



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ४०]

सोमवार, सप्टेंबर १६, २०१९/भाद्र २५, शके १९४१

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ८७

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 Maharashtra Land Revenue Code (Amendment) Ordinance, 2019 (Mah. Ord. XXIV of 2019), is hereby published under the authority of the Governor.

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

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

[Translation in English of the Maharashtra Land Revenue Code (Amendment) Ordinance, 2019 (Mah. Ord. XXIV of 2019), published under the authority of the Governor].

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 16th September 2019.

MAHARASHTRA ORDINANCE No. XXIV OF 2019.

AN ORDINANCE

further to amend the Maharashtra Land Revenue Code, 1966.

WHEREAS, both Houses of the State Legislature are not in session ;

AND WHEREAS, the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing ;

Mah. XLI
of 1966.

(१)

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, सप्टेंबर १६, २०१९/भाद्र २५, शके १९४१

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 Maharashtra Land Revenue Code (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

Amendment of section 48 of Mah. XLI of 1966.

2. In section 48 of the Maharashtra Land Revenue Code, 1966, in sub-section (8), in clause (1), the words “not below the rank of Tahsildar” shall be deleted. Mah. XLI of 1966.

STATEMENT

Section 48 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), provides Government titles to mines and minerals. Sub-section (8) of the said section 48 provides that the Collector or any revenue officer not below the rank of Tahsildar authorized by the Collector in this behalf may seize and confiscate any mineral extracted, removed, collected, replaced, picked up or disposed of from any mine, quarry, etc., and may also seize and confiscate any machinery and equipment used for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals and any means of transport deployed to transport the same.

2. However, the provision of clause (1) of sub-section (8) of section 48 does not empower any revenue officer below the rank of Tahsildar to confiscate unauthorisedly excavated minor minerals and seize and confiscate the machinery and equipment used for unauthorized extraction of minor mineral and the means of transport deployed to transport such minor minerals.

In present situation, if any revenue officer below the rank of Tahsildar seizes and confiscates the machinery and equipment used for unauthorized extraction of minor mineral, his action goes against the provisions of clause (1) of sub-section (8) of section 48 of the said Code. On account of the present provision of the said Code, where only the officers not below the rank of Tahsildar are empowered to confiscate the machinery and equipment used for control illegal excavation and transportation of minor minerals, it is difficult to curb illegal extraction and transportation of minor minerals.

Therefore, with a view to exercising better control over illegal extraction and transportation of minor minerals, the Government considers it expedient to authorise any revenue officer to confiscate equipment and machinery used for illegal extraction and transportation of minor minerals and for that purpose amend the said clause (1) of sub-section (8) of section 48 of the said Code, so as to delete the words "not below the rank of Tahsildar", appearing therein.

3. 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 further to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
dated the 16th September 2019.

BHAGAT SINGH KOSHYARI,
Governor of Maharashtra.

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

MANU KUMAR SHRIVASTAVA,
Additional Chief Secretary to Government.