



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ८०]

मंगळवार, नोव्हेंबर २१, २०१७/कार्तिक ३०, शके १९३९

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असाधारण क्रमांक १५६

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 Land Revenue Code (Second Amendment) Ordinance, 2017 (Mah.Ord. XXVII of 2017), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Land Revenue Code (Second Amendment) Ordinance, 2017 (Mah. Ord. XXVII of 2017), published under the authority of the Governor].

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 21st November 2017.

MAHARASHTRA ORDINANCE No. XXVII OF 2017.

AN ORDINANCE

further to amend the Maharashtra Land Revenue Code, 1966.

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 Mah. action further to amend the Maharashtra Land Revenue Code, 1966, for the XLI of purpose hereinafter appearing;
1966.

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 :—

Short title
and
commencement.

1. (1) This Ordinance may be called the Maharashtra Land Revenue Code (Second Amendment) Ordinance, 2017.

(2) It shall come into force at once.

Amendment of
section 255 of
Mah. XLI of
1966.

2. In section 255 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as “the said Code”), in sub-section (4), after the second proviso, the following proviso shall be inserted, namely :—

Mah.
XLI of
1966.

“Provided also that, where the appellate authority fails to dispose of any such proceeding within the period specified in this sub-section, the State Government alone shall be competent to grant such further extension of time for disposing of any such proceeding as it may deem fit, after recording reasons therefor in writing.”.

Amendment of
section 257 of
Mah. XLI of
1966.

3. In section 257 of the said Code,—

(a) in sub-section (1), in the proviso, after the words “the date of decision or order of the sub-ordinate officer” the words “, except with the previous permission of the State Government” shall be added ;

(b) in sub-section (3), after the second proviso, the following proviso shall be added, namely :—

“Provided also that, where the revisional authority fails to dispose of any such proceeding within the period specified in this sub-section, the State Government alone shall be competent to grant such further extension of time for disposing of any such proceeding as it may deem fit, after recording reasons therefor in writing.”.

STATEMENT

Chapter XIII of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), deals with “*Appeals, Revision and Review*”. This Chapter contains sections 246 to 259. Section 255 of the said Code deals with the power of the Appellate authority and section 257 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), deals with the power of the State Government and of certain Revenue and survey officers to call for and examine records and proceedings of subordinate officers. As per the provisions in sections 255 and 257 of the said Code, as amended by the Maharashtra Land Revenue Code (Amendment) Act, 2016 (Mah. XI of 2016), an appeal or revision application filed before any Appellate or Revision Authority shall be disposed of within a period of one year from the date of receipt of such appeal or application and in exceptional circumstances, for the reasons to be recorded in writing, the aforesaid period of one year may be extended further by a period of six months. If any appellate or revisional authority fails to dispose of the appeals or revisions within the time limit provided in section 255 or 257, then such officer would be liable for disciplinary action in accordance with the concerned disciplinary rules applicable to him under sub-section (5) of the section 255 and fourth proviso to sub-section (3) of section 257 of the said Code.

A large number of appeals or revision applications were already pending with the various appellate and revisional authorities even before the amendment of the said section 255 and 257 by the Maharashtra Land Revenue Code (Amendment) Act, 2016 (Mah. XI of 2016), and many new appeals or revision applications have been filed thereafter by the applicants, from time to time. Many of these appeals or applications could not be disposed of within the period of one year stipulated under sub-section (4) of the section 255 and first proviso to sub-section (3) of section 257 of the said Code. Likewise some appeals or revision applications could not be disposed of within the extended time limit of six months as provided under the second proviso to sub-section (4) of the section 255 and the third proviso to sub-section (3) of section 257 of the said Code. In order to facilitate the disposal of such appeals or proceedings regarding the revision of cases after expiry of the time limit mentioned in said sections 255 and 257 of the said Code, it is expedient to empower the State Government to extend the time limit, after recording the reasons therefor, by making suitable provisions in the said sections 255 and 257 of the said Code.

2. Proviso to sub-section (1) of section 257 of the said Code provides that, no such proceedings under the said sub-section shall be initiated by any revenue or survey officer after expiry of a period of five years from the date of decision or order of the sub-ordinate officer. If any case is decided on the basis of false or insufficient information and the concerned aggrieved person fails to make an application for revision before the expiry of five years from the date of decision or order of the sub-ordinate officer, then such decision or order cannot be revised under the said sub-section (1). In order to overcome such inconvenience, it is considered expedient to amend the proviso to the sub-section (1), suitably, so as to enable the revision of such cases by the revisional authority only with the previous permission of the Government.

3. 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 Land Revenue Code, 1966, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 21st November 2017.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

MANU KUMAR SRIVASTAVA,
Principal Secretary to Government.