

## The Mizoram Gazette

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#### **NOTIFICATION**

**No. C. 31031/ 6/ 2011 - DCA (M), the 11<sup>th</sup> July, 2012.** In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of the Mara Autonomous District Council, which received approval of His Excellency the Governor of Mizoram on 8.6.2012 is hereby published for general information, namely:-

"THE MARA AUTONOMOUS DISTRICT COUNCIL (AGRICULTURAL LAND SETTLEMENT) ACT, 2011".

P. Singthanga,

Principal Secretary to the Govt. of Mizoram, District Council Affairs Department.

### THE MARA AUTONOMOUS DISTRICT (AGRICULTURAL LAND SETTLEMENT) ACT, 2011.

An Act to provide for the better control and restriction of the allotment, occupation or use of land for agricultural purposes.

AND WHEREAS the power conferred by sub-paragraph (1) and (1)(a) of paragraph 3 of the Sixth Schedule to the Constitution of India, the Mara Autonomous District Council is empowered to make Regulations for the control and restriction of the allotment, occupation or use of land for agricultural and allied purposes within the said Autonomous District;

NOW,THEREFORE, in exercise of the said powers and other powers enabling it in that behalf, the Mara Autonomous District Council is pleased to make the following Act in the Sixty Second Year of the Republic of India as follows:-

#### CHAPTER - I PRELIMINARY

- 1. Short title, extent and commencement:
  - (1) This Act may be called the Mara Autonomous District (Agricultural Land Settlement) Act, 2011.
  - (2) It shall extend to the whole of the Mara Autonomous District area.
  - (3) It shall come in to force on its publication in the Mizoram Gazette.
- 2. Definitions:- In this Act, unless the context otherwise requires
  - (i) "Agricultural land" means any land which is used for agriculture, sericulture, horticulture, fishery, cattle rearing, piggery and the like;
  - (ii) "Allotment" with respect to land means allotted in writing by the Executive Committee or any Officer authorized by it in writing and registered in the District Council Office;
  - (iii) "Allotment Authority" means any Land Settlement Authority to which the allotment power of land is vested under section 6 of this Act;
  - (iv) "District Council" means Mara Autonomous District Council;
  - (v) "Executive Committee" means the Executive Committee of the Mara Autonomous District Council;
  - (vi) "Financial year" means the period of 12 months commencing on the first day of April;
  - (vii) "Government" means the Central Government or State Government.
  - (viii) "Governor" means Governor of Mizoram.
  - (ix) "Land" means either vacant of land or occupied land.
  - (x) "Land Dispute" means any dispute on any land between or among two or more Land Settlement Holders.
  - (xi) "Land Dispute Court" means a Court established under section 26 of this Act;
  - (xii) "Land Lease" means a temporary rights of use or occupation of a specified portions of land granted to the holder of such lease/certificate for a specified period;
  - (xiii) "Land Lease Certificate" means a certificate issued under section 14 of this Act;
  - (xiv) "Land Settlement Authorities" means such Authorities as mentioned in chapter II of this Act to control and restrict the allotment, occupation or use of land for residential and other non-agricultural purposes;
  - (xv) "Land Settlement Certificate" includes Temporary Land Settlement Certificate and Permanent Land Settlement Certificate;
  - (xvi) "Land Settlement Holder" includes Permanent Land Settlement Holder and Temporary Land Settlement Holder;
  - (xvii) "Law enforced by the District Council" means any legislation of the Parliament or State Legislature enforced by the District Council with such modifications and amendment, if any;

- (xviii) "Lessee" means the holder of Land Lease Certificate issued under section 14 of this Act;
- (xix) "Officers" means any Officer appointed by the Executive Committee under sub-section (1) of section 4 read with sub-section (5) of the same section;
- (xx) "Permanent Land Settlement Certificate" means a Land Settlement Certificate issued under section 16.
- (xxi) "Permanent Land Settlement Holder" means the holder of Permanent Land Settlement Certificate and who by virtue of such title enjoyed such rights as mentioned in sub-section (1) of section 20.
- (xxii) "Person" means and includes an individual, a company, firm, a Government Department or other association of persons.
- (xxiii) "Reserved Forest" means any particular area of land which has been declared by the Central Government or the State Government or the District Council to be a Reserved Forest.
- (xxiv) "Schedule" means Schedule appended to this Act.
- (xxv) "Surveyor" means any Surveyor appointed under section 5 of this Act.
- (xxvi) "Temporary Land Settlement Certificate" means a Land Settlement Certificate issued under section 15.
- (xxvii) "Temporary Land Settlement Holder" means the holder of a Temporary Land Settlement Certificate and who by virtue of such title enjoyed such rights as mentioned in sub- section (2) of section 20:
- (xxviii) "Vacant land" means any land which has not been allotted to any one, whether occupied or unoccupied and over which nobody has acquired any right.

#### CHAPTER - II LAND SETTLEMENT AUTHORITIES

- 3. <u>Executive Committee</u>: Subject to the provisions of this Act, the Executive Committee shall be the Apex Land Settlement Authority and shall have the general power to control and direct the allotment, occupation or use of land for agricultural purposes.
- 4. Officers: (1) Without prejudice to the provisions of section 3, the executive Committee shall appoint Senior Land Settlement Officer and such number of Land Settlement Officers and Assistant Land Settlement Officers as it thinks necessary for the purpose of this Act.
  - (2) For the purpose of this Act, all Land Settlement Officers and Assistant Land Settlement Officers shall subordinate to Senior Land Settlement Officer and all Assistant Land Settlement Officers shall subordinate to all Land Settlement Officers.
  - (3) Subject to the general control and direction of the Executive Committee, Senior Land Settlement Officer shall either by himself or through Officers Subordinate to him, exercise all powers and performed all functions relating to the superintendence and control of the occupation or use of land for agricultural purposes.
  - (4) The Executive Committee or, if authorized by the Executive Committee, Senior Land Settlement Officer may specify the area or areas over which each Land Settlement Officer shall exercise jurisdiction.
  - (5) Assistant Land Settlement Officer, if any, shall assist his/ her superior Officers if and when required by such superior Officers.
  - (6) For the purpose of this Act, Senior Revenue Officer shall be deemed to be Senior Land Settlement Officer, each Revenue Officer shall be deemed to be each Land Settlement Officer and each Assistant Revenue Officer, if any, shall be deemed to be each Assistant Land Settlement Officer.
- 5. <u>Surveyors</u>:- For the purpose of this Act, the executive Committee may appoint such number of Surveyors who shall perform such functions as may be directed and allotted to them by the Executive Committee or Officers appointed under sub-section (1) of section 4.

#### CHAPTER – III ALLOTMENT OF AGRICULTURAL LANDS

- 6. <u>Allotment of land for agricultural purposes</u>: (1) The Executive Committee may allot land for agricultural purposes in the District Council area.
  - (2) The Executive Committee may, in writing, authorize any Officer mentioned in Chapter II of this Act to allot land under this Act.
- 7. <u>Area of land to be allotted</u>:- (1) The allotment authority may allot land under this Act to any person in accordance with the need of the allottee as it thinks fit and proper.
- 8. <u>Allotment of land at the public road side</u>:- (1) While allotting any land at the public road side the Allotment Authority shall keep vacant certain portions of land between the allotted land and the public road as a "Reserved- Road-Side -Land" which may be used for the expansion of such public road or for such other public purposes.
  - (2) The Allotment Authority shall make a Reserved –Road-Side- Land under sub-section (1) in the following manner-
    - (i) if the public road is less than three meters width, the Allotment Authority shall reserve such portions of land on which at least four meters width of public road could be expanded between the allotted site and the existing public road,
    - (ii) if the public road is more than three meters width but less than six meters width, the Allotment Authority shall reserve such portions of land on which at least three meters width of public road could be expanded between the allotted site and the existing public road,
    - (iii) if the public road is more than six meters width but less than nine meters width, the Allotment Authority shall reserve such portions of land on which at least two meters width of public road could be expanded between the allotted land and the existing public road,
    - (iv) if the public road is more than nine meters width but less than twelve meters width, the Allotment Authority shall reserve such portions of land on which at least one meter width of public road could be expanded between the allotted land and the existing public road.
  - (3) Notwithstanding anything in sub-section (1) and sub-section (2), the Executive Committee may, at any time, by notification declare that no Reserve- Road- Side- Land need not be made for any particular public road.

Explanation: For the purpose of this section public road means any road on which any mechanically propelled vehicle could run or pass and includes any road constructed and maintained by the Central Government or State Government or District Council or Village Council.

- 9. <u>Prohibition</u>: (1) No Allotment Authority shall allot any land to a non-tribal without the prior permission of the Executive Committee.
  - (2) For the purpose of obtaining permission under sub-section (1), the matter shall be put in the House of the District Council and it must be accepted by two third majority of the members present.

Explanation: For the purpose of this section the expression 'non-tribal' shall not includes a company, firm or other associations of persons in which all the shareholders of such company or firm or, all the members of such other associations of persons, are tribal as an individual.

(3) No Allotment Authority shall allot any land to any person under this Act in any Reserved Forest area.

- 10. <u>Unauthorized allotment</u>: (1) If any Allotment Authority allot any land to any person in contravention of the provisions of section 8 and section 9, every such allotment shall, to the extent of such contravention, be void and the allotee shall have no right and title over such void land.
  - (2) The provisions of sub-section (1) shall not apply to any allotment which had been made before the commencement of this Act.

### CHAPTER - IV ISSUE OF LAND SETTLEMENT CERTIFICATE OR LAND LEASE CERTIFICATE

- 11. <u>Issue of Land Settlement Certificate or Land Lease Certificate</u>:- When any site is allotted to any person under section 6, the Allotment Authority shall issue Land Settlement Certificate or Land Lease Certificate to such person in such form and manner provided in section 12, 13 or 14.
- 12. <u>Procedure for issue of Temporary Land Settlement Certificate</u>:- (1) Any person intending or willing to occupy or use any vacant land for residential agricultural purposes may apply to the Allotment Authority in the prescribed "Form -A" provided in the Schedule.
  - (2) On receipt of an application under sub-section (1), the Allotment Authority shall verify whether the land so apply for is a vacant land or not.
  - (3) If the Allotment Authority found that the land so apply for is a vacant land it shall take all such necessary measurement for the purposes of boundary description and shall attach the findings of such verification and such measurement in the prescribed "Form-A-1" provided in the Schedule.
  - (4) After such verification and after taking such necessary measurement under sub-section (3) the Allotment Authority may issue a Temporary Land Settlement Certificate to the applicant in the prescribed "Form A-2" as provided in the Schedule:

Provided that such Temporary Land Settlement Certificate may be issued to such applicant only on payment of such fee as may be prescribed or imposed from time to time by the Allotment Authority.

Provided further that such Temporary Land settlement Certificate shall be valid only for three years from the date of issue and shall be liable to be cancelled after the expiration of such prescribed period.

Provided also that if such Temporary Land Settlement Holder continues to occupy or use such land after the expiration of such prescribed period or after such cancellation of such Temporary Land Settlement Certificate, the provisions of section 22 shall apply.

- (5) Notwithstanding anything contained in this section a Temporary Land Settlement Certificate may not be cancelled on renewal of such Land Settlement Certificate in the manner as may be prescribed by the Allotment Authority.
- 13. <u>Procedure for issue of Permanent Land Settlement Certificate</u>: (1) After the expiration of one year from the issue of Temporary Land Settlement Certificate, a Temporary Land Settlement Holder may apply to the Allotment Authority for the issue of Permanent Land Settlement Certificate in the prescribed "Form B" provided in the Schedule.
  - On receipt of an application under sub-section (1), the Allotment Authority shall examine or scrutinize all the documents produce by the applicant and on satisfaction by such documents the concerned Allotment Authority may issue Permanent Land Settlement Certificate to such applicant in the prescribed "Form B-1" provided in the Schedule.
    - Provided that such a Permanent Land Settlement Certificate may be issued to such applicant only on payment of such fee as may be prescribed or imposed from time to time by the Allotment Authority.

Explanation :- In this sub-section, documents means any document which is required by the Allotment Authority in support of an application under sub-section (1).

- 14. <u>Land Lease</u>: (1) The Allotment Authority may, instead of issuing Land Settlement Certificate to any company, firm, Government Department or any associations of persons, issue Land Lease Certificate in the prescribed "Form-C" provided in the Schedule.
  - (2) If Land Lease is issued to any company, firm, Government Department or any associations of persons, the rate of the land, the period of the Land Lease and the term and conditions of the Land Lease may be prescribed by the Allotment Authority.
- 15. <u>Certain powers of Land Settlement Authority</u>: (1) The Allotment Authority shall define the boundary of the land so allotted and shall attach such boundary description in the Land Settlement Certificate or Land Lease.
  - (2) Subject to the provisions of this Act, Senior Land Settlement Officer or any of his Subordinate Officer may direct any Surveyors or a group of Surveyors to take such verification or such necessary measurement under section 12 or to examine or scrutinize such documents under section 13 and to submit the findings of such verification or such measurement or such examination or such scrutiny within such period as may be prescribed by such directing Officer.
  - (3) The Allotment Authority may classify or categories the allotted land on the basis of the quality and purpose of such land and such classification or categorization may be shown or incorporated in the Land Settlement Certificate or Land Lease.
  - (4) The Allotment Authority may also classify land value on the basis of its quality and purpose and such valuation may be shown in the Land Settlement Certificate or Land Lease Certificate.
- 16. Redemption: (1) In any Land Settlement Certificate or Land Lease Certificate, if the boundary description of the land is larger than the figure description (numerical description) of the land area, such portions of land which is uncovered by the figure description but covered by the boundary description shall be expressed herein-after as surplus/untaxed land.
  - (2) If any Land Settlement Holder or Lessee has a surplus/untaxed land he/she may apply in writing to the Allotment Authority for redemption of such surplus/untaxed land.
  - (3) On receipt of an application under sub-section (2) the Allotment Authority may verify and take necessary measurement and calculate the area of the surplus/untaxed land.
  - (4) After taking such measurement and calculating such area under sub-section (3) the Allotment Authority may adjust or make tally the figure of the land area and the boundary description of the land on payment of such redemption fee by the Land Settlement Holder or Lessee.
  - (5) Redemption fee may be calculated on the basis of current land revenues or taxes payable per specified area of land as may be prescribed from time to time by the Allotment Authority.
  - (6) The Allotment Authority may, instead of giving the surplus land to Land Settlement Holder or Lessee, declare such surplus land to be a vacant land.
- 17. <u>Maintenance of Land Records</u>: The Allotment Authority shall maintain the records of all lands allotted by it to any person, Company, firm or other Associations of persons etc and such records shall contain all the necessary requirement contained in the Land Settlement Certificate or Land Lease Certificate and such records shall be available at any time for inspection or ready reference.
- 18. Revenue liability: (1) A Land Settlement Holder or a Lessee shall be liable to pay such amount as land revenue/tax each financial year as may be prescribed from time to time by the Allotment Authority.
  - (2) The Allotment Authority may prescribed land revenues/taxes on the basis of the quality and purpose or the land value of the land so allotted.
  - (3) The Allotment Authority may exempt any Land Settlement Holder or Lessee from paying land revenue/tax for a specified period as may be prescribed by the Allotment Authority.

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### CHAPTER - V CONTROL OF OCCUPATION OR USE OF AGRICULTURAL LAND

- 19. <u>Persons entitled to occupy or use land</u>:- (1) On and from the commencement of this Act no person shall occupy or use any land without obtaining Land Settlement Certificate or Land Lease Certificate from Allotment Authority in the prescribed form and manner as provided in this Act.
  - (2) The Allotment Authority may recall any land holding certificate issued under any law for the time being in force by the District Council and may compel such land holder to apply for fresh Land Settlement Certificate or Land Lease Certificate under this Act within such period as may be prescribed by the Allotment Authority.

Explanation I: The expression " no person" in this section does not include a person who occupy or use any land with the permission of a Land Settlement Holder or Lessee. Explanation II: A person who has obtained Land Settlement Certificate from a competent authority under any law enforced by the District Council before the commencement of this Act shall be deemed to have been obtained Land Settlement Certificate under this Act.

- 20. <u>Right of Land Settlement Holder or Land Lease Holder:</u> (1) A Permanent Land Settlement Holder shall have heritable and transferable right of occupancy, use or of sub-letting of his/her land subject to
  - (a) the payment of all revenues and taxes payable in respect of such land under any law made or enforced by the District Council, or
  - (b) the compliance of -
    - (i) such terms and conditions as incorporated in the Land Settlement Certificate, or
    - (ii) such other provisions of this Act, or
    - (iii) such other rules or regulations made or enforced by the District Council.
  - (2) A Temporary Land Settlement Holder or Lessee shall have no right over his/her land except a right of occupancy or use of his/her land for the period for which it is issued subject to
    - (a) the payment of all revenues and taxes payable in respect of such land under any law made or enforced by the District Council, or
    - (b) the compliance of -
      - (i) such terms and conditions as incorporated in the Land Settlement Certificate or Land Lease Certificate, or
      - (ii) such other provisions of this Act, or
      - (iii) Such other rules or regulations made or enforce by the District Council.
  - (3) No Land Settlement Holder or Lessee shall convert his/her land to any other purpose other than the purpose mentioned in the Land Settlement Certificate or Land Lease Certificate without prior permission of the Allotment Authority.

Explanation: For the purpose of this Act, such terms and conditions incorporated in Land Settlement Certificate or Land Lease Certificate shall be treated as law.

(4) No transfer of any right or title over any land shall be recognized or accepted by the Land Settlement Authority unless such transfer is registered in the office of Land Settlement Authority and no transfer of any right or title over any land shall be registered by Land Settlement Authority unless such transfer is supported by an Affidavit or a Document of Deed of such transfer.

#### CHAPTER - VI MISCELLANEOUS PROVISIONS

- 21. <u>Violation of certain provisions</u>: If any person acts or omits to do any act in contravention of any provision of this Act or rules made there under, such person shall be deemed to violate such provision and such person shall be hereinafter known as Defaulter.
- 22. <u>Violation of section19</u>: (1) If any person occupy or use any land without obtaining Land Settlement Certificate or Land Lease Certificate from Allotment Authority, the Allotment Authority may impose a fine not exceeding one hundred per day.
  - (2) The Allotment Authority may, instead of imposing such fine under sub-section (1), make such order compelling such defaulter to apply for the allotment of such land within such period as may be prescribed in such order.
  - (3) If such defaulter do not complied or is unwilling to comply with all actions taken by the Allotment Authority under sub-section (1) and under sub-section (2), the Allotment Authority may use force or any other means whichever is convenient to evict such defaulter.
  - (4) Notwithstanding anything in sub-section (1) and sub-section (3) if such defaulter, in compliance with an order under sub-section (2), apply in the prescribed form and manner as provided in this Act for the allotment of such land, the Allotment Authority may issue a Temporary Land Settlement Certificate or Land Lease Certificate to such applicant in accordance with the provisions of this Act.
- 23. <u>Violation of Section 23</u>: (1) If any person transfer or inherit any land having a Temporary Land Settlement Certificate or Land Lease Certificate, the concerned Land Settlement Authority shall serve a notice to such defaulter requiring such defaulter to appear and explain the matter before such Land Settlement Authority and if such Land Settlement Authority is not satisfied by such explanation or such objection, if any, such Land Settlement Authority may cancel such Land Settlement Certificate or Land Lease Certificate:

Provided that such Land Settlement Authority may issue an order compelling such defaulter to apply for fresh allotment of such land and if such defaulter complied with such order, the provisions of section 12 or section 14 shall apply.

- (2) If a Permanent Land Settlement Holder has not paid such revenues and taxes within the prescribed period in respect of his/her land the concerned Land Settlement Authority shall serve a notice to such defaulter to pay all such revenues and taxes due from him with such arrears, if any, in accordance with the provisions of any law made or enforced by the District Council, within such period as may be prescribed in such notice, and if such defaulter do not complied or is unwilling to comply with such notice such Land Settlement Authority may cancel such Land Settlement Certificate
- (3) If any Land Settlement Certificate is cancelled under sub-section (1) and such defaulter do not apply for fresh allotment of such land, or if any Land Settlement Certificate is cancelled under sub-section (2), the provisions of section 22 shall apply.

Explanation: For the purpose of this sub-section an heir who inherit such land having a Permanent Land Settlement Certificate shall be deemed to be a Permanent Land Settlement Holder.

24. Official actions: If any action is taken under sections 22 and 23 by the Executive Committee or any Officer authorized in this behalf by the Executive Committee, such action shall be final and it shall not be called in question in any Court constituted by the District Council.

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- 25. Any person who has land dispute with any other person may approach Land Dispute Court in a proper manner as may be prescribed by Land Dispute Court.
- 26. <u>Land Dispute Court</u>: (1) There shall be Land Dispute Court who shall settle all land dispute within District Council jurisdiction.
  - (2) Each Land Settlement Officer shall be Land Dispute Court within their respective jurisdiction.
  - (3) Senior Land Settlement Officer shall be the appellate Land Dispute Court and its decision shall be final and it shall not be called in question in any Court constituted by the District Council.
- 27. <u>Power to make rules</u>:- (1) The Executive Committee may make rules for carrying out the purpose of this Act.
  - (2) Every rule made by the Executive Committee under this Act shall be laid before the House of District Council for discussion and shall be accepted by simple majority of the members present.
  - (3) After acceptance by such simple majority in the House of District Council, such rule or rules shall be submitted forthwith to the Governor for approval and after such approval by the Governor such rule or rules shall be published in the official Gazette of Mizoram and on such publication it shall have the force of law.
- 28. Repeals and savings:- (1) The Lakher District Council (Agricultural Land) Act, 1979 is hereby repealed.
  (2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the enactment repealed by sub-section (1) shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

M.H.Tiabi, Executive Member, Land, Revenue and Settlement, Mara Autonomous District Council, Siaha.

#### SCHEDULE

## FORM-A MARA AUTONOMOUS DISTRICT COUNCIL LAND REVENUE AND SETTLEMENT DEPARTMENT : SIAHA

## AGRICULTURAL TEMPORARY LAND SETTLEMENT CERTIFICATE/LAND LEASE CERTIFICATE APPLICATION

1. 2. 3. 4. 5. 6.	Fath Husl Perm Pres Purp	Name of applicant (in block letters) Father's name Husband/Wife's name Permanent address Present address Purpose for which it is apply Occupation/Profession							
8. 9. 10. 11.	Com Whe Wh	munity to which he/she belong ther born in the MADC area of ether head of family or not? laration of applicant's family me	or not?						
		I. Name	Aged	Occupation/Profession	Relationship with Head of Family				
12.	Desc (a) (b) (c) (d)	ription of location and boundary Name of Village Council to w Whether it is a reserved area Tentative area of the land Actual location of the land .	which the la						
	(e)	Tentative boundary							

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and declare that the contents of t and belief. If anything mentione	he above application are d herein above is found may cancel	, the applicant herein solemnly affirm ion are true and correct to the best of my knowledge found untrue or incorrect, I shall be responsible for				
Date	Sigr Nan	nature:ne :				
Documents to be enclosed:- 1) Xerox copy of Voter/Elec 2) Xerox copy of Birth Cer 3) Verification certificate du	tificate					
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		MENT CERTIFICATE/LAND LEASE CATION CERTIFICATE				
(b) Whether the land so apply	the application form are y for may be required b s any Land Settlement	e true and correct? y the public in the near future? Certificate or Land Lease Certificate in his				
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Free Hand Sketch Map						
		y me are true and correct to the best of my ything discovered to be untrue and incorrect.				
Date	Nan	nature ne ignation				

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## FORM – A(2) MARA AUTONOMOUS DISTRICT COUNCIL LAND REVENUE AND SETTLEMENT DEPARTMENT : SIAHA

#### AGRICULTURAL TEMPORARY LAND SETTLEMENT CERIFICATE

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3.	Free Hand Sketch Map									
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		IANENT LAND SETTLEMENT TE APPLICATION								
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6.										
7.	Detail name and addresses of all neighboring	ng land settlement holder, if any,								
8.		n words:								
9.										
and anyt	declare that the contents of this application a	the applicant herein above solemnly affirm re true and correct to the best of my knowledge belief. It be responsible for it and a Permanent Land Settlement by the Allotment Authority.								
Date	e	Signature:								

Name : .....

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## FORM – B(1) MARA AUTONOMOUS DISTRICT COUNCIL LAND REVENUE AND SETTLEMENT DEPARTMENT : SIAHA

#### AGRICULTURAL PERMANENT LAND SETTLEMENT CERIFICATE

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Signature of Issuing Officer.

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