for which they have been allowed and liable for acquisition under the Ceiling Act.

**5A (2)** The Collector shall determine the land to be allowed for increase in the area under special cultivation of tea under proviso to sub-section 2 of Section 4 of the Act on the following basis—

- a) where in a tea estate, the total planted area is less than 120 hectares, the allowable land shall be 50 per cent of the planted area;

Provided that the area thus allowed together with the planted and specified ancillary purposes shall not be less than 10 hectares.

- b) where in a tea estate, the total planted area is above 120 hectares but

less than 400 hectares-30 percent of the planted areas;

c) where in a tea estate, the total planted area is above 120 hectares but less than 800 hectares-20 percent of the planted areas;

d) where in a tea estate, the total planted area is above 800 hectares-15 percent of the planted area;

Provided that the land allowed under this sub-rule in respect of a tea estate shall be allowed to be held in that tea estate only;

Provided further that where additional land is allowed under sub-rule (2) the person shall give an undertaking in writing that he will not divert such land for an other purposes and that it will be used only for increase in area under special cultivation of tea.

**5 B. Procedure to be followed in cases failing under Section 4 (5) and 4 (6) :-** Where any person transfers or partitions any land in violation of Section 4(5) and/or Section 4(6) and the land remaining with him is less than the excess determined under provisions of the Act, the deficiency shall be acquired from the possession of his transferees or their successors in interest in the following manner—

(a) If there is only one transferee-land to the extent of the deficiency;

(b) If there are more than one transferee-land or the same proportion as the land transferred to each of these transferees so as to aggregate in the total of the deficiency.

Provided that the transferee shall be given the option to indicate the plot or plots to be acquired under the provisions of this rule.

**6. Manner of the service of the draft statement sub-section (2) of Section**

7—(1) The draft statement prepared by the Collector under sub-section (1) of Section 7 shall, as far as practicable, be in Form A or Form A (1) as the case may be.

(2) The Collector shall serve the draft statement on the person holding the excess land by tendering and delivering a copy thereof to his duly authorised agent.



(3) If such person or his agent be found absent, then the draft statement shall be delivered to any adult member of the house in which he ordinarily resides.

Provided that in the cases covered by the sub-rule (2) and (3) above, the serving officer shall require the signature of the reception to be given in the body of the returnable copy in token of acknowledgement of receipt of the copy served on him.

(4) If such person ordinarily resides outside the jurisdiction of the Collector, then draft statement may be served by posting a copy to him by registered post, and such posting shall be deemed to be sufficient service.

(5) If such person or his agent or any adult member of a house be found unwilling to accept the draft statement or to sign acknowledgement or avoids service, or if he resides ordinarily outside the jurisdiction of the Collector and his address is not known, then the draft statement may be served by affixing a copy thereof in some conspicuous part of the land to which the draft statement relates :

Provided that in cases covered by this sub-rule, a return by a serving officer stating the date of such service attested by two persons present at the time of service shall be sufficient proof of service.

**7. Manner of service under Section 10 of the copy of the notification of acquisition :** The copy of the notification of acquisition of excess land published under Section 8 shall be served by the Collector on the person holding such excess land in the manner laid down in Rule 6 above.

**8. Period within which any building, crop, etc., shall be removed under Section 12 (b) from the acquired land :** The Collector or any other officer authorised by the State Government shall as soon as possible after the publication of the Final statement under sub-section 5 of Section 7\* serve a notice under sub-section (b) of Section 12 calling upon the owner of any building, structure or crop that may exist on the acquired land to remove it within 90 days of the service of the notice and stating therein that if it is not removed within the specified period of 90 days, then such building structure or crop shall be sold in public auction.

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\*Amended vide Notification No.RRT 247/75/12 dtd 25-6-1980

(2) The Collector or the officer authorised shall if it is not removed within the specified period of 90 days, sell it in public auction after deducting the cost of auction, if any, pay the sale proceeds thereof to the person owning it along with the compensation, if any payable to him under sub-section (a) or (c) of Section 12. If there is no buyer then the Collector or the authorised officer shall purchase it for one rupee and then demolish it.

**9. Information required to be furnished for determining compensation under Section 12 :-** For the purpose of determining compensation under Section 12, the Collector or any other officer authorised by the State Government shall as soon as possible after the publication of the Final Statement under sub-section 5 of Section 7 call any person from whom excess land has been acquired to furnish the following information within 30 days from the receipt of his order of such further period as he may from time to time follow :-

(a) whether the acquired land is wholly or partly fallow and if partly fallow then the area of the fallow portion of each plot;

(b) If there was any building or structure or crop on the acquired land, whether this has been removed within the period fixed by the Collector or sold in public auction under the Provisions of Rule 8;

(c) whether any improvement was made on the acquired land and if so, the enhancement of the value of the land due to such improvement, probable duration of the effect of the improvement, and labour and capital spent on the improvement;

(d) whether the person from whom the excess land has been acquired held it as the owner thereof, and if so whether there is any tenant or sub-tenant then the area occupied by each such tenant or sub-tenant and whether he has acquired occupancy right;

(e) whether the person from whom the land has been acquired held it as a tenant; and if so, whether he has acquired occupancy right, and whether there is any sub-tenant on it and the area occupied by such sub-tenant;

(f) the full rate of annual land revenue payable for the area acquired by the State Government. In case the land is held revenue-free or at a concessional rate of revenue

or is not assessed to land revenue under the Assam Land and Revenue Regulation, 1886 or the Assam Land Revenue Re-assessment Act 1936, then this fact shall be distinctly stated, and the rate of annual land revenue per bigha of similar full-revenue paying land nearest to it shall be mentioned. The name of the village and the circle in which such land is situated shall also be stated.

g) Any other information not inconsistent with the above as required by the Collector or the Officer authorised in this behalf.

**10. Verification of the information furnished under Rule 9 and the taking of evidence for determination of compensation :** (1) The Collector or the officer authorised may verify the above information through the Settlement Officer or the Circle Sub-Deputy Collector.

(2) He shall give the person whose land has been acquired a reasonable opportunity of being heard before determining the compensation.

(3) He may call for such evidence as deemed necessary and may also visit the land and make local enquiries on the spot.

**11. Determination of compensation :-** The Collector or the Officer authorised shall then make an order determining the amount of compensation under Section 12, including the amount of sale proceeds, if any, under Sub-rule (2) of Rule 8, sub-rule (2) of Rule 19 and sub-section (4) of Section 19. The order shall be accompanied by a statement in the Form 'B' or Form 'C' as the case may be.

**12. Modification of the order of compensation on appeal :-** Where an appeal is preferred under Section 31 against an order passed by the Collector or the officer authorised determining the amount of compensation under Section 12 and such order is not upheld in the appeal, the Collector or the officer authorised shall make necessary alteration in the amount according to the order or the appellate authority.

**13. Adjustment of Ad-interim Compensation and payment of the claims of creditors:-** Before the amount determined under Rule 11 or 12 is paid away to the

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Amendment vide Notification No. RRT.247/75/12 dated 23-6-1980. Appeared in the Assam Gazette on July 30, 1980.

person entitled to receive it, the Collector or the officer authorised shall—

(i) adjust any ad interim compensation paid to him under Section 14 and add the interest payable under proviso to sub-section (a) of Section 13, and (ii) pay the creditors whose debts secured by mortgage or charge on the acquired land the amounts of claims are proved under the provisions of sub-section (b) of Section 13.

**14. Procedure for determination of claims of creditors :-** (1) A creditor whose debt is secured by mortgage or charge on the acquired land shall within 60 days of the date of publication of the final statement under sub-section 5 of Section 7 submit a claim petition to the Collector or the officer authorised.

(2) On receipt of the claim petition of creditor, the Collector or the officer authorised shall issue a notice to the person who is entitled to receive the compensation to file objection, if any within 30 days of the service of the notice or such further time as he may follow.

(3) The Collector or the officer authorised shall give reasonable opportunity to both the parties for producing evidence and being heard and shall then dispose of the claim.

(4) Except as expressly provided in these rules, the procedure laid down in the Code of Civil Procedure, 1908 for hearing and disposal of suits shall, as far as practicable, be followed in hearing and disposal of claims under this rule.

(5) In disposing of any claim under this rule finally, the Collector or the officer authorised shall give effect to the order, if any, of the appellate authority in any appeal preferred under Section 31 or against his order passed under provisions in which they shall be paid.

**15. Register of payment of compensation :-** A register of payment of compensation shall be maintained by the Collector or the authorised Officer in form D.

**16. Manner of disposal of excess land under Section 16 where the land was acquired from an owner:-**

(1) (a) A cultivating tenant in the occupation of the land shall be given settlement

of payment of due premium to be adjusted against the compensation he is entitled to receive under the provisions of the Act. In case the amount of compensation falls short of the premium due to be paid under clause (b) or sub-section (1) of Section 16, the deficiency shall be recovered from him as an arrear land revenue as prescribed in the Assam Land and Revenue Regulation, 1886.

(b) The Collector or the officer authorised on behalf issue a notice to the cultivating tenant in occupation directing him to submit a written petition for settlement before the Collector or the authorised officer within six months from the date of issue of such notice.

(2) (a) In the petition for Settlement the tenant shall state the nature of the tenancy and the name of the person from whom he holds.

(b) the plot number and the area of land under his actual occupation;

(c) the boundaries of the land occupied;

(d) the total area of land and (excluding the land for which settlement has been prayed for under this rule) which is held by him or any member of his family as tenant or owner and which has not been acquired by the State under the provisions of the Act.

(e) any amount which is entitled to receive as compensation under the provisions of this Act.

(3) On receipt of the petition for settlement from the tenants the Collector or the Officer authorised shall verify the truth of the petition through the agency of Settlement Officer or Circle Sub-Deputy Collector as the case may be, and if he is satisfied that the tenant is on actual possession of the land prayed for or any part of it, then he shall pass an order for allotment of the land or any part of it which is under his actual possession.

(4) The Collector or the Officer authorised shall then determine the amount payable to the State Government by such tenant under clause (b) of Sub-section (1) of Section 16 (adjust the same from the compensation amount due to him or) and fix the number of instalments in which he shall pay the full amount and the date and amount of each instalment (on or before the amount of compensation due to such tenant is paid).

(5) He shall maintain in Form 'E' register of realisation of amount payable under preceding sub-rule.

(6) The Collector or the Officer authorised shall forward a copy of his order of settlement to the Settlement Officer or the Circle Sub-Deputy Collector, as the case may be and the latter shall correct the records of rights accordingly.

**17. Manner of disposal of excess land where it was acquired from a tenant**

:- (1) If the land was the same acquired from a tenant and there is a sub-tenant in occupation of it, then the same procedure as laid down in Rule 16 shall be followed *mutatis mutandis*.

(2) If the land was acquired from a tenant but there is no sub-tenant in occupation of it, then the Collector or the officer authorised shall entertain petitions from the classes of persons mentioned in Section 17, verify the truth of the petitions through the Settlement Officer or the Circle Sub-Deputy Collector, select the person best entitled to settlement under the provisions of the Act fix the amount of money payable by him of the State Government (which shall not exceed the amount of compensation paid by the Government to the tenant from whom it was acquired), and the number of instalments not exceeding five in which it shall be paid. And on payment of the full amount he shall pass an order of Settlement with him. He shall forward a copy of his order to the Settlement Officer or the Circle Sub-Deputy Collector for necessary correction of record of rights.

(3) The Collector or the Officer authorised shall maintain a register *mutatis matandis* in Form E.

**18. Manner of disposal of excess land under Section 17:-** (1) In giving settlement of any land under Section 17, the procedure laid down in sub-rule (2) of Rule 17 shall be followed *mutatis mutandis*.

(2) The Collector or the Officer authorised shall maintain a register *mutatis mutandis* in Form E.

**19. Period within which building, crops etc., shall be removed under Section 19 from the excess land under annual lease:-** (1) The Collector or any officer authorised in this behalf shall issue notice under sub-section (3) of Section 19 calling

upon the owner of any building, structure or crop that may exist on such land to remove it within 90 days of the service of such notice and stating therein that if it is not removed within the said period 90 days then such building, structure, or crop shall be sold in public auction.

(2) The Collector or the Officer authorised shall, if it is not removed within the specified period, sell it in public auction, after due notice and after deducting the cost of auction, if any, pay the sale-proceeds to the owner thereof, along with the compensation, if any, payable to him under Section 12. If there is no buyer then the Collector or the authorised Officer shall purchase it for one rupee and then demolish it.

**20. Contents of the declaration under Section 20 and the action to be taken upon it :-** (1) The declaration to be made under sub-section 2 of Section 20 by a transferee shall be filed in triplicate and shall contain the following information—

- (a) the plot number, and area of the land under transaction;
- (b) the name and address of the transferor;
- (c) the name and address of the transferee;
- (d) the total area of land already held or possessed by the transferee or any member of his family as owner or tenant;
- (e) the plot number location and any other additional information necessary to identify the lands mentioned in (d) above; and where these are held jointly with any other person, the share of the transferee or any member of his family;
- (f) any other information not inconsistent with the above as required by the registering authority, or the Collector or any Officer authorised in this behalf, as the case may be, before whom the declaration is required to be filed under the provisions of sub-section (2) of Section 20.

(2) Where the registering authority takes action under sub-section (3) of Section

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1. Inserted by amendment RRT 247/75/12 dated 23-6-1980.

20, he shall retain the copy of the declaration in his office for record.

(3) Where the registering authority does not take action under sub-section (3) of Section 20 he shall after registration of the document evidencing the transaction, forward two copies of the declaration to the Collector or any other officer authorised in this behalf.

(4) The Collector or the Officer authorised shall send one of the copies of the declaration received from the registering authority under the foregoing rule or a copy of any declaration made before him under proviso to sub-section (1) of Section 20 to the Settlement Officer or the Circle Sub-Deputy Collector within whose jurisdiction the land under transaction is situated and if the Settlement Officer or the Circle Sub-Deputy Collector finds that the actual area of lands already held by the transferee is greater than the area shown in the declaration, then he shall report the Collector or the authorised officer giving particulars of the lands actually held by the transferee.

**21. Action to be taken when there is a contravention of Section 20:-(1)** If on receipt of the report of the Settlement Officer or the Circle Sub-Deputy Collector under the preceding rule or from any other information, the Collector or the officer authorised has reason to believe that there has been a contravention of Section 20 in any particular case, then the Collector or the officer authorised shall issue notice upon the transferee to show cause why he should not be rejected under provisions of Section 21 from the excess land which has been transferred to him in contravention of Section 20.

(2) After giving the transferee an opportunity of being heard and taking such evidence as he deems necessary, the Collector or the officer authorised shall, if he is satisfied that the transaction has taken place in contravention of Section 20 pass order for taking possession of so much of the land acquired under the transaction as is found to be in excess of the limit fixed under Section 4 after taking into account the total area of lands already held by him as well as the land transferred by the transaction.

(3) The Collector or the officer authorised shall, if it is necessary for the purpose of taking possession under the preceding sub-rule, reject the transferee, his assignee or any other person who may be in occupation of the land on his behalf or through him. The ejection shall be proceeded by 30 days' clear notice and carried out by selling any



building, structure fence or crop that may exist on the land. The sale proceeds, after deduction of cost of sale, shall be paid to the transferee or his assignee. If there is no buyer even after due notice, the building, structure, fence or crop shall be purchased for one rupee by the Collector or the authorised officer on behalf of the State Government and then demolished.

(4) The Collector or the officer authorised shall also forward a copy of his order passed under sub-rule (2) to the Settlement Officer or the Circle Sub-Deputy Collector for necessary correction of records-of-rights.

**22. Refusal of mutation in case of transaction made in contravention of Section 20 :-** Any person who prays for mutation of name in records of rights shall state in the mutation petition the total area and description of the lands already held by him or any member of his family as owner or tenant, the Settlement Officer or the Circle Sub-Deputy Collector:-

(i) shall refuse to sanction mutation in the records-of-rights claimed by virtue of a transaction which, he has reason to believe has taken place in contravention of Section 20; and

(ii) shall report immediately to the Collector or any authorised officer, for taking action under Section 21, any transaction which, he has reasons to believe, has taken place in contravention of the provisions of Section 20.

**[23. Period for submission of return under Section 22 :-** The period within which the return shall be submitted under sub-section (1) of Section 22 shall be 60 days from the date of inheritance or the bequest or the gift or taking of the possession by a mortgagee under mortgage as the case may be

**[24. Case of inheritance, etc, coming within the purview of Section 22 (1) to be reported :-**The Settlement Officer or the Circle Sub-Deputy Collector shall report to the Collector or the Officer authorised any case of inheritance, bequest of gift to an heir or taking of the possession by a mortgagee under mortgage which according to his information comes within the purview of sub-section (1) of Section 22, for taking necessary action under the provisions of that action.]

**25. Procedure for resumption of land from tenancy by landlord, for personal cultivation under Section 23:-** A landlord who desires to resume under provisions of Section 23, any land from his tenant other than an *Adhiar* (crop-share) for his (landlord) personal cultivation shall apply to the Civil Court having territorial jurisdiction over the land stating :-

- (a) the area and description of the land to be resumed;
- (b) the name of the tenant who is in occupation of the land;
- (c) the aggregate area of land already held under personal cultivation by the landlord or any member of his family;
- (d) whether notice under sub-section (1) of Section 22 was duly given to the tenant whether the tenant has selected the area which he is entitled to retain under the provision of Section 23;
- (e) whether the landlord has given due notice of termination of the tenancy of the area selected by the landlord as required under sub-section (2) or (3) of Section 27;
- (f) what is the principal source of income of the landlord for his maintenance;
- (g) whether the tenant has acquired the right of occupancy;
- (h) whether the landlord is (i) a minor or (ii) a widow or (iii) a person subject to any physical or mental disability or (iv) a member of the Military, Naval or Air Forces of the Union;
- (i) whether any improvement has been made by the tenant on land proposed to be resumed;
- (j) whether the landlord has any residence in the village in which the land to be resumed is situated or in nearby village within a distance of five miles from the land.

(2) The Court shall thereupon proceed to dispose of the application in the

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manner of a suit for possession of immovable property under the Code of Civil Procedure, 1908.

(3) If the Court pass an order for ejection of the tenant it shall also order whether the tenant shall be paid any compensation under the provisions of sub-section (2) of Section 26 for any improvement done by him in the land from which he has been ordered to be ejected, and if so, the amount of such compensation.

(4) The ejection shall be carried out in the manner provided in Rule 35 of the order XXI in Schedule 1 of the Code of Civil Procedure, 1908.

**26. Procedure for restoration under Section 25 of possession of an ejected tenant :-** (1) A tenant ejected under the preceding rule who is entitled to restoration of possession under provisions of Section 25 shall if he wants restoration, apply to the Civil Court having territorial jurisdiction over the land for putting him back in possession stating—

- (a) the date on which the landlord took over possession from him;
- (b) the ground on which the tenant was ejected;
- (c) whether land remain fallow for one year from the date of taking over possession by the landlord, the name of the person who actually cultivated it and what is his relationship to the landlord (i.e. whether he was a tenant, servant, hired labour, or a member of his family);
- (d) whether the land was sublet to others within 2 years from the date of taking over possession by the landlord.

(2) The Court shall there upon proceed to dispose of the application in the manner of a suit for restoration of possession of immovable property under the Code of Civil Procedure, 1908.

(3) If the Court passes an order for restoration of possession, it shall also order whether the whole or any part of the compensation paid by the landlord to the tenant under the provisions of sub-rule (3) of Rule 25 shall be returned to the landlord and if so, the amount to be so returned.

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(4) In case of order for restoration of possession, the tenant shall be put back in actual possession of the land in the manner provided in Rule 33 of Order XXI of Schedule I of the Code of Civil Procedure 1908.

**27. Court Fees :-** Court fees for documents shall be as follows :-

- |  |       |       |
|--|-------|-------|
| 1) Objection petition against the draft statement under sub-section (2) of Section 7   | ..... | 75 P. |
| 2) Deleted ( <i>vide</i> notification No RRT.247/75/12 Dated 23-6-1908)  |       |       |
| 3) Appeal to the District Judge against the order passed under Section 12 or 13 by the Collector or the Officer authorised in this behalf. | ..... | Rs. 5 |
| 4) Claim petition filed by a creditor before the Collector under clause (ii) of Sub-Section (b) of Section 13.                             | ..... | Rs. 2 |
| 5) Petition for settlement of land submitted by—   |       |       |
| i) a cultivating tenant or sub-tenant under sub-rule (1) of Rule 16 of sub rule (1) of Rule 17   | ..... | 75 P. |
| ii) any other person   | ..... | Rs. 1 |
| 6) Application filed under Section 25 by a landlord for resumption of land from tenant for his personal cultivation                        | ..... | Rs. 3 |
| 7) Application filed under Section 25 by a tenant for restoration of his possession  | ..... | Rs. 1 |
| b) Miscellaneous petition  | ..... | 75 P. |

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**THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS ACT, 1956**

**FORM A**

**Return of lands held by a person**

(See Section 5 and Rule 3)

Name and address of the person submitting the return :

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Name and address of the person in which the name the lands are held	His relationship with the persons submitting/return. And where he holds as a tenant, the name and address of the landlord.	The patta number or touzi number of the lands and the village and mouza in which situate and the nature of the patta of the tenancy	plot number of boundaries of each plot in which the owner has Interest	Total area or the plot (in bighas)	If held jointly with another person not of the same family the name of co-sharer and the share or interest of self, and of the co-sharer.	Area in which the owner has Interest in each plot (in bighas)	Area of orchard, if any, in the land of the preceding column (in bighas)	Plot number of lands selected for retention by the person, out lands not coming under scope of exemption under Section 2.	Area selected for retention shown against each plot number of preceding column (in bighas)	Plot number of lands for which exemption is claimed under section 2.	Area of such lands shown against each plot number of preceding column (in bighas)	Reasons for claiming such exemption	Plot number of excess lands	Area of excess land shown against each plot number of preceding column (in bighas)	Plot number and location of the land of preceding column on which any building, structure or crop exists, and the nature of such building, structure or crop.	Whether the excess land is fallow or under personal cultivation or held by a tenant, If held by a tenant the name of the tenant and the nature of tenancy.	Remarks
Lands held as owner																	
Lands held as tenant																	
												Total area under column 10 and 12 together claimed for retention.		Total area of excess land.			

THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS ACT, 1956

FORM B

(See Rule 11)

Statement of compensation payable to an owner under Section 12 and 19

Comensation		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Name and address of owner from whom the excess land has been acquired																			
The patra or touzi number of the acquired land and the village in which it is situated.																			
The plot number of the land acquired																			
The area aquired from the owner's interest in each																			
The full bigha rate of annual land revenue payable for the plot																			
If no land revenue is payable or if it is payable at a concessional rate, the full bigha rate of annual land revenue assessable on similar land situated nearest to it.																			
Area which is fallow out of the acquired area of each plot as shown in column <sup>1</sup>																			
Area which is not fallow																			
whether the area in the Preceding columns is in occupation of the owner himself or of tenants, How much area plot by plot under the owner's personal occupation and how much under tenants, with the names of the tenants and the area against each.																			
Which of the tenants have acquired occupancy rights and in how much area.																			
Under section 12 (a) 1 (i) for fallow land																			
Under section 12(a) (1) (ii) for land which is not fallow.																			
under section 12 (b) or 9(3) on account of sale proceeds of building etc.																			
Under section 12(c) for improvement made on the acquired land																			
Under section 19 (4) for fruit trees and etc., in annual land																			
Total																			
Number of instalment in which it is payable																			
Remarks																			

Signature of Collector or Officer authorised  
Date

**THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS ACT, 1956**  
**FORM C**  
**(See Rule 11)**

**Statement of compensation payable to a tenant or Sub-tenant under Section 12**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Name and address of the tenant or sub-tenant	Name and address of the landlord under whom he holds	The patta number or the touzi number of the acquired land, and the village in which it is situated	The Plot number of the acquired land of the tenant	The area acquired from the tenants interest in each plot	Full bigha rate of annual land revenue payable for the plot	If no land revenue is payable, or if it is payable at a concession rate the full bigha rate of land revenue assessable on similar land situated nearest to it.	Area which is fallow out of the area of each plot as shown in column (4)	Area which is not fallow	Whether the tenant has acquired occupancy right, if so state the area plot by plot.	Whether there is any sub-tenant in any part of the area shown in column (5) If so, the area plot by plot, and the name of the sub-tenant against each	Under section 12 (b) (2) (i)	Under Section 12 (a) (2) (ii)	Under Section 12 (a) 3	Under Section 12 (b)	Under Section 12 (c)	Total	The number of instalments in which it is payable	Remarks

Signature of Collector or Officer authorised  
 Date

**THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS ACT, 1956**

**FORM D**

(See Rule 15)

**Register of payment of Compensation**

1	2	3	4	5	6	7	8	9	10	11	12	13
Name and address of the person to whom the compensation is payable	Total Compensation awarded by the Collector or authorised Officer under Section (12 and 19)	Ad-interim compensation paid under Section 14	Amount payable to any creditor under Section 13 (b) and the name of such creditor	Amount adjusted under proviso to Section 16 (1) (b) for taking set-aside of land.	Balance of the compensation	Serial number of the instalment	Date on which the instalment is due	Amount due under the instalment	Interest on the Balance of the compensation	Total	Signature of the payee and the date in taken of receipt of payment	Remarks

Signature of Collector or Officer authorised  
Date



**THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS ACT, 1956**

**FORM E**

[See Rule 16 (5)]

**Register of realisation of the amount payable to Government under Section 16 and 17**

1	2	3	4	5	6	7	8	9	10	11
Name and address of the person by whom the amount is payable	Amount payable by the person to the Government	Adjustment under provision to section 16 (1) (b) of any amount of compensation against the amount of the preceding column	Balance payable by the person of Government	Serial number of the instalment for payment of the amount	Date on which the instalment due	Amount due under the instalments	Signature of the receiving Officer	Date of order settlement of the land with the person	Date of issue of the order to the Settlement Officer or the Sub-Deputy Collector	Remarks

*The Assam Fixation of Ceiling on Land Holdings Act, 1956*  
**The Assam Gazette, Extraordinary, July 5, 1971**

**Form No. A-1**

**Return of lands held for special cultivation of tea**

[See Section 4(2), 5 and rule No. 3 (5)]

1. Name and address of the person submitting the return.
2. Name and address of the person in whose name the lands are held [Section 4 (2)]
3. Relationship (1) to (2)
4. Name/names of the estate (tea garden) and districts/subdivisions where located.
5. Total area.
6. Grant No. Patta No. etc covering the total area against each tea estate (garden) and Land Revenue assessed and payable.
7. Area requisitioned by Government  
(details in Annexure 1)
8. Area acquired by Government  
(Details in Annexure 2)
9. Area relinquished, if any  
(Details in Annexure 3)
10. Area sold, transferred etc., to other persons on or before 31st March 1970.  
(Details Annexure 4)  
Sub-total 7-10-
11. Area sold, transferred, etc., to other persons on or after 1st April 1970.  
(Details in Annexure 5)
12. Current areas held against each grant patta etc.

13. Area under actual cultivation of tea as on 24th March 1971.

14. If (12) is different from area under plantation registered with tea Board then the registered area and reasons for difference.

(Details in Annexure 6)

**Return of lands held for special cultivation of tea-**

15. Area of Land used for factory buildings-

16. Area of Land used for staff buildings-  
Area of Land used for office buildings-  
Area of Land used for labour quarters-

17. Area of Land used for Road and Bridge  
Area of Land used for drains-

18. Area of Land used for tea nurseries-  
Area of Land used for shade tree nurseries-

19. Area of Land used for Hospitals.  
Area of Land used for Dispensaries  
Area of Land used for Creches  
Area of Land used for Recreation centres  
Area of Land used for Burial grounds

20. Area of Land used for Religious Institutions.  
Area of Land used for Cremation grounds.  
Area of Land used for Burial grounds.

21. Area of Land used for any building built by management as statutory requirements under any law for the time being in force.

22. Area of Land used for seed bari.

23. Area of Land used for rotation plantation.

24. Area of Land used for bamboos.
25. Area of Land, if any within boundaries of actual planted areas but excluding tenanted Khet lands. (Candestrel map prepared by approved surveyour should accompany this item.) Sub-total (15-25)
26. Area admissible under Rule 5A for
  - (a) increase in area under special cultivation of tea.
  - (b) addittional ancillary purposes.
27. Plot Nos. or other details of lands selected against item 26.
28. Excess land and Plot Nos. and other details of such excess land.