

## **Maharashtra Land Revenue Code (Second Amendment) Act, 2014**

**37 OF 2014**

**[22 December 2014]**

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## **Maharashtra Land Revenue Code (Second Amendment) Act, 2014**

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An Act 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, 2014, on the 22nd August 2014 ;

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

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

(1) This Act may be called the Maharashtra Land Revenue Code (Second Amendment) Act, 2014.

(2) It shall be deemed to have come into force on the 22nd August

2014.

## **2. Amendment of section 2 of Mah. XLI of 1966. :-**

In section 2 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as " the said Code "), after clause (7), the following clause shall be inserted, namely:-

"(7-A) " Data Bank " is a bank repository of information maintained at the concerned Collector office, conclusively certified by the District Head of the concerned Department and updated by him from time to time, which shall be used by the Collector for ascertaining the objection, if any, of the concerned Department, while granting permission for use of land for non-agricultural purposes under the Code ;".

## **3. Insertion of section 42A in Man. XLI of 1966. :-**

After section 42 of the said Code, the following section shall be inserted, namely:-

"42A. No permission required for change of use of land situate in area covered by Development plan.

(1) Notwithstanding anything contained in section 42,-

(a) no prior permission of the Collector shall be necessary for conversion of use of any land held as an Occupants-Class I for any purpose as defined in the sanctioned Development plan or draft Development plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 ; however, the Planning Authority shall ascertain from the concerned revenue authority the Class of land, its occupancy and encumbrances, if any, thereupon, and after ascertaining the same, it shall grant the development permission as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 ;

(b) for conversion of use of any land held as an Occupants-Class II or land leased by the Government, for any purpose as defined in the sanctioned Development plan or draft Development plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966, the occupant shall apply to the Planning Authority for permission to change the use of land, and the Planning Authority shall direct the said occupant to obtain no objection certificate of the Collector for such change ; the Collector shall examine the documents by which the land is granted and the relevant laws by which the concerned land is governed and, if permissible to grant no objection certificate, require the

applicant to pay the Nazarana and the Government dues for that purpose ; and on payment of the same, the Collector shall issue no objection certificate for change of use of such land; on receipt of such certificate, the concerned Planning Authority shall issue development permission as per the provisions of the Maharashtra Regional and Town Planning Act, 1966.

(2) The person to whom permission is granted under clause (b) of sub-section (1) or the person who converts the use of land in view of clause {a) of sub-section (1) shall inform in writing to the village officer and the Tahsildar within thirty days from the date on which the change of use of land commenced.

(3) If the person fails to inform the village officer and the Tahsildar within the period specified in sub-section (2), he shall be liable to pay in addition to the non-agricultural assessment, a fine of rupees twenty-five thousand or forty times of the non-agricultural assessment, whichever is higher.

(4) (a) On receipt of the information in writing from the person, who obtained the development permission, and on payment of conversion tax at the rate mentioned in section 47A and the non-agricultural assessment therefor, it shall be incumbent upon the concerned revenue authority to grant him sanad in the form prescribed under the rules within a period of thirty days from payment thereof. In case of delay in issuing such sanad, the concerned authority shall record his reasons for the same.

Where there is any clerical or arithmetical error in the sanad arising from any accidental slip or omission, it shall be lawful for the concerned authority either of his own motion or on the application of a person affected by the error, to direct at any time the correction of any such error.

(b) While granting no objection certificate for the use of land under clause (b) of sub-section (1) or permission under the Code, the Collector shall grant the no objection certificate or permission relying upon the Data Bank prepared and certified by the concerned authorities at the District level.

(c) It shall be the responsibility of the District Head of the concerned Department to update the Data Bank, from time to time."

#### **4. Power to remove difficulty. :-**

(1) If any difficulty arises in giving effect to the provisions of the Maharashtra Land Revenue Code, 1966, as amended by this Act,

the State Government may, as occasion arises, by order published in the Official Gazette, do anything not inconsistent with the provisions of the Maharashtra Land Revenue Code, 1966 as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

**5. Repeal of Mah. Ord. XVII of 2014 and saving. (I) The Maharashtra Land Revenue Code (Amendment) Ordinance, 2014, is hereby repealed. :-**

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