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गुरुवार, जुलै १९, २०१२/आषाढ २८, शके १९३४

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### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 19th July, 2012 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. XXV OF 2012.

##### *A BILL*

*further to amend the Maharashtra Land Revenue Code, 1966.*

WHEREAS it is expedient further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Maharashtra Land Revenue Code (Second Amendment) Act, 2012.

Mah.  
XLI of  
1966.

Mah.  
XLI  
of  
1966.

2. After section 37 of the Maharashtra Land Revenue Code, 1966, the following section shall be inserted, namely :—

Insertion of  
section 37A  
in Mah. XLI  
of 1966.

“ 37A. (1) Every sale, transfer, redevelopment, use of additional Floor Space Index (FSI), transfer of Transferable Development Rights (TDR) or change of use of any Government land in Amravati and Nagpur Revenue Divisions, which is granted for various purposes under the provisions of this Code or rules made thereunder or any law relating to land revenue, before the commencement of this Code, including the *nazul* lands in Amravati and Nagpur Revenue Divisions shall be subject to taking the prior permission of the State Government.

Restrictions  
on sale,  
transfer,  
redevelopment,  
change of  
use, etc., in  
relation to  
Government  
land and  
*nazul* land.

(2) The State Government shall, while granting such permission as required under sub-section (1), recover such premium or charge and share of unearned income subject to such terms and conditions as may be specified, by general or special order, issued by the Government, from time to time :

Provided that, if the provisions of this section or of any such orders issued thereunder are inconsistent with the terms and conditions of the order of land grant or the lease deed executed prior to the commencement of the Maharashtra Land Revenue Code (Second Amendment) Act, 2012, the terms and conditions of such order of land grant or lease deed shall prevail.

Mah.  
of  
2012.

*Explantion.*—For the purpose of this section,—

(a) “ Government land ” includes the Government land or part of such land or building erected on such land or part thereof or any right or any benefit arising out of or share in relation to such land or building or part of such land or building ;

(b) “ *nazul* land ” means the type of Government land used for non-agricultural purpose such as building, road, market, playground or any other public purpose or the *nazul* land which has potential for such use in future including such lands granted on long or short term lease or on no compensation agreement. ”.

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार  
मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५  
STATEMENT OF OBJECTS AND REASONS.

Large number of Government lands and *nazul* lands in the Amravati and Nagpur Revenue Divisions were leased for residential and various other purposes. Such lands were leased before the re-organization of the State of Maharashtra as per the provisions of the then existing laws relating to land revenue.

2. The Hon'ble High Court, Nagpur Bench, *vide* its common judgment in various petitions, dated the 30th September 2008, has observed that the existing provisions of law regarding grant or lease of *nazul* lands or Government lands in Amravati and Nagpur Revenue Divisions, do not authorizes the Revenue Authority to impose any new conditions or modify any conditions during subsistence of lease period or for that matter at the time of renewal of the lease, such as putting restrictions on the right to alienate the *nazul* land or Government land, making liable for taking prior approval of the Competent Authority and paying the unearned income for recognizing or approving the transfer of such land, in the Amravati and Nagpur Revenue Divisions. It is also observed that, though the renewal of the lease necessarily should be, on same terms and conditions as in the earlier lease except the change or revision in respect of annual lease rent, the State Legislature has authority to enact law authorizing the State Government to claim unearned income from the grantee or lessee for recognizing or approving the transfer of land granted for purposes other than industrial and commercial purposes in question. The Government, therefore, considers it expedient to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), for authorizing the State Government to claim unearned income from the grantee or lessee for recognizing or approving the transfer of land in question and also to incorporate the provisions regarding redevelopment, use of additional floor space index, transfer of transferable development rights in respect of such land.

2. The Bill seeks to achieve the above objectives.

Mumbai,  
Dated the 17th July 2012.

BALASAHEB THORAT,  
Minister for Revenue.

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार  
मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

*Clause 2.*—Under this clause, which seeks to insert a new section 37A in the Maharashtra Land Revenue Code, 1966, in sub-section (2) thereof, power is taken to the State Government to issue general or special order to specify the premium or charge and share of an unearned income to be recovered and the terms and conditions therefor, while granting permission to sale, transfer, redevelopment, etc., or change of use of any Government land and the *nazul* land in Amravati and Nagpur Revenue Divisions.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार  
मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५  
FINANCIAL MEMORANDUM

It is proposed to insert a new section 37A in the Maharashtra Land Revenue Code, 1966, providing for restriction on transfers and change of use in respect of Government lands and the *nazul* lands in the Amravati and Nagpur Revenue Divisions and to make provision for recovery of premium or charge and share of unearned income. Thus, there is no provision in the Bill which would involve recurring expenditure or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार  
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GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207  
OF THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order,  
Law and Judiciary Department)

In exercise of the powers conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Maharashtra Land Revenue Code (Second Amendment) Bill, 2012.

**Vidhan Bhavan :**

Mumbai,

Dated : 19th July, 2012.

DR. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Assembly.