



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ११, अंक ४२(३)]

बुधवार, डिसेंबर १०, २०२५/अग्रहायण १९, शके १९४७

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असाधारण क्रमांक १०२

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 and Validation) Bill, 2025 (L.A. Bill No. CII of 2025), introduced in the Maharashtra Legislative Assembly on the 10th December 2025, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. CII OF 2025.

A BILL

further to amend the Maharashtra Land Revenue Code, 1966.

WHEREAS it is expedient further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-sixth Year of the Republic of India as follows:-

1. This Act may be called the Maharashtra Land Revenue Code (Second Amendment and Validation) Act, 2025. Short title.

2. In section 36 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as “the said Code”), in sub- section (4),-

Amendment of section 36 of Mah. XLI of 1966.

(i) for the words “or the Maharashtra State Financial Corporation” the following words, brackets, letter and figures “or a corresponding new Bank

within the meaning of clause (b) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or the Maharashtra State Financial Corporation”, shall be substituted;

(ii) before the *Explanation* the following proviso shall be inserted, and shall be deemed to have been inserted with effect from the 27th February 2009, namely:-

“Provided that, the Occupant Class II shall pay to the Government the mortgage fees, at such rate as may be specified by the Government by general or special order, for mortgaging his property, for any purpose other than agriculture, in favour of a co-operative society, the State Bank of India, the corresponding new Bank or the Maharashtra State Financial Corporation.”.

Validation.

3. Notwithstanding anything contained in the said Code or in any rules made thereunder or in any judgment, decree or order of any court, tribunal, or any other authority, any levy, demand and collection of mortgage fees by the Government or any revenue officer, during the period commencing on the 27th February 2009 and ending on the date of commencement of the Maharashtra Land Revenue Code (Second Amendment and Validation) Act, 2025, from occupant class II for mortgaging his property, for any purpose other than agriculture, in favour of a co-operative society or the State Bank of India or a corresponding new bank or the Maharashtra State Financial Corporation, in consideration of a loan advanced to him by such co-operative society, State Bank of India, corresponding new bank, or as the case may be, the Maharashtra State Financial Corporation, shall be deemed to have been validly levied, demanded, collected or taken and shall be deemed always to have been validly levied, demanded, collected or taken under the said Code, as amended by the Maharashtra Land Revenue Code (Second Amendment and Validation) Act, 2025; and accordingly,-

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(i) no suit, prosecution or other legal proceedings shall lie in any court or before any tribunal or other authority on the ground that, the provisions of the said Code prior to such commencement did not provide for levy, demand and collection of such mortgage fees or action by the Government or revenue officer therefor; and

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(ii) no suit, prosecution or other legal proceedings shall lie or be maintained or continued in any court or before any tribunal or other authority, for the refund of any such mortgage fees so levied, demanded, collected or for any action taken with effect from the 27th February 2009.

STATEMENT OF OBJECTS AND REASONS

Section 36(4) of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) provides that it shall be lawful for an Occupant Class II to mortgage his property in favour of the State Government, co-operative society, Banks or Maharashtra State Financial Corporation in consideration of a loan advanced to him.

2. The Government has issued a Government Resolution dated the 27th February 2009 to levy mortgage fees specified therein if Occupancy Class- II or lease hold lands are mortgaged by occupant class II to financial institutions for any purpose other than agriculture in consideration of a loan advanced to him.

3. The Bombay High Court, Nagpur Bench in Writ Petition No. 4086 of 2011, *vide* order dated 29.08.2022, held that clause (B) of the Government Resolution dated 27.02.2009 seeking to levy mortgage fees is held to be without any authority of law and quashed the same. Therefore, the Government considers it necessary to provide for levy of mortgage fees in the said Code itself.

4. The Government, therefore, considers it expedient to suitably amend section 36 of the said Code, with a view to provide that the Occupant Class II shall pay to the Government the mortgage fees, at such rate as may be specified by the Government by general or special order, for mortgaging his property, for any purpose other than agriculture, in favour of a co-operative society, the State Bank of India, the corresponding new Bank or the Maharashtra State Financial Corporation with retrospective effect from the 27th February 2009. It is also proposed to provide for validation of levy, demand and collection of mortgage fees by the Government since the 27th February 2009.

5. The Bill seeks to achieve the above objectives.

Nagpur,

CHANDRASHEKHAR BAWANKULE,

Dated the 9th December 2025.

Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 2.—Under this clause, in sub-*clause (ii)*, power is taken to the State Government to specify by general or special order the rate of mortgage fees for mortgaging property of occupant class II.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for amendment of section 36 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) to levy the mortgage fees by the Government for mortgaging by the occupant class II his property for any purpose other than agriculture, in favour of a Co-operative Society or State Bank of India or the corresponding new Bank or the Maharashtra State Financial Corporation. There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.