RNI No. MAHENG/2009/35528

महाराष्ट्र शासन राजपत्र
असाधारण भाग आठ

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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 Maharashtra Land Revenue Code (Amendment) Act, 2017 (Mah. Act No. XXX of 2017), 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. XXX OF 2017.

(*First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 15th April 2017*).

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

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Land Revenue Code (Amendment) Ordinance, 2017, on the 5th January 2017;

Mah. XLI of 1966. Mah. Ord. II of 2017.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

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

(2) It shall be deemed to have come into force on the 5th January 2017.

Insertion of sections 42B and 42C in Mah. XLI of 1966.

2. After section 42A of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as " the said Code "), the following sections shall be inserted, namely :— Mah. XLI of 1966.

Provision for conversion of land use for lands included in final Development plan area.

"42B. (*1*) Notwithstanding anything contained in sections 42, 42A, 44 and 44A, upon publication of the final Development plan in any area as per the provisions of the Maharashtra Regional and Town Planning Act, 1966, the use of any land comprised in such area shall, if conversion tax, non-agricultural assessment and, wherever applicable, *nazarana* or premium and other Government dues as provided for in sub-section *(2)* are paid, be deemed to have been converted to the use shown by way of allocation, reservation or designation in such Development plan and no separate permission under section 42 or section 44 shall be required for the use of such land for the use permissible under such Development plan : Mah. XXXVII of 1966.

Provided that, where a final Development plan is already published on or before the date of commencement of the Maharashtra Land Revenue Code (Amendment) Act, 2017 (hereinafter in this section referred to as "the commencement date"), any land comprised in the area under such Development Plan shall, if the conversion tax, non-agricultural assessment and wherever applicable, *nazarana* or premium and other Government dues as provided for in sub-section (*2*) are paid, be deemed to have been converted to the use shown by way of allocation, reservation or designation in respect of such land in such final Development plan. Mah. XXX of 2017.

(*2*) Upon publication of the final Development plan in any area and, where there is a final Development plan already published, after the commencement date, the Collector shall, on an application made in this regard or *suo motu,* determine or cause to be determined the conversion tax at the rate mentioned in section 47A and the non-agricultural assessment for such land on the basis of the use shown in the Development plan 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 to the use shown in the final Development plan is permissible thereunder, the Collector shall, wherever necessary, after obtaining 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 done by the occupant, the Collector shall grant him *sanad* in the form prescribed under the rules within a period of sixty days from payment therof. On issuance of *sanad,* neccessary 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 :

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 ;

(*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 ;

(*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 shall, wherever necessary, be revised for a land in accordance with the development permission accorded by the Planning Authority and for this purpose, it shall be mandatory for the Planning Authority to furnish a copy of such development permission to the Collector, in each case within 30 days of grant of such permission or its revision, if any :

Provided also that, the non-agricultural assessment of a land, done on the basis of the use shown in the Development plan, shall be revised in case the Development plan is revised or modified by the Government and as a result thereof, the use of the land shown in the Development plan changes, with effect from the date of such revision or modification :

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 shown in the final Development plan and no further proof 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 use, or to any land which is under any reservation in the Development plan but has not been acquired by the Planning Authority or the Appropriate Authority.

Provision for conversion of land use for lands included in the draft Regional plan.

42C. (*1*) Where a land is situated in an area, for which draft Regional plan has been prepared and necessary notice regarding such draft Regional plan has been duly published in the *Official Gazette* or such Regional plan has been approved and published in the *Official Gazette,* the use of such land for the purposes of section 42 or section 44, shall be deemed to have been converted to corresponding non-agricultural use, once development permission on such land under section 18 of the Maharashtra Regional and Town Planning Act, 1966 is granted, if the conversion tax and non-agricultural assessment, as per the provisions of this Act, and, in respect of a land held as Occupant Class-II, *nazarana* or premium and other Government dues levied for such conversion, as per the prevailing orders of the Government and the relevant provisions of the law, are paid.

Mah. XXXVII of 1966.

(*2*) Where a land is situated in an area for which draft Regional plan or draft Development plan has been prepared and necessary notice regarding such draft Regional plan or draft Development plan has been duly published in the *Official Gazette* or such Regional plan or, as the case may be, the Development plan has been approved and published in the *Official Gazette,* the permission to build a farm building, given by the Collector under section 18 of the Maharashtra Regional and Town Planning Act, 1966 or by the Planning Authority under the provisions of the aforesaid Act, shall be deemed to be the permission envisaged under section 41 for such farm building.". Mah. XXXVII of 1966.

Amendment of section 48 of Mah. XLI of 1966.

3. In section 48 of the said Code, in sub-section *(7),* for the words "equal to five times" the words "upto five times" shall be substituted.

Power to remove difficulty.

4. (*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 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.

Repeal of Mah. ord. II of 2017 and saving.

5. (*1*) The Maharashtra Land Revenue Code (Amendment) Ordinance, 2017, is hereby repealed. Mah. Ord. II of 2017.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the said Code as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the said Code, as amended by this Act.

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