

**THE LAND ACQUISITION (MAHARASHTRA EXTENSION AND  
AMENDMENT) ACT, 1964.**

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**MAHARASHTRA ACT No. XXXVIII OF 1964.<sup>1</sup>**

[THE LAND ACQUISITION (MAHARASHTRA EXTENSION AND  
AMENDMENT) ACT, 1964.]

[6th October 1964]

**An Act to extend the Land Acquisition Act, 1894, to the whole of the State of Maharashtra ; to provide as far as practicable for uniformity in the provisions of the Act in its application to the whole of the State ; and for those purposes further to amend the said Act.**

**WHEREAS** it is expedient to extend the Land Acquisition Act, 1894, to the whole of the State of Maharashtra ; to provide as far as practicable for uniformity in the provisions of the Act in its application to the whole of the State ; and for those purposes further to amend the said Act ; It is hereby enacted in the Fifteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Land Acquisition (Maharashtra Extension and Amendment) Act, 1964

Short title, extent and commencement.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. On the commencement of this Act, the Land Acquisition Act, 1894 (hereinafter referred to as "the principal Act") and the rules made thereunder as in force in the Bombay area, except the Land Acquisition (Bombay Amendment) Act, 1948, shall extend and be in force throughout the State of Maharashtra ; and accordingly

Extension of Act I of 1894 and rules thereunder as in force in Bombay area to other areas in Maharashtra State, subject to certain modifications.

on such commencement,—

(a) in section 1 of the principal Act,—

(i) in sub-section (2), after the words and letter "comprised in Part B States" the words, "other than the Hyderabad area of the State of Maharashtra" shall be inserted ;

(ii) in sub-section (5), after the figures "1894", the words, brackets and figures, "but in the Hyderabad area of the State of Maharashtra it shall come into force on such day as is appointed under sub-section (3) of section 1 of the Land Acquisition (Maharashtra Extension and Amendment) Act, 1964" shall be added ;

(b) the Land Acquisition Act as in force in the Hyderabad area of the State shall stand repealed ;

(c) the Land Acquisition (Bombay Amendment) Act, 1960, shall stand repealed ;

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1964, Part. V, p. 153.

- (d) (i) the amendments made in sections 28 and 34 of the principal Act, in its application to the Vidarbha region of the State, by the Central Provinces and Berar Land Acquisition (Amendment) Act, 1939 ; C.P. and Berar XXVII of 1939.
- (ii) the amendments made in sections 3 and 18 of the principal Act, in its application to the Vidarbha region of the State, by the Central Provinces and Berar Land Acquisition (Amendment) Act, 1949 ; and C.P. and Berar VII of 1939.
- (iii) the amendment made in section 17 of the principal Act, in its application to the Vidarbha region of the State, by the Central Provinces and Berar Land Acquisition (Second Amendment) Act, 1949 ; C.P. and Berar XXV-III of 1949.  
shall cease to have effect, and shall stand repealed ;
- (e) the amendments made in sections 28 and 34 of the principal Act by the Land Acquisition (Bombay Amendment) Act, 1938, and in force in the Bombay area of the State, shall be in force in the rest of the State ; Bom. XVIII of 1938.
- (f) the amendments made to the principal Act by—
- (i) sections 2 to 4 (both inclusive) of the Land Acquisition (Bombay Amendment) Act, 1945, Bom. XX of 1945.
- (ii) section 6 of the Bombay Land Acquisition Officers Proceedings Validation Act, 1949, Bom. XX-XV of 1949.
- (iii) section 2 of the Land Acquisition (Bombay Amendment) Act, 1950, Bom. XXV-II of 1950.
- (iv) sections 2 to 11 (both inclusive) of the Land Acquisition (Bombay Amendment) Act, 1953, Bom. XX-XV of 1953.
- (v) section 2 of the Land Acquisition (Bombay Amendment) Act, 1958, and Bom. XII of 1958.
- (vi) the notifications issued by the State Government under sub-section (4) of section 3 of the Bombay Commissioners of Divisions Act, 1957, for amending the principal Act in its application to the Bombay area of the State, Bom. VIII of 1958.  
shall extend and be in force throughout the State.

Amendments  
of sections  
3 and 18 of  
Act I of 1964  
as extended.

3. In the principal Act so extended and brought into force throughout the State of Maharashtra,—

(a) in section 3, in clause (d), for the words "the expression 'Court' means" the following shall be substituted, namely :—

"the expression 'Court' [except in sub-section (3) of section 18] means" ;

(b) to section 18, the following sub-section shall be added at the end, namely :—

"(3) Any order made by the Collector on an application under this section shall be subject to revision by the High Court, as if the Collector were a Court subordinate to the High Court within the meaning of section 115 of the Code of Civil Procedure, 1908." P of 1908.

Hyd. IX of 1309F. 4. The repeal, by clause (b) of section 2 of this Act, of the Land Acquisition Act prevailing in the Hyderabad area of the State of Maharashtra shall not affect—

- (a) the previous operation of the Act so repealed ;
  - (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed ;
  - (c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid ;
- and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed :

Provided that, subject to the foregoing provision in this section, anything done or any action taken (including any appointment, authorization or delegation made, notice, notification, direction or order issued, survey, declaration or award made, enquiry held, agreement executed or published or possession taken, but excluding any rule framed) under the provisions of the repealed Act shall, in so far as it is not inconsistent with the provisions of the principal Act as extended and amended by this Act (hereinafter referred to as "the said Act"), be deemed to have been done or taken under the corresponding provisions of the said Act and shall continue in force, unless and until it is superseded by anything done or any action taken under the said Act.