



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ३]

बुधवार, जानेवारी १७, २०१८/पौष २७, शके १९३९

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असाधारण क्रमांक १२

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 (Fifth Amendment) Act, 2017 (Mah. Act No. XII 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.

MAHARASHTRA ACT No. XII OF 2018

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 17th January 2018.)

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

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

1. This Act may be called the Maharashtra Land Revenue Code (Fifth Short title.
Amendment) Act, 2017.

Amendment
of section 22A
of Mah. XLI of
1966.

2. In section 22A of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code"), for sub-section (6), the following sub-section shall be substituted, namely :—

Mah.
XLI of
1966.

"(6) The powers of diversion, grant, lease of *Gairan* land under this section shall be vested in the State Government :

Provided that, notwithstanding anything contained in section 330A, the powers of the State Government under sub-section (3) shall not be delegated to any officer or other authority sub-ordinate to it."

Amendment
of section 42
of Mah. XLI of
1966.

3. In section 42 of the said Code, in sub-section (2),-

(a) after the words "fourty square meters" the words "or for any micro, small and medium food processing industrial units" shall be inserted;

(b) in the proviso, after the words "fourty square meters for such purpose" the words "or for any micro, small and medium food processing industrial units" shall be inserted;

(c) after the proviso, the following proviso shall be added, namely :—

"Provided further that, the use of land for any micro, small and medium food processing industrial units shall be deemed to be the use of land for agricultural purpose."

Insertion of
section 42D
in Mah. XLI of
1966.

4. After section 42C of the said Code, the following section shall inserted, namely :—

"**42D.** (1) Any land situated in an area (hereinafter referred to as "peripheral area") within 200 meters from the limits of—

(i) the site of any village, or

(ii) town or city, where such land adjacent to the limits of such town or city is allocated to a developable zone in the draft or final Regional Plan ;

shall be deemed to have been converted to non-agricultural use for residential purpose or the purpose admissible as per draft or final Regional Plan, subject to the provisions of the Development Control Regulations applicable to such area.

(2) For deemed conversion of the land situated in such peripheral area to the non-agricultural user, the Collector shall, on an application made in this regard or *suo moto*, determine or cause to be determined the conversion tax at the rate mentioned in section 47A and the non-agricultural assessment for such land and give a notice thereof to the concerned occupant for making payment thereof:

Provided that, where such land is held as Occupant Class-II, the Collector shall also examine the documents by which such land is granted as such and the relevant laws, rules and the Government orders by which such land is governed and if the conversion of the land situated in such peripheral area to the non-agricultural user for the residential purpose or the purpose allowed as per draft or final Regional Plan is permissible thereunder, the Collector shall, wherever necessary, after obtaining

Provision for
conversion of
land use for
the
residential
purpose.

prior approval of the authority competent to allow such conversion, determine *nazarana* or premium and other Government dues payable for such conversion, as per special or general orders of the Government, alongwith the amount of conversion tax and non-agricultural assessment, as aforesaid, and communicate the same to the occupant for making payment. If the payment as required under this sub-section is made by the occupant, necessary entry in the record of rights shall be made showing such land as having been converted to non-agricultural use, with effect from the date of payment as aforesaid and the Collector shall grant him *sanad* in the form prescribed under the rules within a period of sixty days from payment thereof :

Provided further that, where the action under this sub-section is undertaken on an application made in this regard, the notice, after determination of conversion tax and non-agricultural assessment and, wherever applicable, the amount payable to the Government towards *nazarana* or premium and other Government dues as per the prevailing orders of the Government, shall be issued to the concerned occupant,-

(a) in respect of land held as Occupant Class-I, within 30 days from the date of application; and

(b) in respect of land held as Occupant Class-II,-

(i) within 30 days from the date of application, where the Collector is competent to grant permission for change of use of such land at his level; or

(ii) within 30 days from the date on which the permission of the authority, competent to allow such conversion or change of use, is received by the Collector:

Provided also that, the non-agricultural assessment done under this section for residential or other admissible purpose shall, wherever necessary, be revised in accordance with the development permission accorded by the authority competent to grant such permission, and for this purpose, it shall be mandatory for such competent authority to furnish a copy of such development permission to the Collector, in each case within 30 days of grant of such building permission :

Provided also that, the challan or receipt of payment of conversion tax, non-agricultural assessment and *nazarana* or premium and other Government dues under this sub-section shall be regarded as the proof of the land having been converted to the non-agricultural use, and no further proof therefor shall be necessary.

(3) Nothing in sub-sections (1) and (2) shall be applicable to any land granted by the Government under section 31 or 38, for specific purpose or to any land acquired by the Government under the relevant laws and handed over to any individual, institution or company for its use, or to any land which is under any reservation in the draft or final Regional Plan but has not been acquired by the Planning Authority or the Appropriate Authority.”.

Power to
remove
difficulty.

5. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Land Revenue Code, 1966, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the said Code, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Mah.
XLI of
1966.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.