

## **Maharashtra Land Revenue Code (Second Amendment) Act, 2015**

**27 of 2015**

### CONTENTS

1. Short title and commencement
2. Amendment of section 48 of Mah. XLI of 1966
3. Amendment of section 328 of Mah. XLI of 1966
4. Repeal of Mah. Ord. XII of 2015 and saving

## **Maharashtra Land Revenue Code (Second Amendment) Act, 2015**

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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, 2015 on the 12th June 2015;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-sixth 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, 2015.
- (2) It shall be deemed to have come into force on the 12th June 2015.

### **2. Amendment of section 48 of Mah. XLI of 1966 :-**

In section 48 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as " the Revenue Code "),-

- (i) in sub-section (7),-

(a) for the words " on the order in writing of the Collector, to pay penalty not exceeding a sum determined, at three times ", the words "on the order in writing of the Collector or any revenue officer not below the rank of Tahsildar authorised by the Collector in this behalf, to pay penalty of an amount equal to five times" shall be substituted ;

(b) the proviso shall be deleted ;

(ii) for sub-section (8), the following sub-section shall be substituted, namely :-

" (8)(1) Without prejudice to the provision of subsection (7), the Collector or any revenue officer not below the rank of Tahsildar authorised by the Collector in this behalf, may seize and confiscate any mineral extracted, removed, collected, replaced, picked up or disposed of from any mine, quarry or other place referred to in sub-section (7), the right to which vests in, and has not been assigned by the State Government, and may also seize and confiscate any machinery and equipment used for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals and any means of transport deployed to transport the same.

(2) Such machinery or equipment or means of transport, used for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals or transportation thereof, which is seized under sub-section (1), shall be produced before the Collector or such other officer not below the rank of Deputy Collector authorised by the Collector in this behalf, within a period of forty-eight hours of such seizure, who may release such seized machinery, equipment or means of transport on payment by the owner thereof of such penalty as may be prescribed and also on furnishing personal bond of an amount not exceeding the market value of the seized machinery, equipment or means of transport, stating therein that such seized machinery, equipment or means of transport shall not be used in future for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same."

### **3. Amendment of section 328 of Mah. XLI of 1966 :-**

In section 328 of the Revenue Code, in sub-section (2), for clause (xix), the following shall be substituted, namely :-

"(xix) under sub-section (8) of section 48, the rules prescribing the penalty to be paid by the owner for release of the machinery,

equipment or means of transport used for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals; and under sub-section (9) of the said section 48, the rules to regulate the extraction and removal of minor minerals ; ".

**4. Repeal of Mah. Ord. XII of 2015 and saving :-**

(1) The Maharashtra Land Revenue Code (Amendment) Ordinance, 2015, is hereby repealed.

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