

Non -Agricultural Permission
Requirement regarding..
in case of lands acquired and given
by Government for Non-Agricultural
purposes.

Government of Maharashtra
Revenue and Forests Department
Circular No. NAP 1083/16701/CR-632/L-2
Mantralaya, Bombay: 400 032, Dated Nov. 1983.

NOV 1983

Read:- Government Circular, Revenue & Forests Department,
No. LNA 4172/4512-CII, dated 12th January 1973.

A question has been raised whether in respect of the land acquired for it under the Land Acquisition Act, 1894, for non-agricultural purposes, the Maharashtra State Electricity Board should be required:-

- (a) to pay non-agricultural assessment, and
- (b) to obtain non-agricultural permission.

2. Lands when acquired under the Land Acquisition Act, 1894, vest absolutely in Government and then they are made over to the acquiring bodies for the purpose for which they were acquired. For the reason that the lands acquired for the Maharashtra State Electricity Board, would be given to and held by the said Board for non-agricultural purpose, they would attract non-agricultural assessment from the date on which their possession is given to the Board, and for the same reason it would not be necessary for the Board to obtain non-agricultural permission in respect of the same. While giving such lands to the Board it would, therefore, be necessary for the Revenue authorities to issue orders levying non-agricultural assessment on them and subject to such conditions e.g. leaving suitable margin from the boundaries and the adjoining Road, etc. as may be necessary to prevent objectionable construction, etc.

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3. The Collectors of the Districts should bring the above position to the notice of all the revenue authorities subordinate to them.

Circular:- Government had under consideration a question as to whether the instructions contained in the Government Circular reproduced above in the preamble could be applicable in respect of other acquiring bodies whether Government undertakings or private bodies e.g. public/private limited companies. Government is pleased to clarify that the said instructions stand applicable to cases of other acquiring bodies whether Government undertakings or private bodies, e.g. public/private limited companies.

2. In this context points arisen in such a case are clarified

in detail for general information and guidance of the Revenue Officers, as follows:-

<u>Sr.No.</u>	<u>Point</u>	<u>Clarification</u>
1.	Whether instructions contained in Circular No.LMA 4172/4572-C-II,dated 12th January 1973, are applicable to the cases of other acquiring bodies whether Government undertakings or private bodies e.g. public/private ltd., companies?	(1)Lands when acquired under the Land Acquisition Act,1894, vest absolutely in Government and then they are handed over to the acquiring body for the purpose for which they were acquired. If the lands are acquired for any such body they would be given to and held by the acquiring body for non-agricultural purpose and they would attract non-agricultural assessment from the date on which the possession is given to the said acquiring body and for the same reason it would not be necessary for the acquiring body to obtain Non-agricultural permission in respect of the same. While giving lands to any such acquiring body, it would be necessary for the Revenue authorities to issue orders levying non-agricultural assessment on them. The instructions contained in the aforesaid Circular dated 12.1.1973 will stand applicable to cases of such other acquiring bodies, whether Government undertakings or private bodies e.g. public/private limited companies.
2.	When acquiring bodies have not sought permission for Non-Agricultural permis use or have not been granted Non-agricultural permission when the lands are already acquired for non-agriculture purposes, whether Non-agricultural use by them can be treated as an unauthorised use and whether fine can be charged as provided under Maharashtra Land Revenue Code and Maharashtra Land Revenue(Conversion of Use of Land and Non-Agriculture Assessment)Rules,1969, and whether conversion tax can be levied if the use is prior to 1.8.1979?	When the lands are required for non-agriculture purpose, it is neither necessary for the acquiring body to seek Non-agriculture permission nor Non-Agriculture permission is required to be granted and the non-agricultural use by them cannot be said to be unauthorised and hence the question of charging fine under Maharashtra Land Revenue Code and Maharashtra Land Revenue(Conversion of use of land and Non-Agriculture Assessment)Rules,1969 and levy of conversion tax does not arise.

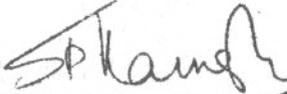
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3. If the land acquired was agricultural land or non-agricultural land of different purpose (other than one for which it is acquired), whether lacuna is left in the case with regard to the legal procedure required to be followed under the section 44 of the Maharashtra Land Revenue Code and the Non-Agriculture use can be considered to be unauthorised because of such lacuna?

After acquisition, the land vests in Government and if it is granted or given over to the acquiring body for the declared non-agricultural purpose the provisions of Section 44 of the Maharashtra Land Revenue Code, 1879 can be said to be fulfilled and no lacuna can be deemed to be left in the procedure

3. Instructions contained in this Circular are issued after consultation with the Law & Judiciary Department (vide that Department's unofficial reference No. 15801/A/1208, dated the 4th October 1983).

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


(S.P. Kamatkar)
Assistant Secretary to Government
Revenue and Forests Department

To:

The Commissioners of all Divisions
The Collectors of all districts,
Sub-Divisional Officers of all Revenue Sub-Divisions
Tahsildars of all Talukas
Desks AI/A-2/A-3/A-4, I-2, ~~xxx~~ Revenue & Forests Department