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## **MAHARASHTRA KHAR LAND DEVELOPMENT RULES, 1981**

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## **MAHARASHTRA KHAR LAND DEVELOPMENT RULES, 1981**

In exercise of the powers conferred by subsections (1) and (2) of Section 32 of the Maharashtra Khar Lands Development Act, 1979 (Man. XI of 1979) and of all other powers enabling, it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said Section 32. namely

### **1. Short title :-**

These rules may be called the Maharashtra Khar Lands Development Rules, 1981.

### **2. Definitions :-**

- (1) In these rules, unless there is anything repugnant in the

subject or context,

(a) "Act" means the Maharashtra Khar Lands Development Act, 1979 (Mah. XI of 1979)

(b) "Form" means a form appended to these rules:

(c) "Section" means a section of the Act.

(2) Words and expressions used in these rules but not defined therein shall have the meanings assigned to them in the Act

### **3. Other objects for which scheme may be prepared :-**

In addition to the preparation of schemes for construction, maintenance and preservation of embankments, the State Government may prepare schemes for the following objects also, that is to say

(a) determining a purpose for which the reclaimed lands could most profitably be used.

(b) controlling and maintaining tree growth including marsh-bushes to prevent erosion of embankments.

(c) assigning suitable areas from which material required for construction and repairs for embankments may be derived.

### **4. Other particulars which scheme may contain :-**

In addition to the particulars specified in clauses (a) to (g) of sub-section (2) of Section 6, a scheme prepared under the Act may also contain the following particulars, namely :-

(a) the purpose for which the reclaimed land could profitably be used:

(b) the approximate value of land before and after its reclamation;

(c) the estimated yield of the land before and after its reclamation.

### **5. Manner of publication of draft scheme for inviting objections :-**

Every scheme prepared under Section 6, or variation of the scheme in any material particulars under clause (b) of Section 10, shall be published in Marathi by posting a copy thereof in the village Chavdi (if there be any), or on the notice board of village Panchayat in the village and if there be no village Panchayat in some prominent place in such village, and on the notice board of the Office of the Tahsildar at the headquarters of the taluka, in which the lands

proposed to be included in the scheme are situated, requiring all persons affected or likely to be affected by the scheme who wish to make any objections to the scheme or part thereof to submit objections in writing to or appearing before the Khar Lands Development Officer, as may be specified in the scheme, within one month from the date of publication of the scheme in the village in which the lands are situated. The fact that the draft scheme has been so published shall be announced in the village by beat of drum.

**6. Submission of report by the specified Khar Lands Development Officer :-**

A specified Khar Lands Development Officer mentioned in column 1 of the Table below shall submit the report of enquiry under subsection (2) of Section 7 together with the objections received to the Chief Controlling Authority through the Superior Khar Lands Development Officer or Officers mentioned against him in Column 2 thereof: - Specified Khar Lands Superior Khar Lands Development Development Officer Junior Engineer/ Sectional

**7. Publication of scheme sanctioned under sub-suction (4) of Section 7 :-**

The scheme sanctioned by the State Government under subsection (4) of Section 7 shall be published in Marathi for the information of all persons affected by the scheme by posting a copy thereof in the village Chavdi (if there be any), or on the notice board of village Panchayat in the village and if there be no village Panchayat in some prominent place in such village, and on the notice board of the Office of the Tahsildar at the headquarters of the taluka, in which the lands included in the scheme are situated. The fact that the draft scheme has been so published shall be announced in the village by beat of drum.

**8. Publication of order sanctioning variation in scheme or revocation of scheme :-**

Every order of the State Government sanctioning variation in the scheme issued under clause (a) of Section 10, or revoking the scheme under Section 11 shall be published in Marathi for the information of all persons affected by the scheme by posting a copy thereof in the village Chavdi (if there be any), or on the notice board of village Panchayat in the village and if there be no village Panchayat in some prominent place in such village, and on the notice board of the Office of the Tahsildar at the headquarters of

the taluka, in which the lands included in the scheme are situated. The fact that the draft scheme has been so published shall be announced in the village by beat of drum.

**9. Entry of lands included in scheme in village Record :-**

Where in a village there are no record-of-rights, an entry to the effect that the lands are included in the Khar Lands scheme shall be made in the register in Form I by the Talathi in the village. Entries of lands included in each scheme in a village shall be made separately in the register.

**10. Disposal of lands forfeited under Section 13 :-**

Where any lease of land has been determined by the forfeiture of Government under the provisions of Section 13, such land shall be disposed of in accordance with the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and the rules made thereunder.

**11. Notice under Section 16 :-**

The notice to be given to the owner or occupier or holder or other person having interest in any land under Section 16 shall be in Form II.

**12. Matters connected with acquisition of land, right or interest under Section 17 :-**

For the purpose of the endorsement of the provisions of the Land Acquisition Act, 1894, in its application to the State of Maharashtra (hereinafter referred to as "the said Act") for the acquisition of any land under Section 17, the following procedure shall be observed :

(a) After the land proposed to be acquired has been marked out, measured and planned under Section 8 of the said Act, the Collector shall send to the Chief Controlling Authority, a statement showing the approximate cost of the acquisition of the land.

(b) On receipt of the statement under clause (a), the Chief Controlling Authority shall deposit with the Collector the amount of the cost shown in the statement.

(c) After an award made by the Collector has become final under Section 12 of the said Act, the Collector shall send a copy thereof to the Chief Controlling Authority and unless a reference is made to a Court under Section 18 of the said Act, the Collector shall take possession of the land (if not already taken under Section 17 of the said Act), and inform the Chief Controlling Authority of it and of the

actual amount of the cost of the acquisition of and of the amount, if any, remaining surplus out of the amount deposited with him under clause (b). The Chief Controlling Authority shall then arrange to take back the surplus amount, if any, and to take possession of the land. Where possession of land is taken by the Collector under Section 17 of the said Act before an award is made under Section 11 of the said Act, the Collector shall give immediate intimation of it to the Chief Controlling Authority, in order to enable the Chief Controlling Authority, to take immediate possession of the land from the Collector.

(d) If a reference is made to a Court under Section 18 of the said Act, the Collector shall; inform the Chief Controlling Authority of it and deposit the amount deposited with him under clause (b) in the Court. When the matter is finally decided by the Court, the Collector shall intimate to the Chief Controlling Authority the decision of the Court as also the additional amount, if any, that the Chief Controlling Authority has to pay in view of the Court's decision. The Chief Controlling Authority shall then pay the additional amount, if any, to the .Collector or the Court, as may be required.

### **13. Notice of demand for payment of cess due :-**

(1) The notice of demand for payment of cess due to be served on a person liable to pay the cess under Section 24 shall be in Form III.

(2) The Khar Lands Development Officer shall endorse a copy of such notice of demand to the Talathi of the village in which the land in respect of which the cess is due is situated.

(3) It shall be the duty of the Khar Lands Development Officer to watch the collection of cess made by the Talathi and to maintain the register in Form IV in respect of the cess levied and collected (including the penalty imposed and collected).

(4) If the cess in respect of which demand notice is issued and served remains unpaid after the period specified in the notice , the Khar Lands Development Officer shall make a reference in respect thereof to the Authority referred to in Rule 14 for imposing the penalty.

(5) After the Authority disposes of the reference and penalty, if any. is levied by the Authority, the Khar Lands Development Officer

shall take necessary steps to recover the cess due together with the penalty so levied as arrear of land revenue in accordance with the provisions of Rule 17 of the Maharashtra Realisation of Land Revenue Rules, 1967.

**14. Authority uho may impose penalty under Section 24 :-**

The Collector of the district, acting under Section 174 of the Maharashtra Land Revenue Code, 1966 shall be the authority for the purpose of imposing a penalty under Section 24.

**15. Proclamation of order of Khar Lands Development Officer under Section 26 :-**

Every written order made by the Khar Lands Development Officer under clause (b) of sub-section (1) of Section 26 shall be proclaimed by him for the information of every able bodied male person who holds or possesses land or resides in the vicinity of the locality where repairs, clearance or salvage work has to be executed to prevent serious injury to any embankment and every other person whose name is included in the list prepared under sub-section (4) of Section 26, by publishing it in the village Chavdi (if there be any), or on the notice board of village Panchayat in the village and if there be no village Panchayat in some prominent place in such village. The fact that the draft scheme has been so published shall be announced in the village by beat of drum.

**16. Preparation to list of persons under sub-section (4) of Section 26 :-**

(1) Any person to be included in the list (except on account of his profession, calling or employment) prepared under sub-section (4) of Section 26 shall

(a) be a permanent resident of the village in which the lands included in the scheme are situated.

(b) not be a casual resident or visitor in such village.

(c) not be one who has been suffering from a chronic disease and is a patient confined to bed.

(d) not be less than eighteen years or more sixty years of age.

(2) Before entering the name of the person in such list on account of his profession, calling or employment, the Khar Lands Development Officer shall call upon such person by notice in Form V served on him either in person or by registered post to submit his

objection, within the period specified in the notice why his name should not be so included. The Khar Lands Development Officer shall consider the objection, if any, lodged by such person and after recording his reasons may accept or reject the objection. Thereafter, if the Khar Lands Development Officer includes the name of such person in the list that person shall be informed about such inclusion of the name.

**17. Licence for fishing or exercising the right of fishery :-**

(1) A person desiring to obtain a licence under Section 27 shall apply to the Khar Lands Development Officer.

(2) The licence shall be granted in Form IV on payment of a fee of Rs. 5 and subject to all or any of the following conditions in addition to those which may be specified in the licence having regard to the circumstances of a particular case ,

(a) The licensee shall not fish within 15 metres on either side of the embankment in the tidal or Khar Land, as the case may be, except in drainage channels.

(b) The licensee shall not cause damage to, or in any way interfere with, any of the said embankments.

(c) The licensee shall not fish or exercise his right of fishery in any water on the tidal or Khar Land to which the licence relates for such period or on such days as may be required by the Khar Lands Development Officer.

(d) The licensee shall not object to draining off such water as and when necessary for the purpose of any scheme.

(e) If the licensee, while fishing or exercising the right of fishery in any water on the tidal or Khar land to which the licence relates, causes any damage to any scheme, the licensee shall be liable to pay the cost of the repairs and restoration due to damage caused by him to the scheme. If the licensee fails to pay, it shall be recoverable as an arrear of land revenue.

(f) The licence shall be liable to be cancelled at any time, if the holder thereof commits breach of any of its conditions or in the opinion of the Khar Lands Development Officer, it should be cancelled or any other cause.