
MAHARASHTRA HOUSING AND AREA DEVELOPMENT (DISPOSAL OF LAND) REGULATIONS, 1982

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MAHARASHTRA HOUSING AND AREA DEVELOPMENT (DISPOSAL OF LAND) REGULATIONS, 1982

In exercise of the powers conferred by sub-section (1) of Section 185 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), read with Rule 17 of the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981 and of all other powers enabling it in this behalf, the Maharashtra Housing and Area Development Authority, with the previous sanction of the Government of Maharashtra, makes the following

regulations, namely :

1. Short title, commencement and application :-

(1) These regulations may be called the Maharashtra Housing and Area Development (Disposal of Land) Regulations, 1982.

(2) They shall come into force on the date of their publication in the Maharashtra Government Gazette.

(3) They shall apply to the disposal by the Authority of any land vested in it by Government or acquired by it under the provisions of Chapter V of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), or under any other law for the time being in force, except to the disposal of tenements.

2. Definitions :-

In these regulations, unless the context otherwise requires ,

(1)

(a) "Act" means the Maharashtra Housing and Area Development Act, 1976 ;

¹[(aa) "Allotment Committee" means a committee appointed by a Board for the purpose of drawing lots for allotment of plots and for such other purposes relating thereto as the Board may think fit from time to time.

(ab) "allotee" means a person to whom a plot is allotted or who is put in possession or occupation of a plot under these Regulations and includes a housing society, a company, an association or a body corporate established under any law for the time being in force in the State.

(ac) "applicant" means a person who applies for allotment of a plot under these regulations.

(ad) "Authorised Officer" means an Officer not below the rank of an Estate Manager duly empowered by the Chief Officer for the purposes of these Regulations :]

(b) "Authority" means the Maharashtra Housing and Area Development Authority established under Section 3 of the Act ;

(c) "Board" means a Board established under Section 18 of the Act;

²[(ca) "Chief Officer" means the Chief Officer of a Board within the

meaning of sub-section (5) or sub-section (6) of Section 18 of the Act ;

(cb) "Estate Manager" means the Officer of a Board appointed as such, and includes an Assistant Estate Manager appointed as such and duly authorised by the Board for the purposes of these Regulations ;]

(d) "Form" means Form appended to these regulations ;

² [(da) "housing society" means a co-operative housing society registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) ;

(db) "income" in relation to an applicant or allottee means the total average monthly income regularly derived by the applicant or allottee and his or her spouse from any occupation, trade, business, employment or any calling or source constituting normal means of livelihood on the date on which an application for a plot is submitted to the Authority, Board or officer specified in that behalf or any other date specified by the Board for the purpose but does not include income which is intended to reimburse any specific service, such as, conveyance allowance, house rent allowance, travelling allowance and such other allowances ;]

(e) "Rules" means the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981 ;

(2) the words and expressions used in these regulations but not defined therein shall have the same meaning respectively assigned to them in the Act or rules.

1. Inserted by Authorities Notification No.MH/LRG : 1382/4447/EM-g, dated 2nd January, 1984, (M.G.G., Pt. IV-C, p. 38).

2. Inserted by Authorities Notification No.MH/LRG : 1382/4447/EM-g, dated 2nd January, 1984, (M.G.G..Pt. IV-C, p. 38).

2A. Schemes for disposal of vacant lands or plots :-

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(1) There may be schemes for disposal of vacant lands or plots intended to be used for residential purposes

(i) for different categories of persons, namely low income group, middle income group, high income group, that is persons having an

income specified in such scheme or for economically weaker sections of the community, industrial workers or for any combination thereof ; or

(ii) for housing societies consisting of members belonging to an income group as specified in sub-clause (i) above or to other categories of persons or communities specified therein or to any combination thereof or for any other housing societies ; or

(iii) for government, local authority, public sector undertakings, public charitable trusts or societies registered under the Societies Registration Act, 1860 (XXI of 1860).

(2) There may also be any other scheme which may be made under the Act as the Chief Officer or, as the case may be, the Authority, may notify by notice affixed on its Notice Board and also by advertisement in such local newspapers as may be determined by him or it.

1. Inserted by Authorities Notification No.MH/LRG : 1382/4447/EM-g, dated 2nd January, 1984, (M.G.G..Pt. IV-C, p. 38).

2B. Reservation of vacant lands or plots :-

Subject to the provisions of these Regulations there shall be reserved by the Chief Officer in every scheme of disposal of vacant lands or plots intended to be used for residential purposes vacant lands or plots for categories of persons as specified in Rule 13 of the rules in the percentages shown against them in the said rule.]

3. Manner of disposal of land for residential purpose :-

The ¹ [Chief Executive Officer] may, subject to the directions given by the Authority, dispose of any vacant land or plot intended to be used for residential purposes in an approved layout, by

(i) inviting tenders by public advertisement ; or

(ii) suitable offers, through public advertisement, wherever necessary, to or accepting offers from the Government, local authority or public sector undertakings, charitable trusts or societies registered under Societies Registration Act, 1860 (XXI of 1860) ; or

(iii) inviting applications by public advertisement on the basis of predetermined premium or other considerations or both and accepting any of these applications by drawing lots and, in the case of inadequate applications on first come first served basis, as the

Authority may determine from time to time ; or

(iv) the direction of the Chief Officer in respect of making or accepting offers from such industrial units recommended by an Ad-Hoc Committee consisting of representatives of the Authority, Maharashtra State Industrial and Investment Corporation, Maharashtra State Financial Corporation and the concerned regional Development Corporation, for construction of residential quarters for such industrial unit staff.

1. Substituted by Authorities Notification No.MH/LRG : 1382/4447/EM-g, dated 2nd January, 1984, (M.G.G., Pt. IV-C, p. 38).

4. Classification of persons in Income Groups :-

(a) The Authority shall from time to time fix levels of income on the basis of which a person can be classified in one of the following groups :

(i) Economically Weaker Group,

(ii) Low Income Group,

(iii) Middle Income Group,

(iv) High Income Group.

(b) The Authority shall determine from time to time the rates of premium and rent for the above mentioned groups (i), (ii) and (iii) and the land proposed for residential use shall be disposed of under clause (iii) of regulation 3 to the persons belonging to the first three groups only.

5. Manner of disposal of land for non-residential purpose :-

The Authority may dispose of any vacant land or plot, which is proposed to be used for a purpose other than residential in an approved layout, in any of the manners indicated in regulation 3 or by making offers to or accepting offers from a public charitable trust, or a society registered under the Societies Registration Act, 1860 (XXI of 1860).

6. Disposal of land inviting tenders by public advertisement or on an application by Government, local authority or public sector undertakings :-

Where the Authority determines that vacant lands shall be disposed of by inviting public tenders or by accepting offers from

Government, local authority, public sector undertaking, public charitable trust or society registered under the Societies Registration Act, 1860 (XXI of 1860) there shall be presented a tender or an offer in Form 'A'.

7. Disposal of land by offers to Government, local authority or public sector undertakings :-

Where the Authority determines to dispose of land by making offers, to the Government, local authority, public sector undertaking, public charitable trust or society registered under the Societies Registration Act, 1860 (XXI of 1860) such offers shall be made by the Chief Executive Officer in such form as may be determined by the Authority incorporating the terms and conditions of offers determined.

8. Disposal of land by inviting applications, public advertisement on the basis of predetermined premium and/or other considerations :-

Where the Authority determines to dispose of any land by inviting applications from the public on the basis of pre-determined premium and/or other considerations, there shall be presented an application in Form 'B'.

8A. Procedure for disposal of vacant land or plot under clause (iii) of regulation 3 :-

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(a) Where the Authority determines to dispose of any vacant lands or plots intended to be used for residential purposes by inviting applications by public advertisement on the basis of pre-determined premium or other considerations or both, the procedure prescribed in the succeeding clauses of this regulation shall be followed.

(b) The Chief Officer shall display a notice on the Board of his office inviting applications from individuals or housing societies or proposed housing societies consisting of members belonging to specified category or categories for allotment of vacant lands or plots for construction of residential houses.

(c) The notice shall specify such details of the vacant lands or plots, the class of persons or categories of societies which, may be eligible for allotment, the minimum or maximum number of plots that would be allotted to each housing society, the reservations for different categories of persons or societies, the preference, if any, to be given to any class of persons or societies in the matter of

allotment of vacant lands or plots, the manner of allotment, the amount of deposit or earnest money or both to be paid, the circumstances in which the amount of deposit or earnest money or any portion thereof may be retained by the Board towards administrative expenses and such other terms and conditions of allotment as may be decided by the Chief Officer.

(d) Subject to the other provisions of these Regulations, the provisions of Regulations 8 to 12 (both inclusive), 13 (except clause (1)] 14 to 19 (both inclusive), 22, 26 and 29 of the Maharashtra Housing and Area Development (Estate Management, Sale, Transfer and Exchange of Tenements) Regulations, 1981 relating to allotment of tenements and matters incidental thereto shall apply mutatis mutandis to the allotment of vacant lands or plots intended to be used for residential purposes and the matters incidental thereto and for that purpose references in the said Regulations to the display of notice under Regulation 7, Housing Schemes tenements or building or group of buildings and Form 1 shall be construed as references to the display of notice under clause (b) of Regulation 8 A of these Regulations, vacant lands and plots disposal schemes, vacant land or plots and Form B of these Regulations respectively.

1. Inserted by Authorities Notification No.MH/LRG : 1382/4447/EM-g, dated 2nd January, 1984, (M.G.G., Pt. IV-C, p. 38).

8B. Special provisions applicable to housing societies :-

Notwithstanding anything contained in clause (b) of Regulation 8-A ,

(1) an application for allotment of a vacant land or plot or a group of vacant lands or plots for housing societies may be made by the Chief Promoter of a proposed society formed by persons belonging to a category or categories specified in the notice displayed under clause (b) of Regulation 8-A.

(2) The Authorised Officer shall, on receipt of a direction by the Chief Officer to determine the eligibility of the applicant-societies, proceed to determine, with the approval of the sub-committee consisting of members of the Allotment Committee appointed by the Chief Officer for the purpose, the eligibility of all the members of the proposed society whose names have been included in the application in accordance with the requirements notified in that behalf.

(3) Applicant-societies, all of whose members are held to be eligible under clause (2), shall alone be considered for the drawal of lots and for allotment of plots :

Provided that the Chief Promoter of any such proposed society whose one or more members is or are held to be ineligible shall be given one opportunity to substitute a new member or members, as the case may be, who fulfils or fulfil the requirements notified in that behalf, in place of such ineligible member or members. The name or names of such substituted member or members shall be communicated by the Chief Promoter to the Authorised Officer within 30 days from the date of intimation of the decision regarding the ineligibility of the initial member or members by the Authorised Officer.

(4) The plots shall be drawn in the names of the applicant-societies and not in the names of their individual members and the successful society shall be allotted such number of plots as have been notified to be allotted for each society. The distribution of plots to individual members shall be the responsibility of that co-operative society.

(5) The housing society shall be responsible to see that the members thereof duly comply with the provisions of these Regulations and the terms and conditions of allotment as contained in the allotment order, agreement to lease or the lease to be executed by the society. Any failure on the part of any of the members of the society to comply with any such provisions or the terms and conditions shall be deemed to be a breach by the society itself.

(6) Applicant-society which comes out successful in the drawal of plots shall be issued a certificate by the Board to the effect that the vacant land or lands or the plot or plots shall be allotted to the society on its registration as a housing society under the Maharashtra Co-operative Societies Act, 1950 (Mah.XXIV of 1961). The Chief Promoter of the proposed housing society shall get the society registered under the said Act within a period of two months from the date of issue of such a certificate. The time limit prescribed for registration may, for sufficient reasons be extended by the Board. If the society fails to get itself registered within the period or extended period the allotment made in favour thereof shall be cancelled and the plot or plots may be allotted to another housing society on the waiting list in the order of its rank in the

register maintained in that behalf.

(7) On the registration of the housing society the Board shall formally allot the vacant land or lands or plot or plots to such society and arrange to execute the agreement to lease as required under these regulations.

8C. Allottees to form co-operative societies for common service :-

Unless otherwise specifically decided by the Authority, the individual allottees shall form a co-operative society for management of common services such as water supply, common roads, drainage, chowkidars, sweepers and the like provided for the vacant lands or the plots and the building constructed thereon within the period prescribed by the Board in that behalf.

8D. Allotment of vacant lands or plots by the Authority :-

Notwithstanding anything contained in the other provisions of these Regulations, the authority may in its discretion allot any vacant land or lands or plot or plots to individuals or housing societies in case such vacant lands or plots are required to be so offered under any slum clearance scheme or for any project undertaken in public interest.]

9. Payment of premium :-

(a) A person, whose tender or offer for grant of a lease on payment of premium is accepted, shall pay half of such premium within fifteen days of the acceptance of his offer and the balance within one month thereafter. The Chief Executive Officer, may, in his absolute discretion, grant extension of time for payment of the balance premium upto a maximum of six months of the date of acceptance on payment of interest for the extended period at the rate of 12 per cent. per annum or at such other higher rate as may be determined by the Authority from time to time.

(b) Whenever a lease shall be granted in consideration of premium, the ground rent shall be payable annually in advance without any deductions whatsoever, on or before the 10th day of January in each and every year, at the rates to be determined by the Authority from time to time.

10. Execution of Agreement of Lease and delivery of possession of land :-

After payment of the whole amount of premium, within fifteen days

thereof there shall be executed an Agreement to lease in Form 'C'. The possession of the land shall not be delivered before the execution of such agreement of lease, but in no case after eight days from the date of such execution.

11. Execution of Lease :-

Subject to the terms and conditions of the Agreement to lease, there shall be executed a Lease in Form 'D'.

12. Delegation of powers :-

It shall be lawful for the Authority to delegate any of its powers, functions and duties to the Chief Executive Officer.

13. Manner of public advertisement :-

here, under any of these Regulations, anything is required to be done by public advertisement, it shall be done by publication of the advertisement in not less than two newspapers, one in English and the other in Marathi Language having large circulation in that Region.

14. Modification of Forms :-

The Authority may from time to time modify, for general application or for application in a specific case, any form annexed hereto to carry out all or any of the purposes of these Regulations.

15. Terms of lease :-

Notwithstanding anything contained herein to the contrary but subject to any law for the time being in force, it shall be lawful for the Authority to dispose of any land by lease for a term not exceeding ninety years in favour of the Government, a local authority, a public sector undertaking, a public trust, or a society registered under the Societies Regulation Act, 1860 (XXI of 1860).

16. Disposal of certain plots linder directive from Government :-

Not with standing anything contained in these Regulations, the plots reserved for amenities or for purely commercial purposes in any layout prepared by the Authority in a land situate in any of the nine Urban Agglomerations, namely, Greater Bombay, Thane, Ulhasnagar, Pune, Kolhapur, Sangli-Miraj, Solapur, Nashik and Nagpur shall be disposed of in accordance with the directions of the State Government. Similarly, the disposal of not more than two per cent. of the plots reserved for residential use, and to be allotted to individuals, located in such layouts as aforesaid shall also be done in accordance with the directions of the State Government.

