
(2000) 01 RAJ CK 0008

In the Rajasthan High Court

Case No : Civil Writ Petition No's. 860, 862, 863,864 of 1984

Narain Prasad

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-01-2000

Acts Referred:

Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 — Section 30C
Rajasthan Tenancy (Fixation of Ceiling of Land) Government Rules, 1963 — Rule 19

Citation : (2000) 3 RLW 1568 : (2000) 2 WLN 251

Hon'ble Judges : J.C. Verma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

J.C. Verma, J.—All the above-said writ petitions involve the same question of law and are being decided together. Writ petitions have been filed by the Khatedars or the legal heirs of the Khatedars in the respective writ petitions who had been subjected to the declaration of land ceilings as per the provisions of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 and the rules framed therein.

2. All the writ petitions belong to district Kota where their lands were situated at the time of declaration of the ceilings. The petitioners state that as per Section 30-C of Chapter III-B of the Rajasthan Tenancy Act, the ceiling area for a family consisting of five or less than five members is to be thirty standard acres of land provided that where the members of a family exceed five, the ceiling area in relation thereto shall be increased for each additional member by five standard acres, so however that it does not exceed sixty standard acres of land. Standard acres" has been defined and shall mean the area of land which, with reference to its productive capacity, situation, soil classification and other prescribed particulars, is found in the prescribed manner to be likely to yield ten maunds of wheat yearly. Section 30-C reads as under:

30C Extent of Ceiling area:

The ceiling area for a family consisting of five or less than five members shall be thirty standard acres of land:

Provided that where the members of a family exceed five, the ceiling area in relation thereto shall be increased for each additional member by five standard acres, so however that it does not exceed sixty standard acres of land.

Explanation A. "Standard acre" shall mean the area of land which, with reference to its productive capacity, situation, soil classification and other prescribed particulars, is found in the prescribed manner to be likely to valid ten maunds of wheat yearly, and in case of land not capable of producing wheat, the other likely produce thereof shall, for the purpose of calculating a standard acre, be determined according to the prescribed scale so as to be equivalent in terms of money value to ten mounds:

Provided that, in determining a ceiling area in terms of standard acres, the money value of the produce of well irrigated (Chahi) land shall be taken as being equivalent to the money value of the produce of an equal area of un-irrigated (Barani) land.

3. Calculation of the standard acres is to be determined on the basis of the "standard acres" which has been defined. The State Government have determined for each village the extent of the ceiling area on the basis of principle contained in Section 30. Details of such area so determined or contained in Annexure to the Rajasthan Tenancy (Fixation of Ceiling on Land) (Government) Rules, 1963. The Rule 19 requires the formation of ceiling groups. Appendix A of the Rules contains principles for arriving at the ceiling area. The extent of an ceiling area has been arrived at after formation of the Ceiling Groups as per Rule 19 on the basis of the principle contained in Section 30C. It has been declared that for the purpose of formation of Ceiling Groups, soil classification u/s 150, assessment circles or assessment groups u/s 149 of the Rajasthan Land Revenue Act, 1956 have been taken as foundation. Where the irrigation facility is provided and it falls under Chambal Command Area, the total area that would remain with an agriculturist will be 22 Ordinary acres equivalent to 30 standard acres for the villages falling under Group I. For Group II, it will be 26 ordinary acres and for Group III, it is 32 ordinary acres and for un-irrigated land known as "MAL-A", the ceiling area is 31 ordinary acres equivalent to 30 standard acres in Group I, As compared to the land in Kota District, in Ganganagar villages have been classified under four Groups and in irrigated project area, 29 ordinary acres equivalent to 30 standard acres have been prescribed in Group I villages. For Group II it is 35 ordinary acres and for Group III, it is 39 ordinary acres and for Group IV, it is 43 ordinary acres.

4. The petitioner submits that the agriculturists in Kota district have been treated arbitrarily and have been discriminated by prescribing low ceiling limit for their agricultural holding, as compared to agriculturists in Ganganagar where cost of land any yield of wheat or any other product is much more than the villages of

Kota District. The different criteria has been provided to the effect that a farmer in Ganganagar can retain 29 acres of agricultural land which is considered to be equivalent to 30 standard acres of land whereas in Kota district it is 22 ordinary acres which is equivalent to 30 standard acres. The petitioner has produced a chart hereinafter mentioning of different group.

District Classification Ceiling area in acres I II III IV V Ganganagar "Nahari" 29 35 39 43 - -do- Not Nahari 64 78 78 79 - Alwar Nahari 28 32 40 - - -do- Not Nahari 57 63 79 - - Jaipur Nahari 35 37 45 56 64 -do- Not Nahari 69 74 90 112 128 Bundi Nahari 24 30 - - - -do- Not Nahari 34 43 - - - Kota Nahari 22 26 32 - - -do- Not Nahari 31 38 45 - -

5. It is the submission of the petitioners that the farmers of Ganganagar have been put in much advantageous position than farmers of any other district. Prayer has been made for a direction to quash Rule 19 of the Old Ceiling Rules along with its Annexure-1 on the ground that it is ultravires and void.

6. Reply has been filed by the State. It is stated that the standard acres have been defined in Section 30C of the Rajasthan Tenancy Act and that the computation of standard acres of the land is to be divided into groups according to its productivity.

7. Rule 19 of the Rules prescribe the formation of ceiling groups for the purpose of determination of ceiling area. The assessment circles or assessment groups are formed. Rule 19 reads as under:

19. Formation of Ceiling Groups:

For the purpose of determining ceiling areas, the assessment circles or assessment groups formed or deemed to have been formed, u/s 149 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956) shall be grouped into ceiling groups as shown in Annexure I to these rules, and the ceiling area in respect of the various soil classes mentioned in column 2 of Part A of the said Annexure shall be that shown in column 3 to 7 of the same part against the ceiling group in which the villages mentioned in column 2 of Part B of the said Annexure have been placed.

8. Appendix-A has been attached to Rule 19. Rules have been framed on the assessment made by the Government and after going through the requirement as are required u/s 30C of the Ceiling Act.

9. In the case of Bheru Lal v. State of Raj. and Ors. 1988 (1) RLR 223, a Division Bench of this court had held that the rules are not ultra vires.

10. In the case of Ram Pratap and 3 Ors. v. State of Raj. and Ors 1988 (2) RLR 520, a Division Bench of this court had discussed the scheme of 1963 rules framed by the State Government. It was held that the standard acres were to be computed on the basis of soil class of land as it existed on the date of the framing of the Rules and the standard acres were to be computed on the basis of

soil class of land as recorded in the revenue records existed on the appointed date i.e. 1.4.1966 and an inquiry is to be made on the said basis in view of the provisions of Rule 12 of the ceiling Rules. The court observed as under:

The standard acres were to be computed on the basis of soil class of land as it existed on the date of the framing of the Rules and the standard acres were to be computed on the basis of soil class of land as recorded in the revenue records existed on the appointed date i.e. 1.4.1966 and an inquiry is to be made on the said basis in view of the provisions of Rule 12 of the ceiling Rules.

In the aforesaid Index, calculation of various kinds of agricultural land in different districts have been given. In Part I of the said Index, descriptive table for the purpose of calculation is given for the Bundi district and it also contained the names of Tehsil and village lying in Groups I and II; and according to this Part, only such village which falls in Chambal project area and where the agricultural land is "Nehri" of any class, will fall in Item No. 1 and if the village where such land is situated is of Group I, 30 standard acres of land will be equal to 24 acres and if they are situated in Group II then 33 standard acres will be equal to 30 acres and if the land is not of this category then calculation will be made according to the Items mentioned in the said Index."

11. In the case of Sant Singh Nalwa and Another Vs. Financial Commissioner, Haryana and Others, , the Apex Court had upheld the classification of soil for the purpose of determining the standard acres, under the Punjab Ceiling Law. The Court observed as under:

"Coming now to the first point raised by the appellants regarding the constitutionality of the Rules framed under the Act, after hearing the counsel for the parties we find no merit in this contention. Sub-section (5) of Section 2 of the Act merely requires that the Rule should classify the land according to the quantity of the yield and quality of the soil. The Rules have classified the land by preparing a schedule consisting of various Annexure which divide the lands according to the quantity of yield and quality of the soil into various categories. A perusal of the Annexure to the Rules clearly shows that the valuation statement and the class of land has been described not only as being applicable to one place or the other but in view of the entire topography of every district or tehsil, it is manifest that a peculiar State like Punjab and Haryana diverse factors, namely, the situation or position of the land, its nearness to the river, the irrigation facilities, the ravages of flood, the fertility of the land and its produce and various other similar circumstances have to be taken into consideration in determining the nature and character of the land. As far back as 1952, a Land Resettlement Manual was prepared by Tarlok Singh, which was relied upon by the judgment of the single Judge and at page 287 the land has been classified in following categories:

Chahi and Abi

Chahi

Nehri

Unirrigated

Nehri Non-Perennial or other Nehri or

Nehri-Inundation.

12. Rule 19 has been held to be in travies by this court and even otherwise, the Government after proper study of each and every village in regard to its soil and productivity has framed rules in determination of standard acres which is being implemented from 1963 onwards from the date of framing of the rules. This court cannot substitute its opinion to the effect whether the land in district Kota is less fertile then the land situated in Ganganagar. It is up to the expert body to examine such matter which mater stands examined by the Government and has been incorporated in the rules.

13. I do not find any reason to interfere in view of the discussion mentioned above and, therefore, all the writ petitions are dismissed. No order as to costs.