



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १०४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Land Revenue Code (Second Amendment) Bill, 2014 (L. A. Bill No. XXXIII of 2014), introduced in the Maharashtra Legislative Assembly on the 9th December 2014, is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

M. A. SAYEED,
Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

L. A. BILL No. XXXIII OF 2014.

A BILL

further to amend the Maharashtra Land Revenue Code, 1966.

WHEREAS both Houses of the State Legislature were not in session;
AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Land Revenue Code (Amendment) Ordinance, 2014, on the 22nd August 2014 ;

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XLI of
1966.
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Ord.
XVII of
2014.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in Sixty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Land Revenue Code (Second Amendment) Act, 2014.

(2) It shall be deemed to have come into force on the 22nd August 2014.

Short title
and
commence-
ment.

Amendment
of section 2
of Mah.
XLI of
1966.

2. In section 2 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code"), after clause (7), the following clause shall be inserted, namely:—

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XLI of
1966.

"(7-A) "Data Bank" is a bank repository of information maintained at the concerned Collector office, conclusively certified by the District Head of the concerned Department and updated by him from time to time, which shall be used by the Collector for ascertaining the objection, if any, of the concerned Department, while granting permission for use of land for non-agricultural purposes under the Code ;".

Insertion of
section 42A
in Mah. XLI
of 1966.

3. After section 42 of the said Code, the following section shall be inserted, namely:—

No permission
required for
change of use
of land
situate in
area covered
by
Development
plan.

"42A. (1) Notwithstanding anything contained in section 42,—

(a) no prior permission of the Collector shall be necessary for conversion of use of any land held as an Occupants—Class I for any purpose as defined in the sanctioned Development plan or draft Development plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 ; however, the Planning Authority shall ascertain from the concerned revenue authority the Class of land, its occupancy and encumbrances, if any, thereupon, and after ascertaining the same, it shall grant the development permission as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 ;

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of 1966.

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of 1966.

(b) for conversion of use of any land held as an Occupants—Class II or land leased by the Government, for any purpose as defined in the sanctioned Development plan or draft Development plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966, the occupant shall apply to the Planning Authority for permission to change the use of land, and the Planning Authority shall direct the said occupant to obtain no objection certificate of the Collector for such change ; the Collector shall examine the documents by which the land is granted and the relevant laws by which the concerned land is governed and, if permissible to grant no objection certificate, require the applicant to pay the *Nazarana* and the Government dues for that purpose ; and on payment of the same, the Collector shall issue no objection certificate for change of use of such land ; on receipt of such certificate, the concerned Planning Authority shall issue development permission as per the provisions of the Maharashtra Regional and Town Planning Act, 1966.

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of 1966.

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of 1966.

(2) The person to whom permission is granted under clause (b) of sub-section (1) or the person who converts the use of land in view of clause (a) of sub-section (1) shall inform in writing to the village officer and the Tahsildar within thirty days from the date on which the change of use of land commenced.

(3) If the person fails to inform the village officer and the Tahsildar within the period specified in sub-section (2), he shall be liable to pay in addition to the non-agricultural assessment, a fine of rupees twenty-five thousand or forty times of the non-agricultural assessment, whichever is higher.

(4) (a) On receipt of the information in writing from the person, who obtained the development permission, and on payment of conversion tax at the rate mentioned in section 47A and the non-agricultural assessment therefor, it shall be incumbent upon the concerned revenue authority to grant him *sanad* in the form prescribed under the rules within a period of thirty days from payment thereof. In case of delay in issuing such *sanad*, the concerned authority shall record his reasons for the same.

Where there is any clerical or arithmetical error in the *sanad* arising from any accidental slip or omission, it shall be lawful for the concerned authority either of his own motion or on the application of a person affected by the error, to direct at any time the correction of any such error.

(b) While granting no objection certificate for the use of land under clause (b) of sub-section (1) or permission under the Code, the Collector shall grant the no objection certificate or permission relying upon the Data Bank prepared and certified by the concerned authorities at the District level.

(c) It shall be the responsibility of the District Head of the concerned Department to update the Data Bank, from time to time.”

4. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Land Revenue Code, 1966, as amended by this Act, the State Government may, as occasion arises, by order published in the *Official Gazette*, do anything not inconsistent with the provisions of the Maharashtra Land Revenue Code, 1966 as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

5. (1) The Maharashtra Land Revenue Code (Amendment) Ordinance, 2014, is hereby repealed.

Repeal of Mah. Ord. XVII of 2014 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order published) under the corresponding provisions of the said Code, as amended by the said Ordinance, shall be deemed to have been done or taken or issued, as the case may be, under the corresponding provisions of the said Code, as amended by this Act.

Mah. XLI of 1966.

Mah. XLI of 1966.

Mah. Ord. XVII of 2014.

STATEMENT OF OBJECTS AND REASONS.

Sections 41 to 54 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) provide for the regulation of use of lands. Section 42 of the said Code provides for permission of the Collector for non-agricultural use. Due to time consuming procedure for conversion of use of land, a tendency to use the land from one purpose to another purpose without permission of the Collector was rising and therefore, it was necessary to simplify the process of non-agricultural permission.

2. The Government of Maharashtra considered it expedient to provide that no prior permission of the Collector shall be necessary for conversion of use of any land held as an Occupants—Class I for any purpose as defined in the sanctioned Development plan or draft Development plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966); however, the Planning Authority shall ascertain from the concerned revenue authority the Class of land, its occupancy and encumbrances, if any, thereupon, and after ascertaining the same, it shall grant the development permission as per the provisions of the Maharashtra Regional and Town Planning Act, 1966.

It was also proposed to provide that for conversion of use of any land held as an Occupants—Class II or land leased by the Government, for any purpose as defined in the sanctioned Development plan or draft Development plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966, the occupant shall apply to the Planning Authority for permission to change the use of land, and the Planning Authority shall direct the said occupant to obtain no objection certificate of the Collector for such change; the Collector shall examine the documents by which the land is granted and the relevant laws by which the concerned land is governed and, if permissible to grant no objection certificate, require the applicant to pay the *Nazarana* and the Government dues for that purpose; and on payment of the same, the Collector shall issue no objection certificate for change of use of such land; on receipt of such certificate, the concerned Planning Authority shall issue development permission as per the provisions of the Maharashtra Regional and Town Planning Act, 1966.

It was also proposed to provide that the person to whom permission is granted or the person who converts the use of land, shall inform the village officer and the Tahsildar in writing, within thirty days from the date on which the change of use of land commenced, and the quantum of punishment for non-communication of the same. It was also proposed to provide for granting *sanad* to the person changing the use of land and the period of thirty days for granting it and other procedure therefor.

3. The system of Data Bank, which is a repository of information maintained at the concerned Collector office, conclusively certified by the District Head of the concerned Department and updated by him, from time to time, was proposed to be introduced and used by the Collector for granting no objection for non-agricultural permission under the Code so that, the process for granting permission for non-agricultural use of land will be simplified, there will be speedy disposal of such applications, and it will definitely curb the tendency of using the land to another purpose without permission of the Collector.

4. To achieve the above purposes, it was considered expedient to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), suitably.

5. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), for the purposes aforesaid, the Maharashtra Land Revenue Code (Amendment) Ordinance, 2014 (Mah. Ord. XVII of 2014), was promulgated by the Governor of Maharashtra on the 22nd August 2014.

6. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 1st December 2014.

EKNATHRAO KHADSE,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 3.—Under this clause, which seeks to insert new section 42A in the Maharashtra Land Revenue Code, 1966, in paragraph (a) of sub-section (4) thereof, power is taken to the State Government to prescribe the form of *sanad* which shall be granted under said sub-section (4).

Clause 4.—Under this clause, power is taken to the State Government to remove, by order, any difficulty, which may arise in giving effect to the provisions of this Act.

2. The above - mentioned proposals for delegation of legislative powers are of normal character.

FINANCIAL MEMORANDUM

The Maharashtra Land Revenue Code, 1966 is being amended, *inter alia*, so as to insert a new section 42A providing for no permission required for change of use of land situate in area covered by the Development plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 and paragraph (a) of sub-section (4) thereof provides for payment of conversion tax at the rate mentioned in section 47A thereof and the non-agricultural assessment therefor. There is no provision in the Bill which would involve the recurring expenditure or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.