

MAHARASHTRA LAND REVENUE (RESTRICTIONS OF USE OF LAND) RULES, 1968

CONTENTS

1. Short title
2. Classes of unarable land for cultivation, regulation and prohibition of such land for cultivation
3. Restriction on use of land for salt manufacture
4. Excavation of agricultural land prohibited
5. Excavations of building site not allowed without permission
6. Excavation in goathans require permission
7. Penalty for breach of rules
8. Repeal

MAHARASHTRA LAND REVENUE (RESTRICTIONS OF USE OF LAND) RULES, 1968

In exercise of the powers conferred by clause (XV) of sub-section (2) of Section 328 read with Section 43 and sub-section (2) of Section 329 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and in supersession of all previous rules made in this behalf and continued in force by virtue of the third proviso to Section 336 of the said Code, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (1), of Section 329 of the said Code, namely

1. Short title :-

These Rules may be called the Maharashtra Land Revenue (Restrictions on Use of Land) Rules, 1968.

2. Classes of unarable land for cultivation, regulation and prohibition of such land for cultivation :-

(1) Land included unarable (pot kharab) in a survey number for purposes of agriculture only is of two kinds -

(a) that which is classed as unfit for agriculture at the time of survey including the form of buildings or threshing floors of the holder;

(b) that which is not assessed because it is reserved or assigned for

public purposes or because it is occupied by a road or recognised footpath, or by a tank or stream used by persons other than the holder for irrigation or for drinking or domestic purposes, or used for a burial or burning ground by any community or by the public, or because it is assigned for village potteries.

(2) Land falling in class (a) may be brought under cultivation at any time by the holder, and no additional assessment shall be charged therefore.

(3) The cultivation of land falling in clause (b) is hereby prohibited under Section 43:

Provided that, this prohibition shall not apply in the case of land occupied by a tank or stream, when such tank or stream is used for irrigation only, and waters only land which is in the sole occupation of the holder, or when the privilege of cultivating the dry bed of the tank or stream has been specially conceded to the holder.

3. Restriction on use of land for salt manufacture :-

(1) No occupant of unalienated land, whether assessed for any purposes or not shall use the same or any part thereof for the manufacture of salt without the previous permission in writing of the Collector of the district.

(2) Subject to the provisions of any law relating to manufacture or collection or extraction of salt for the time being in force, the Collector may, in consultation with the Salt Commissioner, Bombay, grant permission for the use of such land for such purpose subject to the payment of non-agriculture assessment leviable on the land, and to such further conditions as the Collector may, subject to the general or special orders of the State Government, impose.

Explanation For purposes of the rule, "Salt Commissioner" means the Salt Commissioner who is empowered to exercise the powers of the Collector in relation to salt under the Central Excise Rules, 1944, made under the Central Excise and Salt Act, 1944.

4. Excavation of agricultural land prohibited :-

Save as provided in Sections 41 and 42 and Rule 3, no occupant of land assessed or held for purposes of agriculture only, and no person claiming under or acting by authority of any such occupant shall excavate or remove earth, stone (other than loose surface stones), kankar, muram or any other material of the soil thereof, or

make any other use of land (a) so as, in the opinion of the Collector, thereby to destroy materially injure the land for cultivation, or (b) for purposes of trade, or profit, or any other purpose except his own domestic or agricultural purposes.

5. Excavations of building site not allowed without permission :-

No holder of land assess or held as a building site, or leasehold of a building site in a hill station, and person claiming under any such holder or lease holder shall subject to any special provision in the conditions annexed to his holding under Sections 31 to 47 or otherwise or prescribed by his lease excavate or remove for any purpose whatever earth stone (other than loose surface stones), kankar, muram or any other material of the soil thereof except with the previous permission in writing of the Collector, and in accordance with such terms (including the payment of fees for any such excavation or removal) as the Collector in each case thinks fit to prescribe, regard being to the provisions of rules made under Mines and minerals (Regulation and Development) Act, 1957, for the time being in force in any part of the State.

6. Excavation in goathans require permission :-

(1) No unalienated land within the site of any village, town or city shall be excavated without the previous written permission of the Collector for any purpose except for the laying of foundations for building, the sinking of well and the making of grain-pits.

(2) Where permission is granted by the Collector to excavate any such lands as aforesaid for any purpose other than those mentioned above, such excavations shall not be otherwise than in accordance with such terms (including the payment of fees for any such excavation) as the Collector in each case thinks fit to prescribe, regard being had to the provisions of any rules made under Mines and Minerals (Regulations and Development) Act, 1957, for the time being in force in any part of the State.

7. Penalty for breach of rules :-

Any person committing a breach of any of the provisions or these rules shall, addition to any other consequences that would ensure from such breach be punishable with such fine not exceeding one thousand rupees as the Collector may after giving such person an opportunity to be heard, deem fit to impose.

8. Repeal :-

Rules 75, 76, 77, 78, and 79 of the Bombay Land Revenue Rules (1921) and any rules corresponding thereto made under any law relating to land revenue and in force in any part of the State shall be repealed, except as respects anything done or omitted to be done thereunder.