

महाराष्ट्र जमीन महसूल अधिनियम
[सुधारणा] अध्यादेश १९९४,
साठी
अंमलबजावणीप्रशासकीय आदेश.

महाराष्ट्र शासन
महसूल व वन विभाग,
शासन परिपत्रक क्रमांक : एनएस-१०९४/३४३/प्र.क्र. १७/ल. २
मंत्रालय, मुंबई-४०० ०३२.
दिनांक : २.३.१९९४
संदर्भ : महाराष्ट्र जमीन महसूल अधिनियम,
[सुधारणा] अध्यादेश १९९४.

शासन परिपत्रक :-
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महाराष्ट्र शासनाने औद्योगिक विकासासाठी राज्याचे नवीन औद्योगिक धोरण १९९३ नुकतेच जाहिर केले आहे. प्रचलित अधिनियमातील कलम ४२ नुसार जमिनीच्या अकृषिक उपयोगासाठी जिल्हाधिका-यांची पूर्व परवानगी घेणे आवश्यक आहे. तसेच जमिनीच्या वापराचे स्का प्रयोजनातून दुस-या प्रयोजनात स्पातर करण्याबाबतची कार्यपद्धती कलम ४४ मध्ये नमूद करण्यात आलेली आहे. नवीन औद्योगिक धोरणानुसार जमिनीच्या खरोखरीच्या औद्योगिक प्रयोजनासाठी वापर करण्याकरिता जिल्हाधिका-यांची पूर्व परवानगी घेण्याची आवश्यकता नसल्याचा निर्णय घेण्यात आला आहे. त्या अनुषंगाने महाराष्ट्र जमीन महसूल अधिनियम, १९६६ मध्ये आवश्यक त्या सुधारणा करण्याबाबतचा अध्यादेश प्रख्यापित केला आहे खरोखरीच्या उद्योगाना चालना मिळ्यासाठी महाराष्ट्र जमीन महसूल [सुधारणा अध्यादेश १९९४.] या अध्यादेशाच्या प्रती सोबत जोडल्या आहेत. अध्यादेशाच्या प्रती सर्व संबंधित महसूल अधिका-यांकडे पाठवून जास्तीत जास्त प्रसिध्दी घावी व आवश्यक ती कार्यवाही करावी अशी सर्व जिल्हाधिकारी व विभागीय आयुक्त यांना विनंती करण्यात येत आहे. अध्यादेशात नमूद केल्याप्रमाणे कलम ४४-अ मध्

तरतुदींच्या अनुषंगाने नियम व नमुने आपपास नंतर पाठविण्यात येतील. सदर

जिल्हाधिकारी कार्यालय

सुधारणा अध्यादेश दिनांक २ फेब्रुवारी, १९९४ पासून अमलात आला आहे.

परराष्ट्र प्रत्येकीचे सचिवद्वारा पत्राने

15 MAR 1994

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सचिव, महाराष्ट्र शासन
महसूल व वन विभाग

शा. सु. तापडे
[भा. सु. तापडे]
कार्यासन अधिकारी,



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, फेब्रुवारी २, १९९४/माघ १३, शके १९१५

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग चार

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम

अनुक्रमणिका

MAHARASHTRA ORDINANCE No. II OF 1994 — An Ordinance further to amend
the Maharashtra Land Revenue Code, 1966

PAGES
57-61

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Bombay 400 032, dated the 2nd February 1994.

MAHARASHTRA ORDINANCE No. II OF 1994.

AN ORDINANCE

further to amend the Maharashtra Land Revenue Code, 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 Mah. XLI of the Maharashtra Land Revenue Code, 1966; for the purposes hereinafter appearing; 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. Short title and commencement.—(1) This Ordinance may be called the Maharashtra Land Revenue Code (Amendment) Ordinance, 1994.

(2) It shall come into force at once.

2. Insertion of section 44A in Mah. XLI of 1966.—(1) After section 44 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code"), the following section shall be inserted, namely :—

No permission required for *bona fide* industrial use of land.

"44A. (1) Notwithstanding anything contained in section 42 or 44, where a person desires to convert any land held for the purpose of agriculture or held for a particular non-agricultural purpose, situated,—

(i) within the industrial zone of a draft or final regional plan or draft, interim or final development plan or draft or final town planning scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966, or any other law for the time being in force; or

Mah. XXXVII of 1966.

(ii) within the area where no plan or scheme as aforesaid exists, for a *bona fide* industrial use, then no permission for such conversion of use of land shall be required, subject to the following conditions, namely :—

(a) the person intending to put the land to such use has a clear title and proper access to the said land ;

(b) such person has satisfied himself that no such land or part thereof is reserved for any other public purpose as per the Development plan (where such plan exists) and the proposed *bona fide* industrial use does not conflict with the overall scheme of the said Development plan ;

(c) no such land or part thereof is notified for acquisition under the Land Acquisition Act, 1894 or the Maharashtra Industrial Development Act, 1961 or covers the alignment of any road included in the 1981-2001 Road Plan or any subsequent Road Plan prepared by the State Government ;

I of 1894
Mah. III of 1962.

(d) such person ensures that the proposed industry does not come up within thirty metres of any railway line or within fifteen metres of a high voltage transmission line ;

(e) there shall be no contravention of the provisions of any law, or any rules, regulations or orders made or issued, under any law for the time being in force, by the State or Central Government or any local authority, statutory authority, Corporation controlled by the Central or State Government or any Government Company pertaining to management of Coastal Regulation Zone, or of the Ribbon Development Rules, Building Regulations, or rules or any provisions with regard to the benefitted zones of irrigation projects and also those pertaining to environment, public health, peace or safety.

(2) The person so using the land for a *bona fide* industrial use shall give intimation of the date on which the change of user of land has commenced and furnish other information, in the prescribed form, within thirty days from such date, to the *Tahsildar* through the village officers, and shall also endorse a copy thereof to the Collector :

Provided that, where such change of user of land has commenced before the rules prescribing such form are published finally in the *Official Gazette*, such intimation and information shall be furnished within thirty days from the date on which such rules are so published.

(3) (a) If the person fails to inform the *Tahsildar* and the Collector, as aforesaid, within the period specified in sub-section (2) or on verification it is found from the information given by him in the prescribed form that, the use of land is in contravention of any of the conditions specified in sub-section (1), he shall be liable to either of or to both, the following penalties, namely :—

(i) to pay in addition to the non-agricultural assessment which may be leviable by or under the provisions of this Code, such penalty not exceeding rupees ten thousand; as the Collector may, subject to rules made by the State Government in this behalf, direct:

Provided that, the penalty so levied shall not be less than twenty times the non-agricultural assessment of such land irrespective whether it does or does not exceed rupees ten thousand;

(ii) to restore the land to its original use.

(b) Where there has been a contravention of any of the conditions specified in sub-section (1), such person shall, on being called upon by the Collector, by notice in writing to do anything to stop such contravention as directed by such notice and within such period as specified in such notice; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied within the period specified in the notice.

(4) (a) If any person fails to comply with the directions or to take steps required to be taken within the period specified in the notice, as aforesaid, the Collector may also impose on such person a further penalty not exceeding five thousand rupees for such contravention, and a daily penalty not exceeding one hundred rupees for each day during which the contravention continues.

(b) It shall be lawful for the Collector himself to take such steps as may be necessary or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

(5) As soon as an intimation of use of land for *bona fide* industrial use is received under sub-section (2) and on verification it is found that the holder of the land fulfills all the conditions specified in sub-section (1), a *sanad* shall be granted to the holder thereof in the prescribed form.

Where there is any clerical or arithmetical error in the *sanad* arising from any accidental slip or omission, it shall be lawful for the Collector 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.

Explanation.—For the purposes of this section “*bona fide* industrial use” means the activity of manufacture, preservation or processing of goods, or any handicraft, or industrial business or enterprise, carried on by any person, and shall include construction of industrial buildings used for the manufacturing process or purpose, or power projects and ancillary industrial usages like research and development, godown, canteen, office-building of the industry concerned or providing housing accommodation to the workers of the industry concerned, or establishment of an industrial estate including co-operative industrial estate, service industry, cottage industry, *gramodyog* units or *gramodyog Vasahats*.”

3. *Amendment of section 47A of Mah. XLI of 1966.*—In section 47A of the said Code,—

(a) in sub-section (2),—

(i) in clause (a), at the end, the word “or” shall be deleted;

(ii) in clause (b), for the word and figures “section 47,—” the words and figures “section 47; or” shall be substituted;

(iii) after clause (b), the following clause shall be inserted, namely :—

“(c) is put to a *bona fide* industrial use as provided in section 44A,—”;

(b) in sub-section (3),—

(i) in clause (a), at the end, the word “or” shall be deleted;

(ii) in clause (b), for the word and figures “section 47,—” the words and figures “section 47; or” shall be substituted;

(iii) after clause (b), the following clause shall be inserted, namely :—

“(c) is put to a *bona fide* industrial use as provided in section 44A,—”.

६० महाराष्ट्र शासन राजपत्र, असा., फेब्रुवारी २, १९९४/माघ १३, शके १९१५ [भाग चा

4. *Amendment of section 328 of Mah. XLI of 1966.*—In section 328 of the said Code, in sub-section (2), after clause (xvi), the following clause shall be inserted namely :—

“(xvi-a) under sub-section (2) of section 44A, the form in which the person using the land for a *bona fide* industrial use shall give intimation of the date on which the change of user of land has commenced and furnish other information; and under sub-clause (i) of clause (a) of sub-section (3) of section 44A, the rules subject to which the Collector may levy penalty for failure to send intimation to the *Tahsildar*; and under sub-section (5) of section 44A, the form of *Sanad*;”.

STATEMENT

As per the existing provisions of sections 42 and 44 of the Maharashtra Land Revenue Code, 1966, no land used for agriculture shall be used for any non-agricultural purpose or no land assessed for one non-agricultural purpose shall be used for any other non-agricultural purpose or for the same non-agricultural purpose for which it is assessed but in relaxation of any of the conditions imposed at the time of the grant of land or permission for such non-agricultural purpose, except with the permission of the Collector.

2. With a view to promoting industrial growth and to encourage industrialists and entrepreneurs to start industries in Maharashtra State, the State Government has announced "New Industrial Policy, 1993". The basic thrust of the new industrial policy is to deregulate and rationalise the rules and procedures relating to setting up of new industries in the State. According to the new industrial policy no permission of the Collector under section 42 or 44 of the said Code for conversion of land to a *bona fide* industrial use shall be required if the land in question is situated within the proposed or approved industrial zone of a draft or final regional development plan or draft interim or final development plan or draft or final town planning scheme or within the area where no such plan or scheme exists, subject of course to such person satisfying certain requirements or conditions like such land or part thereof is not reserved for any public purpose under the development plan or is not notified for acquisition under the Land Acquisition Act, 1894 or the Maharashtra Industrial Development Act, 1961 or that it does not cover the alignment of any road included in the 1981-2001 Road Plan or any subsequent Road Plan or that the industry shall not be set up within thirty metres of any railway line or within fifteen metres of a high voltage transmission line, etc. To give effect to the said New Industrial Policy, 1993, it is proposed to make a suitable provision in the Code, along with certain other consequential or connected provisions like levy of penalty for non-compliance or contravention of the conditions subject to which the land shall be put to a *bona fide* industrial use and for the levy of conversion tax under the Code on such use of land for industry.

3. 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 Land Revenue Code, 1966, for the purposes aforesaid, this Ordinance is promulgated.

Bombay,
Dated the 31st January 1994.

P. C. ALEXANDER,
Governor of Maharashtra.

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

S. R. KAKODKAR,
Additional Chief Secretary to Government.