

Subject:-Unauthorised N.A. use of land  
Treatment of the cases of -

Government of Maharashtra,  
Revenue and Forests Department,  
Government Circular No. NAP-3482/22662(A)/540/L2,  
Mantralaya, Bombay-400032.

Dated: 10th November, 1982.

Read:- Government Circular, Revenue & Forests Department, No. NAA-1078/209197-T.S.III, dated 2nd December, 1978.

CIRCULAR.

Instructions have been issued under the Government Circular, mentioned above, for levying non agricultural assessment on the lands under unauthorised Non Agricultural use. The model form of order under section 45 of the Maharashtra Land Revenue Code, 1966, to be issued by the concerned Tahsildars in such cases has also been enclosed for guidance with the said Circular. It is however noticed that provisions contained in Para 7 of the said model form have been mis-interpreted to the effect that such an order is deemed to be an order of regularisation of the unauthorised use of land precluding Government from taking legal action in the matter. With a view to removing any doubt in the matter, it is clarified that levy and recovery of Non Agricultural Assessment and fine in such cases do not mean regularisation of the unauthorised non agricultural use or do not confer any right on the holder of the land or create any claim against Government in respect of the action that can be taken by Government against the holder in accordance with the provisions of the Maharashtra Land Revenue Code, 1966, and Rules made thereunder, including demolition of the unauthorised structures. For this purpose, existing para 7 of the said model form prescribed under the Government Circular, Revenue and Forests Department, dated 2nd December, 1978 referred to above, should be substituted by the following :-

"It is clarified that payment of amount mentioned in

(i), (ii) above does not mean regularisation of.....

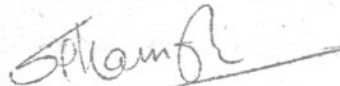
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unauthorised Non Agricultural use, under Section 47(b) of the Maharashtra Land Revenue Code, 1966. Recovery of Non Agricultural Assessment and fine is without prejudice to any action in accordance with the provisions of the Maharashtra Land Revenue Code, 1966, and Rules made thereunder, including demolition of unauthorised structures."

2. All Collectors are therefore requested to ensure that the aforesaid model forms used in their districts are accordingly amended immediately as above and that in all such cases of unauthorised Non Agricultural use of lands, the amended forms are invariably used.

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



(S.P. KANNEKAR)

ASSISTANT SECRETARY

Revenue & Forests Department.

To