



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, ऑक्टोबर २६, १९९४/कार्तिक ४, शके १९१६

स्वतंत्र संकलन म्हणून काहील करण्यासाठी या जाग्याला वेगळे मूळ क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ब यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांब्यतिरिक्त) नियम व आदेश.

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Bombay 400 032, dated, the 19th October 1994

MAHARASHTRA LAND REVENUE CODE, 1996.

No. NAP. 1093/CR-56/L-2.—In exercise of the powers conferred by clauses (xvi-a), (xxiv), (xxxviii) and (lxiii) of sub-section (2) of section 328, read with sections 44-A, 47-A, 67, 69, 113, 114, 115 and 116 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), as amended by the Maharashtra Act No. XXVI of 1994, and all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules, 1969, the same having been published previously as required by sub-section (1) of section 329 of the said Code, namely :—

RULES

1. *Short title.*—These rules may be called the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) (Amendment) Rules, 1994.

2. After rule 11 of the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules, 1969 (hereinafter referred to as "the principal rules"), the following rules shall be inserted, namely :—

"11-A. *Intimation of date of commencement of non-agricultural or change of user of land for a bonafide industrial use.*—(1) The person using the land for *bona fide* industrial use as provided in section 44-A shall give an intimation of the date on which such change of user of land has commenced and furnish other relevant information in the form in Schedule VI-A within thirty days from such date to the Tahsildar through the Village Officer and shall also endorse a copy thereof to the Collector. On receipt of such intimation the Tahsildar shall give an acknowledgement in token of its receipt.

(2) It shall be lawful for the Collector or Tahsildar to get the information furnished in the form in Schedule VI-A verified, through the appropriate official agency and the land in question measured through the appropriate official agency at the cost of the holder.

11-B. *Penalty for failure to give intimation under section 44-A.*—Subject to the maximum amount of penalty of Rs. ten thousand prescribed by sub-clause (i) of clause (a) of sub-section (3) of section 44-A, the penalty for failure to inform the date on which the change of user of land commenced and to furnish the other information as required by sub-section (2) of that section shall be such amount as is not less than twenty times the non-agricultural assessment for the period of default.

11-C. *Grant of Sanad for the use of land for bona fide industrial use.*—Where land is used for a *bona fide* industrial use under section 44A, then subject to the provisions of any law for the time being in force a *sanad* shall be granted to the holder thereof in the form in Schedule VI-B as provided by sub-section (5) of that section".

3. After Schedule VI to the principal rules, the following schedules shall be inserted, namely :—

SCHEDULE VI-A

(See rule 11-A)

Form of intimation and other information to be furnished under sub-section (2) of section 44A of the Maharashtra Land Revenue Code, 1966.

To

The Tahsildar,
(through the Talathi of Village).

Sir,

I, residing at
Taluka, in District hereby intimate that on the
day of, I have commenced the non-agricultural

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२५

भाग चार-ब] महाराष्ट्र शासन राजपत्र, असा, ऑक्टोबर २६, १९९४/कार्तिक ४, शके १९१६ ७६६

of the land described below for a *bona fide* industrial purpose under section 44-A of the Maharashtra Land Revenue Code, 1966—

- | | |
|---|--------------------------------------|
| (a) village, taluka and district where the land is situated. | (i) Village |
| | (ii) Taluka |
| | (iii) District |
| (b) survey No., Hissa No., area and assessment/ rent of the land. | (i) Survey No. |
| | (ii) Hissa No. |
| | (iii) Area |
| | (iv) Assessment/ rent per year. |

(c) the purpose for which the land is assessed or held at present (i.e. for residential, commercial, industrial or agricultural).

(d) whether any building exists thereon and if so, its use.

Area of the site out of clause (b) above put to non-agricultural use for a <i>bona fide</i> industrial purpose.	Purpose	Area in sq. mtrs.
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In support of the above the certified copies of village Form VII/XII as well as a sketch or lay-out of the site in question showing the location of building and other works as activity-wise/purpose-wise details of land utilisation and the nearest roads or means of access are enclosed herewith (in triplicate).

2. I also furnish the following information—

- (i) Full name/s of the owner/holder/s of the land in question.
- (ii) Full postal address/es occupation/s of the owner/holder of the land in question.
- (iii) Whether there are any encumbrances or rights or easements of other persons on the land in question. If so, whether their no objections has been obtained.

3. Brief description of the *bona fide* industrial use and the industry that is proposed to be set up on the land in question—

- (a) Particulars/Details of Licence (if any) issued by the Industries Department or Officer.
 - (i) Designation of the officer issuing licence.
 - (ii) Address of his office.
- (b) Number and date of the licence, and the purpose/activity mentioned therein.

(c) Period for which the licence is valid.

(i) Are there any specific conditions imposed?

(ii) If yes, give details.

(d) Name of the Industrialist/entrepreneur in whose four the licence is issued and his relationship with the owner/holder,

(e) Whether the owner/holder is a co-operative industrialist, give details.

(f) Whether environmental clearance has been obtained, from Environment Department Pollution Control Board? Give details.

4 Whether the land is situated or included—

(a) (i) in an area for which there is an existing draft, interim or final development plan or draft or final regional plan or Town Planning Scheme.

(ii) If so, specify details of such plan/scheme.

(b) in Municipal area.

(c) in City Survey area.

(d) in or near a Cantonment area.

(e) near Air Bort or a Railway Station or a Railway line or jail or prison or cremation or burial ground, If so, its approximate distance therefrom.

5. I have satisfied myself in a bonafide manner that—

(a) I have a clear title to the above mentioned land and that it has proper access.

(b) No part of the above mentioned land is reserved for public purpose as per the development plan (where such plan exists).

(c) The industrial use does not conflict with the overall scheme of the said plan.

(d) No part of the said land is notified for acquisition under the Land Acquisition Act, 1894 or Maharashtra Industrial Development Act, 1961.

(e) No part of the land covers the alignment of any road included in the Road Plan as finalised by the State Government.

(f) The industry does not come within 30 metres of any railway line.

(g) The industry does not come within 15 metres of a high voltage transmission line.

(h) There shall be no contravention of any provision of law or rules or regulations or orders pertaining to management of Coastal Regulations Zone, Ribbon Development Rules, Building Regulations, Benefitted Zones of irrigation projects and also those pertaining to environment, public health, peace or safety etc. in setting up the proposed industry.

भाग चार-ब] महाराष्ट्र शासन राजपत्र, असा., ऑक्टोबर २६, १९९४/कार्तिक ४, शके १९१६ ७६८

6. I also undertake to pay the measurement fees as and when directed by the Collector and it is my responsibility to intimate any change (with copies of sketch/layout in triplicate) alongwith revised details of area utilisation to the Collector in advance.

7. I am aware of the legal position that in the event of the above information being incorrect the aforesaid non-agricultural use shall be deemed to be unauthorised and shall attract the penal provisions of the said Section 44A.

8. I hereby state that this intimation is being given on the day of 19 which is within a period of one month from the Commencement date of the said non-agricultural use i.e.

9. I solemnly affirm that the information given above is true to the best of my knowledge and belief.

Copy to the Collector of

Signature. _____

Acknowledgement

Received from of village.....
Taluka District on a
form of intimation of the date of the commencement of non-agricultural use of
the land situated at the village, Taluka,
District and furnishing other information relating thereto.

Signature and Designation of
Revenue Officer.

Place :

Date :

SCHEDULE VI-B

(See rule 11 C)

Form the Sanad to be granted to the holder of land

Whereas, the holder of Survey No. of the village.....
of taluka.....has intimated commencement of use of the land
for *bonafide* industrial purpose, and furnished other information, under the
provisions of section 44A of the Maharashtra Land Revenue Code, 1966;

And whereas, it has been stated by him that he has satisfied himself in a
bonafide manner, about applicability and the fulfilment of the conditions
specified in sub-section (1) of the said section 44 A;

And whereas, the above mentioned intimation and information are true to
the best of his knowledge and belief.

And whereas, on verification it is found that the holder of the land aforesaid
fulfills all the conditions specified in sub-section (1) of the said Section 44A.

७६९ महाराष्ट्र शासन राजपत्र, असा., ऑक्टोबर २६ १९९४/कार्तिक ४, शके १९१६ [भाग चार-ब]

Now, this *Sanad* is granted to the holder of the land aforesaid subject to the provisions of the said Code and the rules made thereunder and the following conditions, namely :—

(1) *Assessment*.—The holder of the said land in lieu of the assessment heretofore leviable in respect of the said land shall pay to Government on the day of in each year an annual assessment of Rs. (Rupees.....) during the guranted period expiring on the 31st July 19 and on expiry of the said period, such revised assessment as may, from time to time, be fixed by the Collector under the said Code.

(2) The holder of the said land shall pay to Government, the amount of conversion tax, if any, leviable under section 47A of the said Code.

(3) The holder of the said land shall pay all taxes, rates and cesses leviable on the said land.

(4) If the holder of the said land contravenes any of the foregoing conditions the Collector may without prejudice to any other penalty to which the user may be liable under the provisions of the Code and rules made thereunder, continue the said land in the occupation of the holder on payment of such assessment and subject to sub-section (2) of section 329, such fine as he may consider appropriate.

In witness whereof the Collector of has hereunto set his hand and the seal of his office on behalf of the Governor of Maharashtra and the applicant has also hereunto set his hand this the day of 19 ..

(Signature)

(Signature and Designations of Witnesses)

(Signature of Collector)

Seal of the Collector.

(Signature and Designation of Witnesses).

We declare that the A. B., who has signed this *Sanad*, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed).....

(Signed).....

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

A. J. KARNIK,
Deputy Secretary to Government.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई