



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक ३२]

शनिवार, एप्रिल २१, २०१८/वैशाख १ शके १९४०

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ७०

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 (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants-Class I Permission) Rules (Repeal) Ordinance, 2018 (Mah. Ord. IX of 2018), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,  
Principal Secretary and R.L.A to Government,  
Law and Judiciary Department.

[Translation in English of the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants-Class I Permission) Rules (Repeal) Ordinance, 2018 (Mah. Ord. IX of 2018), published under the authority of the Governor].

### REVENUE AND FORESTS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,  
Mumbai 400 032, dated the 21st April 2018.

### MAHARASHTRA ORDINANCE No. IX OF 2018.

#### AN ORDINANCE

*further to amend the Maharashtra Land Revenue Code, 1966 and to repeal the Maharashtra Land Revenue (Inclusion of certain Bhumidharis in Occupants—Class I Permission) Rules, 1968.*

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 Land Revenue Code, 1966 and to repeal the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968, for the purposes hereinafter appearing ;

Mah.  
XLI of  
1966.

(१)

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 :—

## CHAPTER I

### PRELIMINARY

Short title and commencement.

1. (1) This Ordinance may be called the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules (Repeal) Ordinance, 2018.

(2) It shall come into force at once.

## CHAPTER II

### AMENDMENTS TO THE MAHARASHTRA LAND REVENUE CODE, 1966.

Amendment of section 29 of Mah. XLI of 1966.

2. In section 29 of the Maharashtra Land Revenue Code, 1966 (hereinafter, in this Chapter, referred to as “the Land Revenue Code”),—

Mah. XLI of 1966.

(i) in sub-section (2), for clause (c), the following clause shall be substituted, namely :—

“(c) on the date of commencement of the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules (Repeal) Ordinance, 2018, were holding the land in Vidarbha in *Bhumiswami* rights with restrictions on right to transfer, or in *Bhumidhari* rights in any local area in Vidarbha.”;

Mah. Ord. IX of 2018.

(ii) in sub-section (3), in clause (b), sub-clause (i) shall be deleted.

Insertion of section 246A in Mah. XLI of 1966.

3. After section 246 of the Land Revenue Code, the following section shall be inserted, namely :—

“**246A.** Any application by a person pending before any revenue officer or, before the State Government, whether in appeal, revision or otherwise, on the date of commencement of the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules (Repeal) Ordinance, 2018, for permission to hold the land as Occupants—Class I, shall, with effect from the date of commencement of the said Ordinance be treated as closed.

Mah. Ord. IX of 2018.

*Explanation.*— For the purposes of this section the expression “land” shall mean the land in any local area in Vidarbha, held in *Bhumiswami* rights with restrictions on right to transfer, or in *Bhumidhari* rights in any local area in Vidarbha.”.

Amendment of section 328 of Mah. XLI of 1966.

4. In section 328 of the Land Revenue Code, in sub-section (2), clause (ix) shall be deleted.

## CHAPTER III

### REPEAL OF THE MAHARASHTRA LAND REVENUE

#### (INCLUSION OF CERTAIN BHUMIDHARIS IN OCCUPANTS—CLASS I PERMISSION) RULES, 1968.

Repeal of the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968.

5. The Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968, shall stand repealed.

CHAPTER IV

MISCELLANEOUS

6. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Land Revenue Code, 1966, as amended by this Ordinance, the State Government may, by order published in the *Official Gazette*, as the occasion may arise, make such provisions, not inconsistent with the provisions of the said Code, as amended by this Ordinance, as may appear it to be necessary or expedient for the purpose of removing such difficulty.

Mah.  
XLI of  
1966.

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

Section 29 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) provides for the classes of persons holding land from the State. Clause (c) of sub-section (2) thereof provides that the holders of land in *Bhumidhari* rights in any local area in Vidarbha, and permitted as such shall on payment of the premium not exceeding three times the assesment payable in respect of such land shall be Occupants—Class I. Sub-clause (i) of clause (b) of sub-section (3) of the said section 29 provides that, the persons who are holding land in Vidarabha in *Bhumiswami* rights with restrictions on the right to transfer or in *Bhumidhari* rights under the Madhya Pradesh Land Revenue Code, 1954 (M.P. II of 1955) shall be Occupants—Class II.

2. The State Government has, for permitting the said Occupants holding the land as Occupants—Class II to acquire rights as Occupants—Class I, framed the Maharashtra Land Revenue (Inclusion of certain Bhumidharis in Occupants—Class I Permission) Rules, 1968. The said rules provide for elaborate procedure for converting such Occupants—Class II as Occupants—Class I.

3. The Divisional Commissioners of the Amaravati and Nagpur Revenue Divisions had, in 2012, undertaken a special drive under the “*Maharajaswa Abhiyan*” for permitting the said Occupants—Class II to acquire rights as Occupants-Class I.

However, it has been brought to the notice of the State Government that, despite of the said special drive, a large number of applications for grant of such permissions are still pending. It has also been brought to the notice of the State Government that, the elaborate procedure provided in the rules is affecting the grant of such permissions. It has also been brought to the notice of the State Government that, the Madhya Pradesh Government has, *vide* Madhya Pradesh Land Revenue Code, 1959 (M.P. Act No. 20 of 1959) already permitted similar holders as Occupants-Class I.

4. It is, therefore, considered expedient to immediately make suitable provisions for permitting such holders to acquire rights as Occupants—Class I, and to remove the time consuming process provided therefor in the said rules. It is, therefore, considered expedient to provide for suitable amendments to the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and to repeal the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968.

5. 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 (Mah. XLI of 1966) and to repeal the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 21st April 2018.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

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

MANU KUMAR SRIVASTAV,

Principal Secretary to Government.