



महाराष्ट्र शासन राजपत्र

असाधारण प्राधिकृत प्रकाशन

मंगळवार, एप्रिल २६, १९९४/वैशाख ६, शके १९१६

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

भाग चार

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम

अनुक्रमणिका

MAHARASHTRA, ACT No. XXVI OF 1994.—An Act further to amend the Maharashtra Land Revenue Code, 1966. ... 172-175

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 26th April 1994, is hereby published for general information.

PRATIMA UMARJI,

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

MAHARASHTRA ACT No. XXVI OF 1994.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 26th April, 1994).

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

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Land Revenue Code (Amendment) Ordinance, 1994, on the 2nd February 1994;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Forty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Land Revenue Code (Amendment) Act, 1994.

(2) It shall be deemed to have come into force on the 2nd February 1994.

भाग चार—४४

(१७२)

Short title
and
commence-
ment.

Mah.
XLI
of
1966.
Mah.
Ord.
II of
1994.

Insertion of section 44A in Mah. XLI of 1966. 2. After section 44 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code"), the following section shall be inserted, namely :—

Mah.
XLI of
1966.

No
permission
required for
bona fide
industrial
use of land.

"44A. (1) Notwithstanding anything contained in section 42 or 44, where a person desires to convert any land held for the purpose of agriculture or held for a particular non-agricultural purpose, situated,—

(i) within the industrial zone of a draft or final regional plan or draft, interim or final development plan or draft or final town planning scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966, or any other law for the time being in force; or within the agricultural zone of any of such plans or schemes and the development control regulations or rules framed under such Act or any of such laws permit industrial use of land ; or

Mah.
XXXVII
of 1966.

(ii) within the area where no plan or scheme as aforesaid exists, for a *bona fide* industrial use, then no permission for such conversion of use of land shall be required, subject to the following conditions, namely :—

(a) the person intending to put the land to such use has a clear title and proper access to the said land;

(b) such person has satisfied himself that no such land or part thereof is reserved for any other public purpose as per the Development plan (where such plan exists) and the proposed *bona fide* industrial use does not conflict with the overall scheme of the said Development plan;

(c) no such land or part thereof is notified for acquisition under the Land Acquisition Act, 1894 or the Maharashtra Industrial Development Act, 1961 or covers the alignment of any road included in the 1981-2001 Road Plan or any subsequent Road Plan prepared by the State Government;

I of
1894.
Mah.
III of
1962.

(d) such person ensures that the proposed industry does not come up within thirty metres of any railway line or within fifteen metres of a high voltage transmission line;

(e) there shall be no contravention of the provisions of any law, or any rules, regulations or orders made or issued, under any law for the time being in force, by the State or Central Government or any local authority, statutory authority, Corporation controlled by the Central or State Government or any Government Company pertaining to management of Coastal Regulation Zone, or of the Ribbon Development Rules, Building Regulations, or rules or any provisions with regard to the benefitted zones of irrigation projects and also those pertaining to environment, public health, peace or safety.

(2) The person so using the land for a *bona fide* industrial use shall give intimation of the date on which the change of user of land has commenced and furnish other information, in the prescribed form, within thirty days from such date, to the *Tahsildar* through the village officers, and shall also endorse a copy thereof to the Collector :

Provided that, where such change of user of land has commenced before the rules prescribing such form are published finally in the *Official Gazette*, such intimation and information shall be furnished within thirty days from the date on which such rules are so published.

(3) (a) If the person fails to inform the *Tahsildar* and the Collector, as aforesaid, within the period specified in sub-section (2) or on verification it is found from the information given by him in the prescribed form that, the use of land is in contravention of any of the conditions specified in sub-section (1), he shall be liable to either of, or to both, the following penalties, namely :—

(i) to pay in addition to the non-agricultural assessment which may be leviable by or under the provisions of this Code, such penalty not exceeding rupees ten thousand; as the Collector may, subject to the rules, if any, made by the State Government in this behalf, direct:

Provided that, the penalty so levied shall not be less than twenty times the non-agricultural assessment of such land irrespective whether it does or does not exceed rupees ten thousand;

(ii) to restore the land to its original use.

(b) Where there has been a contravention of any of the conditions specified in sub-section (1), such person shall, on being called upon by the Collector, by notice in writing, be required to do anything to stop such contravention as directed by such notice and within such period as specified in such notice; and such notice may also require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied within the period specified in the notice.

(4) (a) If any person fails to comply with the directions or to take steps required to be taken within the period specified in the notice, as aforesaid, the Collector may also impose on such person a further penalty not exceeding five thousand rupees for such contravention, and a daily penalty not exceeding one hundred rupees for each day during which the contravention continues.

(b) It shall be lawful for the Collector himself to take or cause to be taken such steps as may be necessary; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

(5) As soon as an intimation of use of land for *bona fide* industrial use is received under sub-section (2) and on verification it is found that the holder of the land fulfills all the conditions specified in sub-section (1), a *sanad* shall be granted to the holder thereof in the prescribed form.

Where there is any clerical or arithmetical error in the *sanad* arising from any accidental slip or omission, it shall be lawful for the Collector either of his own motion or on the application of a person affected by the error to direct at any time the correction of any such error.

Explanation.—For the purposes of this section “*bona fide* industrial use” means the activity of manufacture, preservation or processing of goods, or any handicraft, or industrial business or enterprise, carried on by any person, and shall include construction of industrial buildings used for the manufacturing process or purpose, or power projects and ancillary industrial usages like research and development, godown, canteen, office-building of the industry concerned or providing housing accommodation to the workers of the industry concerned, or establishment of an industrial estate including co-operative industrial estate, service industry, cottage industry, *gramodyog* units or *gramodyog Vasahats*.”

3. In section 47A of the said Code—

(a) in sub-section (2),—

(i) in clause (a), at the end, the word “or” shall be deleted;

(ii) in clause (b), for the word and figures “section 47,—” the words and figures “section 47; or” shall be substituted;

(iii) after clause (b), the following clause shall be inserted, namely:—

“(c) is put to a *bona fide* industrial use as provided in section 44A,—”;

(b) in sub-section (3),—

(i) in clause (a), at the end, the word “or” shall be deleted;

(ii) in clause (b), for the word and figures “section 47,—” the words and figures “section 47; or” shall be substituted;

(iii) after clause (b), the following clause shall be inserted, namely:—

“(c) is put to a *bona fide* industrial use as provided in section 44A,—”.

Amendment
of section
47A of Mah.
XLI of 1966.

Amendment
of section
328 of Mah.
XLI of 1966.

4. In section 328 of the said Code, in sub-section (2), after clause (xvi), the following clause shall be inserted, namely :—

“(xvi-a) under sub-section (2) of section 44A, the form in which the person using the land for a *bona fide* industrial use shall give intimation of the date on which the change of user of land has commenced and furnish other information; and under sub-clause (i) of clause (a) of sub-section (3) of section 44A, the rules subject to which the Collector may levy penalty for failure to send intimation to the *Tahsildar*; and under sub-section (5) of section 44A, the form of *Sanad*;”.

Repeal of
Mah. Ord. II
of 1994 and
saving.

5. (1) The Maharashtra Land Revenue Code (Amendment) Ordinance, 1994 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any rule made) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or made, as the case may be, under the principal Act, as amended by this Act.

Mah.
Ord.
II of
1994.