



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

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असाधारण क्रमांक ६६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Hyderabad Abolition of Inams and Cash Grants (Amendment) Bill, 2015 (L. A. Bill No. XXVII of 2015), introduced in the Maharashtra Legislative Assembly on the 13th July 2015, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,
Principal Secretary and R.L.A.
to Government,
Law and Judiciary Department.

L. A. BILL No. XXVII OF 2015.

A BILL

further to amend the Hyderabad Abolition of Inams and Cash Grants Act, 1954.

Hyd. Act No. VIII of 1955. WHEREAS it is expedient further to amend the Hyderabad Abolition of Inams and Cash Grants Act, 1954, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

1. This Act may be called the Hyderabad Abolition of Inams and Cash Grants (Amendment) Act, 2015. Short title.

Amendment of
section 6 of Hyd.
Act No. VIII
of 1955.

2. In section 6 of the Hyderabad Abolition of Inams and Cash Grants Act, 1954, for sub-section (3), the following sub-section shall be substituted, namely :—

Hyd.
Act No.
VIII of
1955.

“(3) (a) On or after the commencement of the Hyderabad Abolition of Inams and Cash Grants (Amendment) Act, 2015 (hereinafter, in this sub-section, referred to as “the commencement date”), the occupancy of Madad Mash Inam lands held on the new and impartible tenure (Occupants-Class II) may be transferred by the occupant for agricultural purpose, and no previous sanction or no objection certificate from the Collector or any other competent authority shall be necessary for such transfer. After such transfer, occupancy of such land shall be continued to be held by such transferee occupant on new and impartible tenure (Occupants-Class II), in accordance with the provisions of the Maharashtra Land Revenue Code, 1966 :

Mah.
of 2015.

Provided that, any such occupancy held on new and impartible tenure (Occupants-Class II) may, on or after the commencement date, be converted into Occupants-Class I by the occupant, by making payment of fifty per cent. of the amount of the current market value of such land to the Government as *Nazarana*, and after such conversion, such land shall be held by the occupant as Occupants-Class I, in accordance with the provisions of the Maharashtra Land Revenue Code, 1966:

Mah.
XLI of
1966.

Provided further that, on or after the commencement date, if any occupancy, held on new and impartible tenure (Occupants-Class II) has, without the prior sanction of the Collector or any other competent authority and without payment of the amount equal to fifty per cent. of the current market value of such land, been transferred by the occupant for non-agricultural use, such transfer may be regularised on payment of an amount equal to fifty per cent. of the current market value of such land as *Nazarana*, and an amount equal to fifty per cent. of such sum as a penalty, and on such payment, the occupant shall hold the land as Occupants-Class I, in accordance with the provisions of the Maharashtra Land Revenue Code, 1966.

Mah.
XLI of
1966.

(b) Before the commencement date, if any occupancy of Madad Mash Inam lands, held on new and impartible tenure (Occupants-Class II) has already, without previous sanction or no objection certificate from the Collector or any other competent authority, been transferred by the occupant, for agricultural purpose, such transfer may be regularised without payment of any sum as *Nazarana*, on the production of registered instruments such as sale deed, gift deed, etc., as a proof thereof, for such transfer. After such regularisation, the occupancy of such land shall be deemed to be held by such transferee occupant as an Occupants-Class II, in accordance with the provisions of the Maharashtra Land Revenue Code, 1966 :

Mah.
XLI of
1966.

Provided that, before the commencement date, if any such occupancy of Madad Mash Inam lands, held on new and impartible tenure (Occupants-Class II), has already, without prior sanction of the Collector or any other competent authority, been transferred by the occupant for non-agricultural use, such transfer may be regularised on payment of an amount equal to fifty per cent. of the market value of such land on the date of the order of regularisation as *Nazarana*, and an amount equal to

Mah.
XLI of
1966.

Mah.
XLI of
1966.

ten per cent. of such sum as a penalty, and on such payment, the land shall be deemed to be held by such transferee occupant as Occupants-Class I, in accordance with the provisions of the Maharashtra Land Revenue Code, 1966, with effect from the date of such order.

43 of
1995.

(c) The provisions of clauses (a) and (b) shall not be applicable to,—

(i) the property permanently dedicated as waqf which is administered under the provisions of the Waqf Act, 1995 ;

(ii) the Khidmat Mash (Service Inam) lands ;

(iii) the Madad Mash Inam lands, part of which is given for Khidmat (service) of *devasthan* subject to the terms and conditions of muntakhab (*sanad*) ;

(iv) the original Government lands granted by the then Government :

Provided that, the Collector shall verify that the muntakhab (*sanad*) of the Madad Mash Inam land does not fall in sub-clauses (i) to (iv).”.

STATEMENT OF OBJECTS AND REASONS.

The Hyderabad Abolition of Inams and Cash Grants Act, 1954 (Hyd. Act No. VIII of 1955) provides for abolition of Inams and Cash Grants in the Hyderabad area of the State of Maharashtra. Sub-section (3) of section 6 of the said Act provides that, the occupancy granted under sub-section (1) of the said section 6 shall not be transferrable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such sum to the State Government as the State Government may, by general or special order, determine. However, it appears that, sometimes the Madad Mash Inam lands, held on new and impartible tenure (Occupants-Class II), are transferred illegally without previous sanction of the Collector, resulting in loss of revenue to the Government. To minimize the procedural formalities, and to simplify the procedure and thereby to bring transparency in respect of the transfer, regularisation of transfer and conversion of such lands so as to avoid loss of revenue to the Government, it is considered expedient to amend the said Act, on the lines of the amendments made by the Maharashtra Act No. XXI of 2002 and Maharashtra Act No. XIX of 2008 to the various Acts related to Watan lands and Inam lands, suitably.

2. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 6th July 2015.

EKNATHRAO KHADSE,
Minister for Revenue.