

The Kerala Land Relinquishment Act, 1958

Act 38 of 1958

Keyword(s):

Registered Holder, Relinquishment, Cultivating Tenant

Amendment appended: 13 of 1966

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ACT 38 OF 1958**THE KERALA LAND RELINQUISHMENT ACT, 1958**^[1]

An Act to make provision for the relinquishment of lands in the State of Kerala
^[2] [*****] in favour of Government.

Preamble .- WHEREAS it is necessary to make provision for the relinquishment of lands in the State of Kerala ^[3] [*****] in favour of Government;

BE it enacted in the Ninth Year of the Republic of India as follows:-

1. Short title, extent and commencement .- (1) This Act may be called the Kerala land Relinquishment Act, 1958

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. Definitions .- In this Act, unless the context otherwise requires,-

(a) “registered holder” in relation to any land means a person whose name is registered in the revenue records as the proprietor of the land;

^[4] [“(b) “relinquishment” means, in the case of any land in the possession of registered holder the unconditional surrender by the registered holder of all his rights over the land, and, in the case of any land in the possession of a cultivating tenant, the unconditional surrender jointly by the registered holder, the cultivating tenant and the intermediaries, if any, of all their rights over the land;];

(c) “prescribed” means prescribed by rules made under this Act.-

^[5] [“(d) the expressions “cultivating tenant” and “intermediary” shall have the meanings respectively assigned to them in ^[6] [the Kerala Land Reforms Act 1963 (Act 1 of 1964).”]

3. Relinquishment of land .- ^[7][1] A registered holder may relinquish in favour of the Government the whole or any position of any land entered in his name in the revenue records, provided that such land or portion of land is in his possession and free of encumbrances.

^[8] [“(2) Where any land is in the possession of a cultivating tenant, the registered holder, the cultivating tenant and the intermediaries, if any, of such land may jointly relinquish the same or any portion thereof in favour of the Government, provided that such land or portion of land is free of encumbrances.”]

4. Procedure to be followed when lands are relinquished .- ^[9] [“(1) Where a registered holder or , a registered holder, cultivating tenant and intermediaries, if any, jointly intends or intend to relinquish any land under section 3, such registered holder or, as the case may be, such registered holder, cultivating tenant and

intermediaries , if any, jointly may submit an application in the prescribed form to [\[10\]](#)[the Revenue Divisional Officer of the division”]

(2) On receipt of the application mentioned in sub-section (1), the [\[11\]](#)[Revenue Divisional Officer] shall, if satisfied, after such enquiry as he thinks necessary, that [\[12\]](#) [“the registered holder or, as the case may be, the registered holder, the cultivating tenant and the intermediaries, if any, of the land jointly is or are competent to relinquish and has or have valid title in the land.”] issue a notice in the prescribed form to all such persons as he may consider interested in the land, calling upon them, before a date specified in the notice, to show cause why the relinquishment may not be accepted.

(3) The [\[13\]](#)[Revenue Divisional Officer] shall also affix a copy of the notice referred to in sub-section (2) on the notice board of his office and shall cause it to be published in such manner as may be prescribed in the village where the land is situate.

(4) Any person interested in the land may, before the date specified in the notice, file an objection before the [\[14\]](#)[Revenue Divisional Officer] showing cause why the relinquishment should not be accepted.

(5) When the period for filing objections is over, all objections received shall be enquired into by the Collector and he may pass orders either accepting or rejecting the application for relinquishment

[\[15\]](#)[“(6) The [\[16\]](#)[Revenue Divisional Officer] may at any stage of the proceedings reject the application on any of the following grounds, namely:-

(i) that the registered holder, or, as the case may be, the registered holder, the cultivating tenant and the intermediaries, if any, jointly, is not, or are not, competent to relinquish the land;

(ii) that the title of the registered holder, the tenant or the intermediaries, if any, is defective;

(iii) that there are arrears of land revenue due on the land;

(iv) that the land is not accessible except through land not belonging to the Government;

(v) such other grounds as may be prescribed.”]

[\[17\]](#) [(7) [*****]]

[\[18\]](#) [(8) [*****]]

[\[19\]](#) [“4A. Appeal.- Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (5) or sub-section (6) of section 4 may prefer an appeal within such time as may be prescribed to the Collector of the district in which the land is situate and the order of the Collector on such appeal shall, subject to the provisions of section 4B, be final.

4B. Revision .- (1) The Board of Revenue may, either of its own motion or on, an application made by any aggrieved person for revision, call for the record of any proceeding in which an order has been passed by the

Collector under section 4A, and pass such order thereon as it thinks fit:

Provided that the Board of Revenue shall not of its own motion all for the record of any such proceeding after the expiry of one year from the date of the order of the Collector.

(2) Every application for revision under sub-section (1) against an order of the Collector shall be made within one month from the date on which the order was communicated to the person aggrieved by the order”.

Provided that the Board of Revenue may, if it is satisfied that the person making the application was prevented by sufficient cause from making the application within that period, admit an application made after the expiry of that period.

4C. Land relinquished to vest in Government .- Where an application for relinquishment of any land is accepted in consequence of any order passed by the Revenue Divisional Officer under section 4 or the Collector under section 4A or the Board of Revenue under section 4B, such land together with all right, title and interest of the registered holder or, as the case may be, of the registered holder, the cultivating tenant and the intermediaries, if any, in such land shall vest in the Government free of all encumbrances.”

5. Relinquishment of land held jointly .- No land registered in there venue records in the name of a person jointly with the name or names of one or more persons, shall be relinquished except with the consent of all the persons in whose names the land is registered in the revenue records.

6. Power to make rules .- The Government may make rules for the purpose of carrying out the provisions of this Act.

ACT 13 OF 1966

THE KERALA LAND RELINQUISHMENT (AMENDMENT) ACT, 1966^[1]

Enacted by the president in the seventeenth year of the republic of india.

An Act further to amend the Kerala Land Relinquishment Act, 1958.

In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965 (12 of 1965), the President is pleased to enact as follows :—

1. *Short title and commencement.* —(1) This Act may be called the Kerala Land Relinquishment (Amendment) Act, 1966.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Kerala Land Relinquishment Act, 1958 (Kerala Act 38 of 1958), (hereinafter referred to as the principal Act), in clause (d), for the words, figures and brackets " the Kerala Agrarian Relations Act, 1960 (Act 4 of 1961)", the words, figures and brackets " the Kerala Land Reforms Act, 1963 (Act I of 1964)" shall be substituted.

3. *Amendment of section 4.*—In section 4 of the principal Act,—

(a) in sub-section (1), for the words "the Collector of the district", the words " the Revenue Divisional Officer of the division" shall be substituted ;

(b) in sub-sections (2) to (6), for the word "Collector", wherever it occurs, the words " Revenue Divisional Officer " shall be substituted ;

(c) sub-sections (7) and (8) shall be omitted.

4. *Insertion of new sections 4A, 4B, and 4C.*—After section 4 of the principal Act, the following sections shall be inserted, namely :—

"4 A. *Appeal.* —Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (5) or sub-section (6) of section 4 may prefer an appeal within such time as may be prescribed to the Collector of the district in which the land is situate and the order of the Collector on such appeal shall, subject to the provisions of section 4B, be final.

4B. *Revision.*— (1) The Board of Revenue may, either of its own motion or on an application made by any aggrieved person for revision, call for the record of any proceeding in which an order has been passed by the Collector under section 4 A, and pass such order thereon as it thinks fit :

Provided that the Board of Revenue shall not of its own motion call for the record of any such proceeding after the expiry of one year from the date of the order of the Collector.

(2) Every application for revision under sub-section (1) against an order of the Collector shall be made within one month from the date on which the order was communicated to the person aggrieved by the order:

Provided that the Board of Revenue may, if it is satisfied that the person making the application was prevented by sufficient cause from making the application within that period, admit an application made after the expiry of that period.

4C. *Land relinquished to vest in Government.*— Where an application for relinquishment of any land is accepted in consequence of any order passed by the Revenue Divisional Officer under section 4 or the Collector under section 4A or the Board of Revenue under section 4B, such land together with all right, title and interest of the registered holder or, as the case may be, of the registered holder, the cultivating tenant and the intermediaries, if any, in such land shall vest in the Government free of all encumbrances." .

