



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १०५

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 Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Bill, 2018 (L.A. Bill No. L of 2018), introduced in the Maharashtra Legislative Assembly on the 13th July 2018, 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.

L. A. BILL No. L OF 2018.

A BILL

further to amend the Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act.

LXVII of 1948. Hyd. XXI of 1950. XCIX of 1958. WHEREAS it is expedient further to amend the Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Act, 2018.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st January 2016.

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA TENANCY AND
AGRICULTURAL LANDS ACT.Amendment
of section 63-
1A of LXVII of
1948.**2.** In section 63-1A of the Maharashtra Tenancy and Agricultural Lands Act, LXVII of 1948.

(1) in sub-section (1), in the second proviso, for the word "Bombay" the word "Maharashtra" shall be substituted ;

(2) in sub-section (2),—

(a) for the words "one month", at both places where they occur, the words "ninety days" shall be substituted ;

(b) after the proviso, the following shall be added, namely :—

" *Explanation.*—While computing the period of ninety days, the period, if any, spent in ascertaining from the office of the Collector the amount to be paid under this sub-section, the Head of account in which it is to be paid or issuing a Challan for that purpose shall be excluded." ;

(3) after sub-section (5), the following sub-section shall be added, namely :—

" (6) If a person purchasing the land under sub-section (1) for conversion thereof for a *bona-fide* industrial use, fails to utilize the said land for *bona-fide* industrial purpose, fully or partly, and intends to utilize the same, before the expiry of the total specified period of ten years, for any alternative non-agricultural purpose other than the *bona-fide* industrial use, which is consistent with the draft or final Development Plan or Regional Plan, if any, made under the Maharashtra Regional and Town Planning Act, 1966, so as to put such land to the intended alternative use within the remaining period out of the specified period of ten years from the date of original purchase, he may be permitted by the Collector to do so subject to payment of,—

Mah.
XXXVII
of 1966.

(i) non-utilization charges specified in second proviso to sub-section (1) ;

(ii) conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates published under the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 ; and

(iii) in case of Occupant-Class II lands, an additional amount equal to forty eight per cent. of the price at which such land was originally purchased, in lieu of the *nazrana* payable to the Government."

CHAPTER III

AMENDMENTS TO THE HYDERABAD TENANCY AND
AGRICULTURAL LANDS ACT, 1950.Amendment
of section 47A
of Hyd. XXI of
1950.**3.** In section 47A of the Hyderabad Tenancy and Agricultural Lands Act, 1950, Hyd. XXI of 1950.

(1) in sub-section (1), in the second proviso, for the word "Bombay" the word "Maharashtra" shall be substituted ;

(2) in sub-section (2),-

(a) for the words "one month", at both places where they occur, the words "ninety days" shall be substituted ;

(b) after the proviso, the following shall be added, namely :-

" *Explanation.*-While computing the period of ninety days, the period, if any, spent in ascertaining from the office of the Collector the amount to be paid under this sub-section, the Head of account in which it is to be paid or issuing a Challan for that purpose shall be excluded." ;

(3) after sub-section (5), the following sub-section shall be added, namely :-

" (6) If a person purchasing the land under sub-section (1) for conversion thereof for a *bona-fide* industrial use, fails to utilize the said land for *bona-fide* industrial purpose, fully or partly, and intends to utilize the same, before the expiry of the total specified period of ten years, for any alternative non-agricultural purpose other than the *bona-fide* industrial use, which is consistent with the draft or final Development Plan or Regional Plan, if any, made under the Maharashtra Regional and Town Planning Act, 1966, so as to put such land to the intended alternative use within the remaining period out of the specified period of ten years from the date of original purchase, he may be permitted by the Collector to do so subject to payment of,-

(i) non-utilization charges specified in second proviso to sub-section (1) ;

(ii) conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates published under the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 ; and

(iii) in case of Occupant-Class II lands, an additional amount equal to forty eight per cent. of the price at which such land was originally purchased, in lieu of the *nazrana* payable to the Government.".

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT.

XCIX of 1958. 4. In section 89A of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act,-

Amendment of section 89A of XCIX of 1958.

(1) in sub-section (1), in the second proviso, for the word "Bombay" the word "Maharashtra" shall be substituted ;

(2) in sub-section (2),-

(a) for the words "one month", at both places where they occur, the words "ninety days" shall be substituted ;

(b) after the proviso, the following shall be added, namely :-

" *Explanation.*-While computing the period of ninety days, the period, if any, spent in ascertaining from the office of the Collector the amount to be paid under this sub-section, the Head of account in which it is to be paid or issuing a Challan for that purpose shall be excluded." ;

(3) after sub-section (5), the following sub-section shall be added, namely :-

“ (6) If a person purchasing the land under sub-section (1) for conversion thereof for a *bona fide* industrial use, fails to utilize the said land for *bona fide* industrial purpose, fully or partly, and intends to utilize the same, before the expiry of the total specified period of ten years, for any alternative non-agricultural purpose other than the *bona fide* industrial use, which is consistent with the draft or final Development Plan or Regional Plan, if any, made under the Maharashtra Regional and Town Planning Act, 1966, so as to put such land to the intended alternative use within the remaining period out of the specified period of ten years from the date of original purchase, he may be permitted by the Collector to do so subject to payment of,—

Mah.
XXXVII
of 1966.

(i) non-utilization charges specified in second proviso to sub-section (1) ;

(ii) conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates published under the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 ; and

(iii) in case of Occupant-Class II lands, an additional amount equal to forty eight per cent. of the price at which such land was originally purchased, in lieu of the *nazrana* payable to the Government.”.

STATEMENT OF OBJECTS AND REASONS

At present, three different Tenancy laws, namely, the Maharashtra Tenancy and Agricultural Lands Act (LXVII of 1948), the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and the Maharashtra Tenancy and Agricultural lands (Vidarbha Region) Act (XCIX of 1958) are in operation in the State. Sections 63-1A, 47A and 89A of the respective Tenancy Laws provide for transfer of agricultural land to non-agriculturist for *bona-fide* industrial use, without permission of the Collector.

2. In order to speed up industrialization in the State and to overcome difficulties faced in implementation of above provisions, the said sections of the respective Tenancy Laws are proposed to be amended as follows :-

(i) It has been observed that, the period of one month within which certain amount is required to be paid by the purchaser for purchase of any land held by Occupant Class II for *bona-fide* industrial use or for Integrated Township Project under the said sections, is not sufficient, as, after purchase of such land, the purchaser is very often required to get the amount of premium calculated from the Office of the Collector or obtain details like the "*Receipt Head of account*" under which such amount is to be deposited, and the mode of payment to the Office of the Collector, or the Challan.

It is, therefore, proposed to amend the said sections to increase the said period of one month to ninety days. It is also proposed to clarify that the time taken by the Office of the Collector to inform above details is excluded while computing the said period within which such amount is to be paid.

(ii) It is also proposed to provide that any person who has purchased land for *bona-fide* industrial use and who is unable to put such land to *bona-fide* industrial use, may use such land for any other non-agricultural purposes permissible under the Development Plan or Regional Plan, within ten years from the date of such purchase, with prior permission of the Collector, on payment of conversion charges.

3. The Bill seeks to achieve the above objective.

Nagpur,

CHANDRAKANT (DADA) PATIL,

Dated the 9th July, 2018.

Minister for Revenue.