



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ५१(२)]

बुधवार, ऑगस्ट ३, २०१६/श्रावण १२, शके १९३८

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असाधारण क्रमांक ८१

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 (Fourth Amendment) Bill, 2016 (L. A. Bill No. XL of 2016), introduced in the Maharashtra Legislative Assembly on the 3rd August 2016, 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.

### L. A. BILL No. XL OF 2016.

#### A BILL

*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-seventh Year of the Republic of India as follows :—

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

Mah. 2. To section 295 of the Maharashtra Land Revenue Code, 1966 Amendment  
XLI (hereinafter referred to as “the said Code”), the following proviso shall be of section 295  
of Mah. XLI  
of 1966. added and shall be deemed to have been added with effect from the date of commencement of the said Code, namely :—

“Provided that, all leases granted by the State Government or the Collector of the land or foreshore vested in the Government for

whatever term, which were in existence on or before the date of commencement of this Code or were granted thereafter, shall notwithstanding the conditions stipulated in such lease-deeds or lease-agreements or Grant orders executed by the Collector, be also subject to the following conditions, namely :—

(i) Leasehold rights in respect of the lands or foreshore vested in the Government given on lease may be further assigned or transferred only with the prior permission of the Collector on payment of such premium on account of unearned income and transfer fees or charges, at such rates as may be specified by the Government by an order, from time to time.

(ii) In the case of any contravention of the provisions of sub-clause (i), the lessee or transferor of such leasehold rights, shall be liable to pay penalty in addition to such premium and transfer fees or charges, at such rates as may be specified by the Government by an order, from time to time.”.

Validation.

**3.** Notwithstanding anything contained in the said Code or in any rules made thereunder or in any judgment, decree or order of any court, tribunal or any other authority, any levy, demand and collection of premium on account of unearned income and transfer fees or charges or penalty by the Government during the period commencing from the date of coming into force of the said Code and ending on the date of commencement of the Maharashtra Land Revenue Code (Fourth Amendment) Act, 2016 (hereinafter referred to as “the date of commencement of the Amendment Act of 2016”), on further assignment or transfer of leasehold rights by the lessee or transferor of such leasehold rights in respect of the lands or foreshore vesting in the Government given on lease, with or without prior permission of the Collector and any action taken by the Government therefor, shall be deemed to have been validly levied, demanded, collected or taken and shall be deemed always to have been validly levied, demanded, collected or taken under the said Code, as amended by the Maharashtra Land Revenue Code (Fourth Amendment) Act, 2016 and, accordingly, no suit, prosecution or other legal proceedings shall lie in any court or before any tribunal or other authority on the ground that, the provisions of the said Code, prior to the date of commencement of the Amendment Act of 2016, did not provide for levy, demand and collection of such premium and transfer fees or charges or penalty or action by the Collector. No suit, prosecution or other legal proceedings shall lie or be maintained or continued in any court or before any tribunal or other authority, for the refund of any such premium and transfer fees or charges or penalty so levied, demanded, collected or for any action taken with effect from the date of coming into force of the said Code.

Mah. ---  
of 2016.

Mah. ---  
of 2016.

## STATEMENT OF OBJECTS AND REASONS

Special provisions for land revenue in the City of Mumbai are contained in Chapter XIV of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966). Section 295 therein deals with disposal of lands or foreshore vested in the State Government. Even before the coming into force of the said Code, many parcels of lands of the Government had been leased to various individuals and institutions for various purposes. In a number of cases, such leases have been transferred or assigned to other parties. Currently, the Government's share in the unearned income in such instances of assignment or transfer of leasehold rights in such Government lands is being levied and recovered as per the administrative orders issued by the State Government. In some cases, the parties concerned have challenged such recovery by filing cases before the Courts. In order to leave no room for doubt regarding the powers of the Government to recover a share of unearned income in any instance of transfer or assignment of leasehold rights in respect of such Government lands, it is considered expedient to incorporate specific provisions in section 295 of the said Code, requiring the lessee to seek prior permission of the Collector, before transferring or assigning his leasehold rights in any Government land, for which a share of unearned income shall be payable to the Collector at such rates as may be specified by the Government. It is also considered expedient to include a provision regarding regularisation of the previous transactions of transfer or assignment of such leases by levying an additional penal amount at such rate as the Government may specify. In order to validate the actions taken by the Collectors under the administrative orders of the Government, in the past, in terms of recovery of a share of unearned income in such cases, it is considered necessary to make these provisions applicable with retrospective effect from the date of coming into force of the said Code.

2. The Bill seeks to achieve the above objectives.

Mumbai,

CHANDRAKANT (DADA) PATIL,

Dated the 2nd August, 2016.

Minister for Revenue.