



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार, जुलै १९, २००७/आषाढ २८, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Bombay Provisional Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2007 (L. C. Bill No. V of 2007), introduced in the Maharashtra Legislative Council on the 19th July 2007, is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

L. C. BILL No. V OF 2007.

A BILL

further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965

Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. XL of 1965.

WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2007. Short title.

Insertion of section 267A in Bom. LIX of 1949. 2. After section 267 of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely:—

Bom. LIX of 1949.

Levy of penalty on unlawful building. **“267A.** (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Corporation, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”

C.P.
and
Berar
II of
1950.

3. After section 282 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely:—

Insertion of
section
282A in
C. P. and
Berar II of
1950.

“282A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

Levy of
penalty on
unlawful
building.

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Corporation, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder, shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”

Insertion of
section
189A in
Mah. XL of
1965.

Levy of
penalty on
unlawful
building.

4. After section 189 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely:—

Mah.
XL
of
1965.

“189A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Council, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”.

STATEMENT OF OBJECTS AND REASONS

The Kakodkar Committee, appointed for investigation of unauthorised constructions in the Kalyan-Dombivli Municipal Corporation area, has, *inter alia*, recommended to amend the municipal laws in operation in the State so as to provide for the levy of penalty on unauthorised constructions.

The Government has accepted the recommendation of the Kakodkar Committee to amend the municipal laws in operation in the State to provide for the levy of penalty on unlawful constructions. Accordingly, the Mumbai Municipal Corporation (Third Amendment) Bill, 2006 (L. A. Bill No. LXXII of 2006) has been introduced in the Maharashtra Legislative Assembly. The said Bill is pending before the Joint Committee of both Houses of the State Legislature. By clause 14 of the said Bill, a new section 152A is proposed to be inserted in the Mumbai Municipal Corporation Act to provide that whoever unlawfully constructs or reconstructs any building, or part of a building, shall be liable, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction, to pay every year a penalty, which shall be equal to twice the property tax leviable on such buildings, so long as it remains as unlawful construction. It is also provided that such levy and collection of penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence and the penalty payable can be collected as if the amount thereof were property tax due by such person.

3. The Government considers it expedient to incorporate similar provisions in the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 for providing for levy of penalty on unlawful constructions in the areas of other Municipal Corporations and Municipal Councils in the state on the lines of section 152A, proposed to be inserted in the Mumbai Municipal Corporation Act by clause 14 of the Mumbai Municipal Corporation (Third Amendment) Bill, 2006 (L. A. Bill No. LXXII of 2006).

4. The Bill is intended to achieve the above objectives.

Mumbai,

VILASRAO DESHMUKH,

Dated the 17th July 2007.

Chief Minister.