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Court of Wards Act and Guardians and Wards Act. Management of agricultural lands under the superintendence of the Court of Wards or the Guardian appointed under ...

Government of Bombay,
Revenue Department,
Resolution No. COW. 5757/169977-AII,
Bombay, 21st January 1959.

RESOLUTION:

It has already been made clear in the Note circulated to them under Government endorsement Revenue Department No. COW. 5757/73934-N dated 20th April 1958 that even though lands under the management of the Court of Wards or of Government officers appointed as Guardian under the Guardians and Wards Act are exempt from the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, the principles contained in that Act regarding the fixation of rent and security of tenure should be followed by the Court of Wards and the Guardians in regulating their relations with the tenants of the lands under their management. There can therefore be no question of leasing out such lands by auction to the highest bidder. The rent to be charged in such cases should always be equal to the rent at the rate fixed by the Mamlatdar under section 9 of the Bombay Tenancy and Agricultural Lands Act, 1948 enhanced by an amount equal to the land revenue, local fund cess, irrigation cess and village panchayat cess payable in respect of the land subject to the condition that the total amount does not exceed 1/6th of value of the particular year's crop. A tenant should not be evicted from the land unless he has committed any of the defaults mentioned in section 14 of the Tenancy Act or he is already personally cultivating other land equal to or in excess of the ceiling area. Where an existing tenant is unwilling to continue on the land or where a tenant is evicted from the land or where the land is to be leased for the first time, the land should be leased out preferably to the agriculturist cultivating an adjacent land and whose holding under personal cultivation is less than an economic holding, provided of course, such person is willing and capable of cultivating the land personally. In the absence of such a person, the land should be leased out to persons or bodies in order of priority given in section 32-P(2)(c) of the Bombay Tenancy and Agricultural Lands Act.

By order and in the name of the Governor of Bombay,
K.G. Badlani,
Under Secretary to Government.

...

No. ADM. WS. 159.

Ratnagiri, 30 January 1959.

Copy forwarded for information and guidance to:

All Mamlatdars and Mahalkaris