



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५१]

शनिवार, ऑगस्ट २९, २०१५/भाद्रपद ७, शके १९३७

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असाधारण क्रमांक १०७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि 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 Regional and Town Planning (Second Amendment) Ordinance, 2015 (Mah. Ord. XVII of 2015), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Regional and Town Planning (Second Amendment) Ordinance, 2015 (Mah. Ord. XVII of 2015), published under the authority of the Governor.]

URBAN DEVELOPMENT DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 29th August 2015.

MAHARASHTRA ORDINANCE No. XVII OF 2015.

AN ORDINANCE

*further to amend the Maharashtra Regional and
Town Planning Act, 1966.*

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing;

Mah.
XXXVII
of 1966.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Maharashtra Regional and Town Planning (Second Amendment) Ordinance, 2015.

Short title
and
commencement.

(2) It shall come into force at once.

Amendment of section 40 of Mah. XXXVII of 1966.	2. In section 40 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “ the principal Act ”), in sub-section (3), in clause (e), for the words and figures “ under the Land Acquisition Act, 1894 ” the words and figures “ under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ” shall be substituted.	Mah. XXXVII of 1966. I of 1894. 30 of 2013.
Amendment of section 113A of Mah. XXXVII of 1966.	3. In section 113A of the principal Act, for the words and figures “under the Land Acquisition Act, 1894” the words and figures “ under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” shall be substituted.	I of 1894. 30 of 2013.
Amendment of section 116 of Mah. XXXVII of 1966.	4. In section 116 of the principal Act, for the words and figures “under the Land Acquisition Act, 1894” the words and figures “ under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” shall be substituted.	I of 1894. 30 of 2013.
Amendment of section 125 of Mah. XXXVII of 1966.	5. In section 125 of the principal Act,— (i) for the words and figures “ within the meaning of the Land Acquisition Act, 1894 ” the words and figures “ within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ” shall be substituted; (ii) the following proviso shall be added, namely :— “ Provided that, the procedure specified in sections 4 to 15 (both inclusive) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall not be applicable in respect of such lands.”	I of 1894. 30 of 2013.
Amendment of section 126 of Mah. XXXVII of 1966.	6. In section 126 of the principal Act,— (i) in sub-section (1),— (a) in clause (b), for the words and figures “ on the basis of the principles laid down in the Land Acquisition Act, 1894” the words and figures “ on the basis of the principles laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” shall be substituted; (b) in clause (c), for the words and figures “ under the Land Acquisition Act, 1894” the words and figures “ under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” shall be substituted ; (c) for the words “ or under the Land Acquisition Act, 1894 ” the words and figures “ or under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ” shall be substituted; (ii) in sub-section (2), for the words and figures “ in the manner provided in section 6 of the Land Acquisition Act, 1894 ” the words and figures “ in the manner provided in section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ” shall be substituted;	I of 1894. 30 of 2013. I of 1894. 30 of 2013. I of 1894. 30 of 2013. I of 1894. 30 of 2013.

(iii) in sub-section (3), for the word and figure "section 6" the word and figures "section 19" shall be substituted;

I of
1894.
30 of
2013.

(iv) in sub-section (4), for the words and figures "under the Land Acquisition Act, 1894" the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.

7. In section 127 of the principal Act, in sub-section (1), for the words "twelve months" the words "twenty-four months" shall be substituted.

Amendment
of section 127
of Mah.
XXXVII of
1966.

8. In section 128 of the principal Act,—

I of
1894.
30 of
2013.

(i) in sub-section (1), for the words and figures " under the provisions of the Land Acquisition Act, 1894" the words and figures " under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

Amendment
of section 128
of Mah.
XXXVII of
1966.

I of
1894.
30 of
2013.

(ii) in sub-section (2), for the words and figures " under the Land Acquisition Act, 1894 ", at both the places where they occur, the words and figures " under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " shall be substituted;

I of
1894.
30 of
2013.

(iii) in sub-section (3), for the words and figures " section 16 or 17 of the Land Acquisition Act, 1894 " the words and figures " section 38 or 40 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " shall be substituted.

9. In section 129 of the principal Act,—

(i) in sub-section (1),—

(a) for the words " in the public interest by that Authority " the words " for defence of India or national security or for natural calamities or for any other emergency, by that authority with the approval of the State Government " shall be substituted;

I of
1894.
30 of
2013.

(b) in the proviso, for the words and figures " in section 24 of the Land Acquisition Act, 1894 " the words and figures " in section 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " shall be substituted;

30 of
2013.

(ii) in sub-section (2), for the words and figure " interest at 4 per cent. per annum, on the amount of compensation " the words and figures " interest and other compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " shall be substituted.

Amendment
of section 129
of Mah.
XXXVII of
1966.

STATEMENT

The Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) provides for planning the development and use of land and for the preparation of Development plans with a view to ensuring that the town planning schemes are made in a proper manner and its execution is made effective. It is proposed to amend the said Act.

2. The salient features of the proposed amendments are as under :—

(i) *Amendment of sections 40, 113A, 116, 125, 126, 128 and 129.*—The said Act provides for the compulsory acquisition of land required for public purposes in respect of the Development plans and the matters connected therewith. In the matter of acquisition of land for such purposes, the said provisions contain references to the provisions of the Land Acquisition Act, 1894 (I of 1894).

In view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), which came into force with effect from the 1st January 2014, the Land Acquisition Act, 1894 stands repealed. Consequentially, it is expedient to replace the references to the provisions of the Land Acquisition Act, 1894, appearing in the said Act of 1966 by the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(ii) *Amendment of section 127.*—Section 127 of the said Act of 1966 provides that the land owner or any person interested in the land may, if the land which is reserved, allotted or designated is not acquired by agreement within ten years from the date on which the final Regional plan or final Development plan comes into force or if a declaration under sub-section (2) or (4) of section 126 is not published in the *Official Gazette* within such period, the owner or person interested in the land may serve notice, along with the documents showing his title or interest in the land, on the Planning Authority, Development Authority or the Appropriate Authority to that effect and if, within twelve months from the date of service of such notice, the land is not acquired or no steps as aforesaid are commenced for acquisition, the reservation, allotment or designation shall be deemed to have lapsed and the land is deemed to be released from such reservation, allotment or designation.

It is observed that the period of twelve months referred to in the said section 127 is too short to complete the necessary formalities. It is felt that the said period of twelve months need to be extended by a further period of twelve months to complete the necessary formalities.

3. To achieve the above objectives, the Maharashtra Regional and Town Planning (Third Amendment) Bill, 2015 was introduced in the Maharashtra Legislative Assembly as L. A. Bill No. XLIV of 2015 on the 29th July 2015, in the Monsoon Session of the State Legislature, which commenced on the 13th July 2015. However, the said Bill could not be passed by both Houses of the State Legislature, as the session of the State Legislative Assembly was prorogued on the 31st July 2015. The Government considers it expedient to carry out the said amendments in the Maharashtra Regional and Town Planning Act, 1966, immediately.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 29th August 2015.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

DR. NITIN KAREER,
Principal Secretary to Government.