

IMMEDIATE

Subject:-Implementation of the provisions
of Maharashtra Land Revenue
Code(Amendment) Act, 1986.

GOVERNMENT OF MAHARASHTRA,
Government Circular No. NAP 3483/8196/CR-644-L-2,
Revenue and Forests Department,
Mantralaya, Bombay: 400 032
Dated: 1st December 1986.

CIRCULAR:

With the growth of industries in and around the Urban areas in the State and opening up of offices and establishments acute shortage of accommodation is felt for the residential and commercial purposes. As a result of this, there has been a phenomenal increase in the rates of rent for accommodation both the residential and commercial purposes. Taking advantage of this situation some of the holders of agricultural land in and around the urban areas have ingeniously taken recourse to the provisions of Section 41 of the Maharashtra Land Revenue Code, 1966 and have constructed farm buildings having large accommodations therein. This results not only in flouting the provisions of the Code by the landholders but also in the loss of huge revenue to Government. In order to curb effectively the tendency of the landholders to construct such type of farm buildings on the agricultural land in and also around certain urban areas, the Maharashtra Land Revenue Code, 1966 has been amended suitably. The Amending Act is named the Maharashtra Land Revenue Code(Amendment) Act, 1986 (Maharashtra Act No. XXXII of 1986) and has been published in Part IV of the Maharashtra Government Gazette extraordinary (pages 200-203), dated the 1st August, 1986 and the same is brought into effect from 1st day of December 1986. A copy of the Maharashtra Act No. XXXII of 1986 is enclosed herewith.

2. The provisions of the Act should please be brought to the notice of all the concerned revenue officers and it should be ensured that the permissions for construction or erection etc. of the farm buildings as the case may be are granted immediately and in any case within a period of 90 days so that there should be no room for any complaints from the concerned landholders.

3. The applications for obtaining permission for construction of farm houses may be made to the competent authority in the form prescribed in Schedule I under Rule 3 of the Maharashtra Land Revenue (Conversion of use of land and Non-Agricultural Assessment) Rules, 1969 made under the provisions of sub section 1 of Section 44 of the Maharashtra Land Revenue Code, 1966 with suitable modifications as deemed fit by the Collectors so as to suit the requirement of Section 41(2) of Maharashtra Land Revenue Code, 1966.

By order and in the name of the Governor of
Maharashtra

(S. G. Varadkar)

बिल्हाधिकारी सहायक

कार्यालय -

11 DEC 1986

प्राप्त - RB



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, नोव्हेंबर १४, १९८६/कार्तिक २३, शके १९०८

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

भाग चार-ब

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

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Bombay 400 032, dated the 14th November 1986

MAHARASHTRA LAND REVENUE CODE, 1966.

No. NAP. 3483/8196/CR-644-L-2.—In exercise of the powers conferred by sub-section (2) of section 1 of the Maharashtra Land Revenue Code (Amendment) Act, 1986 (Mah. XXXII of 1986), the Government of Maharashtra hereby appoints the 1st day of December, 1986, to be the date on which the said Act shall come into force.

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

S. G. VARADKAR,

Deputy Secretary to Government.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, ऑगस्ट १, १९८६/श्रावण १०, शक १९०८

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

भाग चार

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रस्थापित केलेले अध्यादेश व केलेले विनियम

अनुक्रमणिका

MAHARASHTRA ACT No. XXXII OF 1986—An Act further to amend the Maharashtra Land Revenue Code, 1966

PAGES

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The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 28th July 1986, is hereby published for general information.

D. N. CHAUDHARI,

Secretary to the Government of Maharashtra,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXII OF 1986.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 1st August 1986.)

An Act further to amend the Maharashtra Land Revenue Code, 1966.

WHEREAS it is expedient further to amend the Maharashtra Land Revenue Mah. Code, 1966, for the purposes hereinafter appearing; It is hereby enacted in the XLI of Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Land Revenue Code (Amendment) Act, 1986.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment
of section
41 of Mah.
XLI of 1966.

2. Section 41 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the principal Act"), shall be renumbered as sub-section (1) thereof, and,—

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(a) in sub-section (1) as so renumbered—

(i) for the words "A holder of any land" the words "Subject to the provisions of this section, a holder of any land" shall be substituted;

(ii) for the word "buildings" the word "building" shall be substituted;

(b) after sub-section (1) as so renumbered, the following sub-sections shall be added, namely :—

"(2) From the date of commencement of the Maharashtra Land Revenue Code (Amendment) Act, 1986 (hereinafter in this section referred to as "such commencement date"), before erection of any farm building or carrying out any work of renewal of, re-construction of, alterations in, or additions to, any such farm building, or any farm building erected before such commencement date, on any land which is situated,—

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(a) within the limits of—

(i) the Municipal Corporation of Greater Bombay,

(ii) the Corporation of the City of Pune,

(iii) the Corporation of the City of Nagpur,

and the area within eight kilometres from the periphery of the limits of each of these corporations;

(b) within the limits of any other municipal corporation constituted under any law for the time-being in force and the area within five kilometres from the periphery of the limits of each such municipal corporation;

(c) within the limits of the 'A' Class municipal councils and the area within three kilometres from the periphery of the limits of each such municipal council;

(d) within the limits of the 'B' and 'C' Class municipal councils; or

(e) within the area covered by the Regional Plan, town planning scheme, or proposals for the development of land (within the notified area) or (an area designated as) the site of the new town, whether each of these being in draft or final, prepared, sanctioned or approved under the Maharashtra Regional and Town Planning Act, 1966;

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the holder or any other person referred to in sub-section (1), as the case may be, shall, notwithstanding anything contained in sub-clauses (d) and (e) of clause (14) of section 2, make an application, in the prescribed form, to the Collector for permission to erect such farm building or to carry out any such work of renewal, re-construction, alterations or additions as aforesaid.

(3) The Collector may, subject to the provisions of sub-section (4) and such terms and conditions as may be prescribed, grant such permission for erection of one or more farm buildings having a plinth area not exceeding the limits specified below :—

(i) if the area of the agricultural holding on which one or more farm buildings are proposed to be erected exceeds 0.4 hectares but does not exceed 0.6 hectares, the plinth area of all such buildings shall not exceed 150 square metres ; and

(ii) if the area of the agricultural holding on which one or more farm buildings are proposed to be erected is more than 0.6 hectares, the plinth area of all such buildings shall not exceed one-fortieth area of that agricultural holding or 400 square metres, whichever is less :

Provided that, if one or more farm buildings proposed to be erected are to be used, either fully or in part, for the residence of members of the family, servants or tenants of the holder, the plinth area of such building or buildings proposed to be used for residential purpose shall not exceed 150 square metres, irrespective of the fact that the area of the agricultural holding on which such building or buildings are proposed to be erected exceeds 0.6 hectares.

(4) The Collector shall not grant such permission—

(a) (i) if the area of the agricultural holding on which such building is proposed to be erected is less than 0.4 hectares;

(ii) if the height of such building from its plinth level exceeds 5 metres and the building consists of more than one floor, that is to say, more than ground floor;

(iii) for erection of more than one farm building for each of the purposes referred to in clause (9) of section 2;

(b) if any such work of erection involves renewal or re-construction or alterations or additions to an existing farm building beyond the maximum limit of the plinth area specified in sub-section (3) or beyond the limit of the height of 5 metres from the plinth level and a ground floor.

Explanation.—For the purposes of sub-sections (3) and (4), if only one farm building is proposed to be erected on an agricultural holding, “plinth area” means the plinth area of that building, and if more than one farm buildings are proposed to be erected on an agricultural holding, “plinth area” means the aggregate of the plinth area of all such buildings.

(5) Where an agricultural holding is situated within the limits of any municipal corporation or municipal council constituted under any law for the time being in force, the provisions of such law or of any rules or bye-laws made thereunder, or of the Development Control Rules made under the provisions of the Maharashtra Regional and Town Planning Act, 1966, or any rules made by the State or Central Government in respect of regulating the building and control lines for different portions of National or State highways or major or other district roads or village roads shall, save as otherwise provided in this section, apply or continue to apply to any farm building or buildings to be erected thereon or to any work of renewal or reconstruction or alterations or additions to be carried out to the existing farm building or buildings thereon, as they apply to the building permissions granted or regulated by or under such law or Development Control Rules or rules in respect of regulating the building and control lines of highways or roads.

(6) Any land used for the erection of a farm building or for carrying out any work of renewal, re-construction, alterations or additions to a farm building as aforesaid in contravention of the provisions of this section shall be deemed to have been used for non-agricultural purpose and the holder or, as the case may be, any person referred to in sub-section (7) making such use of land shall be liable to the penalties or damages specified in section 43 or 45 or 46, as the case may be.”

3. In section 47 of the principal Act, including in the marginal note, for the word and figures “section 42” the word and figures “section 41, 42” shall be substituted. Amendment of section 47 of Mah. XLI of 1966.

Amendment of section 328 of Mah. XLI of 1966. 4. In section 328 of the principal Act, in sub-section (2), after clause (xiv), the following clause shall be inserted, namely:—

“(xiv-a) under section 41, the form of application for permission for erection of a farm building or carrying out the work of renewal, re-construction, alterations or additions; and the terms and conditions subject to which such permission may be granted by the Collector;”.