



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ३४]

गुरूवार, एप्रिल २६, २०१८/वैशाख ६, शके १९४०

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असाधारण क्रमांक ७३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Hyderabad Atiyat Inquiries (Second Amendment) Ordinance, 2018 (Mah. Ord. XI of 2018), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation)
to Government,
Law and Judiciary Department.

(Translation in English of the Hyderabad Atiyat Inquiries (Second Amendment) Ordinance, 2018 (Mah. Ord. XI of 2018), published under the authority of the Governor).

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 26th April 2018.

MAHARASHTRA ORDINANCE No. XI OF 2018.

AN ORDINANCE

further to amend the Hyderabad Atiyat Inquiries Act, 1952.

Mah. Ord. VI of 2018. WHEREAS the Governor of Maharashtra had promulgated the Hyderabad Atiyat Inquiries (Amendment) Ordinance, 2018, on the 12th February 2018 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 26th February 2018, the Hyderabad Atiyat Inquiries (Amendment) Bill, 2018 (L.A. Bill No. IV of 2018), for converting the said Ordinance into an Act of the State Legislature was introduced in the Maharashtra Legislative Assembly on the 28th February 2018 ;

AND WHEREAS as the session of the Maharashtra Legislative Assembly was prorogued on the 28th March 2018, the said Bill could not be passed by the Maharashtra Legislative Assembly ;

AND WHEREAS as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance ceased to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 8th April 2018;

AND WHEREAS it is considered expedient to continue the operation of the provisions of the said Ordinance;

AND WHEREAS both Houses of the State Legislature are not in session; and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title
and
commencement.

1. (1) This Ordinance may be called the Hyderabad Atiyat Inquiries (Second Amendment) Ordinance, 2018.

(2) It shall be deemed to have come into force on the 12th February 2018.

Amendment of
section 6 of
Hyd. Act No.
X of 1952.

2. In section 6 of the Hyderabad Atiyat Inquiries Act, 1952 (hereinafter referred to as "the principal Act"),—

Hyd. Act
No. X of
1952.

(a) before the first proviso, the following proviso shall be inserted, namely :—

“ Provided that, the Government may allow transfer of land under such grants if such land,—

(i) is reserved for any public purpose in the draft or final Development Plan prepared as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 and is required by the Appropriate Authority or the Planning authority; or

Mah.
XXXVII
of 1966.

(ii) is required for any medical or educational purpose:”;

(b) in the first proviso, for the words “ Provided that ” the words “ Provided further that ” shall be substituted.

Removal of
doubts.

3. For the removal of doubts, it is hereby declared that all the provisions of the principal Act, as amended by the Hyderabad Atiyat Inquiries (Amendment) Ordinance, 2018, shall with effect from the 12th February 2018, being the date of commencement of the said Ordinance, continue to be in force and be deemed to be continuously in force.

Mah.
Ord. VI
of 2018.

STATEMENT

The Hyderabad Atiyat Inquiries Act, 1952 (Hyd. Act No. X of 1952) applies to Hyderabad Area of the State of Maharashtra, that is to say, Marathwada. The said Act is applicable in respect of the lands known as "Khidmatmash Inam Lands" being the lands provided to various Devasthan for meeting daily expenses. Section 6 of the said Act provides for prohibition of alienation or encumbrance and exemption of attachment by Court.

2. Due to rapid urbanisation, said lands now form part of urban areas. Even if the respective final development plans or regional plans applicable in respect of such urban areas provide reservation of those lands for various purpose, in view of the provisions of said section 6, it was not possible for such lands to be used in accordance with the relevant Development Plans or Regional Plans.

3. With a view to ensuring that the "Khidmatmash Inam Lands" may be used for public purposes envisaged under Development Plan or for medical or educational purpose, it was considered expedient to provide that, the Government may allow transfer of land under such grants if such land is reserved for any public purpose in the draft or final Development plan and is required by the appropriate authority or the Planning Authority; or if such land is required for any medical or educational purpose, by amending the said Act of 1952, suitably.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Hyderabad Atiyat Inquiries Act, 1952 (Hyd. Act No. X of 1952), for the purposes aforesaid, the Hyderabad Atiyat Inquiries (Amendment) Ordinance, 2018 (Mah. Ord. VI of 2018), was promulgated by the Governor of Maharashtra on the 12th February 2018.

5. Thereafter, upon the reassembly of the State Legislature on the 26th February 2018, the Hyderabad Atiyat Inquiries (Amendment) Bill, 2018 (L.A. Bill No. IV of 2018), for converting the said Ordinance into an Act of the State Legislature, was introduced in the Maharashtra Legislative Assembly on the 28th February 2018. However, as thereafter session of the Maharashtra Legislative Assembly was prorogued on the 28th March 2018, the said Bill could not be passed by the Maharashtra Legislative Assembly.

As the State Legislature had re-assembled on the 26th February 2018 as provided by article 213(2)(a) of the Constitution of India, the said Ordinance ceased to operate after the 8th April 2018, and it is considered expedient to continue the operation of the provisions of the said Ordinance.

6. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the provisions of the Hyderabad Atiyat Inquiries (Amendment) Ordinance, 2018 (Mah. Ord. VI of 2018), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 25th April 2018.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

MANU KUMAR SRIVASTAVA,
Principal Secretary to Government.