



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ५६]

सोमवार, ऑगस्ट २२, २०१६/श्रावण ३१, शके १९३८

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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 (Third Amendment) Act, 2016 (Mah. Act No. XXVII of 2016), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVII OF 2016.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 22nd August 2016).

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

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

1. This Act may be called the Maharashtra Land Revenue Code (Third Amendment) Act, 2016. Short title.

(१)

Amendment
of section
182 of Mah.
XLI of 1966.

2. In section 182 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as “ the said Code”), after sub-section (5), the following proviso shall be added, namely :—

Mah.
XLI of
1966.

“ Provided that, before right, title and interest of the defaulter in such land is put to sale by the Collector under sub-section (5), the Collector shall, by notice to the defaulter or his legal heir, ascertain his willingness to have the land restored back to him ; and if the defaulter or his legal heir gives his willingness to have such land restored back and pays, within such period, which shall not be less than ninety days, as may be specified by the Collector in the notice issued in this behalf, the following amounts, thereupon the said land shall be released from the attachment and restored to the defaulter or his legal heir, namely :—

(i) outstanding dues, payable to the Government on account of arrears of land revenue and interest leviable thereupon, as per the prevailing orders of the Government ;

(ii) where such defaulter is in unauthorized possession of such land even after the said land has been attached by the Collector, an annual lease rent, not exceeding one per cent. of the market value of the such land, as may be prescribed, for the period during which such defaulter is in unauthorized possession of such land and different annual lease rents may be prescribed for land in different areas and for different uses of land ; and

(iii) a penal amount, not exceeding fifty per cent. of the market value of such land for the current year, as may be prescribed, and different penal amounts may be prescribed for land in different areas and for different uses of land.

Explanation.—For the purpose of this sub-section, “the market value of the land” means the value of such land specified in the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other rules for the time being in force, in this regard for the relevant year, and where such Annual Statement of Rates is not prepared or available, it means the value of such land as determined by the Assistant Director of the Town Planning Department of the concerned District.”.

Amendment
of section 256
of Mah. XLI
of 1966.

3. In section 256 of the said Code,—

(a) to sub-section (2), the following provisos shall be added, namely :—

“ Provided that, where an order against which appeal is preferred involves payment of any amount to the Government, the execution of such order shall not be stayed unless the appellant deposits twenty-five per cent. of such amount payable to the Government under the order impugned :

Provided further that, in exceptional cases, the appellate authority may, after recording the reasons in writing therefor, suitably reduce such amount of deposit :

Provided also that, the amount to be deposited by the appellant as specified above shall be adjusted against the amount found payable to the Government under the final orders passed in appeal and in case the amount finally found payable to the Government is less than the amount deposited by the appellant, the excess amount shall be refunded to the Appellant without any interest.” ;

(b) to sub-section (3), the following provisos shall be added, namely :—

“ Provided that, where an order against which application for revision or review is filed involves payment of any amount to the Government, execution of such order shall not be stayed unless the applicant deposits twenty five per cent. of such amount payable to the Government under the order impugned :

Provided further that, in exceptional cases, the authority exercising the powers of revision or review may, after recording the reasons in writing therefor, suitably reduce such amount of deposit :

Provided also that, the amount deposited by the applicant as aforesaid shall be adjusted against the amount found payable to the Government under the final orders passed in revision or review proceedings and in case the amount finally found payable to the Government is less than the amount deposited by the applicant, the excess amount shall be refunded to the applicant without any interest :

Provided also that, the provisions contained in the above provisos shall not be applicable in case the authority exercises the powers of revision or review of any order *suo motu.*”.