

Madhya Pradesh Land Revenue Code, 1959

Section 59 & 172

59. Variation of land revenue according to purpose for which land is used. — (1)

The assessment of land revenue on any land ¹[shall be made] with reference to the use of land—

- ²[(a) for the purpose of agriculture of such farm house which is situated on holding of one acre or more;
- (b) as sites for dwelling houses;
- (c) for educational purpose;
- (d) for industrial purpose;
- (e) for commercial purpose;
- (f) for the purpose of mining under a mining lease within the meaning of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);
- (g) for purpose other than those specified in items (a) to (f) above :]

Provided that the assessment of land revenue on any land situated in the areas which are constituted as reserved or protected forests under the Indian Forest Act, 1927 (16 of 1927), with reference to use of land for any of the purposes aforesaid shall not be proceeded with or any procedure relating to the assessment to be followed under the relevant provisions of the Code shall not be commenced except on a certificate permitting the use of land issued by an officer of the Forest Department duly authorised by the State Government in this behalf.]

³[*Explanation.*— For the purpose of clause (a) "Farm House" means such building or construction which is any improvement as defined in clause (j) of sub-section (1) of Section 2, the plinth area of which shall not exceed one hundred square metre and the built up area shall not exceed one hundred fifty square metre.]

(2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed in accordance with the purpose to which it has been diverted.

⁴[(2-a) The alteration or assessment referred to in sub-section (2) shall be carried out by the Sub-Divisional Officer.]

(3) Where the land held free from the payment of land revenue on condition of being used for any purpose is diverted to any other purpose it shall become liable to the payment of land revenue and assessed in accordance with the purpose to which it has been diverted.

(4) The assessment made under sub-sections (2) and (3) shall be in accordance with the rules made by State Government in this behalf and such rules shall be in accordance with the principles contained in Chapter VII or VIII, as the case may be.

1. Subs. by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).
2. Subs. by M.P. Act No. 42 of 2011.
3. Subs. by M.P. Act No. 7 of 2000 (w.e.f. 15-3-2000).
4. Ins. by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).

(5) Where land for use for any one purpose is diverted to any other purpose, and land revenue is assessed thereon under the provisions of this section, the ¹[Sub-Divisional Officer] shall also have power to impose a premium on the diversion in accordance with rules made under this Code :

Provided that no premium shall be imposed for the diversion of any land for charitable purposes.

(6) Notwithstanding any usage or grant or anything contained in any law, the right of all persons holding land, which immediately before the coming into force of the Madhya Pradesh Land Revenue Code, 1954 (II of 1955), was held in malik makbuza right, to exemption from payment of premium on diversion of such land is hereby abolished; but every such person shall, on diversion of such land, be entitled in lieu of such right to a rebate equal to the land revenue for one year payable for such land from the amount of premium determined under sub-section (5).

1. Subs. by M.P. Act No. 24 of 1961 (w.e.f. 23-6-1961).

[P.T.O.]

Section- 172

~~172.~~ **172. Diversion of land.**— (1) ³[If a bhumiswami of land held for any purpose in

- (i) urban area or within a radius of five miles from the outer limits of such area;
- (ii) a village with a population of two thousand or above according to last census; or
- (iii) in such other areas as the State Government may, by notification, specify;

wishes to divert his holding or any part thereof to any other purpose except agriculture,] he shall apply for permission to the Sub-Divisional Officer who may, subject to the provisions of this section and to rules made under this Code, refuse permission or grant it on such conditions as he may think fit :

Provided that should the Sub-Divisional Officer neglect or omit for three months after the receipt of an application under sub-section (1) to make and deliver to the applicant an order of permission or refusal in respect thereof, and the applicant has by written communication called the attention of the Sub-Divisional Officer to the omission or neglect, and such omission or neglect continues for a further period of ⁴[one month], the Sub-Divisional Officer shall be deemed to have granted the permission without any condition :

⁵[Provided further that if a bhumiswami of a land, which is reserved for a purpose other than agriculture in the development plan but is used for agriculture, wishes to

1. Provisions of this section shall apply to Scheduled Areas of the State of Madhya Pradesh only. **Vide** Government of Madhya Pradesh, Revenue Department's Notification F. No. 1-70-VII-N-2-83, dated the 5-1-1984, issued by the Governor of Madhya Pradesh under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, published in Madhya Pradesh Rajpatra, dated 6-1-1984 at pp. 23-29.
2. **Ibid.**
3. Subs. by M.P. Act No. 25 of 1964 (w.e.f. 23-4-1964).
4. Subs. by M.P. Act No. 19 of 2001 (w.e.f. 26-9-2001),
5. Subs. by M.P. Act No. 22 of 2003 (w.e.f. 3-5-2003).

divert his land or any part thereof to the purpose for which it is reserved in the development plan, a written information of his intention given by bhumiswami to the Sub-Divisional Officer shall be sufficient and no permission is required for such diversion :

Provided also that if a bhumiswami of a land wishes to divert his land or any part thereof which is assessed for agriculture purpose and situated in any area other than an area covered by development plan to the purpose of industry, a written information of his intention given by bhumiswami to the Sub-Divisional Officer shall be sufficient and no permission is required for such diversion.]

¹[Provided also that if a competent authority undertakes the work of regularisation of the illegal colony, the land of which is not diverted, then the land, subject to the provisions of development plan, shall be deemed to have been diverted and such land shall be liable for premium and revised land revenue under Section 59.

Explanation.— For the purpose of this section the competent authority shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Palika (Registration of Coloniser, Terms and Conditions) Rules, 1998 made under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).]

(2) Permission to divert may be refused by the Sub-Divisional Officer only on the ground that the diversion is likely to cause a public nuisance, or the bhumiswami is unable or unwilling to comply with the conditions that may be imposed under sub-section (3).

(3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality.

(4) If any land has been diverted without permission by the bhumiswami or by any other person with or without the consent of the bhumiswami the Sub-Divisional Officer on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding ²[twenty per centum of the market value of such diverted land] and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert had been made.

(5) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the Sub-Divisional Officer may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. The Sub-Divisional Officer may also impose on such person a penalty not

1. Ins. by M.P. Act No. 7 of 2000 (w.e.f. 15-3-2000).

2. Subs. by M.P. Act No. 42 of 2011.

exceeding ¹[twenty per centum of the market value of such diverted land] for such contravention, and a further penalty not exceeding ²[one thousand rupees] for each day during which such contravention is persisted in.

(6) If any person served with the notice under sub-section (5) fails within the period stated in the notice to take the steps ordered by the Sub-Divisional Officer under that sub-section, the Sub-Divisional Officer may himself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

³[(6-a) If any land has been diverted in contravention of sub-section (6-ee) of Section 165, the Sub-Divisional Officer in addition to taking action laid down in sub-sections (5) and (6), shall also impose a penalty not exceeding five thousand rupees for such contravention and a further penalty not exceeding one hundred rupees for each day during which such contravention is persisted in.]

⁴[(7) x x x]

⁵[*Explanation I.*]—Diversion in this section means using land assessed to one purpose under Section 59 to any other purpose mentioned therein but using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.

⁶[*Explanation II.*—For the purposes of this section, the words 'development plan' shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973).]

1. Subs. by M.P. Act No. 42 of 2011.
2. Subs. by M.P. Act No. 42 of 2011.
3. Ins. by Notfn. No. 37-4-VII-N-II-84, dated 4-6-1984, in its application to Scheduled Areas.
4. Omitted by M.P. Act No. 17 of 1996 (w.e.f. 10-10-1996).
5. Re-numbered by M.P. Act No. 17 of 1996 (w.e.f. 10-10-1996).
6. Ins. by M.P. Act No. 17 of 1996 (w.e.f. 10-10-1996).