



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ४०]

मंगळवार, मे २९, २०१८/ज्येष्ठ ८, शके १९४०

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असाधारण क्रमांक ८१

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 Highways (Amendment) Ordinance, 2018 (Mah. Ord. XIV of 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.

(Translation in English of the Maharashtra Highways (Amendment) Ordinance, 2018 (Mah. Ord. XIV of 2018), published under the authority of the Governor).

PUBLIC WORKS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 29th May 2018.

MAHARASHTRA ORDINANCE No. XIV OF 2018.

AN ORDINANCE

further to amend the Maharashtra Highways 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 action further to amend the Maharashtra Highways Act, for the purposes hereinafter appearing ;

LV of
1955.

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 :—

1. (1) This Ordinance may be called the Maharashtra Highways (Amendment) Ordinance, 2018. Short title and commencement.

(2) It shall come into force at once.

- Amendment of section 2 of LV of 1955. 2. In section 2 of the Maharashtra Highways Act (hereinafter referred to as “ the principal Act ”),—
- (1) after clause (o), the following clause shall be inserted, namely :—
- “ (o-1) “ person entitled ” means the person who is entitled to receive the amount of compensation as per the applicable law ; ” ;
- (2) for clause (s), the following clause shall be substituted, namely :—
- “ (s) the expressions “affected family” and “persons interested” used in this Act shall have the same meaning as the said expressions have in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. ”.
- Amendment of section 19A of LV of 1955. 3. In section 19A of the principal Act, for the words “ Land Acquisition Officer or any person authorized by him ” the words “ Land Acquisition Officer or the Highway Authority or any person authorized by them ” shall be substituted.
- Amendment of section 19B of LV of 1955. 4. In section 19B of the principal Act,—
- (1) in sub-section (3), after the proviso, the following proviso shall be added, namely :—
- “ Provided further that, the State Government while issuing the general order under the preceding proviso shall adhere to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, relating to the determination of amount of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families. ” ;
- (2) after sub-section (10), the following proviso shall be added, namely :—
- “ Provided that, the Land Acquisition Officer or the arbitrator shall consider the general order of the State Government issued under the first proviso to sub-section (3) relating to the determination of amount of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. ”.
- Deletion of section 19E of LV of 1955. 5. Section 19E of the principal Act shall be deleted.

LV of 1955.

30 of 2013.

30 of 2013.

30 of 2013.

STATEMENT

The State has enacted the Maharashtra Highways Act (LV of 1955), for the restriction of ribbon development along highways, for the prevention and removal of encroachment thereon, for the construction, maintenance and development of highways, for the levy of betterment charges and for certain other matters. Sections 15 to 19E of the said Act provides for acquisition of land, survey, hearing of objections, declaration of acquisition, possession, determination of amount of compensation, deposit and payment of amount and related proceedings thereto.

2. The Parliament has enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (hereinafter referred to as "the Act of 2013") to provide for uniform process in land acquisition and for ensuring just and fair compensation to the persons whose lands are acquired. However, the provisions of the Maharashtra Highways Act relating to acquisition of land and payment of compensation to the affected persons are different. To remove this anomaly, the State Legislature has amended the Act of 2013, by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2018 (Mah. XXXVII of 2018) (hereinafter referred to as "the Act of 2018"). Section 105-A is inserted therein to provide for application of provisions relating to the determination of amount of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules under the Act of 2013, for the acquisition of Land under certain State Acts including the Maharashtra Highways Act.

3. In order to ensure that the persons whose lands are acquired under the provisions of the Maharashtra Highways Act, get fair compensation, rehabilitation and resettlement for the acquisition of lands thereunder, it is considered expedient to make suitable amendments in the Maharashtra Highways Act, in accordance with the provision of section 105-A of the Act of 2018.

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 to amend the Maharashtra Highways Act, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 28th May 2018.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

ASHISH KUMAR SINGH,
Principal Secretary to Government.