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Subject :- Non-Agricultural Permission
Treatment of cases of non-
agricultural use started in
pursuance of the development
permission granted by the
Planning Authority.

(329)

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Department,
Circular No. INA/1079/102 - I-S.III,
Mantralaya, Bombay-400 032,
Dated : 20th August 1979.

C I R C U L A R

Government in the Urban Development, Public Health and Housing Department vide its circular No. TPS-3689/56289-W-II, dated 30th November 1971, had clarified in pursuance of the provisions of the then section 156(a) of the Maharashtra Regional and Town Planning Act, 1966 that when a plot-holder has obtained a development permission from the Planning Authority, i.e. from the concerned Municipal Council / Corporation, the Collector will have to grant non-agricultural permission as a matter of course. It has been instructed under Urban Development and Public Health Department Circular No. TPS-3674/W.II, dated 25th November 1974, that the planning authorities should not grant development permissions in violation of the proposals in the development plans. The Collectors were requested to get the proposals verified in the light of the development plans from the nearest branch of the Town Planning and Valuation Department before granting non-agricultural permission to satisfy themselves that the development permission granted by the planning authority is in consonance with the proposals in the development plan, and in case where it was not, the Collectors were required to take action under the Maharashtra Land Revenue Code, 1966 under intimation to Government in Urban Development and Public Health Department and the Director of Town Planning.

2. Clause (a) of section 156 of the Maharashtra Regional and Town Planning Act, 1966, was, however, deleted with effect and the Government in Revenue and Forests

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has issued clear instructions that with effect from 10th March 1977, the occupant while changing the user of land will also have to obtain Collector's permission under section 44 of the Maharashtra Land Revenue Code, 1966 irrespective of whether or not, the development permission has been obtained by him from the planning authority. The instructions contained in Government Circular, Urban Development and Public Health Department No. TPS-3689/56289-W.II, dated 30th November 1971 have also been cancelled under this circular. (330)

3. From the instructions contained in the Government Circulars dated 30th November 1971 and 16th June 1977 mentioned above, it is clear that till 10th March 1977, in the areas within the jurisdiction of the Municipal Council/ Corporation, the grant of non-agricultural permission by the Collector was formal and he was to impose the non-agricultural assessment in respect of the land for which development permission was granted by the concerned Municipal Council/ Corporation after satisfying himself that the development permission was in consonance with the proposals in the development plan. From 10th March 1977, however, it is necessary for the landholder to obtain non-agricultural permission under section 44 of the Maharashtra Land Revenue Code, 1966 for the change of user of the land, irrespective of the fact whether or not, he has obtained development permission.

4. Instances have, however, come to the notice of Government that change of user made by the occupant in pursuance of the development permission granted by the concerned Municipal Council/ Corporation prior to 10th March 1977, is treated as unauthorised change of user and action is taken to regularise it under section 47(b) of the Code, 1966 read with Rule 9 of the Maharashtra

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of section 44 of the Code, 1966 inoperative, the change of user made in consonance with the proposals in the development plan on the grant of development permission by the Municipal Council / Corporation, will have to be treated as authorised change of user and the Collectors will have to levy non-agricultural assessment only, if not done earlier, by imposing other conditions regarding revision of non-agricultural assessment, prohibition of further change of user without the permission of Collector etc.etc. The cases where the change of user is not in consonance with the proposals in the development plan, the Collector will have to take action according to the provisions of the Maharashtra Land Revenue Code, 1966 as already instructed under Government Circular, Urban Development and Public Health Department No.TPS-3674/W-II, dated 25th November 1974 referred to above.

5. The change of user of the lands without the permission of the Collector under section 44 of the Code, 1966 made on or after 10th March 1977 even on the strength of development permission, should be treated as unauthorised change of user and should be dealt with accordingly.

6. All the Collectors are requested to bring the above instructions to the notice of the Revenue Officers and to ensure that they are scrupulously followed.

7. These instructions are issued in consultation with the Urban Development and Public Health Department.

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

S.H. Dhadway
(S.H. DHADWAY)

Under Secretary to the Government of
Maharashtra, Revenue and Forests Department.

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