

LAW SCHOOL NOTES

SUBJECT TITLE:

M.P.F.C.A.

MAHARASHTRA PREVENTION OF FRAGMENTATION
AND CONSOLIDATION ACT



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Maharashtra Prevention of

Page No.			
Date			

Fragmentation and Consolidation of Holdings Act, 1947

Preamble :-

Purpose :- for the purpose of better cultivation

* Object

- i) Unified different laws pertaining to the subject.
- ii) To encourage development of agriculture.
- iii) Better cultivation.
- iv) to improve agriculture product.

* Important terms.

- ① Consolidation.
- ② fragment.
- ③ Consolidation officer - Appointment, Powers.
- ④ Settlement Commissioner - Powers.
- ⑤ Village Committee.
- ⑥ Standard Area.

* 12 M Questions

- ① How determination of Local and standard areas and treatment of fragments is done?

→ [Chap II - Sec. 3 - Sec. 14]

- ② What is the procedure for consolidation of fragments?

→ [Chap III - Sec. 15 - 25]

- ③ Powers and Procedure for Consolidation officer.

[Chap IV - A] Sec. 33B - 33E

- ④ Effect of Consolidation Proceedings & Consolidation Holdings

→ Chap IV [S. 26 - 32A]

Chap. II

① Determination of Local & Standard Areas & Treatment of Fragments.

Sec. 3 Determination of Local Area

- S.G. is empowered to declare
 - ↳ Village, Mahal, Taluka, Tehsil or any part
- Inquiry is made prior to this
- by notification in Official Gazette.

Sec. 4 Settlement of Standard Areas.

→ S.G. is empowered.

Procedure

- 1) Inquiry, as it deem it
- 2) Consultation with District Advisory Committee.



provisionally settle ~~decide~~ minimum area that can be cultivated profitably as separate plot (for any class of land).

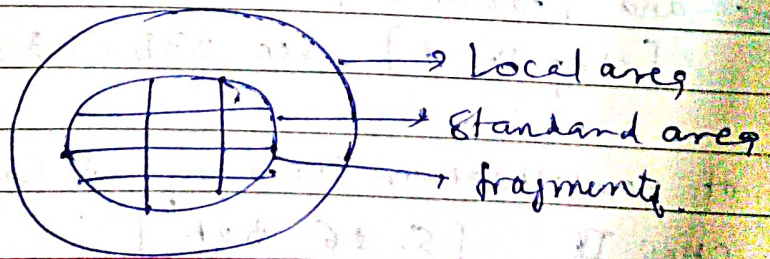
→ such min. area be published in Official Gazette.

Sec. 5 Determination & Revision of standard area.

→ S.G. shall decide/determine standard area for each class of land in such local area.

→ after considering objects as Sec. 4.

- (2) Revision can be made from time to time u/s. 4(1).
- (3) a) ↳ publish in O.G.



Sec. 6 Entry in Record of Rights.

→ After notification in O.G.

↓

All fragments in the local area shall be entered in R.O.R. or as S.G. may prescribe.

(e) → Notice of every entry be given of an entry in register of mutations.

Sec. 2(4) Fragment - a plot of land of less extent than the appropriate standard area determined under this Act.

→ except :- diminution by diluvion

Sec 7 Transfer & lease of fragments.

(1) → No person shall transfer any fragment

exception :- 1) Owner of contiguous survey no.

2) Recognised sub-division of survey no.

(e) → Such fragment can be mortgage or transfer to

1) S.G. 2) Co-operative society 3) Land Mort. Bank for loan.

(2) Such fragment can be only leased to person cultivating contiguous land.

Sec. 8 Fragmentation prohibited

→ No land shall be transferred or partitioned so as to create fragment.

Exceptions - 1) Transfer for public purpose

- 2) Land situated in limits of
- 3) Municipal Corpⁿ
- 3) Municipal Council
- 4) Special Planning Authority
- 5) New Town Development Authority

Sec. 9

Penalty

- (1) ^{Such} Transfer of partition → void
- (2) Owner of such land → ₹ 250 (penalty)
↳ as arrears of land revenue
- (3) Unauthorized occupation → can be evicted
such land by Collector

Sec. 10

Transfer of fragment can be only made to

- 1) Owner of contiguous survey number
- 2) State Govt.

→ Compensation for both → decided by Collector

Sec. 12

Determiners of Compensation → Sec. 23 LAR

* Procedure for Consolidation:

- ① S.G. on its own or appⁿ made to it declare in Official Gazette its intention to make a scheme of consolidation [Sec. 15]
↓
- ② Publication in prescribed manner in village c. [Sec. 15]
↓
- ③ S.G. Appoint a Consolidation Officer [Sec. 15]
↳ to prepare a scheme
↓
- ④ Consolidation officer to prepare a scheme for consolidation of holdings [Sec. 15A]
Prior notice be given to owners concerned, village committee
↓
- ⑤ Publication of Draft of such scheme [Sec. 19(1)]
↓
- ⑥ 30 days time period to raise objection on scheme [Sec. 19(1)]
by affected person
↓
- ⑦ If objection consider, preparatⁿ of amended draft [S. 19(2)]
again 30 days to raise objection
↓
- ⑧ Amended draft with objection / draft scheme be forwarded to Settlement Commissioner for confirmatⁿ [Sec. 19(2)(b)]
↓
- ⑨ Settlement Comm. can confirm it or return to C.O. for amendment [Sec. 20]
↓ on confirmatⁿ
- ⑩ Publication in Official Gazette of scheme by S.C.
↳ be published in such village as concerned.

* Consolidation officer (C.O.)

(a) Appointment :- U/s. 15
by State Govt.

(b) functions / powers

- To prepare scheme for consolidation of holdings
- Empower to amalgamate public road, street in scheme
- Duty to publish draft of scheme in villages
- Power to amend draft on objections
- Empower to publish notification by way in Official Gazette
- Duty to grant certificate of transfer to owner
- He can exercise powers given under certain acts
- Authority to decide whether lease should be transferred or not.

* Powers of C.O. (U/ chap IV - A)

- (1) Right of entry
- (2) Power to summon person to give evidence and produce documents
- (3) ~~Summons~~ Power to impose penalty for not complying summons
- (4) Power to constitute Village Committee

Duties, Powers of Village Committee

* Settlement Commissioner (S.C.)

- Appellate authority to C.O.
- higher authority to. C.O.

* Appointment :- None

* Eligibility :- 1) Collector
2) Officer above rank of C.O.

State govt. may appoint them as S.C. by way of notification in official Gazette

* Power of Settlement Commissioner

- 1) He decides on proposal and regarding the amount of compensation
- 2) He confirms on the matter of draft or amended draft of scheme.
- 3) He test correctness of procedure followed by C.O.
- 4) * Power to confirm scheme to publish it in official Gazette
→ His assent is imp.
- 5) S. 35
- 6) Power to call for and examine record of any case pending before C.O.
- 7) Power to pass to order in case of above
- 8) Power to vary scheme on ground of error, irregularity, informality

* Village Committee

→ Constituted by C.O.

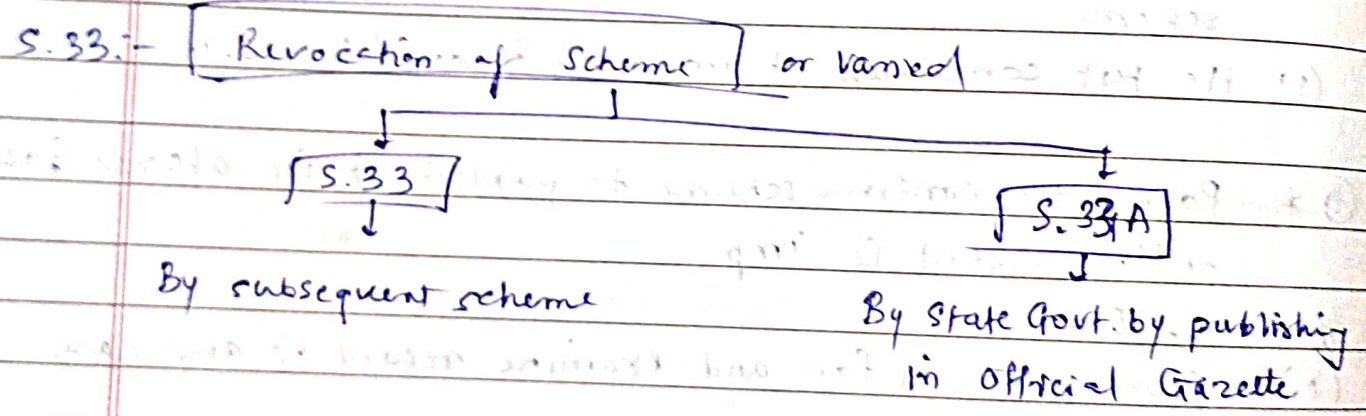
Chap. IV

Effect of Consolidation Proceedings & of Consolidation of Holdings

Sec 26 Exercise by C.O. of powers under certain Act
 → C.O. shall exercise & discharge funds of Revenue officer
 → C.O. shall submit order passed by him to Collector for confirmation

S. 27 Since the C.O. proceeds to prepare scheme, till commencement of consolidation proceedings there is ban on transfer of such land.

S. 29 Transfer of encumbrances
 → mortgage, debt or other encumbrance shall be transferred and attach itself to holding allotted to him



36A Bar on Jurisdiction
 → No Civil Court or Mafiatdar's Court have jurisdiction