



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक १३]

गुरुवार, मार्च १०, २०१६/फाल्गुन २०, शके १९३७

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असाधारण क्रमांक १५

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) Bill, 2016 (L. A. Bill No. I of 2016), introduced in the Legislative Assembly on the 10th March 2016, is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. I OF 2016.

A BILL

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, 2016, on the 5th February 2016 ;

Mah.
XLI of
1966.
Mah.
Ord. III
of 2016.

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

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

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 5th February 2016.

(१)

Amendment
of section 255
of Mah. XLI of
1966.

2. In section 255 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code"), after sub-section (3), the following sub-sections shall be inserted, namely :—

Mah.
XLI of
1966.

“(4) Any appeal filed before any revenue or survey officer shall be disposed of within a period of one year from the date on which such appeal is filed :

Provided that, any such appeal filed before the date of commencement of the Maharashtra Land Revenue Code (Amendment) Act, 2016 shall be disposed of within a period of one year from the date of such commencement :

Mah. of
2016.

Provided further that, in exceptional circumstances, for reasons to be recorded in writing, the period for disposing of any appeal may be extended further by six months by the State Government or an officer not below the rank of Collector designated in this behalf who is superior to the appellate authority.

(5) If the appellate authority fails without sufficient cause, to dispose of any appeal within the period specified in sub-section (4), he shall be liable for disciplinary action in accordance with the concerned disciplinary rules applicable to him.”.

Amendment
of section
257 of Mah.
XLI of 1966.

3. In section 257 of the said Code,—

(a) to sub-section (1), the following proviso shall be added, namely :—

“Provided that, no such proceedings under this sub-section or sub-section (2) shall be initiated by any revenue or survey officer after expiry of a period of five years from the date of decision or order of the sub-ordinate officer.” ;

(b) in sub-section (3),—

(i) before the first proviso, the following provisos shall be inserted, namely :—

“ Provided that, any proceeding brought before any revenue or survey officer shall be disposed of within a period of one year from the date on which such proceeding is filed :

Provided further that, any proceeding pending under this section, before any revenue or survey officer on the date of commencement of the Maharashtra Land Revenue Code (Amendment) Act, 2016, shall be disposed of within a period of one year from the date of such commencement :

Mah.
of 2016.

Provided also that, in exceptional circumstances, for reasons to be recorded in writing, the period for disposing of any such proceeding may be extended further by six months by the State Government or an officer not below the rank of Collector designated in this behalf who is superior to the revisional authority :

Provided also that, if the revisional authority fails to dispose of any such proceedings within the period specified in sub-section (3), without sufficient cause, then he shall be liable for disciplinary action in accordance with the concerned disciplinary rules applicable to him : ” ;

(ii) in the first proviso, for the words "Provided that" the words "Provided also that" shall be substituted;

(iii) in the second proviso, for the words "Provided further that" the words "Provided also that" shall be substituted;

(c) after sub-section (3), the following sub-section shall be added, namely :—

"(4) Revision of an order issued under sub-section (1) or (2) by any officer referred to therein shall not be permissible ; but it shall be lawful for the State Government alone to modify, annul or reverse any such order issued under sub-section (1) or (2).".

Mah.
Ord. III
of 2016.

4. (1) The Maharashtra Land Revenue Code (Amendment) Ordinance, 2016, is hereby repealed.

Repeal of
Mah. Ord. III
of 2016 and
saving.

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

STATEMENT OF OBJECTS AND REASONS

It has been brought to the notice of the State Government that a large number of disputes in the nature of quasi-judicial proceedings regarding land are pending at various levels of revenue and survey officials. Such pendency also affects availability of land for development. It was also observed that under section 257 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), more than one revision in respect of such disputes are possible, resulting in prolonging of the final resolution of such disputes.

It was, therefore, considered expedient to suitably amend the relevant provisions of the said Code, so as to provide for reducing the number of revisions as well as prescribing specific time-limit for disposal of such appeals and revisions, which would also save the time and money of the parties to the disputes as well as make such lands available for development.

2. As both Houses of the State Legislature were not in session and 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 (Mah. XLI of 1966), for the purposes aforesaid, the Maharashtra Land Revenue Code (Amendment) Ordinance, 2016 (Mah. Ord. III of 2016), was promulgated by the Governor of Maharashtra on the 5th February 2016.

3. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 24th February 2016.

EKNATHRAO KHADSE,
Minister for Revenue.