



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ४५(२)]

मंगळवार, जून १३, २०१७/ज्येष्ठ २३, शके १९३९

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ९३

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 Maharashtra Municipal Corporations (Amendment) Ordinance, 2017 (Mah. Ord. X of 2017), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,  
Principal Secretary to Government,  
Law and Judiciary Department.

(Translation in English of the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017 (Mah. Ord. X of 2017), published under the authority of the Governor).

### URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,  
Mumbai 400 032, dated the 13th June 2017.

### MAHARASHTRA ORDINANCE No. X OF 2017.

#### AN ORDINANCE

*further to amend the Maharashtra Municipal Corporations Act.*

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate LIX of action further to amend the Maharashtra Municipal Corporations Act, for 1949. the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

(१)

## CHAPTER I

## PRELIMINARY

Short title  
and commen-  
cement.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017.

(2) It shall come into force at once.

## CHAPTER II

## AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment  
of section 79  
of LIX of  
1949.

2. In section 79 of the Maharashtra Municipal Corporations Act, in clause (g),—

LIX of  
1949.

(a) for the portion beginning with the words “notwithstanding anything contained in this section,” and ending with the words “specially in any particular case of such land:”, the following portion shall be substituted, namely :—

“notwithstanding anything contained in this section, the Commissioner may, with the sanction of the Corporation and with the approval of the State Government grant a lease, for a period not exceeding thirty years, of a land belonging to the Corporation,

(i) which is declared as a slum area under the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, to a co-operative society of eligible slum dwellers; or as the case may be, to the eligible slum dweller individually, at a premium to be decided by the State Government and subject to the prescribed terms and conditions; or

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XXVIII  
of 1971.

(ii) to persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to the Co-operative Housing Society formed exclusively by persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation; or

(iii) to any Department or undertaking of the Government of Maharashtra or of the Government of India, for the public purposes; or

(iv) to public trust, society or company registered exclusively for medical and educational purposes under the Maharashtra Public Trusts Act, or the Societies Registration Act, 1860, or the Maharashtra Co-operative Societies Act, 1960, or the Companies Act, 2013, as the case may be; or

XXIX of  
1950.

XXI of  
1860.

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XXIV of  
1961.

18 of  
2013.

(v) to a public trust registered under the Maharashtra Public Trusts Act, or society registered under the Societies Registration Act, 1860, or the Maharashtra Co-operative Societies Act, 1960, or a company registered under the Companies Act, 2013 or any person for the purposes of the provisions of public latrines, urinals and similar conveniences or construction of a plant for processing excrementitious or other filthy matters or garbage,

XXIX of  
1950.

XXI of  
1860.

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XXIV of  
1961.

18 of  
2013.

at such rent, which may be less than the market value of the premium, rent or other consideration, for the grant of such lease, and subject to such conditions as the Corporation may impose.

The approval of the State Government under this clause may be given either generally for any class of cases of such lands or specially in any particular case of such land :”;

(b) for the existing *Explanation*, the following *Explanation* shall be substituted, namely :—

“*Explanation*.—For the purposes of this clause, “eligible slum dweller” means the eligible slum dweller as defined in clause (c-b) of section 2 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.”.

### CHAPTER III

#### MISCELLANEOUS

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**3.** (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act, as amended by this Ordinance, the State Government may, as the occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Act, as amended by this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

Power to  
remove  
difficulty.

(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.

## STATEMENT

Clause (g) of section 79 of the Maharashtra Municipal Corporations Act (LIX of 1949), provides that, the Commissioner may, with the sanction of the Corporation and with the approval of the State Government, grant a lease for a period not exceeding thirty years, of a land belonging to the Municipal Corporation which is declared as a slum area under the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, to a co-operative society of slum dwellers or to persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to the Co-operative Housing Society formed exclusively by persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to any Department or undertaking of the Government of Maharashtra or of the Government of India, for the public purposes or to a public trust exclusively for medical and educational purposes registered under the Maharashtra Public Trusts Act; or to a society registered under the Societies Registration Act, 1860 or the Maharashtra Co-operative Societies Act, 1960 or a company registered under the Companies Act, 1956 or any person for the purposes of the provisions of public latrines, urinals and similar conveniences or construction of a plant for processing excrementitious or other filthy matters or garbage, at such rent, which may be less than the market value of the premium, rent or other consideration, for the grant of such lease, and subject to such conditions as the Corporation may impose. There is no other provision in the said Act for granting the land for lesser value than the current market value for social causes such as public purposes, educational purposes, medical purposes, etc.

2. Therefore, it is expedient to amend the clause (g) of the said section 79, on the lines of the provisions contained in clause (dd) of section 92 of the Mumbai Municipal Corporation Act (III of 1888), suitably.

3. It is also considered expedient to explicitly provide that, the land belonging to the Corporation which is declared as a slum area, may be granted on lease, at such rent, which may be less than the market value of the premium, rent or other consideration, to the co-operative society of eligible slum dwellers or to the eligible slum dweller, individually.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Municipal Corporations Act (LIX of 1949), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 13th June 2017.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

MANISHA PATANKAR-MHAISKAR,  
Principal Secretary to Government.