

**MAHARASHTRA VACANT LANDS (PROHIBITION OF  
UNAUTHORISED OCCUPATION AND SUMMARY EVICTION)  
ACT, 1975**

**66 of 1975**

**[24th December, 1975]**

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**SCHEDULE 1 :- SCHEDULE**

**MAHARASHTRA VACANT LANDS (PROHIBITION OF  
UNAUTHORISED OCCUPATION AND SUMMARY EVICTION)  
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An Act to prohibit unauthorised occupation of vacant lands in the urban areas in the State to provide for summary eviction of persons from such lands and for matters connected therewith. AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS, the number of unauthorised occupation on vacant lands in the urban areas in the State was rapidly increasing and was causing grave danger to the public health and sanitation and peaceful life of the inhabitants of such areas; AND WHEREAS, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to prohibit unauthorised occupation of vacant lands in the urban areas in the State to provide for summary eviction of persons from such lands and for matters connected therewith and therefore promulgated the Maharashtra Vacant Lands (Prohibition of Unauthorised Occupation and Summary Eviction) Ordinance, 1975 on the 11th day of November 1975; (Mah.Ord. XVIII of 1975) AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature; It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows

**1. Short title, extent and commencement :-**

(1) This Act may be called as the MAHARASHTRA VACANT LANDS (PROHIBITION OF UNAUTHORISED OCCUPATION AND SUMMARY EVICTION) ACT, 1975

(2) It extends to the whole of the State of Maharashtra.

(3) This Act shall in the first instance, be deemed to have come into force in the Bombay Metropolitan Region on the 11th November 1975. The State Government may, by notification in the Official Gazette, bring this Act into force in such other urban area or areas in the State, on such date or dates as may be specified in the notification.

**2. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) "appointed date" in relation to any urban area, means the date on which this Act comes into force in that area;

(b) "Bombay Metropolitan Region" or "Metropolitan Region" as the meaning assigned to it in the Bombay Metropolitan Region Development Authority Act, 1974 ; (Mah.IV of 1975)

(c) "Competent Authority" means such officer, not below the rank of a Deputy Collector or an Executive Engineer, a Municipal Ward Officer or Chief Officer as the State Government may, by notification in the Official Gazette, appoint, for the purposes of this

Act; and different officers may be appointed for different areas of the State;

(d) "corporation area" means the Metropolitan Region and an area within the limits of a Municipal Corporation (other than Greater Bombay) constituted under any law for the time being in force in the State;

(e) "urban area" means any corporation area or the area for the time being included within the limits of any Municipal Council constituted or deemed to be constituted under any law for the time being in force, and includes such area as the State Government may, by notification in the Official Gazette, specify;

<sup>1</sup> [(f) "vacant land" in relation to any urban area, means-

(a) all lands in such area, whether agricultural or non-agricultural, which are vacant and are not built upon on the appointed date;

(b) all lands in such area on which any structure has been or is being constructed otherwise than in accordance with the law regulating the construction of such structure and which the Competent Authority may, from time to time, by an order, in writing, specify and declare to be vacant lands by announcing by beat of drum or other suitable means on or in the vicinity of such lands, and the declaration so made shall be deemed to be notice to all those who are occupying such lands that all such lands shall be vacant lands for the purposes of this Act; and includes, in particular, all lands specified in the Schedule to this Act. The State Government may, from time to time, by an order, published in the Official Gazette, amend the Schedule by adding thereto any land or lands specified in that order or by modifying or transferring any entry in the Schedule.]

1. Clause (f) was deemed always to have been substituted by Mah. 37 of 1976, s.2.

### **3. Prohibition against unauthorised occupation of vacant lands :-**

(1) No person shall, on or after the appointed date, occupy any vacant land or continue in occupation of any vacant land in any urban area or erect shelter or enclosure or other structure on such land for the purposes of residence or otherwise without the express permission in writing of the Municipal Commissioner in a corporation area, or the Chief Officer of the area and elsewhere, of

the Collector or except in accordance with any law for the time being in force in such urban area.

(2) No person shall on or after the appointed date abet any person in occupying or continue to occupy such land in any urban area, or in erection shelter or enclosure or other structure on such land for the purposes of residence or otherwise in contravention of the provisions of sub-section (1), or shall receive or collect from the occupier of such vacant land any amount whether by way of rent, compensation or otherwise or shall in any manner whatsoever operate in relation to the unauthorised occupation of such vacant lands;

<sup>1</sup> [Provided that, the State Government or any Officer or authority specified by it in this behalf, shall have a right to receive or collect from the occupier of such vacant land such reasonable amount by way of penal charges as may be determined by general or special order, by the State Government, till such time as the structure erected in contravention of the provisions of sub-section (1), is removed from the land. Payment of any such amount shall not create or confer on the unauthorised occupant

1. This proviso was added by Mah. 37 of 1976, s.3.

#### **4. Power of competent authority to evict persons from unauthorised occupation of vacant lands :-**

(1) Notwithstanding anything contained in any law for the time being in force, if the Competent Authority either on application or suo motu has reason to believe that any person occupying any vacant land in an urban area in contravention of the provisions of section 3 , it may by order require such person to vacate the land forthwith or by certain time intimated to such person, and to remove all property therefrom, and if such person fails to comply with the order to vacate the land and to remove all property therefrom, he may be summarily evicted from such land by the Competent Authority, and any property which may be found thereon may be ordered by the Competent Authority <sup>1</sup>[to be fortified to such authority as the State Government may by general or special order specify and be removed from the vacant land.] for the purposes of eviction and removal of any such property, the Competent Authority may take, or cause to be taken such steps and use, or cause to be used, such force, and make take such assistance of the police officers as the circumstances of the case

may require.

Explanation - For the avoidance of doubt, it is hereby declared that the power to take steps under this sub-section includes the power to enter upon any land or other property whatsoever.

(2) The order of eviction of any person from any vacant land <sup>2</sup> [or forfeiture of any property thereon or removal of any property therefrom] under sub-section (1) shall be final and conclusive, and shall not be called in question in any Court.

(3) A person who is found to be on any vacant land belonging to, or vesting in, another person shall, unless the contrary is proved by him to the satisfaction of the Competent Authority, be deemed to be in occupation of such vacant land in contravention of the provisions of section 3 .

1. These words were substituted by Mah. 37 of 1976, s.4(a).

2. These words were substituted by Mah. 37 of 1976, s.4(b).

**4A. Permission for renovation of structures on vacant lands as a temporary measure in certain circumstances :-**

**1**

(1) Notwithstanding anything contained in section 3 and section 4 , where any occupier of a structure on a vacant land, in respect of which penal charges are collected from him under section 3 , or any occupier is by an order made under sub-section (1) of section 4 required to vacate any vacant land and to remove all property (including any structure) therefrom, desires to renovate the structure at his risk and expense as a temporary measure, he may seek the previous permission of the Controller of Slums to do so. On receipt of any application for such permission, of the Controller of Slums is, after inquiry as he deems fit to make, satisfied that the structure is not fit for human habitation and the proposed renovation is necessary to make it so fit temporarily, he may, subject to such conditions as he may impose, grant the required permission.

(2) Where any structure is renovated in accordance with the permission granted under sub section (1), the Competent Authority shall not evict the occupier of the structure so renovated, till such time as the Controller of Slums may specify.

Provided that, if in the opinion of the Controller of Slums, the occupier has at any time committed a breach of any of the

conditions subject to which the permission was granted, he may section 4 forthwith for his eviction and forfeiture and removal of his property.

1. Sections 4A, 48 and 4C were inserted by Mah. 7 of 1977, s.2.

**4B. Recovery of dues of financing institutions, which render assistance for renovation of structures :-**

(1) Where an occupier of any structure referred to in section 4A has availed of any financial assistance for renovation of structure from any financing institution recognised by the State Government in this behalf, the Controller of Slums may, at the request of the financing institution, collect on behalf of that institution the amount of loan advanced to the occupier of that institution in such installments and at such intervals and remit the amount so collected to the institution in such manner, as may be directed by the State Government.

(2) If any such occupier fails to pay any amount due to the financing institution on or before the due date, the Controller of Slums may send to the Collector, a certificate under his hand indicating therein the amount which is due to the financing institution. thereupon, the Collector or an officer authorised by him shall recover the amount due as an arrear of land revenue:

Provided that, no such certificate shall be sent to the Collector, unless the occupier has been served with a notice by the Controller of Slums calling upon him to pay the amount due by a specified date.

**4C. Powers of Controller of Slums under section 4A and sections 4B exercisable by authorised officer also :-**

For the purposes of section 4A and section 4B , "Controller of Slums" includes any officer subordinate to him, who is authorised by him in writing in that behalf.

**5. Penalty :-**

(1) Any person who contravenes the provisions of sub-section (1) of section 3 or who fails to comply with any order made by the Competent Authority under section 4 or obstructs the Competent Authority in the lawful exercise of any power conferred under this Act shall, on conviction be punished with imprisonment for a term which may extend to three years and with fine.

(2) Any person who contravenes the provisions of sub-section (2) of section 3 , shall, on conviction be punished with imprisonment for a term which may extend to three years and fine:

Provided that, in the absence of special and adequate reason to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than six months, and fine shall not be less than five hundred rupees.

**6. Power to try summarily :-**

All cases relating to the contravention of the provisions of this Act or any order or rule made thereunder shall be tried in a summary way.

**7. Offences to be non-bailable :-**

All offences under this Act shall be non-bailable.

**8. Bar of jurisdiction of Courts :-**

No Court shall have jurisdiction to entertain any suit prosecution or other proceedings in respect of the eviction of any person from any vacant land under this Act in respect of any order made or any action taken or to be taken by the Competent Authority in exercise of the powers conferred by or under this Act or to grant any stay or injunction in respect of such order or action. If any such suit or other proceedings in respect of the eviction of any person from any vacant land is pending on the appointed date, in any Court, it shall be abate; and it shall be lawful for the Competent Authority to evict such person from unauthorised occupation of the vacant land under the provisions of this Act and to remove and forfeit any property from such land as provided in this Act.

**9. Power of State Government [and controller of slums] to give directions to Competent Authority :-**

**1**

**2**(1) The State Government may, for the purpose of carrying out the provisions of this Act, give such directions to the Competent Authority or any officers and servants (including the members of the police) acting under its authority as the circumstances of the case may require; and it shall be the duty of the Competent Authority and such officers and servants to carry out the directions given by the State Government.

**3**(2) The State Government may, by notification in the Official Gazette, appoint a Controller of Slums for any urban area or areas,

and may, by order, direct that the powers conferred on it by sub-section (1) shall also be exercised, under its supervision and control, by the Controller of Slums for the purpose of co-ordinating as the case may be.] <sup>4</sup> [The Controller of Slums shall also exercise such other powers and perform such other duties within its jurisdiction as are conferred or imposed on him by or under the provisions of this Act.

1. These words were inserted by Mah. 37 of 1976, s.5{3}.
2. These brackets and figures were substituted by Mah. 37 of 1976, s.5( 1).
3. Sub-section (2) was added by Mah. 37 of 1976, s.5(2).
4. These words were added by Mah. 7 of 1977, s.3.

#### **10. Protection of action taken in good faith :-**

No suit, prosecution or other legal proceedings shall lie against the State Government or the Competent Authority or any officer or servant (including the members of the police) acting under the orders of such Authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

#### **11. Rules :-**

(1) The State Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules or orders for the purpose of carrying out the purposes of this Act. Such rules or orders may provide for levying fees or any other purposes of this Act and for refund of such fees.

(2) Every rule or order made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule or that order.

**12. Repeal of Mah. Ord. XVIII of 1915 and savings :-**

(1) The Maharashtra Vacant Lands (Prohibition of Unauthorised Occupation and Summary Eviction) Ordinance, 1975 is hereby repealed.(Mah.Ord.XVIII of 1975)

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance so repealed shall be deemed to have been done or taken under this Act.

SCHEDULE 1

SCHEDULE