

Maharashtra Land Revenue Code, 1966

MAHARASHTRA

India

Maharashtra Land Revenue Code, 1966

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Part V Extraordinary pages 756-763, for Report of the Joint Committee, see ibid, 1966, Part V, pages

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published in the Maharashtra Government Gazette, Part IV, on the 30th day of December, 1966.]An

Act to unify and amend the law relating to land and land revenue in the State of

Maharashtra Whereas, it is expedient to unify and amend the law relating to and and land revenue in

the State of Maharashtra and to provide for matters connected therewith; it is hereby enacted in the

Sixteenth Year of the Republic of India as follows:-

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Maharashtra Land Revenue Code, 1966. (2) This Code extends to the

whole of the State of Maharashtra; but the provisions of Chapter III (except the provisions relating

to encroachment on land), IV, V, VI, VII, VIII, IX, X, XI, XII (except Section 242) and XVI (except

Sections 327, 329, 330, [330A] [These Figures and letter were inserted by Maharashtra 35 of 1976.

section 2.], 335, 336 and 333, shall not apply to the City of Bombay. (3) It shall come into force in the

whole of the State of Maharashtra, on such date [15th August, 1967 (vide G. N., F. D., No. UNF.

1067-R, dated 11th August, 1967)], as the State Government may, by notification in the Official

Gazette, appoint and different dates may be appointed for different provisions. Maharashtra Land Revenue Code, 1966

## 2. Definitions.

- In this Code, unless the context otherwise requires.-(1)"agricultural year" means the year commencing on such date as the State Government may, by notification in the Official Gazette,

appoint;(2)"alienated" means transferred in so far as the rights of the State Government to payment

of rent or land revenue are concerned, wholly or partially, to the ownership of any

person;(3)"boundary mark" means any erection, whether of earth, stone or other material, and also

any hedge, unploughed ridge, or strip of ground, or other object whether natural or artificial, set up,

employed, or specified by a survey officer or revenue officer having authority in that behalf, in order

to designate the boundary of any division of land;(4)"building" means any structure, not being a

farm building;(5)"building site" means a portion of land held for building purposes, whether any

building be actually erected thereupon or not, and includes the open ground or courtyard enclosed

by, or appurtenant to, any building erected thereupon;(6)"certified copy" or "certified extract"

means a copy or extract, as the case may be, certified in the manner prescribed by Section 76 of the

Indian Evidence Act, 1872;(7)"chavadi" means the place ordinarily used by a village officer for the

transaction of village business;(8)"estate" means any interest in lands and the aggregate of such

interests vested in a person or aggregate of persons capable of holding the same;(9)"farm building"

means a structure erected on land assessed or held for the purpose of agriculture for all or any of the

following purposes connected with such land or any other land belonging to or cultivated by the

holder thereof, namely:-(a)for the storage of agricultural implements, manure or fodder;(b)for the

storage of agricultural product;(c)for sheltering cattle;(d)for residence of members of the family,

servants or tenants of the holder; or(e)for any other purpose which is an integral part of his cultivating arrangement.(10)"gaothan" or "village site" means the land included within the site of a

village, town or city as determined by Section 122;(11)"Government lessee" means a person holding

land from Government under a lease as provided by Section 38;(12)"to hold land" or "to be a

land-holder or holder of land" means to be lawfully in possession of land, whether such possession

is actual or not;(13)"holding" means a portion of land held by a holder;(14)"improvement" in

relation to a holding, means any work which adds materially to the value of the holding which is

suitable thereto and consistent with the purposes for which it is held and which, if not executed on

directly for its benefit or is, after execution, made directly beneficial to it; and, subject to the foregoing provisions, includes -(a)the construction of tanks, wells, water channels, embankments

and other works for storage, supply or distribution of water for agricultural purposes;(b)the construction of works for the drainage of land or for the protection of land from floods, or from

erosion or other damage from water;(c)the planting of trees and the reclaiming, clearing, enclosing,

levelling or terracing of land;(d)the erection of buildings on or in the vicinity of the holding, elsewhere than in the gaothan required for the convenient or profitable use or occupation of the

holdings; and(e)the renewal or reconstruction of any of the foregoing works, or alterations therein

or additions thereto; but does not include -(i)temporary wells and such water-channels, embankments, levellings, enclosures or other works, or petty alterations in, or repairs to such works,

as are commonly made by cultivators of the locality in the ordinary course of agriculture;  
or(ii)any

work which substantially diminishes the value of any land wherever situated, in the  
occupation of

any other person, whether as occupant or tenant;Explanation. - A work which benefits  
several

holdings may be deemed to be an improvement with respect to each of such  
holdings;(15)"joint

holders" or "joint occupants" means holders or occupants who hold land as co-shares,  
whether asMaharashtra Land Revenue Code, 1966

co-shares in a family undivided according to Hindu law or otherwise, and whose shares are not

divided by metes and bounds; and where land is held by joint holders or joint occupants, "holder" or

"occupant", as the case may be, means all the joint holders or joint occupants;(16)"land" includes

benefits to arise out of land, and things attached to the earth, or permanently fastened to anything

attached to the earth, and also shares in or charges on, the revenue or rent of villages, or other

defined portions of territory;(17)"landlord" means a lessor;(18)"land records" means records

maintained under the provisions of or for the purposes of, this Code and includes a copy of maps

and plans of a final town planning scheme, improvement scheme or a scheme of consolidation of

holdings which has come into force in any area under any law in force in the State and forwarded to

any revenue or survey officer under such law or otherwise;(19)"land revenue" means all sums and

payments, in money received or legally claimable by or on behalf of the State Government from any

person on account of any land or interest in or right exercisable over land held by or vested in him,

under whatever designation such sum may be payable and any cess or rate authorised by the State

Government under the provisions of any law for the time being in force; and includes premium,

rent, lease money, quit, rent, judi payable by a inamdardar or any other payment provided under any

Act, rule, contract or deed on account of any land;(20)"legal practitioner" has the meaning assigned

to it in the Advocates Act, 1961;(21)"non-agricultural assessment" means the assessment fixed on

any land under the provisions of this Code or rules thereunder with reference to the use of the land

for a non-agricultural purpose;(22)"occupancy" means a portion of land held by an

occupant;(23)"occupant" means a holder in actual possession of unalienated land, other than a

tenant or Government lessee; provided that, where a holder in actual possession is a tenant, the land

holder or the superior landlord, as the case may be, shall be deemed to be the

occupant;(24)"occupation" means possession;(25)"to occupy land" means to possess or to take

possession of land;(26)"pardi land" means a cultivated land appertaining to houses within a village

site;(27)"population" in relation to any area means population as ascertained at the last preceding

census of which the relevant figures have been published;(28)"prescribed land" means prescribed by

rules made by the State Government under this Code;(29)"recognised agent" means a person

authorised in writing by any party to a proceeding under this Code to make appearances and

applications and to do other acts on his behalf in such proceedings;(30)"relevant tenancy law"

means-(a)in the Bombay area of the State of Maharashtra, the Bombay Tenancy and Agricultural

Lands Act, 1948;(b)in the Hyderabad area of the State of Maharashtra, the Hyderabad Tenancy and

Agricultural Lands Act, 1950;(c)in the Vidarbha region of the State,of Maharashtra, the Bombay

Tenancy and Agricultural Land (Vidarbha Region) Act, 1958;(31)"revenue officer" means officer of

any rank whatsoever appointed under any of the provisions of this Code, and employed in or about

the business of the land revenue or of the surveys, assessment, accounts, or records connected

therewith;(32)"revenue year" means the year commencing on such date as the State Government

may, by notification in the Official Gazette, appoint;(33)"saza" means a group of villages in a taluka

which is constituted a saza under Section 4;(33A)[ "storage device" means an Electronic Device for

retention of data in computer and shall include both hardware and software;] [Clause (33A) was

inserted by Maharashtra 43 of 2005, section 2, (w.e.f. 25-8-2005). MGG Part VIII dt. 25.8.2005 p.

692.](34)"Sub-Divisional Officer" means an Assistant or Deputy Collector who is placed in charge of

one or more sub-divisions of a district;(35)"sub-division of a survey number" means a portion of a

survey number of which the area and assessment are separately entered in the land records under

an indicative number subordinate to that of the survey number of which it is a portion;(36)"surveyMaharashtra Land Revenue Code, 1966

mark" means for the purposes of this Code, a mark erected for purposes of cadastral survey of

land;(37)"survey number" means a portion of land of which the area and assessment are separately

entered, under an indicative number in the land records and includes(i)plots reconstituted under a

final town planning scheme, improvement scheme or a scheme of consolidation of holding which

has come into force in any area under any law; and(ii)in the districts of Nagpur, Wardha, Chanda

and Bhandara any portion of land entered in the land records under any indicative number known

as the khasra number;(38)"superior holder" exception Chapter XVI means as land-holder entitled to

receive rent or land revenue from other land-holders (called "inferior holders") whether he is

accountable or not for such rent or land revenue, or any part thereof, to the State

Government:Provided that, where land has been granted free of rent or land revenue, subject to the

right of resumption in certain specified contingencies by a holder of alienated land whose name is

authorisedly entered as such in the land records, such holder shall, with reference to the grantee, be

deemed to be the superior holder of land so granted by him, and the grantee shall, with reference to

the grantor, be deemed to be the inferior holder of such land, and for the purposes of Sections 147,

151 and 152 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, shall notwithstanding anything hereinafter contained in the definition of the word "tenant", be deemed to

be the tenant of such grantor; (Maharashtra V of 1962).(39)"survey officer" means an officer

appointed under, or in the manner provided by, Section 8;(40)"tenant" means a lessee, whether

holding under an instrument, or under an oral agreement, and includes a mortgagee of a tenant's

rights with possession; but does not include a lessee holding directly under the State

Government;(41)"unoccupied land" means the land in a village other than the land held by an

occupant, a tenant or a Government lessee;(42)[ "urban area" means an area included within the

limits of any municipal corporation or municipal council, constituted under the relevant law for the

time being in force and the expression "non-urban area" shall be construed accordingly] [Clause

(42) was substituted by Maharashtra 21 of 2003, section 2, (w.e.f. 1-8-2003).];(43)"village" includes

a town or city and all the land belonging to a village, town or city;(44)"wada land" means an open

land in village site used for tethering cattle or storing crops or fodder, manure or other similar

things.Revenue Areas

3. Division of State into revenue areas.

- For the purpose of this Code, the State shall be divided into divisions which shall consist of one or

more districts [(including the City of Bombay)] [These brackets and words were substituted for the

brackets and words '(excluding the City of Bombay)' by Maharashtra 47 of 1981, sections 3 and 4.],

and each district may consist of one or more sub-divisions and each sub-division may consist of one

or more talukas, and each taluka may consist of certain villages.

4. Constitution of revenue areas.

(1)The State Government may, by notification in the Official Gazette, specify-(i)the districts [(including the City of Bombay)] [These brackets and words were substituted for the brackets and

words '(excluding the City of Bombay)' by Maharashtra 47 of 1981, sections 3 and 4.] which

constitute a division;(ii)the sub-divisions which constitute a district;(iii)the talukas which constitute

a sub-division;(iv)the village which constitutes a taluka;(v)the local area which constitutes a village;Maharashtra Land Revenue Code, 1966

and(vi)alter the limits of any such revenue area so constituted by amalgamation, division or in any

manner whatsoever, or abolish any such revenue area and may name and after the name of any such

revenue area; and in any case where any area is renamed, then all references in any law or

instrument or other documents to the area under its original name shall be deemed to be references

to the area as renamed, unless expressly otherwise provided:Provided that, the State Government

shall, as soon as possible after the commencement of this Code, constitute by like notification every

wadi, and any area outside the limits of the gaothan of a village having a separate habitation (such

wadi or area having a population of not less than [three hundred, as ascertained by a Revenue

Officer not below the rank of a Tahsildar)] [These words were substituted for the words 'three

hundred' by Maharashtra 8 of 1969, section 2.] to be a village; and specify therein limits of the

village so constituted.(2)The Collector may by an order publish in the prescribed manner arrange

the villages in a taluka which shall constitute a saza; and the sazas in a taluka which shall constitute

a circle, and may alter the limits of, or abolish any saza or circle, so constituted.(3)The divisions,

districts, sub-divisions, talukas, circles, sazas and villages existing at the commencement of this

Code shall continue under the names they bear respectively to be the divisions, districts, sub-divisions, talukas, circles, sazas and villages, unless otherwise altered under this

Section.(4)Every notification or order made under this Section shall be subject to the condition of

previous publication; and the provisions of Section 24 of the Bombay General Clauses Act, 1904,

shall, so far as may be apply in relation to such notification or order, as they apply in relation to

rules to be made after previous publication.

## Chapter II

### Revenue Officers : Their Powers and Duties

#### 5. Chief Controlling authority in revenue matters.

- The chief controlling authority in all matters connected with the land revenue in his division shall

vest in the Commissioner, subject to the superintendence, direction and control of the State

Government.

#### 6. Revenue Officers in division.

- The State Government shall appoint a Commissioner for each division; and may appoint in a

division an Additional Commissioner and so many Assistant Commissioners as may be expedient, to

assist the Commissioner: Provided that, nothing in this Section shall preclude the appointment of

the same officer as Commissioner for two or more divisions.

#### 7. Revenue Officers in district.

(1) The State Government shall appoint a Collector [for each district (including the City of Bombay)]

[These words were substituted for the words 'for the City of Bombay and for each district' by

Maharashtra 47 of 1981, section 5.] who shall be in charge of the revenue administration thereof;

and a Tahsildar for each taluka who shall be the chief officer entrusted with the local revenue Maharashtra Land Revenue Code, 1966

administration of a taluka.(2)The State Government may appoint one or more Additional Collectors

[and in each district (including the City of Bombay)] [These words were substituted for the words

'for the City of Bombay and for each district' by Maharashtra 47 of 1981, section 5(2).] and so many

Assistant Collectors and Deputy Collectors (with such designations such as "First", "Second", "Super

numerary", etc. Assistants as may be expressed in the order of their appointment), one or more

Naib-Tahsildars in a taluka, and one or more Additional Tahsildars or Naib-Tahsildars therein and

such other persons (having such designations) to assist the revenue officers as it may deem

expedient.(3)Subject to the general orders of the State Government, the Collectors may place any

Assistant or Deputy Collector in charge of one or more sub-divisions of a district, or may himself

retain charge thereof. Such Assistant or Deputy Collector may also be called a Sub-Divisional

Officer.(4)The Collector may appoint to each district as many persons as he thinks fit to be Circle

Officers and Circle Inspectors to be in charge of a Circle, and one or more Talathis for a saza, and

one or more Kotwals or other village servants for each village or group of villages, as he may deem

fit.

#### 8. Survey Officers.

- For the purposes of Chapters V, VI, VIII, IX and X, the State Government may appoint such

officers as may from time to time appear necessary. Such officers may be designated "Settlement

Commissioner", "Director of Land Records", "Deputy Director of Land Records", "Superintendents

to Land Records", "Settlement Officers", "District Inspectors of Land Records" and "Survey

Tahsildars", or otherwise as may seem requisite.

#### 9. Combination of Officers.

- It shall be lawful for the State Government to appoint one and the same person, being otherwise

competent according to law, to any two or more of the officers provided for in this Chapter or to

confer upon an officer of one denomination all or any of the powers or duties of any other officer or

officers within certain local limits or otherwise, as may seem expedient.

9A. [Delegation of powers. [Section 9A was inserted by Maharashtra 30 of 1968, section 2.]

- The State Government may, by order in the Official Gazette, direct that the powers of the State

Government to make appointments under Section 7, Section 8 or Section 9 in respect of such

revenue or survey officers and subject to such conditions, if any, may be exercisable also by such

officer not below the rank of the Collector, or as the case may be, Superintendent of Land Records,

as may be specified in the direction.]

#### 10. Temporary vacancies.

- If a Collector or Tahsildar is disabled from performing his duties or for any reason vacates his

office or leaves his jurisdiction or dies-(a)the Additional Collector, and if there be no AdditionalMaharashtra Land Revenue Code, 1966

Collector, the Assistant or Deputy Collector of the highest rank in the district,(b)the Additional

Tahsildar, and if there be no Additional Tahsildar, the Naib-Tahsildar or the senior-most Subordinate Revenue Officer in the taluka, shall, unless other provision has been made by the State

Government, succeed temporarily to the office of the Collector, as the case may be, of the Tahsildar

and shall be held to be the Collector or Tahsildar under this Code, until the Collector, or Tahsildar

resumes charge of his district or taluka, or until such time as a successor is duly appointed and takes

charge of his appointment.Explanation. - An officer whose principal office is different from that of

an Assistant Collector, and who is working as an Assistant Collector for special purposes only, shall

not be deemed as an Assistant for the purposes of this Section.

#### 11. Subordination of Officers.

(1)All Revenue Officers shall be subordinate to the State Government.(2)Unless the State Government directs otherwise, all Revenue Officers in a division shall be subordinate to the

Commissioner, and all revenue officers [in a district (including the City of Bombay)] [These words

were substituted for the words 'in the City of Bombay or in a district' by Maharashtra 47 of 1981,

section 6] shall be subordinate to the Collector.(3)Unless the State Government directs otherwise,

all other Revenue Officers including Survey Officers shall be subordinated, the one to the other, in

such order as the State Government may direct.

#### 12. Appointments to be notified.

- [The appointment of all officers of and above the rank of Tahsildar, or as the case may be, District

Inspector of Land Records made under Sections 6, 7, 8 and 9 shall be duly notified;] [This portion

was substituted for the portion beginning with the words 'The appointment' and ending with the

words 'duly notified' by Maharashtra 30 of 1968 section 3] but the appointment shall take effect

from the date on which an officer assumes charge of his office.

### 13. Powers and duties of Revenue Officers.

(1)The revenue officers of and above the rank of a Tahsildar (not being an Additional Commissioner,

Assistant Commissioner, Additional Collector or Additional Tahsildar) shall exercise the powers and

discharge the duties and functions conferred and imposed on them respectively under this Code or

under any law for the time being in force, and so far as is consistent therewith, all such other

powers, duties and functions of appeal, superintendence and control within their respective

jurisdiction; and over the officers subordinate to them as may from time to time be prescribed by

the State Government:Provided that, the Collector may also exercise throughout his district all the

powers and discharge all the duties and functions conferred or imposed on an Assistant or Deputy

Collector under this Code or under any law for the time being in force and a Tahsildar shall also

exercise such powers as may be delegated to him by the Collectors under the general or special

orders of the State Government.[Explanation. - In this proviso, the expression "a Tahsildar" shall

include, and shall be deemed always to have been included, the expression "an Additional Tahsildar".] [This Explanation was deemed always to have been added by Maharashtra 5 of 1982,

section 9](2)The revenue officers aforesaid shall also, subject to the control and the general orMaharashtra Land Revenue Code, 1966

special orders of the State Government, exercise such powers and discharge such duties and

functions, as the State Government may by an order in writing confer or impose on them for the

purpose only of carrying out the provisions of any law for the time being in force, and so far as is

consistent therewith.(3)The Additional Commissioner and the Assistant Commissioner, and the

Additional Collector and the Additional Tahsildar shall each exercise within his jurisdiction or part

thereof such powers and discharge such duties and functions of the Commissioner, the Collector or,

as the case may be, the Tahsildar under the provisions of this Code or under any law for the time

being in force, as the State Government may, by notification in the Official Gazette, direct in this

behalf.[\*\*\*\*\*] [Proviso was deleted by Maharashtra 47 of 1981, section 7](4)The Sub-Divisional

Officer shall subject to the provisions of Chapter XIII perform all the duties and functions and

exercise all the powers conferred upon a Collector by this Code or any law for the time being in

force, in relation to the sub-division in his charge:Provided that, the Collector may whenever he may

deem fit direct any such Sub-Divisional Officer not to perform certain duties or exercise certain

powers and may reserve the same to himself or assign them to any Assistant or Deputy Collector

subordinate to the Collector:Provided further that, to such Assistant or Deputy Collector who is not

placed in charge of a sub-division, the Collector shall, under the general orders of the State

Government, assign such particular duties and powers as he may from time to time deem

fit.(5)Subject to the orders of the State Government and of the Commissioner the Collector may

assign to a Naib-Tahsildar within his local limits such of the duties, functions and powers of a

Tahsildar as he may from time to time deem fit.(6)Subject to such general orders as may from time

to time be passed by the Commissioner or Collector, a Tahsildar or Naib-Tahsildar may employ any

of his subordinates to perform any portion of his ministerial duties:Provided that, all acts and orders

of his subordinates when so employed shall be liable to revision and confirmation by such Tahsildar

or Naib-Tahsildar.(7)In all matters not specially provided for by law, the Revenue Officers shall act

according to the instructions of the State Government.

#### 14. Powers and duties of Survey Officers, Circle Officers, etc.

(1)Subject to the orders of the State Government, the survey officers are vested with the cognisance

of all matters connected with the survey, settlement and record of rights and shall exercise all such

powers and perform all such duties as may be provided by this Code or any law for the time being in

force:Provided that, a Deputy Director of Land Records shall exercise such powers and discharge

such duties and functions, as are exercised or discharged by the Director of Land Records under this

Code or under any law for the time being in force in such cases or classes of cases, as the State

Government or Director of Land Records may direct.(2)The Circle Officer and the Circle Inspector

in charge of a circle shall exercise such powers over the Talathi in his circle and perform such duties

and functions as may from time to time be prescribed.(3)The Talathi shall be responsible for the

collection of land revenue and all amounts recoverable as arrears of land revenue and for the

maintenance of the record of rights and shall perform all such duties and functions as are

hereinafter provided by this Code or any law for the time being in force or by order of the State

Government.(4)Subject to the general orders of the State Government and the Commissioner, the

Collector shall determine from time to time what registers, accounts and other records shall be kept

by a Talathi.(5)It shall also be the duty of a Talathi to prepare, whenever called upon by any superior

revenue or police officer of the taluka or district to do so all writings connected with the concern of aMaharashtra Land Revenue Code, 1966

village which are required either for the use of the Central or State Government or the public, such

as notices, reports of inquests, and depositions and examinations in criminal matters.(6)All other

revenue officers shall discharge such duties and functions as the State Government may direct.

15. Conferral by State Government of powers of Revenue Officers on other persons.

- The State Government may confer on any person possessing the prescribed qualifications, the

powers conferred by this Code on an Assistant or Deputy Collector or Tahsildar.

16. Seals.

- The State Government shall from time to time by notification in the Official Gazette prescribe what

revenue officers shall use a seal; and what size and description of seal shall be used by each of such

officers.Provisions for recovery of money, papers or other Government property

17. Demands for money, papers, etc. to be made known in writing to person concerned etc.

(1)The Collector or the Superintendent of Land Records or any other officer deputed by the Collector

or the Superintendent for this purpose, shall, in all cases in which he may have a claim on any

revenue officer or on any person formerly employed as such in his department or district for public

money or papers or other property of the State Government, by writing under signature and his

official seal, if he uses one, require the money, or the particular papers or property detained to be

delivered either immediately to the person bearing the said writing, or to such person on such date

and at such place as the writing may specify.(2)If the officer or other person aforesaid does not

discharge the money, or deliver up the papers or property as directed, the Collector, Superintendent

or such other officer may cause him to be apprehended, and may send him with a warrant, in the

form of Schedule A, to be confined in a civil jail till he discharges the sums or delivers up the papers

or property demanded from him; Provided that, no person shall be detained in confinement by

virtue of any such warrant for a longer period than one calendar month.

18. Public moneys may also be recovered as arrears of revenue; and search

warrant may be issued for recovery of papers or property.

(1) The Collector of his own motion if the officer or other person is or was serving in his department

and district, and upon the application of the Superintendent of Land Records if such officer or

person is or was serving in the survey department in his district, may also take proceedings to

recover any public moneys due by him in the same manner and subject to the same rules as are laid

down in the Code for the recovery of arrears of land revenue from defaulters and for the purposes of

recovering public papers or other property of the Government may issue a search warrant and

exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the

provisions of Chapter VII of the [Code of Criminal Procedure, 1898.] [See now the Code of Criminal Maharashtra Land Revenue Code, 1966

Procedure, 1973 (2 of 1974).](2)It shall be the duty of all persons in possession 'of such public

moneys, papers or other property of the Government to make over the same forthwith to the

Collector, and every person knowing where any such property is concealed shall be bound to give

information of the same to the Collector.

19. Officer or person in jail may secure his release by furnishing security.

- If an officer or other person referred to in Section 17 against whom a demand is made shall give

sufficient security in the form in Schedule B, the Collector shall cause such officer or person if in

custody to be liberated and countermand the sale of any property that may have been attached and

restore it to the owner.

### Chapter III

#### Of Lands

20. Title of State in all lands, public roads etc., which are not property of others.

(1)All public roads, lanes and paths, the bridges, ditches, dikes and fences on, or beside, the same,

the bed of the sea and of harbours and creeks below the high water mark, and of rivers, streams,

nallas, lakes and tanks and all canals and watercourses, and all standing and flowing water, and all

lands wherever situated, which are not the property of persons legally capable of holding property,

and except in so far as any rights of such persons may be established, in or over the same, and

except as may be otherwise provided in any law for the time being in force are and are hereby

declared to be, with all rights in or over the same, or appertaining thereto the property of the State

Government and it shall be lawful for the Collector, subject to the orders of the Commissioner, to

dispose of them in such manner as may be prescribed by the State Government in this behalf,

subject always to the rights of way, and all other rights of the public or of individuals legally subsisting. Explanation. - In this Section, "high water-mark" means the highest point reached by

ordinary spring tides at any season of the year. (2) Where any property right in or over any property

is claimed by or on behalf of the Government or by any person as against the Government, it shall be

lawful for the Collector or a survey officer, after formal inquiry of which due notice has been given,

to pass an order deciding the claim. (3) An order passed by the Collector or survey officer under

sub-section (1) or sub-section (2) shall be subject to one appeal and revision in accordance with the

provisions of this Code. (4) Any suit instituted in any civil court after the expiration of one year from

the date of any order passed under sub-section (1) or sub-section (2) or, if appeal has been made

against such order within the period of limitation, then from the date of any order passed by the

appellate authority, shall be dismissed (though limitation has been not set up as a defence) if the

suit is brought to set aside such order or if the relief claimed is inconsistent with such order,

provided that in the case of an order under sub-section (2) the plaintiff has had due notice of such

order. (5) Any person shall be deemed to have had due notice of an inquiry or order under this

Section if notice thereof has been given in accordance with rules made in this behalf by the State

Government. Maharashtra Land Revenue Code, 1966

21. Extinction of rights of public in or over any public road, lane or path not required for use of public.

(1)Whenever it appears to the Collector that any public road, lane or path which is the property of

the State Government or part thereof (hereinafter in this Section referred to as the Government

road), is not required for the use of the public, the Collector may, by a notification published in the

Official Gazette, make a declaration to that effect and state in such declaration that it is proposed

that the rights of the public in or over such Government road (of which the situation and limits as

far as practicable are specified) shall subject to the existing private rights, if any, be

extinguished.(2)On the publication of such notification, the Collector shall, as soon as possible,

cause public notice of such declaration to be given at convenient place on, or in the vicinity of, such

Government road, and shall invite objections to the proposals aforesaid.(3)Any member of the

public or any person having any interest or right, in addition to the right of public highway, in or

over such Government road, or having any other interest or right which, is likely to be adversely

affected by the proposal may, within ninety days after the issue of the notification under sub-section

(1), state to the Collector in writing his objections to the proposal, the nature of such interest or right

and the manner in which it is likely to be adversely affected, and the amount and particulars of his

claim to compensation for such interest or right:Provided that, the Collector may allow any person

to make such a statement after a period of ninety days aforesaid if he is satisfied that such person

had sufficient cause for not making it within that period.(4)The Collector shall give every person

who has made a statement to him an opportunity of being heard either in person or by legal

practitioner and shall, after hearing all such persons in such manner and after making such further

inquiry, if any, as he thinks necessary, is satisfied that the Government road is not required for the

use of the public, make a declaration which shall be published in the Official Gazette, that all rights

of the public, in or over such Government road are extinguished, and all such rights shall thereupon

be extinguished, and such Government road shall, subject to any existing private rights, be at the

disposal of the Government with effect from the date of such declaration. The Collector shall also

determine the amount of compensation, if any, which should, in his opinion, be given in any case in

respect of any substantial loss or damage likely to be caused by the proposed extinction of the rights

of the public as aforesaid. The provisions of Sections 9, 10, 11, 12, 13, 14 and 15 of the Land

Acquisition Act, 1894, shall, so far as may be, apply to the proceedings held by the Collector for the

determination of the amount of compensation under this sub-section: Provided that, no compensation shall be awarded for the extinction or diminution of the rights of public highway over

such Government road. (5) The decision of the Collector under sub-section (4) as respects the

extinguishment of the rights of the public on or over Government road and the amount of compensation and the persons to whom such compensation, if any, is payable shall, subject to the

decision of the Commissioner in appeal, be final; and payments of compensation shall be made by

the Collector to such persons accordingly: Provided that, if payment is not made within six months

from the date of the final order, the Collector shall pay the amount awarded with interest thereon at

the rate of six per cent per annum from the date of the final order. Maharashtra Land Revenue Code, 1966

22. Lands may be assigned for special purposes, and when assigned, shall not be otherwise used without sanction of Collector.

- Subject to the general orders of the State Government, it shall be lawful for a Survey Officer during the course of survey operations under this Code, and at any other time for the Collector, to set apart unoccupied lands (not in the lawful occupations of any person), in villages or parts thereof for forest or fuel reserve, for free pasturage of village cattle or for grass or fodder reserve, for burial or cremation ground, for gaathan, for camping ground, for threshing floor, for bazaar, for skinning ground, for public purposes such as roads, lanes, parks, drains or for any other public purposes; and, the lands assigned shall not be otherwise used without the sanction of the Collector and in the disposal of lands under Section 2D due regard shall be had to all such special assignments.

22A. [ Prohibition on diversion of use of Gairan land. [Inserted by Maharashtra Act No. 34 of 2017, dated 26.4.2017.]

(1)The land set apart by the Collector for free pasturage of village cattle (hereinafter referred to as "the Gairan land") shall not be diverted, granted or leased for any other use, except in the circumstances provided in sub-sections (2) or (3), as the case may be.(2)The Gairan land may be diverted, granted or leased for a public purpose or public project of the Central Government or the State Government or any statutory authority or any public authority or undertaking under the Central Government or the State Government (hereinafter in this section referred to as "Public Authority "), if no other suitable piece of Government land is available for such public purpose or

public project.(3)The Gairan land may be diverted, granted or leased for a project of a project

proponent, not being a Public Authority, when such Gairan land is unavoidably required for such

project and such project proponent transfers to the State Government, compensatory land as

provided in sub-sections (4) and (5).(4)The compensatory land to be transferred to the State

Government under sub-section (3) shall be in the same revenue village have area equal to twice the

area of the Gairan land and its value shall not be less than the value of the Gairan land so allotted

under sub-section (3):Provided that, the area of compensatory land shall have to be suitably

increased, wherever necessary, so as to make its value equal to the value of the Gairan land so

allotted under sub-section (3).(5)The compensatory land to be transferred to the State Government

under sub-section (3) shall, notwithstanding anything contained in any other law, rule or orders

made thereunder, be assigned by the Collector under section 22 for the use only of free pasturage of

village cattle or for grass or fodder reserve.(6)[ The powers of diversion, grant, lease of Gairan land

under this section shall be vested in the State Government :Provided that, notwithstanding anything

contained in section 330-A, the powers of the State Government under sub-section (3) shall not be

delegated to any officer or other authority sub-ordinate to it.]Explanation. - (a) For the purposes of

this section, the term "public purpose" shall have the same meaning as assigned to it in the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

2013.(b)The question whether or not such land is unavoidably required for a project under

sub-section (3) shall be determined by the State Government on the advice of the Divisonal

Commissioner.]Maharashtra Land Revenue Code, 1966

23. Regulation of use of pasturage.

- The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages

to which such lands belong or have been assigned, and shall be regulated according to rules made by

the State Government in this behalf. The Collector's decision in any case of dispute as to the right of

grazing aforesaid shall, subject to one appeal only according to the provisions of this Code, be

conclusive.

24. Recovering value of natural products unauthorisedly removed from certain lands.

- Any person who unauthorizedly removes from any land which is set apart for a special purpose or

from any land which is the property of the Government, any natural product (not being trees) shall

be liable to the Government for the value thereof, and in addition, to a fine not exceeding five times

the value, of the natural product so removed. Such value and fine shall be recoverable from him as

an arrear of land revenue.

25. Right to trees in holdings.

(1)With effect from the commencement of this Code, the right to all trees standing or growing on

any occupied land shall vest in the holder thereof but if the State Government is of opinion that it is

necessary to prohibit or regulate the cutting of certain trees for preventing erosion of soil, it may by

rules prohibit or regulate the cutting of such trees.(2)Nothing in sub-section (1) shall affect in any

area any right in trees in the holding of an occupant in favour of any person existing on the 1st day of

October, 1955, but the occupant may apply to the Collector to fix the value of such right and

purchase the right through the Collector in such manner as may be prescribed.(3)Any sale or

agreement for sale of trees made by any person before the commencement of this Code in anticipation of the vesting such trees in him by virtue of the provisions of this Section shall be void,

and any consideration given for such sale or agreement shall be refunded.

#### 26. Trees and forests vesting in Government.

- The right to all trees, brushwood, jungle or other product growing on land set apart for forest

reserves under Section 22, and to all trees, brushwood, jungle or other natural products, wherever

growing, except in so far as the same may be the property of persons capable of holding property,

vests in the State Government and such trees, brushwood, jungle or other natural product shall be

preserved or disposed of in such manner as the State Government may from time to time prescribe,

by rules made in this behalf.

#### 27. Recovery of value of trees, etc., unauthorisedly appropriated.

- Any person who shall unauthorisedly fell and appropriate any tree or any portion thereof which is

the property of the Government shall be liable to the Government for the value thereof, which shallMaharashtra Land Revenue Code, 1966

be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be

liable under the provisions of this Code for the occupation of the land or otherwise and notwithstanding any criminal proceedings which may be instituted against him in respect of his said

appropriation of Government property.

28. Regulation of cutting and supply of wood, etc.

(1)Where trees are standing in any waste land outside any reserved forest, the villagers in general

may take firewood, and agriculturists such wood as may be required for agricultural implements,

without payment of any tax but subject to rules made by the State Government.(2)In lands which

have been set apart under Section 22 for forest reserves subject to the privileges of the villagers or of

certain classes of persons to cut firewood or timber for domestic or other purposes, and in all other

cases in which such privileges exist in respect of any alienated land, the exercise of the said

privileges shall be regulated by rules made by the State Government in this behalf. In case of

disputes as to the mode or time of exercising any such privileges, the decision of the Collector shall,

subject to one appeal only in accordance with the provisions of this Code, be final.Of the Grant of

land

29. Classes of persons holding land.

(1)There shall be under this Code the following classes of persons holding land from the State, that

is to say-(a)Occupants - Class I(b)Occupants - Class II(c)Government lessees.(2)Occupants - Class I

shall consist of persons who -(a)hold unalienated land in perpetuity and without any restrictions on

the right to transfer;(b)immediately before the commencement of this Code hold land in full

occupancy or Bhumiswami rights without any restrictions on the right to transfer in accordance with

the provisions of any law relating to land revenue in force in any part of the State immediately

before such commencement; and(c)[ on the 21st April, 2018 being 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) Act, 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.] [Substituted by Maharashtra Act No. 44 of 2018 dated

27.7.2018.](3)Occupants - Class II shall consist of persons who,-(a)hold unalienated land in

perpetuity subject to restrictions on the right to transfer;(b)immediately before the commencement

of this Code hold -(i)[\*\*\*] [Deleted by Maharashtra Act No. 44 of 2018 dated

27.7.2018.](ii)elsewhere hold land in occupancy rights with restrictions on the right to transfer

under any other law relating to land revenue; and(c)before the commencement of this Code have

been granted rights in unalienated land under leases which entitle them to hold the land in perpetuity, or for a period not less than fifty years with option to renew on fixed rent, under any law

relating to land revenue and in force before the commencement of this Code; and all provisions of

this Code relating to the rights, liabilities and responsibilities of Occupants - Class II shall apply to

them as if they were Occupants - Class II under this Code.Maharashtra Land Revenue Code, 1966

30. Occupation of unalienated land granted under provisions of the Code.

- Where any unoccupied land which has not been alienated, is granted to any person under any of

the provisions of this Code, it shall be the duty of the Tahsildar without delay to call upon such

person to enter upon the occupation of such land in accordance with the terms of the grant.

31. Unoccupied land may be granted on conditions.

- It shall be lawful for the Collector subject to such rules as may from time to time be made by the

State Government in this behalf, to require the payment of a price for unalienated land or to sell the

same by auction, and to annex such conditions to the grant as may be prescribed by such rules

before land is entered upon under Section 30. The price (if any) paid for such land shall include the

price of the Government right to trees thereon and shall be recoverable as an arrear of land revenue.

32. Grant of alluvial land vesting in Government.

(1)When it appears to the Collector that any alluvial land, which vests under any law for the time

being in force in the State Government, may with due regard to the interests of the public revenue be

disposed of, he shall, subject to the rules made by the State Government in this behalf, offer the

same to the occupant (if any) of the bank or shore on which such alluvial land has formed. The price

of the land so offered shall not exceed three times the annual assessment thereof.(2)If the occupant

does not accept the offer, the Collector may dispose of the land without any restriction as to

price.Explanation. - For the purpose of this Section, notwithstanding anything contained in clause

(24) of Section 2, if the bank or shore has been mortgaged with possession, the mortgagor shall be

deemed to be the occupant thereof.

### 33. Temporary right to alluvial lands of small extent.

- When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be

entitled to the temporary use thereof unless or until the area of the same exceeds one acre. When the

area of the alluvial land exceeds one acre, it shall be at the disposal of the Collector subject to the

provisions of Section 32.

### 34. Disposal of intestate occupancies.

(1) If an occupant dies intestate and without known heirs, the Collector shall take possession of his

occupancy and may lease it for a period of one year at a time. (2) If within three years of the date on

which the Collector takes possession of the occupancy, any claimant applies for the occupancy, being

restored to him, the Collector may, after such enquiry as he thinks fit, place such claimant in

possession of the occupancy or reject his claim. (3) The order of the Collector under sub-section (2)

shall not be subject to appeal or revision but any person whose claim is rejected under sub-section

(2) may, within one year from the date of the communication of the order of the Collector, file a suit

to establish his title, and if such suit is filed the Collector shall continue to lease out the land as Maharashtra Land Revenue Code, 1966

provided in sub-section (2), till the final decision of the suit.(4)If no claimant appears within three

years from the date on which the Collector took possession of the occupancy or if a claimant whose

claim has been rejected under sub-section (2) does not file a suit within one year as provided in

sub-section (3), the collector may sell the right of the deceased occupant in the occupancy by

auction.(5)Notwithstanding anything contained in any law for the time being in force, a claimant,

who establishes his title to the occupancy which has been dealt with in accordance with the

provisions of this Section, shall be entitled only to the rents payable under sub-section (1) and the

sale proceeds realised under sub-section (4), less all sums due on the occupancy on account of land

revenue and the expenses of management and sale.

35. Disposal of relinquished or forfeited sub-division.

(1)If any sub-division of a survey number is relinquished under Section 55, such sub-division of a

survey number shall be treated as Government waste land, and it shall be disposed of by the

Collector in the manner provided in sub-section (2).(2)The Collector shall, subject to the provisions

of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, offer such

division [at such price not exceeding twenty-four times the assessment thereof or such amount as

may be prescribed, whichever is higher] [Substituted 'at such price not exceeding twenty-four times

the assessment thereof' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] as he may consider to

be worth to the occupants of the other sub-divisions of the same survey number in such order as in

his discretion he may deem fit; so however that the total holding of the grantee does not exceed the

ceiling fixed in that behalf under any law for the time being in force in the State. In the event of all

such occupants refusing to accept the offer, the sub-division shall be disposed of by the Collector,

subject to the rules made by the State Government in that behalf, in the manner provided by Section

31.(3)If any sub-division of a survey number is forfeited for default in payment in land revenue, the

Collector shall take possession of the sub-division and may lease such sub-division to the former

occupant thereof or to the occupant of the other sub-divisions of the same survey number or to any

other person for period of one year at a time, so, however, that the total holding of such holder does

not exceed the ceiling referred to in sub-section (2).(4)If within three years of the date on which the

Collector takes possession of the sub-division under sub-section (3), the former occupant thereof

applies for the restoration of the occupancy of the sub-division, the Collector may restore the

sub-division to the occupant on the occupant paying the arrears of land revenue and the penalty

[equal to three times the assessment or such amount as may be prescribed, whichever is higher.]

[Substituted 'equal to three times the assessment' by Maharashtra Act No. 21 of 2017, dated

18.1.2017.] If the occupant fails to get the occupancy of the sub-division restored to him within the

period aforesaid, the sub-division shall be disposed of by the Collector in the manner provided by

sub-section (2).Explanation. - For the purpose of this Section, notwithstanding anything contained

in Clause (23) of Section 2, if any other sub-divisions have been mortgaged with possession, the

mortgagors shall be deemed to be the occupants thereof.

36. Occupancy to be transferable and heritable subject to certain restrictions.

(1)An occupancy shall, subject to the provisions contained in Section 72 and to any conditions

lawfully annexed to the tenure, and save as otherwise provided by law, be deemed an heritable andMaharashtra Land Revenue Code, 1966

transferable property-(2)[ Notwithstanding anything contained in the foregoing sub-section occupancies of persons belonging to the Scheduled Tribes (hereinafter referred to as the 'Tribals')

(being occupancies wherever situated in the State), shall not be transferred except with the previous

sanction of the Collector:Provided that nothing in this sub-section shall apply to transfer of occupancies made in favour of persons other than the Tribals (hereinafter referred to as the

'non-Tribals') on or after the commencement of the Maharashtra Land Revenue Code and Tenancy

Laws (Amendment) Act, 1974.] [Sub-section (2) was substituted for the original by Maharashtra 35

of 1974, section 2(1)](3)Where an occupant belonging to a Scheduled Tribe in contravention of

sub-section (2) transfers possession of his occupancy, the transferor or any person who if he

survives the occupant without nearer heirs would inherit the holding, may, [within thirty years from

the 6th July, 2004] [These words and figures were substituted for the words 'within thirty years of

such transfer of possession' by Maharashtra 43 of 2011, section 2(a), (w.e.f. 6-7-2004)], apply to the

Collector to be placed in possession subject so far as to the Collector may, in accordance with the

rules made by the State Government in this behalf, determine to his acceptance of the liabilities for

arrears of land revenue or any other dues which form a charge on the holding, [and notwithstanding

anything contained in any law for the time being in force, the Collector shall] [These words were

substituted for the words 'and the Collector shall' by Maharashtra 1 of 1991, section 2(a)(ii)] dispose

of such application in accordance with the procedure which may be prescribed:[Provided that,

where a Tribal in contravention of sub-section (2) of any law for the time being in force has, at any

time before the commencement of the Maharashtra Land Revenue Code and Tenancy Laws

(Amendment) Act, 1974 transfer possession of his occupancy to a non-Tribal and such occupancy is

in the possession of such non-Tribal or his successor-in-interest,] [These proviso were added by

Maharashtra 35 of 1974, section 2(2)] and has not been put to any non-agricultural use before such

commencement, then, the Collector shall, notwithstanding anything contained in any law for the

time being in force, either suo motu at any time or on application by the Tribal (or his

successor-in-interest) made at any time [within thirty years from the 6th July, 2004] [These words

and figures were substituted for the words 'within thirty years of such commencement' by

Maharashtra 43 of 2011, section 2(b), (w.e.t. 6-7-2004)], after making such inquiry as he thinks fit,

declare the transfer of the occupancy to be invalid, and direct that the occupancy shall be taken from

the possession of such non-Tribal or his successor-in-interest and restored to the Tribal or his

successor-in-interest.[\*\*\*\*] [The explanation was deleted by Maharashtra 11 of 1976, section 3,

Second Schedule][Provided further] [These words were substituted for the word 'Provided' by

Maharashtra 11 of 1976, section 3, Second Schedule] that where transfer of occupancy of a Tribal has

taken place before the commencement of the said Act, in favour of a non-Tribal, who was rendered

landless by reason of acquisition of his land for a public purpose, only half the land involved in the

transfer shall be restored to the Tribal.(3A)[Where any Tribal (or his successor-in-interest) to whom

the possession of the occupancy is directed to be restored under the first proviso to sub-section (3)

expresses his unwillingness to accept the same, the Collector shall, after holding such inquiry as he

thinks fit, by order in writing, declare that the occupancy together with the standing crops therein, if

any, shall with effect from the date of the order, without further assurance, be deemed to have been

acquired and vest in the State Government.(3B)On the vesting of the occupancy under sub-section

(3A) the non-Tribal shall, subject to the provisions of sub-section (3C), be entitled to receive from

the State Government an amount equal to 48 times the assessment of the land plus the value of

improvements, if any, made by the non-Tribal therein to be determined by the Collector in theMaharashtra Land Revenue Code, 1966

prescribed manner.Explanation. - In determining the value of any improvements under this sub-section, the Collector shall have regard to -(i)the labour and capital provided or spent on improvements;(ii)the present condition of the improvements;(iii)the extent to which the improvements are likely to benefit the land during the period of ten years next following the year in which such determination is made;(iv)such other factors as may be prescribed.(3C)Where there are persons claiming encumbrances on the land, the Collector shall apportion the amount determined under sub-section (3B) amongst the non-Tribal and the person claiming such encumbrances, in the following manner, that is to say -(i)if the total value of encumbrances on the land is less than the amount determined under sub-section (38), the value of encumbrances shall be paid to the holders thereof in full;(ii)if the total value of encumbrances on the land exceeds the amount determined under sub-section (3B), the amount shall be distributed amongst the holders of encumbrances in the order of priority:Provided that, nothing in this sub-section shall affect the right of holder of any encumbrances to proceed to enforce against the non-Tribal his right in any other manner or under any other law for the time being in force.(3D)The land vested in the State Government under sub-section (3A) shall, subject to any general or special orders of the State Government in that behalf, be granted by the Collector to any other Tribal residing in the village in which the land is situate or within five kilometres thereof and who is willing to accept the occupancy in accordance with the provisions of this Code and the rules and orders made thereunder and to undertake to

cultivate the land personally, so, however, that the total land held by such Tribal, whether as owner

or tenant, does not exceed an economic holding within the meaning of sub-section (6) of Section

36A] [Sub-sections (3A) to (3D) were deemed always to have been inserted by Maharashtra 30 of

1977, section 2].(4)Notwithstanding anything contained in sub-section (1) or in any other provisions

of this Code, or in any law for the time being in force it shall be lawful for an Occupant Class-II to

mortgage his property in favour of the State Government in consideration of a loan advanced to him

by the State Government under the Land Improvement Loan Act, 1883, the Agriculturists Loans

Act, 1884, or the Bombay Non-Agriculturists Loans Act, 1928 or in favour of a co-operative society

[or the State Bank of India constituted under Section 3 of the State Bank of India Act, 1955, or a

corresponding new bank within the meaning of clause (d) of Section 2 of the Banking Companies

(Acquisition and Transfer of Undertakings) Act, 1970, or the Maharashtra State Financial

Corporation established under the relevant law] [These words were inserted by Maharashtra 36 of

1971, section 2(a)] 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, Maharashtra State Financial

Corporation] [The word was inserted, by Maharashtra 26 of 1971, section 2(b)], and without

prejudice to any other remedy open to the State Government, [the co-operative society, the State

Bank of India, the corresponding new bank or as the case may be, the Maharashtra State Financial

Corporation] [These words were substituted for the words 'or as the case may be, the co-operative

society', by Maharashtra 26 of 1971, section 2(c)] in the event of such occupant making default in

payment of such loan in accordance with terms on which such loan is granted, it shall be lawful for

the State Government, [the co-operative society, the State Bank of India, the corresponding new

bank, or as the case may be, the Maharashtra State Financial Corporation] [These words were

substituted for the words 'or as the case may be, the co-operative society', by Maharashtra 26 of

1971, section 2(c)] to cause the occupancy to be attached and sold and the proceeds to be applied

towards the payment of such loan. The Collector may, [on the application of the co-operative society,

the State Bank of India, the corresponding new bank or the Maharashtra State Financial Maharashtra Land Revenue Code, 1966

Corporation,] [These words were substituted for the words 'on the application of the society', by

Maharashtra 26 of 1971, section 2(d)] and payment of the premium prescribed by the State

Government in this behalf, by order in writing reclassify the occupant as Occupant-Class I; and on

such reclassification, the occupant shall hold the occupancy of the land without any restriction on

transfer under this Code.Explanation. - For the purposes of this Section, "Scheduled Tribes" means

such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as

are deemed to be Scheduled Tribes in [and persons, who belong to the tribes or tribal communities,

or parts of, or groups within tribes or tribal communities specified in Part VIIA of the Schedule to

the order [made under] [This portion was added by Maharashtra 35 of 1974, section 2(3)] the said

Article 342, but who are not residents in the localities specified in that Order who nevertheless need

the protection of this Section and Section 36A (and it is hereby declared that they do need such

protection) shall, for the purposes of those Sections be treated in the same manner as members of

the Scheduled Tribes.]

36A. [ Restrictions on transfers of occupancies by Tribals. [Sections 36A,

36B and 36C were inserted by Maharashtra 35 of 1974, section 3.]

(1)Notwithstanding anything contained in sub-section (1) of Section 36, no occupancy of a tribal

shall, after the commencement of the Maharashtra Land Revenue Code and Tenancy Laws

(Amendment) Act, 1974, be transferred in favour of any non-tribal by way of sale (including sales in

execution of a decree of a Civil Court or an award or order of any Tribunal or Authority), gift,

exchange, mortgage, lease or otherwise, except on the application of such non-tribal and except with

the previous sanction -(a)in the case of a lease, or mortgage for a period not exceeding 5 years, of the

Collector; and(b)in all other cases, of the Collector with the previous approval of the State Government:Provided that, no such sanction shall be accorded by the Collector unless he is satisfied

that no tribal residing in the village in which the occupancy is situate or within five kilometres

thereof is prepared to take the occupancy from the owner on lease, mortgage or by sale or otherwise.(2)The previous sanction of the Collector may be given in such circumstances and subject

to such conditions as may be prescribed.(3)On the expiry of the period of the lease or, as the case

may be, of the mortgage, the Collector may, notwithstanding anything contained in any law for the

time being in force, or any decree or order of any court or award or order of any Tribunal or Authority, either suo moto or on application made by the Tribal in that behalf, restore possession of

the occupancy to the tribal.(4)Where, on or after the commencement of the Maharashtra Land

Revenue Code and Tenancy Laws (Amendment) Act, 1974, it is noticed that any occupancy has been

transferred in contravention of sub-section (1) [the Collector shall, notwithstanding anything

contained in any law for the time being in force, either suo moto or on an application made by any

person interested in such occupancy, [within thirty years from the 6th July, 2004]] hold an inquiry

in the prescribed manner and decide the matter.(5)Where the Collector decides that any transfer of

occupancy has been made in contravention of sub-section (1), he shall declare the transfer to be

invalid, and thereupon, the occupancy together with the standing crops thereon, if any, shall vest in

the State Government free of all encumbrances and shall be disposed of in such manner as the State

Government may, from time to time, direct. (6) Where an occupancy vested in the State Government

under sub-section (5) is to be disposed of, the Collector shall give notice in writing to the tribal-transferor requiring him to state within 90 days from the date of receipt of such notice Maharashtra Land Revenue Code, 1966

whether or not he is willing to purchase the land. If such tribal-transferor agrees to purchase the

occupancy, then the occupancy may be granted to him if he pays the prescribed purchase price and

undertakes to cultivate the land personally; so however that the total land held by such tribal-transferor, whether as owner or tenant, does not as far as possible exceed an economic

holding.Explanation. - For the purpose of this Section, the expression "economic holding" means

6.48 hectares (16 acres) of jirayat land or 3.24 hectares (8 acres) of seasonally irrigated land, or

paddy or rice land, or 1.62 hectares (4 acres) of perennially irrigated land, and where the land held

by any person consists of two or more kinds of land, the economic holding shall be determined on

the basis of one hectare of perennially irrigated land being equal to 2 hectares of seasonally irrigated

land or paddy or rice land or 4 hectares of jirayat land.

36B. Damages for use and occupation of occupancies in certain cases.

- A non-tribal who after the occupancy is ordered to be restored [under either of the provisos]

[These words were substituted for the words 'under the proviso' by Maharashtra 1 of 1991, section 4]

to sub-section (3) of Section 36 or after the occupancy is vested in the State Government [under

sub-section (3A) of Section 36 or] [These words, brackets, Figures and letter were deemed always to

have been inserted by Maharashtra 30 of 1977, section 3] under sub-section (5) of Section 36A

continues to be in possession of the occupancy, then the non-tribal shall pay to the tribal in the

former case, and to the State Government in the latter case, for the period from the year (following

the year in which the occupancy is or is ordered to be restored to the tribal or is vested in the State

Government as aforesaid) till possession of the occupancy is given to the Tribal or the State

Government, such amount for the use and, occupation of the occupancy as the Collector may fix in

the prescribed manner.

36BB. [ Pleaders, etc. excluded from appearance. [Section 36BB was inserted by Maharashtra 11 of 1977, section 2.]

- Notwithstanding anything contained in this Act or any law for the time being in force, no pleader

shall be entitled to appear on behalf of any party in any proceedings under Sections 36, 36A or 36B

before the Collector, the Commissioner or the State Government: Provided that, where a party is a

minor or lunatic, his guardian may appear, and in the case of any other person under disability, his

authorised agent may appear, in such proceedings. Explanation. - For the purpose of this Section,

the expression 'pleader' includes, an advocate, vakil or any other legal practitioner.]

36C. Bar of Jurisdiction of Civil Court or authority.

(1) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or

under Sections 36, 36A or 36B required to be settled, decided or dealt with by the

Collector. Explanation. - For the purpose of this Section, a Civil Court shall include a Mamlatdar's

Court under the Mamlatdar's Courts Act, 1906. (2) No Civil Court or authority shall entertain an

appeal or application against an order of the Collector under Sections 36, 36A or 36B unless the

appellant or applicant deposits such security as in the opinion of the Court or authority is adequate.] Maharashtra Land Revenue Code, 1966

37. Occupants' rights are conditional.

- An occupant is entitled to the use and occupation of his land in perpetuity conditionally on the

payment of the amount due on account of the land revenue for the same, according to the provisions

of this Code, or of any rules made under this Code or of any other law for the time being in force,

and on the fulfilment of any other terms or conditions lawfully annexed to his tenure.

37A. [ Restrictions on sale, transfer, redevelopment, change of use, etc., in relation to Government land and nazul land. [Inserted by Maharashtra Act No. 4 of 2015, dated 3.3.2015.]

(1)Every sale, transfer, redevelopment, use of additional Floor Space Index (FSI), transfer of

Transferable Development Rights (TDR) or change of use of any Government land in Amravati and

Nagpur Revenue Divisions including the Mumbai City and Revenue Divisions in the State, which is

granted for various purposes under the provisions of this Code or rules made thereunder or any law

relating to land revenue, before the commencement of this Code, including the nazul lands in

Amravati and Nagpur Revenue Divisions shall be subject to taking the prior permission of the State

Government.(2)The State Government shall, while granting such permission as required under

sub-section (1), recover such premium or charge and share of unearned income subject to such

terms and conditions as may be specified, by general or special order, issued by the Government,

from time to time :Provided that, if the provisions of this section or of any such orders issued

thereunder are inconsistent with the terms and conditions of the order of land grant or the lease

deed executed prior to the commencement of the Maharashtra Land Revenue Code  
(Second

Amendment) Act, 2012, the terms and conditions of such order of land grant or lease deed shall

prevail :Provided further that, case of the nazul lands in Amravati and Nagpur Revenue Divisions,

the Provisions of sub-section (1) shall not be applicable with retrospective effect.Explanation. - For

the purpose of this section,-(a)"Government land" includes the Government land or part of such

land or building erected on such land or part thereof or any right or any benefit arising out of or

share in relation to such land or building or part of such land or building ;(b)"nazul land" means the

type of Government land used for nonagricultural purpose such as building, road, market, playground or any other public purpose or the nazul land which has potential for such use in future

including such lands granted on long or short term lease or on no compensation agreement.]

38. Power to grant leases.

- It shall be lawful for the Collector at any time to lease under grant or contract any unalienated

unoccupied land to any person, for such period, for such purpose and on such conditions as he may,

subject to rules made by the State Government in this behalf, determine, and in any such case the

land shall, whether a survey settlement has been extended to it or not, be held only for the period

and for the purpose and subject to the conditions so determined. The grantee shall be called a

Government lessee in respect of the land so granted.Maharashtra Land Revenue Code, 1966

39. Occupant to pay land revenue and Government lessee to pay rent fixed.

Every occupant shall pay as land revenue the assessment fixed under the provisions of this Code and

rules made thereunder; and every Government lessee shall pay as land revenue lease money fixed

under the terms of the lease.

40. Saving of powers of Government.

- Nothing contained in any provision of this Code shall derogate from the right of the State

Government to dispose of any land, the property of Government, on such terms and conditions as it

deems fit. Of Use of Land

41. Uses to which holder of land for purposes of agriculture may put his land.

- [(1)] [Section 41 was renumbered as sub-section (1) of that section, by Maharashtra 32 of 1986,

section 2] [Subject to the provisions of this Section, holder of any land] [These words were substituted for the words 'A holder of any land' by Maharashtra 32 of 1986, section 2(a)(i).] assessed

or held for the purpose of agriculture is entitled by himself, his servants, tenants, agents or other

legal representatives to erect farm [building] [This word was substituted for the word 'buildings' by

Maharashtra 32 of 1986, section 2(a)(ii)], construct wells or tanks or make any other improvements

thereon for the better cultivation of the land, or its more convenient use for the purpose

aforesaid.(2)[] [Sub-sections (2) to (6) were added by Maharashtra 32 of 1986, section 2(b)] From

the date of commencement of the Maharashtra Land Revenue Code (Amendment) Act, 1986

(hereinafter in this Section referred to as "such commencement date") before erection of any farm

building or carrying out any work of renewal of, re-construction of, alterations in, or additions to,

any such farm building, or any farm building erected before such commencement date, on any land

which is situated, -(a)within the limits of -(i)the Municipal Corporation of Greater Bombay.(ii)the

Corporation of the City of Pune,(iii)the Corporation of the City of Nagpur,and the area within eight

kilometres from the periphery of the limits of each of these Corporations;(b)within the limits of any

other municipal corporation constituted under any law for the time being in force and the area

within five kilometres from the periphery of the limits of each such municipal corporation;(c)within

the limits of the 'A' Class municipal councils and the area within three kilometres from the periphery

of the limits of each such municipal council;(d)within the limits of the 'B' and 'C' Class municipal

councils; or(e)within the area covered by the Regional Plan, town planning scheme, or proposals for

the development of land (within the notified area) or (an area designated as) the site of the new

town, whether each of these being in draft or final, prepared, sanctioned or approved under the

Maharashtra Regional and Town Planning Act, 1966;the holder or any other person referred to in

sub-section (1), as the case may be, shall, notwithstanding anything contained in sub-clauses (d) and

(e) of clause (14) of Section 2, make an application, in the prescribed form, to the Collector for

permission to erect such farm building or to carry out any such work of renewal, re-construction,

alterations or additions as aforesaid.(3)The Collector may, subject to the provisions of sub-section

(4) and such terms and conditions as may be prescribed, grant such permission for erection of one

or more farm buildings having a plinth area not exceeding the limits specified below:-(i)if the area of

the agricultural holding on which one or more farm buildings are proposed to be erected exceeds 0.4 Maharashtra Land Revenue Code, 1966

hectare but does not exceed 0.6 hectare, the plinth area of all such buildings shall not exceed 150

square metres; and(ii)if the area of the agricultural holding on which one or more farm buildings are

proposed to be erected is more than 0.6 hectare, the plinth area of all such buildings shall not

exceed one-fortieth area of that agricultural holding or 400 square metres, whichever is less:Provided that, if one or more farm buildings proposed to be erected are to be used, either fully

or in part, for the residence of members of the family, servants or tenants of the holder, the plinth

area of such building or buildings proposed to be used for residential purpose shall not exceed 150

square metres, irrespective of the fact that the area of the agricultural holding on which such

building or buildings are proposed to be erected exceeds 0.6 hectare.(4)The Collector shall not grant

such permission -(a)(i)if the area of the agricultural holding on which such building is proposed to

be erected is less than 0.4 hectare;(ii)if the height of such building from its plinth level exceeds 5

metres and the building consists of more than one floor, that is to say, more than ground floor;(iii)for erection of more than one farm building for each of the purposes referred to in clause

(9) of Section 2;(b)if any such work of erection involves renewal or re-construction or alterations or

additions to an existing farm building beyond the maximum limit of the plinth area specified in

sub-section (3) or beyond the limit of the height of 5 metres from the plinth level and a ground

floor.Explanation. - For the purposes of sub-sections (3) and (4), if only one farm building is

proposed to be erected on an agricultural holding, "plinth area" means the plinth area of that

building, and if more than one farm buildings are proposed to be erected on an agricultural holding,

"plinth area" means the aggregate of the plinth area of all such buildings.(5)Where an agricultural

holding is situated within the limits of any municipal corporation or municipal council constituted

under any law for the time being in force, the provisions of such law or of any rules or bye-laws

made thereunder, or of the Development Control Rules made under the provisions of the Maharashtra Regional and Town Planning Act, 1966, or any rules, made by the State or Central

Government in respect of regulating the building and control lines for different portions of National

or State Highways or major or other district roads or village roads shall, save as otherwise provided

in this Section, apply or continue to apply to any farm building or buildings to be erected thereon or

to any work of renewal or reconstruction or alterations or additions to be carried out to the existing

farm building or buildings thereon, as they apply to the building permissions granted or regulated

by or under such law or Development Control Rules or rules in respect of regulating the building

and control lines of highways or roads.(6)Any land used for the erection of a farm building or for

carrying out any work of renewal, re-construction, alterations or additions to a farm building

aforesaid in contravention of the provisions of this Section shall be deemed to have been used for

non-agricultural purpose and the holder or, as the case may be, any person referred to in

sub-section (1) making such use of land shall be liable to the penalties or damages specified in

Sections 43 or 45 or 46, as the case may be.

42. Permission for non-agricultural use.

- [(1) No and used for agriculture shall be used for any non-agricultural purpose; and no land

assessed for one non-agricultural purpose shall be used for any other non agricultural purpose or for

the same non-agricultural purpose but in relaxation of any of the conditions imposed at the time of

the grant or permission for non-agricultural purpose, except with the permission of the Collector.]

[Section 42 re-numbered by Maharashtra 17 of 2007, section (w.e.f. 1-8-2007). MGG (Pt. VIII)Maharashtra Land Revenue Code, 1966

(Extra) dt. 5-5-2007.](2)[ Notwithstanding anything contained in sub-section (1), [no such permission shall be necessary for conversion of use of any agricultural land for the personal bona fide residential purpose in non-urban area, or for the micro enterprise as defined in clause (h) of section 2 of the Micro, Small and Medium Enterprises Development Act, 2006 and small commercial use like shop, flour mill, grocery shop or chilli grinding machine, operated in such premises in use for the personal bona fide residential purpose in non-urban area and occupying the area not exceeding forty square meters] [Sub-section (2) was added by Maharashtra 17 of 2007, section 2, (w.e.f. 1-8-2007). MGG (Pt. VIII ibid)] [or for any micro, small and medium food processing industrial units] [Inserted by Maharashtra Act No. 12 of 2018, dated 17.1.2018.] excluding,-(a)the area mentioned in clause (2) of the Explanation to section 47A, as a peripheral area of the Municipal Corporation or the Municipal Council;(b)the areas falling within the control line of the National Highways, State Highways, District Roads or Village Roads;(c)the areas notified as the Eco-sensitive Zone by the Government of India.][Provided that, the person who uses such premises for the micro enterprise and such small commercial purpose, and occupying the area not exceeding forty square meters for such purpose, [or for any micro, small and medium food processing industrial units] [These Proviso was added by Maharashtra 19 of 2012, section 2(b), (w.e.f. 8-8-2012).] shall give intimation of the date on which such change of use of land has commenced and furnish other information in such form as may be prescribed, withing thirty days from such date, to the Tahsildar through the village officer and shall also endorse a copy thereof to the Collector]. [Provided further that, the use of land for any micro, small and medium food

processing industrial units shall be deemed to be the use of land for agricultural purpose.]  
[Added

by Maharashtra Act No. 12 of 2018, dated 17.1.2018.]

42A. [ No permission required for change of use of land situate in area  
covered by Development plan. [This section was inserted by Maharashtra 37  
of 2014, s. 3.]

(1)Notwithstanding anything contained in section 42, -(a)no prior permission of the  
Collector shall

be necessary for conversion of use of any land held as an Occupants■Class I for any  
purpose as

defined in the sanctioned Development Plan or draft Development Plan prepared and  
published as

per the provisions of the Maharashtra Regional and Town Planning Act, 1966 ; however,  
the

Planning Authority shall ascertain from the concerned revenue authority the Class of land,  
its

occupancy and encumbrances, if any, thereupon, and after ascertaining the same, it shall  
grant the

development permission as per the provisions of the Maharashtra Regional and Town  
Planning Act,

1966 ;(b)for conversion of use of any land held as an Occupants■Class II or land leased  
by the

Government, for any purpose as defined in the sanctioned Development Plan or draft  
Development

Plan prepared and published as per the provisions of the Maharashtra Regional and Town  
Planning

Act, 1966, the occupant shall apply to the Planning Authority for permission to change the  
use of

land, and the Planning Authority shall direct the said occupant to obtain no objection  
certificate of

the Collector for such change; the Collector shall examine the documents by which the  
land is

granted and the relevant laws by which the concerned land is governed and, if permissible  
to grant

no objection certificate, require the applicant to pay the Nazarana and the Government dues for that

purpose; and on payment of the same, the Collector shall issue no objection certificate for change of

use of such land ; on receipt of such certificate, the concerned Planning Authority shall issue Maharashtra Land Revenue Code, 1966

development permission as per the provisions of the Maharashtra Regional and Town Planning Act,

1966.(2)The person to whom permission is granted under clause (b) of subsection (1) or the person

who converts the use of land in view of clause (a) of sub-section (1) shall inform in writing to the

village officer and the Tahsildar within thirty days from the date on which the change of use of land

commenced.(3)If the person fails to inform the village officer and the Tahsildar within the period

specified in sub-section (2), he shall be liable to pay in addition to the non-agricultural assessment,

a fine of rupees twenty-five thousand or forty times of the non-agricultural assessment, whichever is

higher.(4)(a)On receipt of the information in writing from the person, who obtained the development permission, and on payment of conversion tax at the rate mentioned in section 47A

and the non-agricultural assessment therefor, it shall be incumbent upon the concerned revenue

authority to grant him sanad in the form prescribed under the rules within a period of thirty days

from payment thereof. In case of delay in issuing such sanad, the concerned authority shall record

his reasons for the same.Where there is any clerical or arithmetical error in the sanad arising from

any accidental slip or omission, it shall be lawful for the concerned authority either of his own

motion or on the application of a person affected by the error, to direct at any time the correction of

any such error.(b)While granting no objection certificate for the use of land under clause (b) of

sub-section (1) or permission under the Code, the Collector shall grant the no objection certificate or

permission relying upon the Data Bank prepared and certified by the concerned authorities at the

District level.(c)It shall be the responsibility of the District Head of the concerned Department to

update the Data Bank, from time to time.]

42B. [ Provision for conversion of land use for lands included in final

Development plan area. [Inserted by Maharashtra Act No. 30 of 2017, dated

15.4.2017.]

(1)Notwithstanding anything contained in sections 42, 42A, 44 and 44A, upon publication of the

final Development Plan in any area as per the provisions of the Maharashtra Regional and Town

Planning Act, 1966, the use of any land comprised in such area shall, if conversion tax, nonagricultural assessment and, wherever applicable, nazarana or premium and other Government

dues as provided for in sub-section (2) are paid, be deemed to have been converted to the use shown

by way of allocation, reservation or designation in such Development Plan and no separate

permission under section 42 or section 44 shall be required for the use of such land for the use

permissible under such Development Plan :Provided that, where a final Development Plan is already

published on or before the date of commencement of the Maharashtra Land Revenue Code

(Amendment) Act, 2017 (hereinafter in this section referred to as "the commencement date"), any

land comprised in the area under such Development Plan shall, if the conversion tax,

non-agricultural assessment and wherever applicable, nazarana or premium and other Government

dues as provided for in sub-section (2) are paid, be deemed to have been converted to the use shown

by way of allocation, reservation or designation in respect of such land in such final Development

Plan.(2)Upon publication of the final Development Plan in any area and where there is a final

Development Plan already published, after the commencement date, the Collector shall, on an

application made in this regard or suo motu, determine or cause to be determined the conversion

tax at the rate mentioned in section 47A and the non-agricultural assessment for such land on the

basis of the use shown in the Development Plan and give a notice thereof to the concerned occupantMaharashtra Land Revenue Code, 1966

for making payment thereof :Provided that, where such land is held as Occupant Class-II, the

Collector shall also examine the documents by which such land is granted as such and the relevant

laws, rules and the Government orders by which such land is governed and if the conversion to the

use shown in the final Development Plan is permissible thereunder, the Collector shall, wherever

necessary, after obtaining prior approval of the authority competent to allow such conversion,

determine nazarana or premium and other Government dues payable for such conversion, as per

special or general orders of the Government, alongwith the amount of conversion tax and

non-agricultural assessment, as aforesaid, and communicate the same to the occupant for making

payment.If the payment as required under this sub-section is done by the occupant, the Collector

shall grant him sanad in the form prescribed under the rules within a period of sixty days from

payment thereof. On issuance of sanad, necessary entry in the record of rights shall be made

showing such land as having been converted to non-agricultural use, with effect from the date of

payment as aforesaid :Provided further that, where the action under this sub-section is undertaken

on an application made in this regard, the notice, after determination of conversion tax and non-agricultural assessment and, wherever applicable, the amount payable to the Government

towards nazarana or premium and other Government dues as per the prevailing orders of the

Government, shall be issued to the concerned occupant, -(a)in respect of land held as Occupant

Class-I, within 30 days from the date of application ;(b)in respect of land held as Occupant Class-II,

-(i)within 30 days from the date of application, where the Collector is competent to grant permission

for change of use of such land at his level ;(ii)within 30 days from the date on which the permission

of the authority, competent to allow such conversion or change of use, is received by the Collector

:Provided also that, the non-agricultural assessment done under this section shall, wherever

necessary, be revised for a land in accordance with the development permission accorded by the

Planning Authority and for this purpose, it shall be mandatory for the Planning Authority to furnish

a copy of such development permission to the Collector, in each case within 30 days of grant of such

permission or its revision, if any :Provided also that, the non-agricultural assessment of a land, done

on the basis of the use shown in the Development plan, shall be revised in case the Development

Plan is revised or modified by the Government and as a result thereof, the use of the land shown in

the Development Plan changes, with effect from the date of such revision or modification :Provided

also that, the challan or receipt of payment of conversion tax, non-agricultural assessment and

nazarana or premium and other Government dues under this sub-section shall be regarded as the

proof of the land having been converted to the non-agricultural use shown in the final Development

plan and no further proof shall be necessary.(3)Nothing in sub-sections (1) and (2) shall be applicable to any land granted by the Government under section 31 or 38, for specific purpose or to

any land acquired by the Government under the relevant laws and handed over to any individual,

institution or company for use, or to any land which is under any reservation in the Development

plan but has not been acquired by the Planning Authority or the Appropriate Authority.

42C. Provision for conversion of land use for lands included in the draft

Regional plan.

(1) Where a land is situated in an area, for which draft Regional plan has been prepared and

necessary notice regarding such draft Regional plan has been duly published in the Official Gazette

or such Regional plan has been approved and published in the Official Gazette, the use of such land Maharashtra Land Revenue Code, 1966

for the purposes of section 42 or section 44, shall be deemed to have been converted to corresponding non-agricultural use, once development permission on such land under section 18 of

the Maharashtra Regional and Town Planning Act, 1966 is granted, if the conversion tax and

non-agricultural assessment, as per the provisions of this Act, and, in respect of a land held as

Occupant Class-II, nazarana or premium and other Government dues levied for such conversion, as

per the prevailing orders of the Government and the relevant provisions of the law, are

paid.(2)Where a land is situated in an area for which draft Regional plan or draft Development plan

has been prepared and necessary notice regarding such draft Regional plan or draft Development

plan has been duly published in the Official Gazette or such Regional plan or, as the case may be, the

Development Plan has been approved and published in the Official Gazette, the permission to build

a farm building, given by the Collector under section 18 of the Maharashtra Regional and Town

Planning Act, 1966 or by the Planning Authority under the provisions of the aforesaid Act, shall be

deemed to be the permission envisaged under section 41 for such farm building.]

42D. [ Provision for conversion of land use for the residential purpose.

[Inserted by Maharashtra Act No. 12 of 2018.]

(1)Any land situated in an area (hereinafter referred to as "peripheral area") within 200 meters from

the limits of -(i)the site of any village, or(ii)town or city, where such land adjacent to the limits of

such town or city is allocated to a developable zone in the draft or final Regional Plan; shall be

deemed to have been converted to non-agricultural use for residential purpose or the purpose

admissible as per draft or final Regional Plan, subject to the provisions of the Development Control

Regulations applicable to such area.(2)For deemed conversion of the land situated in such peripheral area to the non-agricultural user, the Collector shall, on an application made in this

regard or suo moto, determine or cause to be determined the conversion tax at the rate mentioned

in section 47A and the non-agricultural assessment for such land and give a notice thereof to the

concerned occupant for making payment thereof :Provided that, where such land is held as

Occupant Class-II, the Collector shall also examine the documents by which such land is granted as

such and the relevant laws, rules and the Government orders by which such land is governed and if

the conversion of the land situated in such peripheral area to the non-agricultural user for the

residential purpose or the purpose allowed as per draft or final Regional Plan is permissible

thereunder, the Collector shall, wherever necessary, after obtaining prior approval of the authority

competent to allow such conversion, determine nazarana or premium and other Government dues

payable for such conversion, as per special or general orders of the Government, alongwith the

amount of conversion tax and non-agricultural assessment, as aforesaid, and communicate the same

to the occupant for making payment. If the payment as required under this sub-section is made by

the occupant, necessary entry in the record of rights shall be made showing such land as having

been converted to non-agricultural use, with effect from the date of payment as aforesaid and the

Collector shall grant him sanad in the form prescribed under the rules within a period of sixty days

from payment thereof :Provided further that, where the action under this sub-section is undertaken

on an application made in this regard, the notice, after determination of conversion tax and non-agricultural assessment and, wherever applicable, the amount payable to the Government

towards nazarana or premium and other Government dues as per the prevailing orders of the

Government, shall be issued to the concerned occupant, -(a)in respect of land held as OccupantMaharashtra Land Revenue Code, 1966

Class-I, within 30 days from the date of application; and (b) in respect of land held as Occupant

Class-II, - (i) within 30 days from the date of application, where the Collector is competent to grant

permission for change of use of such land at his level; or (ii) within 30 days from the date on which

the permission of the authority, competent to allow such conversion or change of use, is received by

the Collector : Provided also that, the non-agricultural assessment done under this section for

residential or other admissible purpose shall, wherever necessary, be revised in accordance with the

development permission accorded by the authority competent to grant such permission, and for this

purpose, it shall be mandatory for such competent authority to furnish a copy of such development

permission to the Collector, in each case within 30 days of grant of such building permission

: Provided also that, the challan or receipt of payment of conversion tax, non-agricultural assessment

and nazarana or premium and other Government dues under this sub-section shall be regarded as

the proof of the land having been converted to the non-agricultural use, and no further proof

therefor shall be necessary. (3) Nothing in sub-sections (1) and (2) shall be applicable to any land

granted by the Government under section 31 or 38, for specific purpose or to any land acquired by

the Government under the relevant laws and handed over to any individual, institution or company

for its use, or to any land which is under any reservation in the draft or final Regional Plan but has

not been acquired by the Planning Authority or the Appropriate Authority.]

43. Restriction on use.

- Subject to the rules made by the State Government in this behalf the Collector or a Survey Officer

may regulate or prohibit the use of land liable to the payment of land revenue for purposes such as,

cultivation of unarable land in a survey number assigned for public purpose, manufacture of salt

from agricultural land, removal of earth, stone, kankar, murum or any other material from the land

assessed for the purpose of agriculture only, so as to destroy or materially injure the land for

cultivation, removal of earth, stone (other than loose surface stone), kankar, murum or any other

material from the land assessed as a building site, excavation of and situated within a gaotnan; and

such other purposes as may be prescribed; and may summarily evict any person who uses or

attempts to use the land for any such prohibited purpose.

44. Procedure for conversion of use of land from one purpose to another.

- [(1) Subject to the provisions of sub-section (2) of section 42, if an occupant of unalienated land or

a superior holder of alienated land or a tenant of such land-(a)which is assessed or held for the

purpose of agriculture, wishes to use it for a non-agricultural purpose, or](b)if land is assessed or

held for a particular non-agricultural purpose, wishes to use it for another non-agricultural purpose,

or(c)desires to use it for the same non-agricultural purpose for which it is assessed but in relaxation

of any of the conditions imposed at the time of grant of and or permission for such non-agricultural

purpose, such occupant or superior holder or tenant shall, with the consent of the tenant, or as the

case may be, of the occupant or superior holder, apply to the Collector for permission in accordance

with the form prescribed.(2)The Collector, on receipt of an application, -(a)shall  
acknowledge the

application within seven days;(b)may, unless the Collector directs otherwise, return the  
application

if it is not made by the occupant or superior holder or as the case may be, the tenant or if  
the consent

of the tenant, or as the case may be, of the occupant or superior holder has not been  
obtained, or if itMaharashtra Land Revenue Code, 1966

is not in accordance with the form prescribed;(c)may, after due enquiry, either grant the permission

on such terms and conditions as he may specify subject to any rules made in this behalf by the State

Government; or refuse the permission applied for, if it is necessary to do so to secure the public

health, safety and convenience or if such use is contrary to any scheme for the planned development

of a village, town or city in force under any law for the time being in force and in the case of land

which is to be used as building sites in order to secure in addition that the dimensions, arrangement

and accessibility of the sites are adequate for the health and convenience of the occupiers or are

suitable to the locality; where an application is rejected, the Collector shall state the reasons in

writing of such rejection.(3)If the Collector fails to inform the applicant of his decision within ninety

days from the date of acknowledgement of the application, or from the date of receipt of the

application - if the application is not acknowledged, or within fifteen days from the date of receipt of

application for a temporary change of user or where an application has been duly returned for the

purposes mentioned in clause (b) of sub-section (2), then within ninety days [or as the case may be,

within fifteen days] [These words were inserted by Maharashtra 4 of 1970, section 3] from the date

on which it is again presented duly complied with, the permission applied for shall be deemed to

have been granted, but subject to any conditions prescribed in the rules made by the State Government in respect of such user.(4)The person to whom permission is granted or deemed to

have been granted under this Section shall inform the Tahsildar in writing through the village

officers the date on which the change of user of land commenced, within thirty days from such

date.(5)If the person fails to inform the Tahsildar within the period specified in sub-section (4), he

shall be liable to pay in addition to the non-agricultural assessment [such fine not exceeding five

hundred rupees or such amount as may be prescribed, whichever is higher, as may be directed by

the Collector.] [Substituted 'such fine as the Collector may, subject to rules made in this behalf,

direct not exceeding five hundred rupees.' by Maharashtra Act No. 21 of 2017, dated

18.1.2017.](6)When the land is permitted to be used for a non-agricultural purpose, a sanad shall be

granted to the holder thereof in the form prescribed under the rules.It shall be lawful for the

Collector either of his own motion or on the application of a person affected by the error, to direct at

any time the correction of any clerical or arithmetical error in the sanad arising from any accidental

slip or omission.

44A. [ No permission required for bona fide industrial use of land.] [Section

44A was inserted by Nab. 26 of 1994, section 2.]

(1)Notwithstanding anything contained in Section 42 or 44, where a person desires to convert any

land held for the purpose of agriculture or held for a particular non-agricultural purpose,

situated,-(i)within the industrial zone of a draft or final regional plan or draft, interim or final

development plan or draft or final town planning scheme, as the case may be, prepared under the

Maharashtra Regional and Town Planning Act, 1966, or any other law for the time being in force; or

within the agricultural zone of any of such plans or schemes and the development control

regulations or rules framed under such Act or any of such laws permit industrial use of land;

or(ii)within the area where no plan or scheme as aforesaid exists, [for a bona fide industrial use; or

[This portion was substituted for the portion beginning with words 'for a bona fide industrial use'

and ending with the words 'conditions, namely :-' by Maharashtra 26 of 2005, section 2(a)(i), (w.e.f.

6-3-2004)](iii)within the area undertaken by a private developer [as an Integrated TownshipMaharashtra Land Revenue Code, 1966

Project]; then no permission for such conversion of use of land shall be required, subject to the

following conditions, namely :-] [This portion was substituted by Maharashtra 17 of 2007, section 3,

(w.e.f. 1-8-2007)](a) the person intending to put the land to such use has a clear title and proper

access to the said land; (b) such person has satisfied himself that no such land or part thereof is

reserved for any other public purpose as per the Development Plan (where such plan exists) and the

proposed bona fide industrial use [[or Integrated Township Project] [These words were inserted by

Maharashtra 26 of 2005, section 2(a)(ii), (w.e.f. 6-3-2004)], as the case may be] does not conflict

with the overall scheme of the said Development Plan; (c) no such land or part thereof is notified for

acquisition under the Land Acquisition Act, 1894 or the Maharashtra Industrial Development Act,

1961 or covers the alignment of any road included in the 1981-2001 Road Plan or any subsequent

Road Plan prepared by the State Government; (d) such person ensures that the proposed industry

[[or Integrated Township Project] [These words were inserted by Maharashtra 26 of 2005, section

2(a)(iii), (w.e.f. 6-3-2004)], as the case may be] does not come' up within thirty metres of any

railway line or within fifteen metres of a high voltage transmission line; (e) there shall be no

contravention of the provisions of any law, or any rules, regulations or orders made or issued, under

any law for the time being in force, by the State or Central Government or any local authority,

statutory authority, Corporation controlled by the Central or State Government or any Government

Company pertaining to management of Coastal Regulation Zone, or of the Ribbon Development

Rules, Building Regulations, or rules or any provisions with regard to the benefited zones of

irrigation projects and also those pertaining to environment, public health, peace or safety.[Provided that, the provisions of this sub-section shall not apply to the areas notified as the

Eco-sensitive Zone, by the Government of India] [This proviso was added by Maharashtra 26 of

2005, section 2(a)(iv), (w.e.f, 6-3-2004)].(2)The person so using the land for a bona fide industrial

use [[or Integrated Township Project] [These words were inserted by Maharashtra 26 of 2005,

section 2(b), (w.e.f. 6-3-2004)] as the case may be] shall give intimation of the date on which the

change of user of land has commenced and furnish other information, in the prescribed form, within

thirty days from such date to the Tahsildar through the village officers, and shall also endorse a copy

thereof to the Collector:Provided that, where such change of user of land has commenced before the

rules prescribing such form are published finally in the Official Gazette, such intimation and

information shall be furnished within thirty days from the date on which such rules are so published.(3)(a)If the person fails to inform the Tahsildar and the Collector, as aforesaid, within the

period specified in sub-section (2) or on verification it is found from the information given by him in

the prescribed form that, the use of land is in contravention of any of the conditions specified in

sub-section (1), he shall be liable to either of, or to both, the following penalties, namely :- (i) to pay

in addition to the non-agricultural assessment which may be leviable by or under the provisions of

this Code, [such penalty not exceeding rupees ten thousand or such amount as may be prescribed,

whichever is higher, as the Collector may direct:] [Substituted 'such penalty not exceeding rupees

ten thousand; as the Collector may, subject to the rules, if any, made in this behalf direct' by

Maharashtra Act No. 21 of 2017, dated 18.1.2017.] Provided that, the penalty so levied shall not be

less than twenty times the non-agricultural assessment of such land irrespective whether it does or

does not exceed rupees ten thousand; (ii) to restore the land to its original use. (b) Where there has

been a contravention of any of the conditions specified in sub-section (1), such person shall, on

being called upon by the Collector, by notice in writing, be required to do anything to stop such

contravention as directed by such notice and within such period as specified in such notice, and such Maharashtra Land Revenue Code, 1966

notice may also require such person to remove any structure, to fill up any excavation or to take

such other steps as may be required in order that the land may be used for its original purpose or

that the conditions may be satisfied within the period specified in the notice.(4)(a)If any person fails

to comply with the directions or to take steps required to be taken within the period specified in the

notice, as aforesaid, the Collector may also impose on such person a [further penalty not exceeding

five thousand rupees or such amount as may be prescribed, whichever is higher, for such contravention, and a daily penalty not exceeding one hundred rupees or such amount as may be

prescribed, whichever is higher.] [Substituted 'further penalty not exceeding five thousand rupees

for such contravention, and a daily penalty not exceeding one hundred rupees' by Maharashtra Act

No. 21 of 2017, dated 18.1.2017.] for each day during which the contravention continues.(b)It shall

be lawful for the Collector himself to take or cause to be taken such steps as may be necessary; and

any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land

revenue.(5)As soon as an intimation of use of land for bona fide industrial use [[or Integrated

Township Project] [These words were inserted by Maharashtra 26 of 2005, section 2(b), (w.e.f.

6-3-2004)] as the case may be] is received under sub-section (2) and on verification it is found that

the holder of the land fulfills all the conditions specified in sub-section (1), a sanad shall be granted

to the holder thereof in the prescribed form. [within a period of sixty days in case of bona fide

industrial use and ninety days in case of integrated Township Project form the date of receipt of

such intimation.] [Added by Maharashtra Act No. 19 of 2015, dated 24.4.2015.]Where there is any

clerical or arithmetical error in the sanad arising from any accidental slip or omission, it shall be

lawful for the Collector either of his own motion or on the application of a person affected by the

error to direct at any time the correction of any such error.Explanation [I]. [The existing Explanation renumbered as Explanation-I and after that Explanation-II, was added by Maharashtra

26 of 2005, section 2(d) & 2(e), (w.e.f, 6-3-2004)] - For the purposes of this Section "bona fide

industrial use" means the activity of the manufacture, preservation or processing of goods, or any

handicraft, or industrial business or enterprise, carried on by any person, [or the activity of tourism,

within the area notified as the tourist place or hill station, by the State Government] [These words

were inserted by Maharashtra 26 of 2005, section 2(c), (w.e.f. 6-3-2004)] and shall include construction of industrial buildings used for the manufacturing process or purpose, or power

projects and ancillary industrial usages like research and development, godown, canteen, office-building of the industry concerned or providing housing accommodation to the workers of the

industry concerned, or establishment of an industrial estate including co-operative industrial estate,

service industry, cottage industry, gramodyog units or gramodyog Vasahats".[Explanation II. - For

the purpose of this section, "Integrated Township Project" means Integrated Township Project or

projects under the Regulations framed for development of Integrated Township Project by the

Government, Under the provisions of the Maharashtra Regional and Town Planning Act, 1966.]

[Substituted by Maharashtra Act No. 19 of 2015, dated 24.4.2015.]

45. Penalty for so using land without permission.

(1) If any land held or assessed for one purpose is used for another purpose-(a) without obtaining

permission of the Collector under Section 44 or before the expiry of the period after which the

change of user is deemed to have been granted under that Section, or in contravention of any of the

terms and conditions subject to which such permission is granted; or (b) in contravention of any of Maharashtra Land Revenue Code, 1966

the conditions subject to which any exemption or concession in the payment of land revenue in

relation to such land is granted, the holder thereof or other person claiming through or under him,

as the case may be, shall be liable to the one or more of the following penalties, that is to say, - (i) to

pay non-agricultural assessment on the land leviable with reference to the altered use; (ii) to pay in

addition to the non-agricultural assessment which may be leviable by or under the provisions of this

Code such fine as the Collector may, subject to rules made by the State Government in this behalf,

direct; (iii) to restore the land to its original use or to observe the conditions on which the permission

is granted within such reasonable period as the Collector may by notice in writing direct; and such

notice may require such person to remove any structure, to fill up any excavation or to take such

other steps as may be required in order that the land may be used for its original purpose or that the

conditions may be satisfied. (2) If any person fails within the period specified in the notice aforesaid

to take steps required by the Collector, the Collector may also impose on such [person a penalty not

exceeding three hundred rupees or such amount as may be prescribed, whichever is higher, for such

contravention, and a further penalty not exceeding thirty rupees or such amount as may be

prescribed, whichever is higher] [Substituted 'person a penalty not exceeding three hundred rupees

for such contravention, and a further penalty not exceeding thirty rupees' by Maharashtra Act No. 21

of 2017, dated 18.1.2017.] for each day during which the contravention is persisted in. The Collector

may himself take those steps or cause them to be taken; and any cost incurred in so doing shall be

recoverable from such person as if it were an arrear of land revenue.Explanation. - Using land for

the purpose of agriculture where it is assessed with reference to any other purpose shall not be

deemed to be change of user.

46. Responsibility of tenant or other person for wrongful use.

- If a tenant of any holder or any person claiming under or through him uses land for a purpose in

contravention of the provisions of Sections 42, 43 or 44 without the consent of the holder and

thereby renders the holder liable to the penalties specified in Sections 43, 44 or 45, the tenant or the

person, as the case may be, shall be responsible for the holder in damages.

47. Power of State Government to exempt lands from provisions of [Sections

41, 42,] [The word and figures were substituted for the word and figures

'section 42' by Maharashtra 32 of 1986, section 3] 44, 45 or 46.

- Nothing in [Sections 41, 42,] [The word and figures were substituted for the word and figures

'section 42' by Maharashtra 32 of 1986, section 3] 44, 45 or 46 shall prevent -(a)the State Government from exempting any land or class of lands from the operation of any of the provisions

of those Sections, if the State Government is of opinion that it is necessary, in the public interest for

the purpose of carrying out any of the objects of this Code to exempt such land or such class of

lands; and(b)the Collector from regularising the non-agricultural use of any land on such terms and

conditions as may be prescribed by him subject to rules made in this behalf by the State

Government.Maharashtra Land Revenue Code, 1966

47A. [ Liability for payment of conversion tax by holder for change of user of land.] [Section 47A was inserted by Maharashtra 8 of 1979, section 2]

(1) There shall be levied and collected additional land revenue, to be called the conversion tax, on

account of charge of user of lands. (2) Where any land assessed or held for the purpose of agriculture

is situated within [the limits of Mumbai Municipal Corporation area excluding the area of the

Mumbai City District or any other Municipal Corporation area] [This portion was substituted for the

portion beginning with the words 'the limits of Greater Bombay' and ending with the word 'Solapur'

by Maharashtra 23 of 1999, section 2(1)(a)] or of any 'A' Class or 'B' class municipal area or of any

peripheral area of any of them, and - (a) is permitted, or deemed to have been permitted under

sub-section (3) of Section 44, to be used for any non-agricultural purpose; [\* \*] [The word 'or' was

deleted by Maharashtra 26 of 1994, section 3(a)(i)] (b) is used for any non-agricultural purpose,

without the permission of the Collector being first obtained, or before the expiry of the period

referred to in sub-section (3) of Section 44, and is regularised under clause (b) of [Section 47; or]

[These words and figures were substituted for the words and figures 'section 42' by Maharashtra 26

of 1994, section 3(a)(ii)] (c) [ is put to a bona fide industrial use as provided in Section 44A.-] [This

clause (c) was inserted by Maharashtra 26 of 1994, section 3(a)(iii)] then, the holder of such land

shall, subject to any rules made in this behalf, be liable to pay to the State Government, the

conversion tax, which shall be equal to [[Five times or such amount as may be prescribed, whichever

is higher of ] [These words were substituted for the words 'three times' by Maharashtra 23 of 1999,

section 2(1)(b)]the non-agricultural assessment leviable on such land, in accordance with the

purpose for which it is so used or permitted to be used.(3)Where any land assessed or held for any

non-agricultural purpose is situated in any of the areas referred to in sub-section (2), and -(a)is

permitted, or deemed to have been permitted under sub-section (3) of Section 44, to be used for any

other non-agricultural purpose; Section 47;[\* \*] [The word 'or' was deleted by Maharashtra 23 of

1999, section 3(b)(i)](b)is used for any other non-agricultural purpose, without the permission of

the Collector being first obtained, or before the expiry of the period referred to in sub-section (3) of

Section 44, and is regularised under clause (b) of [Section 47; or] [These words and figures were

substituted for the words and figures 'section 42' by Maharashtra 23 of 1999, section 3(a)(ii)](c)[ is

put to a bona fide industrial use as provided in Section 44A.-] [This clause was inserted by

Maharashtra 23 of 1999, section 3(b)(iii)]then, the holder of such land, subject to any rules made in

this behalf, be liable to pay to the State Government, the conversion tax, which shall be equal to

[[Five times or such amount as may be prescribed, whichever is higher of] [These words were

substituted for the words 'three times' by Maharashtra 23 of 1999, section 2(2)]] the

non-agricultural assessment leviable on such land, in accordance with the purpose for which it is so

used or permitted to be used.Explanation. - For the purposes of this Section, -(1)(a) "Mumbai

Municipal Corporation" means the Mumbai Municipal Corporation constituted under the Mumbai

Municipal Corporation Act; [These clauses were substituted by the Maharashtra 23 of 1999, section

2(3)(a)(1)](b)"any other municipal corporations" means all the other existing municipal corporations, constituted under the City of Nagpur Corporation Act, 1949 or the Bombay Provincial

Municipal Corporations Act, 1949, as the case may be;](c)" 'A' Class or 'B' Class Municipal area"

means any area classified as 'A' Class or, as the case may be, 'B' Class municipal area under [the

Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965] [These

words were substituted for the words 'the Maharashtra Municipalities Act, 1965' by Maharashtra 23 Maharashtra Land Revenue Code, 1966

of 1999, section 2(3)(a)(ii);(2)"peripheral area" in relation to -(a)[ Mumbai Municipal Corporation

area (excluding the area of the Mumbai City District) and municipal corporation areas of the Nagpur

and Pune Municipal Corporations means the area within eight kilometres from their periphery; and

[The sub-clauses were substituted for sub-clauses (a), (b) and (c) by Maharashtra 23 of 1999, section

2(3)(b)](b)all the other Municipal Corporations areas means the area within five kilometres from

their periphery];(c)any 'A' Class or 'B' Class municipal area, means the area within one kilometre

from the periphery of each of such 'A' Class or 'B' Class Municipal areas.

48. Government title to mines and minerals.

(1)[The right to all minerals] [These words were substituted for the words, 'unless it is otherwise

expressly provided by the terms of the grant made by the State Government the right to all minerals'

by Maharashtra 16 of 1985, section 14(a)] at whatever place found, whether on surface or underground, including all derelict or working mines and quarries, old dumps, pits, fields, bandhas,

nallas, creeks, river-beds and such other places, is and is hereby declared to be expressly reserved

and shall vest in the State Government which shall have all powers necessary for the proper

enjoyment of such rights.[\*\*\*\*\*] [The proviso was deleted, by Maharashtra 16 of 1985, section

14(b)](2)The right to all mines and quarries includes the right of access to land for the purpose of

mining and quarrying and the right to occupy such other land as may be necessary for purposes

subsidiary thereto, including the erection of officers, workmen's dwellings and machinery, the

stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines, and any

other purposes which the State Government may declare to be subsidiary to mining and quarrying.(3)If the State Government has assigned to any person its right over any minerals, mines

or quarries, and if for the proper enjoyment of such right, it is necessary that all or any of the powers

specified in sub-sections (1) and (2) should be exercised, the Collector may, by an order in writing,

subject to such conditions and reservations as he may specify, delegate such powers to the person to

whom the right has been assigned:Provided that, no such delegation shall be made until notice has

been duly served on all persons having rights in the land affected, and their objections have been

heard and considered.(4)If, in the exercise of the right herein referred to over any land, the rights of

any persons are infringed by the occupation or disturbance of the surface of such land, the State

Government or its assignee shall pay to such persons compensation for such infringement and the

amount of such compensation shall, in the absence of agreements, be determined by the Collector

or, if his award is not accepted, by the civil court, in accordance with the provisions of the Land

Acquisition Act, 1894.(5)No assignee of the State Government shall enter on or occupy the surface of

any land without the previous sanction of the Collector unless compensation has been determined

and tendered to the persons whose rights are infringed:Provided that, it shall be lawful for the

Collector to grant interim permission pending the award of the civil court in cases where the

question of determining the proper amount of compensation is referred to such court under

sub-section (4).(6)If an assignee of the State Government fails to pay compensation as provided in

sub-section (4), the Collector may recover such compensation from him on behalf of the persons

entitled to it, as if it were an arrear of land revenue.(7)Any person who without lawful authority

extracts, removes, collects, replaces, picks up or disposes of any mineral from working or derelict

mines, quarries, old dumps, fields, bandhas (whether on the plea of repairing or construction of

bunds of the fields or on any other plea), nallas, creeks, river-beds, or such other places whereverMaharashtra Land Revenue Code, 1966

situate, the right to which vests in, and has not been assigned by the State Government, shall,

without prejudice to any other mode of action that may be taken against him, be liable, [on the order

in writing of the Collector or any revenue officer not below the rank of Tahsildar authorised by the

Collector in this behalf, to pay penalty of an amount [upto five times] [Substituted 'on the order in

writing of the Collector, to pay penalty not exceeding a sum determined, at three times' by

Maharashtra Act No. 27 of 2015, dated 17.8.2015.]] the market value of the minerals so extracted,

removed, collected, replaced, picked up or disposed of as the case may be:[\*\*\*] [Deleted 'Provided

that, if the sum so determined is less than one thousand rupees, the penalty may be such larger sum

not exceeding one thousand rupees as the Collector may impose.' by Maharashtra Act No. 27 of

2015, dated 17.8.2015.](8)Without prejudice to the provision in sub-section (7), the Collector may

seize and confiscate any mineral extracted, removed, collected, replaced, picked up or disposed of

from any mine, quarry or other place referred to in sub-section (7), the right to which vests in, and

has not been assigned by, the State Government.(8)[(1) Without prejudice to the provision of

subsection (7), the Collector or any revenue officer not below the rank of Tahsildar authorised by the

Collector in this behalf, may seize and confiscate any mineral extracted, removed, collected,

replaced, picked up or disposed of from any mine, quarry or other place referred to in sub-section

(7), the right to which vests in, and has not been assigned by the State Government, and may also

seize and confiscate any machinery and equipment used for unauthorised extraction, removal,

collection, replacement, picking up or disposal of minor minerals and any means of transport

deployed to transport the same.(2)Such machinery or equipment or means of transport, used for

unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals

or transportation thereof, which is seized under sub-section (1), shall be produced before the

Collector or such other officer not below the rank of Deputy Collector authorised by the Collector in

this behalf, within a period of forty-eight hours of such seizure, who may release such seized

machinery, equipment or means of transport on payment by the owner thereof of such penalty as

may be prescribed and also on furnishing personal bond of an amount not exceeding the market

value of the seized machinery, equipment or means of transport, stating therein that such seized

machinery, equipment or means of transport shall not be used in future for unauthorised extraction,

removal, collection, replacement, picking up or disposal of minor minerals and transportation of the

same.] [Substituted by Maharashtra Act No. 27 of 2015, dated 17.8.2015.](9)The State Government

may make rules to regulate the extraction and removal of minor minerals required by inhabitants of

a village, town or city for their domestic, agricultural or professional use on payment of fees or free

of charge as may be specified in the rules.Explanation. - For the purposes of this Section, "minor

minerals" means the minor minerals in respect of which the State Government is empowered to

make rules under Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957.

49. Construction of water course through land belonging to other person.

(1) If any person (hereinafter called "the applicant") desires to construct a water course to take water

to irrigate his land for the purpose of agriculture from a source of water to which he is entitled

(including any source of water belonging to Government from which water is permitted to be taken)

but such water course is to be constructed through any land which belongs to or is in possession of

another person (hereinafter called "the neighbouring holder"), and if no agreement is arrived at for

such construction between the applicant and the neighbouring holder, the person desiring to Maharashtra Land Revenue Code, 1966

construct the water course may make an application in the prescribed form to the Tahsildar. Explanation. - For the purposes of this Section, the neighbouring holder includes the person to whom the land belongs and all persons holding through or under him. (2) On receipt of the application, if the Tahsildar, after making an enquiry and after giving the neighbouring holder and all other persons interested in the land, an opportunity of stating any objection to the application, is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant it is necessary to construct the water course, he may by order in writing, direct the neighbouring holder to permit the applicant to construct the water course on the following conditions:-(i) The water course shall be constructed through such land in such direction and by manner as is agreed upon by the parties, or failing agreement, as directed by the Tahsildar, so as to cause as little damage to the land through which it is constructed, as may be possible. (ii) Where the water course consists of pipes laid under or over the surface, it shall, as far as possible, be along the shortest distance through such land, regard being had to all the circumstances of the land of the neighbouring holder. Where the water course consists of underground pipes, the pipes shall be laid at a depth of not less than half a metre from the surface of the land. (iii) Where the water course consists of a water channel, the width of the channel shall not be more than is absolutely necessary for the carriage of water, and in any case shall not exceed one and one-half metres. (iv) The applicant shall pay to the neighbouring holder -(a) such compensation for any damage caused to such land by

reason of the construction of any water course injuriously affecting such land and;(b)such annual

rent as the Tahsildar may decide to be reasonable in cases: where the water course consists of a

water channel and pipes laid over the surface; and where it consists of underground pipes, say, [at

the rate of twenty-five paise or such amount as may be prescribed, whichever is higher] [Substituted

'at a rate of 25 paise' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] for every ten metres or a

fraction thereof for the total length of land under which the underground pipe is laid.(v)The

applicant shall maintain the water course in a proper state of repair.(vi)Where the water course

consists of underground pipes, the applicant shall -(a)cause the underground pipe to be laid with the

least practicable delay; and(b)dig up no more land than is reasonably necessary for the purpose of

laying the underground pipe and any land so dug up shall be filled in, reinstated and made good by

the applicant at his own cost for use by the neighbouring holder.(vii)Where the applicant desires to

lay, repair or renew the pipe, he shall do so after reasonable notice to the neighbouring holders of

his intention so to do and in so doing shall cause as little damage as possible to the land or any crops

standing thereon.(viii)Such other conditions as the Tahsildar may think fit to impose.(3)An order

made under sub-section (2) shall direct how the amount of compensation shall be apportioned

among the neighbouring holders and all persons interested in the land.(4)Any order made under

sub-section (2) shall be final and be a complete authority to him or to any agent or other person

employed by him for the purpose to enter upon the land specified in the order with assistants or

workmen and to do all such work as may be necessary for the construction of the water course and

for renewing or repairing the same.(5)If the applicant in whose favour an order under sub-section

(2) is made -(a)fails to pay the amount of compensation or the amount of rent, it shall be recovered

as an arrear of land revenue, on an application being made to the Tahsildar by the person entitled

thereto;(b)fails to maintain the water course in a proper state for repairs, he shall be liable to pay

such compensation as may be determined by the Tahsildar for any damage caused on account of

such failure.(6)If a person intends to remove or discontinue the water course constructed under the

authority conferred on him under this Section, he may do so after giving notice to the Tahsildar andMaharashtra Land Revenue Code, 1966

the neighbouring holder. In the event of removal or discontinuance of such water course, the person

taking the water shall fill in and reinstate the and at his own cost with the least practicable delay. If

he fails to do so, the neighbouring holder may apply to the Tahsildar who shall require such person

to fill in and reinstate the land. (7) The neighbouring holder or any person, on his behalf, shall have

the right to the use of any surplus water from the water course on payment of such rates as may be

agreed upon between the parties, and on failure of agreement, as may be determined by the

Tahsildar. If a dispute arises whether there is or no surplus water in the water course, it shall be

determined by the Tahsildar, and his decision shall be final. (8) There shall be no appeal from any

order passed by a Tahsildar under this Section. But the Collector may call for and examine the

record of any case and if he considers that the order passed by the Tahsildar is illegal or improper;

he may, after due notice to the parties, pass such order as he deems fit. (9) The orders passed by the

Tahsildar or Collector under this Section shall not be called in question in any Court. (10) Where any

person, who after a summary inquiry before the Collector or a Survey Officer, Tahsildar or

Naib-Tahsildar is proved to have wilfully injured or damaged any water course duly constructed or

laid under this Section, he shall be liable to a fine [not exceeding one hundred rupees or such

amount as may be prescribed, whichever is higher] [Substituted 'not exceeding one hundred rupees'

by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] every time for the injury or damage so

caused. Of Encroachments on Land

50. Removal of encroachments on land vesting in Government; provisions

for penalty and other incidental matters.

(1) In the event of any encroachment being made on any land or fore-shore vested in the State

Government (whether or not in charge of any local authority) or any such land being used for the

purpose of hawking or selling articles without the sanction of the competent authority, it shall be

lawful for the Collector to summarily abate or remove any such encroachment or cause any article

whatsoever hawked or exposed for sale to be removed; and the expenses incurred therefor shall be

leviable from the person in occupation of the land encroached upon or used as aforesaid, (2) The

person who made such encroachment or who is in unauthorised occupation of the and so encroached upon shall pay, if the land encroached upon forms part of an assessed survey number,

assessment for the entire number for the whole period of the encroachment, and if the land has not

been assessed, such amount of assessment as would be leviable for the said period in the same

village on the same extent of similar land used for the same purpose. Such person shall pay in

addition [a fine which shall be one thousand rupees or such amount as may be prescribed, whichever is higher] [Substituted 'a fine which shall be not less than five rupees but not more than

one thousand rupees' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] if the land is used for an

agricultural purpose, and if used for a purpose other than agriculture such fine [not exceeding two

thousand rupees or such amount as may be prescribed, whichever is higher] [Substituted 'not

exceeding two thousand rupees' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.]

The person

caught hawking or selling any articles shall be liable to pay fine of a sum not exceeding [fifty rupees

or such amount as may be prescribed, whichever is higher] [Substituted 'fifty rupees' by

Maharashtra Act No. 21 of 2017, dated 18.1.2017.] as the Collector may determine.(3)The Collector

may, by notice duly served under the provisions of this Code, prohibit or require the abatement or

removal of encroachments on any such lands, and shall fix in such notice a date, which shall be aMaharashtra Land Revenue Code, 1966

reasonable time after such notice, on which the same shall take effect.(4)Every person who makes,

causes, permits or continues any encroachment on any land referred to in a notice issued under

sub-section (3), shall in addition to the penalties specified in sub-section (2), be liable at the

discretion of the Collector to a fine not exceeding [twenty-five rupees or such amount as may be

prescribed, whichever is higher] [Substituted 'twenty-five rupees' by Maharashtra Act No. 21 of

2017, dated 18.1.2017.] in the case of encroachment for agricultural purposes and [fifty rupees or as

may be prescribed, whichever is higher] [Substituted 'fifty rupees' by Maharashtra Act No. 21 of

2017, dated 18.1.2017.] in other cases for every day during any portion of which the encroachment

continues after the date fixed for the notice to take effect.(5)An order passed by the Collector under

this Section shall be subject to appeal and revision in accordance with the provisions of this

Code.(6)Nothing contained in sub-sections (1) to (4) shall prevent any person from establishing his

rights in a civil court within a period of six months from the date of the final order under this Code.

#### 51. Regularisation of encroachments.

- Nothing in Section 50 shall prevent the Collector, if the person making the encroachment so

desires, to charge the said person a sum not exceeding [five times or such times as may be

prescribed, whichever is higher, of] [Substituted 'five times' by Maharashtra Act No. 21 of 2017,

dated 18.1.2017.] the value of the land so encroached upon and to fix an assessment not exceeding

[five times or such times as may be prescribed, whichever is higher, of] [Substituted 'five times' by

Maharashtra Act No. 21 of 2017, dated 18.1.2017.] the ordinary annual land revenue thereon and to

grant the land to the encroacher on such terms and conditions as the Collector may impose subject

to rules made in this behalf; and then to cause the said land to be entered in land records in the

name of the said person: Provided that, no land shall be granted as aforesaid, unless the Collector

gives public notice of his intention so to do in such manner as he considers fit, and considers any

objections or suggestions which may be received by him before granting the land as aforesaid. The

expenses incurred in giving such public notice shall be paid by the person making the

encroachment; and on his failure to do so on demand within a reasonable time, shall be recovered

from him as an arrear of land revenue.

52. Value and land revenue how calculated.

(1) For the purposes of Sections 50 and 51, the value of land that has been encroached upon shall be

fixed by the Collector according to the market value of similar land in the same neighbourhood at

the time of such valuation; and the annual revenue of such land shall be assessed at the same rate as

the land revenue of similar land in the vicinity. (2) The Collector's decision as to the value of land and

the amount of land revenue or assessment payable for the land encroached upon shall be conclusive,

and in determining the amount of land revenue, occupation for a portion of year shall be counted as

for a whole year.

53. Summary eviction of person unauthorisedly occupying land vesting in

Government. Maharashtra Land Revenue Code, 1966

(1) If in the opinion of the Collector, any person is unauthorisedly occupying or wrongfully in possession of any land or foreshore vesting in the State Government or is not entitled or has ceased

to be entitled to continue the use, occupation or possession of any such land or foreshore by reason

of the expiry of the period of lease or tenancy or termination of the lease or tenancy or breach of any

of the conditions annexed to the tenure, it shall be lawful for the Collector to [\* \* \*] [The words,

'summarily' and 'in the manner provided in sub-section (2)' were deleted by Maharashtra 36 of 1971,

section 3(a)] evict such person [\* \* \*] [The words, 'summarily' and 'in the manner provided in

sub-section (2)' were deleted by Maharashtra 36 of 1971, section 3(a)]. [(1-A) Before evicting such

person, the Collector shall give him a reasonable opportunity of being heard and the Collector may

make a summary enquiry, if necessary. The Collector shall record his reasons in brief for arriving at

the opinion required by sub-section (1).] [Sub-section (1A) was inserted by Maharashtra 36 of 1971,

3(b)](2) [The Collector shall on his finding as aforesaid, serve] [These words were substituted for the

words 'The Collector shall serve', by Maharashtra 36 of 1971, section 3(c).] a notice on such person

requiring him within such time as may appear reasonable after receipt of the said notice to vacate

the land or foreshore, as the case may be, and if such notice is not obeyed, the Collector may remove

him from such land or foreshore. (3) A person unauthorisedly occupying or wrongfully in possession

of land after he has ceased to be entitled to continue the use, occupation or possession by virtue of

any of the reasons specified in sub-section (1), shall also be liable at the discretion of the Collector to

pay a penalty not exceeding [two times the assessment or rent for land or such amount as may be

prescribed, whichever is higher] [Substituted 'two times the assessment or rent for the land,' by

Maharashtra Act No. 21 of 2017, 18.1.2017.] for the period of such unauthorised use or occupation.

54. Forfeiture and removal of property left over after summary eviction.

(1)After summary eviction of any person under Section 53, any building or other construction

erected on the land or foreshore or any crop raised in the land shall, if not removed by such person

after such written notice as the Collector may deem reasonable, be liable to forfeiture or to summary

removal.(2)Forfeitures under this Section shall be adjudged by the Collector and any property so

forfeited shall be disposed of as the Collector may direct; and the cost of the removal of any property

under this Section shall be recoverable as an arrear of land revenue.

54A. [This Section has ceased to be in force with effect from 1st December, 1978.] [[Section 54A was inserted by Maharashtra 41 of 1973, section 2. It remained in force upto 30-11-1978. The said Section 54A reads as under:

54A. Additional temporary powers for termination of licences, and removal of any building or other structure on any land or foreshore which is forfeited and of persons re-entering or remaining on the land or foreshore after eviction Where-

(a)any person is evicted from any land or foreshore under Section 53;(b)any building or other

structure erected on any land or foreshore is forfeited under Section 54;(c)any person who entered

unauthorisedly on the land or foreshore, is allowed to stay thereafter on payment of a licence fee for

the land, or structure thereon or both,-then, without prejudice to any other proceedings which mayMaharashtra Land Revenue Code, 1966

be taken against any such person, or in respect of the structure given on licence as aforesaid, - (1)

the Collector or any officer of Government authorised by the Collector may, notwithstanding

anything contained in any law, or in any contract or agreement, for the time being in force, at any

time by order direct that the licence or permission (if any) granted to any such person shall be

deemed to be terminated forthwith;(2)the Collector may, by written notice, which shall not be of less

duration than 24 hours, require any person for the time being in occupation of the forfeited structure to show sufficient cause, on or before such day and hour as shall be specified in such

notice, why the forfeited building or other structure shall not be pulled down or removed; and if

such person fails to show cause, on or before the specified day and hour, to the satisfaction of the

Collector, the Collector may pull down or remove the building or other structure, as the case may be;

and(3)no person (including the person evicted) shall, without the previous permission of the

Collector, enter on, or be on or in, or pass over, any such land or foreshore; and if any person enters

on or remains on or in or passes over the land or foreshore in contravention of this Section, he may

be removed therefrom by the Collector or officer authorised, and the Collector or officer authorised

may take all such assistance as is necessary for the purpose.]]

#### 55. Relinquishment.

- An occupant may relinquish his land, that is, resign, in favour of the State Government, but subject

to any rights, tenures, encumbrances or equities lawfully subsisting in favour of any person other

than the Government or the occupant, by giving notice in writing to the Tahsildar not less than

thirty days before the date of commencement of the agricultural year, and thereupon, he shall cease

to be an occupant from the agricultural year next following such date: Provided that, no portion of

land which is less in extent than a whole survey number or sub-division of a survey number may be

relinquished.

56. Relinquishment of alienated land.

- The provisions of Sections 35 and 55 shall apply, as far as may be, to the holders of alienated land.

57. Right of way to relinquished land.

- If any person relinquishes land, the way to which lies through other land which he retains, the

right of way through the land so retained shall continue to the future holder of the land relinquished.

58. Saving of operation of Section 55 in certain cases.

- Nothing in Section 55 shall affect the validity of the terms or conditions of any lease or other

express instrument under which land is, or may, hereafter be held from the State Government. Maharashtra Land Revenue Code, 1966

59. Summary eviction of person unauthorisedly occupying land.

- Any person unauthorisedly occupying, or wrongfully in possession of any land-(a)to the use or

occupation of which by reason of any of the provisions of this Code he is not entitled or has ceased to

be entitled, or(b)which is not transferable without the previous permission under sub-section (2) of

Section 36 or by virtue of any condition lawfully annexed to the tenure under the provisions of

Sections 31, 37 or 44, may be summarily evicted by the Collector.

60. Power of State Government to suspend operation of Section 55.

(1)It shall be lawful for the State Government, by notification in the Official Gazette from time to

time,-(a)to suspend the operation of Section 55 within any prescribed local area, either generally, or

in respect of cultivators or occupants of a particular class or classes, and(b)to cancel any such

notification.(2)During the period for which any notification under clause (a) of sub-section (1) is in

force within any local area, such orders shall be substituted for the provisions of which the operation

is suspended as the Commissioner shall from time to time direct.Protection of certain occupancies

for process of courts

61. Occupancy when not liable to process of civil court; court to give effect

to Collector's certificate.

- In any case where an occupancy is not transferable without the previous sanction of the Collector,

and such sanction has not been granted to a transfer which has been made or ordered by a civil

court or on which the court's decree or order is founded,-(a)such occupancy shall not be liable to the

process of any court, and such transfer shall be null and void, and(b)the court, on receipt of a

certificate under the hand and seal of the Collector, to the effect that any such occupancy is not

transferable without his previous sanction and that such sanction has not been granted, shall

remove any attachment or other process placed on or set aside any sale of, or affecting, such

occupancy.

62. Bar of attachment or sale.

- Any land which immediately before the date of vesting under the Madhya Pradesh Abolition of

Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950, was recorded as sir and shall not

be liable to attachment or sale in execution of a decree or order of a court for the recovery of any

debt incurred before the date of vesting except where such debt was validly secured by mortgage of,

or charge on, the cultivating rights in such sir land.

63. Bar of foreclosure or attachment or sale of Bhumidhari's right.

- No decree or order shall be passed for the sale or foreclosure of any right of a person in land held

by him immediately before the commencement of this Code in Bhumidhari tenure under the

provisions of the Madhya Pradesh Land Revenue Code, 1954, nor shall such right be attached or Maharashtra Land Revenue Code, 1966

sold in execution of any decree or order, nor shall a receiver be appointed to manage such holding

under Section 51 of the Code of Civil Procedure, 1908, nor shall such right vest in the court or in a

receiver under the Provincial Insolvency Act, 1920.

#### Chapter IV

#### Of Land Revenue

64. All lands liable to pay revenue unless specially exempted.

- All lands, whether applied to agricultural or other purposes, and wherever situate, is liable to the

payment of land revenue to the State Government as provided by or under this Code except such as

may be wholly exempted under the provisions of any special contract with the State Government, or

any law for the time being in force or by special grant of the State Government. But nothing in this

Code shall be deemed to affect the power of the Legislature of the State to direct the levy of revenue

on all lands under whatever title they may be held whenever and so long as the exigencies of the

State may render such levy necessary.

65. Liability of alluvial lands to land revenue.

- All alluvial lands, newly-formed islands, or abandoned river-beds which vest under any law for the

time being in force in any holder of alienated land, shall be subject in respect of liability to the

payment of land revenue to the same privileges, conditions, or restrictions as are applicable to the

original holding in virtue of which such lands, islands, or river-beds so vest in the said holder, but no

land revenue shall be leviable in respect of any such lands, islands, or river-beds until or unless the

area of the same exceeds one acre and also exceeds one-tenth of the area of the said original holding.

66. Assessment of land revenue in cases of diluvian.

- Every holder of land paying land revenue in respect thereof shall be entitled, subject to rules as

may be made by the State Government in this behalf, to a decrease of assessment if any portion

thereof not being less than half an acre in extent, is lost by diluvian and the holder shall, subject to

rules made in that behalf, be liable for payment of land revenue on reappearance of the land so lost

by diluvian not less than half an acre in extent.

67. Manner of assessment and alteration of assessment.

(1)The land revenue leviable on any land under the provisions of this Code shall be assessed, or shall

be deemed to have been assessed, as the case may be, with reference to the use of the land,-(a)for

the purpose of agriculture,(b)for the purpose of residence,(c)for the purpose of industry,(d)for the

purpose of commerce,(e)for any other purpose.(2)Where land assessed to agricultural is used for

non-agricultural purpose or vice versa or being assessed to one non-agricultural use is used for

another non-agricultural purpose, then the assessment fixed under the provisions of this Code uponMaharashtra Land Revenue Code, 1966

such and shall, notwithstanding that the term for which such assessment may have been fixed has

not expired, be liable to be altered and assessed at a rate provided for under this Code in accordance

with the purpose for which it is used or is permitted to be used.(3)Where land held free of assessment on condition of being used for any purpose is used at any time for any other purpose, it

shall be liable to assessment.(4)The assessment under sub-sections (2) and (3) shall be made in

accordance with the rules made in this behalf.

68. Assessment by whom to be fixed.

(1)On all lands which are not wholly exempt from the payment of land revenue and which the

assessment has not been fixed or deemed to be fixed under the provisions of this Code, the

assessment of the amount to be paid as land revenue shall, subject to rules made in this behalf, be

fixed by the Collector, for such period not exceeding ninety-nine years as he may be authorized to

prescribe by the State Government under its general or special orders made in that behalf, and the

amounts due according to such assessment shall be levied on all such lands:Provided that, in the

case of lands partially exempt from land revenue or the liability of which to payment of land revenue

is subject to special conditions or restrictions, respect shall be had in fixing the assessment and levy

of land revenue to all rights legally subsisting, according to the nature of the said right:Provided

further that, where any land which was wholly or partially exempt from payment of land revenue

has ceased to be so exempt, it shall be lawful for the Collector to fix the assessment of the amount to

be paid as land revenue on such land with effect from the date on which such land ceased to be so

exempt or any subsequent date as he may deem fit.(2)After the expiry of the period for which the

assessment of any land is fixed under sub-section (1), the Collector may, from time to time, revise

the same in accordance with the rules made in this behalf by the State Government. The assessment

so revised shall be fixed each time for such period not exceeding ninety-nine years as the State

Government may, by general or special order, specify.(3)Nothing in this Section shall be deemed to

prevent the Collector from determining and registering the proper full assessment on lands wholly

exempt from the payment of land revenue. The assessment so determined and registered shall be

leviable as soon as the exemption is withdrawn, and shall for this purpose be deemed to be

assessment fixed under this Section.

69. Settlement of assessment to be made with holder directly from State

Government.

- The settlement of the assessment of each portion of land, or survey number to land revenue, shall

be made with the person who is primarily responsible to the State Government for the same.

70. Rates for use of water.

- The State Government may authorize the Collector or the officer in charge of a survey or such other

officer as it deems fit, to fix such rates as it may from time to time deem fit to sanction, for the use,

by holders and other persons, of water, the right to which vests in the Government, and in respect of

which no rate is leviable under any law relating to irrigation in force in any part of the State. SuchMaharashtra Land Revenue Code, 1966

rates shall be liable to revision at such periods as the State Government shall from time to time

determine, and shall be recoverable as land revenue: Provided that, the rate for use of water for

agricultural purposes shall be [one rupee or such amount as may be prescribed, whichever is higher]

[Substituted 'one rupee only' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] per year per

holder.

71. The fixing of assessment under this Code limited to ordinary land

revenue.

- The fixing of the assessment under the provisions of this Code shall be strictly limited to the

assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which

it shall be lawful for the State Government to impose under the provisions of any law for the time

being in force for purposes of local improvement, such as schools, village and district roads, bridges,

tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which

may be imposed under the provisions of Section 70 or of any law relating to irrigation in force in any

part of the State.

72. Land revenue to be paramount charge on land.

(1) Arrears of land revenue due on account of land by any landholder shall be a paramount charge on

the holding and every part thereof, failure in payment of which shall make the occupancy or

alienated holding together with all rights of the occupant or holder over all trees, crops, buildings

and things attached to the land or permanently fastened to anything attached to the land, liable to

forfeiture; whereupon, the Collector may, subject to the provisions of sub-sections (2) and (3), levy

all sums in arrears by sale of the occupancy or alienated holding, or may otherwise dispose of such

occupancy or alienated holding under rules made in this behalf and such occupancy or alienated

holding when disposed of, whether by sale as aforesaid, or in any manner other than that provided

by sub-sections (2) and (3), shall, unless the Collector otherwise directs, be deemed to be freed from

all tenures, rights, encumbrances and equities therefor created in favour of any person other than

the Government in respect of such occupancy or holding.(2)Where any occupancy or alienated

holding is forfeited under the provisions of sub-section (1), the Collector shall take possession

thereof and may lease it to the former occupant or superior holder thereof, or to any other person

for a period of one year at a time so however, that the total holding of such holder or, as the case

may be, the person does not exceed the ceiling fixed in that behalf under any law for the time being

in force.(3)If within three years of the date on which the Collector takes possession of the occupancy

or alienated holding under sub-section (2), the former occupant or superior holder thereof applies

for restoration of the occupancy or alienated holding, the Collector may restore the occupancy or

alienated holding to the occupant or, as the case may be, to the superior holder on the occupant or

superior holder paying arrears due from him as land revenue and a penalty equal to [three times the

assessment or such times the assessment as may be prescribed, whichever is higher.]

[Substituted

'three times the assessment' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] If the occupant or

superior holder fails to get the occupancy or alienated holding restored to him within the period

aforesaid, the occupancy or alienated holding or part thereof shall be disposed of by the Collector in

the manner provided in sub-section (1).Maharashtra Land Revenue Code, 1966

73. Forfeited holdings may be taken possession of and otherwise disposed.

- It shall be lawful for the Collector in the event of the forfeiture of a holding through any default in

payment or other failure occasioning such forfeiture under Section 72 or any law for the time being

in force, to take immediate possession of such holding and to dispose of the same by placing it in the

possession of the purchaser or other person entitled to hold it according to the provisions of this

Code or any other law for the time being in force.

74. To prevent forfeiture of occupancy certain persons other than occupant may pay land revenue.

- In order to prevent the forfeiture of an occupancy under the provisions of Section 72 or of any

other law for the time being in force, through non-payment of the land revenue due on account

thereof by the person primarily liable for payment of it, it shall be lawful for any person interested to

pay on behalf of such person all sums due on account of land revenue and the Collector shall on due

tender thereof receive the same: Provided that, nothing authorised or done under the provisions of

this Section shall affect the rights of the parties interested as the same may be established in any suit

between such parties in court of competent jurisdiction.

75. Register of alienated lands.

- A register shall be kept by the Collector in the form prescribed by the State Government of all

lands, the alienation of which has been established or recognized under the provisions of any law for

the time being in force; and when it shall be shown to the satisfaction of the Collector that any sanad

granted in relation to any such alienated lands has been permanently lost or destroyed, he may,

subject to the rules and the payment of the fees prescribed by the State Government,  
grant to any

person whom he may deem entitled to the same a certified extract from the said register,  
which shall

be endorsed by the Collector to the effect that it has been issued in lieu of the sanad said  
to have

been lost or destroyed and shall be deemed to be as valid a proof of title as the said  
sanad.

#### 76. Receipts.

(1) Every revenue officer and every Talathi receiving payment of land revenue shall, at the  
time when

such payment is received by him, give a written receipt for the same. (2) Every superior  
holder who is

entitled to recover direct from an inferior holder any sum due on account of rent or land  
revenue

shall, at the time when such sum is received by him, give to such inferior holder a written  
receipt for

the same.

#### 77. Penalty for failure to grant receipts.

- If any person fails to give a receipt as required by Section 76, he shall on the application  
of the

payer, be liable by an order of the Collector, to pay a penalty not exceeding double the  
amount paid. Maharashtra Land Revenue Code, 1966

78. Reduction, suspension or remission of land revenue.

- Notwithstanding anything contained in this Code, the State Government may, in accordance with

the rules or special orders made in this behalf, grant reduction, suspension or remission in whole or

in part of land revenue in any area in any year due to failure of crops, floods, or any other natural

calamity or for any reason whatsoever.

Chapter V

Revenue Surveys

79. Revenue survey may be introduced by State Government into any part of State.

(1) It shall be lawful for the State Government whenever it may seem expedient to direct the survey

of any land in any part of the State with a view to assessment or settlement of the land revenue, and

to the record and preservation of rights connected therewith or for any other similar purpose, and

such survey shall be called a revenue survey. Such survey may extend to the lands of any village,

town or city generally or to such land only as the State Government may direct and subject to the

orders of the State Government, it shall be lawful for the Officers conducting any such survey to

accept from the survey any land to which it may not seem expedient that such survey should be

applied. (2) The control of every revenue shall vest in and be exercised by the State Government.

80. Survey Officer may require by general notice or by summons, suitable

service from holders of land, etc.

- It shall be lawful for a survey officer deputed to conduct or take part in any such survey or a survey

under Section 86 or 87 to require by general notice or by summons the attendance of holders of land

and of all persons interested therein, in person, or by legally constituted agent duly instructed and

able to answer all material questions, and the presence of taluka and village officers, who in their

several stations and capacities are legally or by usage, bound to perform service in virtue of their

respective offices and to require from them such assistance in the operations of the survey and such

service in connection therewith, as may not be inconsistent with the position of the individual so

called on.

81. Assistance to be given by holders and others in measurement or classification of lands.

- It shall be lawful for a survey officer, while conducting surveys mentioned in the preceding Section

to call upon all holders of land and other persons interested therein to assist in the measurement or

classification of the lands to which the survey extends by furnishing flag-holders; and in the even of

a necessity for employment for employing hired labour for this or other similar object incidental to

survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the Maharashtra Land Revenue Code, 1966

land surveyed, for collection as a revenue demand.

82. Survey numbers not to be of less than certain extent.

(1) Except as hereinafter provided no survey number comprising land used for purposes of agriculture only shall be made of less extent than the minimum to be fixed from time to time for the

several classes of land in each district by the Director of Land Records, with the sanction of the State

Government. A record of the minima so fixed shall be kept in the office of the Tahsildar in each

taluka, and shall be open to the inspection of the public at reasonable times. (2) The provisions of

sub-section (1) shall not apply to survey numbers which have already been made of less extent than

the minima so fixed, or which may be so made under the authority of the Director of Land Records

given either generally or in any particular instance in this behalf; and any survey number separately

recognized in the land records shall be deemed to have been authorizedly made whatever be its

extent.

83. Power of State Government to direct fresh survey and revision of assessment.

- It shall be lawful for the State Government to direct at any time, a fresh survey or any operation

subsidiary thereto: Provided that, where a general classification of the soil of any area has been made

a second time, or where any original classification of the soil of any area has been approved by the

State Government as final, no such classification shall be again made with a view to the revision of

the assessment of such area except when the State Government considers that owing to changes in

the condition of the soil of such area or any errors in classification, such reclassification is necessary.

84. Entry of survey numbers and sub-divisions in records.

- The area and assessment of survey numbers and sub-divisions of survey numbers shall be entered

in such records as may be maintained under the rules made by the State Government in that behalf.

85. Partition.

(1) Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of

Holdings Act, 1947, a holding may be partitioned on the decree of a civil court or on application of

co-holders in the manner hereinafter provided. (2) If in any holding there are more than one

co-holder, any such co-holder may apply to the Collector for a partition of his share in the

holding: Provided that, where any question as to title is raised, no such partition shall be made until

such question has been decided by a civil suit. (3) [The Collector] [The words were substituted for the

words brackets and figure 'Subject to the provisions of sub-section (4), the Collector' by

Maharashtra 8 of 1969, section 3(a).] may, after hearing the co-holder, divide the holding and

apportion the assessment of the holding in accordance with the rules made by the State Government

under this Code. (4) [\*\*\*\*] [sub-section (4) was deleted by Maharashtra 8 of 1969, section

3(b).] (5) Expenses properly incurred in making partition of a holding paying revenue to the State Maharashtra Land Revenue Code, 1966

Government shall be recoverable as a revenue demand in such proportion as the Collector may think

fit from the co-holders at whose request the partition is made, or from the persons interested in the

partition.

86. Division of survey numbers into new survey numbers.

- Where any portion of cultivable land is permitted to be used under the provisions of this Code for

any non-agricultural purpose or when any portion of land is specially assigned under Section 22, or

when any assessment is altered or levied or any portion of land under sub-section (2) or sub-section

(3) of Section 67, such portion may, with the sanction of the Collector, be made into a separate

survey number at any time, the provisions of Section 82, notwithstanding.

87. Division of survey numbers into sub-divisions.

(1) Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of

Holdings Act, 1947(a) survey numbers may from time to time and at any time be divided into so

many sub-divisions as may be required in view of the acquisition of rights in and or for any other

reason;(b) the division of survey numbers into sub-divisions and the fixing of the assessment of the

sub-divisions shall be carried out and from time to time revised in accordance with the rules made

by the State Government in this behalf: Provided that, the total amount of the assessment of any

survey number or sub-division shall not be enhanced during any term for which such assessment

may have been fixed under the provisions of this Code, unless such assessment is liable to alteration

under Section 67;(c) the area and assessment of such sub-divisions shall be entered in such land

records as the State Government may prescribe in this behalf.(2)Where a holding consists of several

khasra numbers in any area in the State, the Settlement Officer shall assess the land revenue payable

for each khasra number and record them as separate survey numbers.

88. Privilege of title-deeds.

- When the original survey of any land has been once completed, approved and confirmed under the

authority of the State Government, no person shall, for the purposes of subsequent surveys of the

said lands undertaken under the provisions of this Chapter, be compelled to produce his title-deeds

to such land or to disclose their contents.

89. Survey made before commencement of this Code to be deemed to be

made under this Chapter.

- Any surveys heretofore made, and introduced under any law for the time being in force or otherwise, and in operation on the date of the commencement of this Code, shall be deemed to have

been made under the provisions of this Chapter.Maharashtra Land Revenue Code, 1966

## Chapter VI

### Assessment and Settlement of Land Revenue of Agricultural

#### Land

#### 90. Interpretation.

- In this Chapter, unless the context otherwise requires, -(a) "classification value" means the relative

valuation of land as recorded in the survey records having regard to its soil, situation, water and

other advantages, and includes the valuation of land expressed in terms of soil units on the basis of

the factor scale in the Districts of Nagpur, Chanda, Wardha and Bhandara and Melghat Talukas in

Amravati District; (b) "class of land" means any of the following classes of land, namely warkas, dry

crop, paddy or rice or garden land; (c) "factor scale" means the relative value of each class of land

included in the sanctioned scheme of soil classification; (d) "group" means all lands in a zone, which

in the opinion of the State Government or an officer authorised by it in this behalf, are sufficiently

homogeneous in respect of matters enumerated in sub-section (2) of Section 94 to admit of the

application to them of the same standard rates for the purpose of assessment of land

revenue; (e) "settlement" means the result of the operations conducted in a zone to determine the

land revenue assessment therein; (f) "standard rate" means, with reference to any particular class of

land, the value (not exceeding one-twenty-fifth) of the average yield of crops per acre for that class

of and of sixteen annas classification. Explanation. - In the areas mentioned in clause (a) in which

the factor scale prevails, 'land of sixteen annas classification' means land possessing the number of

soil units in the factor scale, corresponding to the sixteen annas classification as prescribed by the

State Government;(g)"term of a settlement" means the period for which the State Government has

declared that a settlement shall remain in force;(h)"zone" means a local area comprising a taluka or

a group of talukas or portions thereof, of one or more districts, which in the opinion of the State

Government or an officer authorised by it, in this behalf, is contiguous and homogeneous in respect

of -(i)physical configuration,(ii)climate and rainfall,(iii)principal crops grown in the local area,

and(iv)soil characteristics.

91. Forecast as to settlement.

(1)Before directing a settlement or fresh settlement of any land under Section 92, the State Government shall cause a forecast of the probable results of the settlement to be prepared in

accordance with such instructions as may be issued for the purpose.(2)A notice of the intention of

the State Government to make the settlement together with proposals based on the said forecast for

the determination or revision of land revenue and the term for which the settlement is to be made

shall be published for objections in such manner as the State Government may determine.(3)Such

forecast and proposals shall be despatched to every member of each of the two Houses of the State

Legislature not less than twenty-one days before the commencement of a session thereof.(4)Any

member of the State Legislature desiring to make any modification in the proposals shall give notice

of motion not later than the opening day of the session and the State Government shall arrange for

discussion of such motion in each House.(5)The State Government shall accept any resolutionMaharashtra Land Revenue Code, 1966



concerning the said forecast and proposals in which both the Houses concur and shall take into

consideration any objections which may be received from the persons concerned, before directing

the settlement.

92. Power of State Government to direct original or revision settlement of land revenue of any lands.

- Subject to the provisions of Section 91, the State Government may at any time direct a settlement

of land revenue of any land (hereinafter referred to as an "original settlement"), or a fresh settlement thereof (hereinafter referred to as "revision settlement"), whether or not a revenue

survey thereof has been made under Section 79: Provided that, no enhancement of assessment shall

take effect before the expiration of the settlement for the time being in force.

93. Term of settlement.

- A settlement shall remain in force for a period of thirty years and on the expiry of such period, the

settlement shall continue to remain in force until the commencement of the term of a fresh settlement.

94. Assessment how determined.

(1) The assessment of land revenue on all lands in respect of which a settlement has been directed

under Section 92 and which are not wholly exempted from the payment of land revenue shall,

subject to the limitations contained in the first proviso to sub-section (1) of Section 68, be determined by dividing the lands to be settled in groups and fixing the standard rates for each group

in accordance with the rules made by the State Government in this behalf. (2) The matters specified

in clause (a) of this sub-section shall ordinarily be taken into consideration in forming groups, but

those specified in clause (b) thereof may also where necessary be taken into consideration for that

purpose:-(a)(i)physical configuration,(ii)climate and rainfall,(iii)prices, and(iv)yield of principal

crops;(b)(i)markets,(ii)communications,(iii)standard of husbandry,(iv)population and supply of

labour,(v)agricultural resources,(vi)variations in the area of occupied and cultivated lands during

the last thirty years,(vii)wages,(viii)ordinary expenses of cultivating principal crops including the

value of the labour in cultivating the land in terms of wages.(3)The land revenue assessment of

individual survey numbers and sub-divisions shall be fixed by the Settlement Officer on the basis of

their classification value in the prescribed manner.

95. Increase in average yield due to improvements at the expense of holders

not to be taken into account.

- If any improvements have been effected in any and by or at the expense of the holder thereof, the

increase in the average yields of crops of such land due to the said improvements shall not be taken

into account in fixing the revised assessment thereof.Maharashtra Land Revenue Code, 1966

96. Settlement Officer how to proceed for making settlement.

- In making a settlement, the Settlement Officer shall proceed as follows:-(1)He shall divide the

lands to be settled into groups as provided by Section 94;(2)He shall ascertain in the prescribed

manner the average yield of crops of lands for the purposes of the settlement;(3)He shall then fix

standard rates for each class of and in each group on a consideration of the relevant matters as

provided in sub-section (2) of Section 94,(4)He shall hold an enquiry in the manner prescribed by

rules made under this Code for the purposes of this Section;(5)He shall submit to the Collector in

the prescribed manner a report (hereinafter called "the settlement report") containing his proposals

for the settlement.

97. Settlement report to be printed and published.

(1)On submission of a settlement report, the Collector shall cause such report to be published in the

prescribed manner.(2)There shall also be published in each village a notice in Marathi stating for

each class of land in the village the existing standard rate and the extent of any increase or decrease

proposed therein by the Settlement Officer. The notice shall also state that any person may submit

to the Collector his objection in writing to the proposals contained in the settlement report within

three months from the date of such notice.

98. Submission to Government of settlement report with statement of

objections, etc., and Collector's opinion thereon.

- After taking into consideration such objections as may have been received by him, the Collector

shall forward to the State Government, through such officers as the State Government may direct,

the settlement report with his remarks thereon.

99. Reference to [Revenue Tribunal] [These words were substituted for the words 'Divisional Commissioner' by Maharashtra Land Revenue Code (Second Amendment) Act, 2007, Maharashtra 23 of 2007, section 2.].

- Any person aggrieved by the report published by the Collector under Section 97 may, within two

months from the date of notice under sub-Section (2) of Section 97, apply to the State Government

[for reference to the Maharashtra Revenue Tribunal] [These words were substituted for the words

'for reference to the concerned Divisional Commissioner' by Maharashtra Land Revenue Code

(Second Amendment) Act, 2007, Maharashtra 23 of 2007, section 2.]. On such person depositing

such amount of costs as may be prescribed, the State Government shall direct the report to be sent

to the [Revenue Tribunal] [These words were substituted for the words 'Divisional Commissioner'

by Maharashtra Land Revenue Code (Second Amendment) Act, 2007, Maharashtra 23 of 2007,

section 2.] for inquiry. [The Revenue Tribunal] [These words were substituted for the words

'Divisional Commissioner' by Maharashtra Land Revenue Code (Second Amendment) Act, 2007,

Maharashtra 23 of 2007, section 3(a).] after making an inquiry in the manner prescribed shall

submit its own opinion on the objections raised and on such other matters as may be referred to it Maharashtra Land Revenue Code, 1966

by the State Government. The State Government may make rules for the refund of the whole or any

portion of the cost in such cases as it deems fit.

100. Orders on Settlement Report.

(1) The settlement report, together with the objections, if any, received thereon and the opinion of

the [Revenue Tribunal] [These words were substituted for the words 'Divisional Commissioner' by

Maharashtra Land Revenue Code (Second Amendment) Act, 2007, Maharashtra 23 of 2007, section

2.] on a reference, if any, made to it under Section 99 shall be considered by the State Government,

which may pass such order thereon as it may deem fit: Provided that, no increase in the standard

rate proposed in the settlement report shall be made by the State Government, unless a fresh notice

as provided in Section 97 has been published in each village affected by such rates and objection

received, if any, have been considered by the State Government. The provisions of this Section shall,

so far as may be, apply to orders passed regarding such increase. (2) The settlement report, together

with objections, if any, received thereon and the opinion of [the Revenue Tribunal] [These words

were substituted for the words 'the Divisional Commissioner' by Maharashtra Land Revenue Code

(Second Amendment) Act, 2007, Maharashtra 23 of 2007, section 3(b).] on a reference, if any, made

to it under Section 99 and the orders passed by the State Government under sub-section (1) shall be

laid on the table of each House of the State Legislature. (3) The orders passed by the State Government shall be final and shall not be called in question in any court.

101. Powers of State Government to exempt from assessment for water advantages.

(1)The State Government may at the time of passing orders under Section 100 exempt any land from

assessment under this Chapter for any advantage or specified kind of advantage accruing to it from

water.(2)The State Government may at any time during the term of the settlement, after publishing

a notice in Marathi in the village concerned and after the expiry of a period of six months from the

date of the publication of such notice, withdraw any exemption granted by it under sub-section (1)

and direct that such land shall be assessed for such advantage.

102. Introduction of settlement.

- After the State Government has passed orders under Section 100 and notice of the same has been

given in the prescribed manner, the settlement shall be deemed to have been introduced and the

land revenue according to such settlement shall be levied from such date as the State Government

may direct:Provided that, in the year in course of which a settlement, whether original or revised, is

introduced under this Section, the difference between the old and the new assessment of all lands on

which the latter may be in excess of the former shall be remitted and the revised assessment shall be

levied only from the next following year:Provided further that, in the year next following that in

which any original or revised settlement is introduced, any occupant who may be dissatisfied with

the increased rate imposed by such new assessment on any of the survey numbers or sub-divisions

of survey numbers held by him shall, on relinquishing such number or sub-division in the mannerMaharashtra Land Revenue Code, 1966

provided by Section 55, receive a remission of the increase so imposed.

103. Claims to hold land free of land revenue.

(1) Any person claiming to hold wholly or partly free of land revenue as against the State Government any land shall be bound to prove his title thereto to the satisfaction of the Settlement Officer. (2) If he so proves his title, the case shall be reported for the orders of the State Government.

104. Assessment of lands wholly exempt from payment of land revenue.

(1) Nothing in this Chapter shall be deemed to prevent a Settlement Officer from determining and registering the proper full assessment on lands, wholly exempt from the payment of land revenue. (2) The assessment so determined and registered shall be levied as soon as the exemption is withdrawn and shall be deemed for this purpose, to have been fixed under the provisions of this Chapter.

105. Powers of State Government to direct assessment for water advantages.

- Notwithstanding anything contained in this Chapter; the State Government may direct at the time of passing orders under Section 100 that any land in respect of which a settlement is made under this Chapter shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements on existing irrigation works completed after the State Government has directed the settlement under Section 92 and not affected by or at the expense of the holder of the land, and only when no rate in respect of such additional advantages is levied under any law relating to irrigation in force in any part of the State: Provided that, the State Government shall, before

making such direction, publish a notice in this behalf in Marathi in the village concerned and shall

consider the objections, if any, received to the proposal contained therein and no such direction

shall be issued until after the expiry of a period of six months from the date of publication of such

notice.

106. Power of Collector to correct errors.

- The Collector may, at any time during the term of settlement after giving notice to the holder,

correct any error in the area or assessment of his holding due to mistake of survey or arithmetical

miscalculation: Provided that, no arrears of land revenue shall become payable by reason of such

correction; but excess payment as land revenue made, if any, shall be adjusted against the payment

of land revenue which may become due.

107. Settlement made before this Code to be deemed to be made under this

Chapter. Maharashtra Land Revenue Code, 1966

- All settlements of land revenue heretofore made and in operation at the date of the commencement of this Code, shall be deemed to have been made and introduced in accordance with

the provisions of this Chapter; and shall continue to remain in operation until the introduction of a

revision settlement under the provision of this Code.

## Chapter VII

### Assessment and Settlement of Land Revenue of Lands used for

#### Non-Agricultural Purposes

#### 108. Interpretation.

- In this Chapter, unless the context requires otherwise, "full market value" in relation to any land

means an amount equal to the market value of that land plus the amount representing the capitalised assessment for the time being in force, [The capitalised assessment shall be determined

in such manner as may be prescribed] [These words were added by Maharashtra 35 of 1976, section

3.].

109. Non-agricultural assessment of lands to be determined on the basis of

their non-agricultural use and having regard to urban and non-urban areas

- Subject to any exemption and to any limitations contained in the first proviso to Section 68, the

non-agricultural assessment of lands shall be determined with reference to the use of the land for

non-agricultural purposes and having regard to urban and non-urban areas in which the lands are

situated; and shall be determined and levied in accordance with the provisions of this Chapter.

110. Procedure for determining non-agricultural assessment of lands in

non-urban areas.

(1)The Collector shall, subject to the approval of the Commissioner, by notification in the Official

Gazette, divide the villages in non-urban areas into two classes - Class-I and Class-II - on the basis of

the market values of lands, due regard being had to the situation of the lands, the non-agricultural

purpose for which they are used, and the advantages and disadvantages attaching thereto.(1A)[

Notwithstanding anything contained in sub-section (1), any area of a village or group of villages

which has been notified as an "urban area" under clause (42) of section 2 shall, on the date of

coming into force of the Maharashtra Land Revenue Code (Amendment) Act, 2003, cease to be such

urban area and shall, from the said date, be deemed to be Class I village for the purposes of

assessment of non-agricultural assessment of such village under this Code :Provided that, nothing

contained in sub-section (1A) shall in any way affect the liability of an assessee for payment of any

tax which has already been assessed and accrued prior to the said date in respect of such notified

urban area:Provided further that, notwithstanding anything contained in sub-section (1A), any tax

already levied and paid before the said date, in respect of such notified urban area, shall not be

refunded.] [Sub-section (1A) was inserted by Maharashtra 21 of 2003, section 3, (w.e.f.Maharashtra Land Revenue Code, 1966

1-8-2003).](2)The Collector shall, subject to the general or special orders of the State Government

assess lands falling in Class-I according to the non-agricultural purpose for which they are used at a

rate [not exceeding [ten paise or such amount as may be prescribed, whichever is higher] [These

words were substituted for the words 'not exceeding two paise' by Maharashtra Land Revenue Code

(Third Amendment) Act, 2007, Maharashtra 24 of 2007, section 2(a) MGG (Extraordinary) Part

VIII dt. 6.8.2007, p. 412.]] per square metre per year, and those falling in Class-II at a rate [not

exceeding [five paise or such amount as may be prescribed, whichever is higher] [These words were

substituted for the words 'not excluding one paise' by Maharashtra Land Revenue Code (Third

Amendment; Act, 2007, Maharashtra 24 of 2007, section 2(6).]] per square metre per year, regard

being had to the market value of lands used for the non-agricultural purpose, so however, that the

assessment so fixed is not less than the agricultural assessment which may be leviable on such land.

111. Procedure for determining non-agricultural assessment in urban areas.

- The Collector shall divide urban areas into blocks on the basis of the market value of lands, due

regard being had to the situation of the lands, the non-agricultural purposes for which they are used,

and the advantages and disadvantages attaching thereto.

112. Non-agricultural assessment not to exceed three per cent of full market value.

- The non-agricultural assessment on lands in each block in an urban area shall not exceed three per

cent of the full market value thereof, when used as a building site.

113. Powers of Collector to fix standard rate of non-agricultural assessment.

(1) Subject to the provisions of Section 112, the [the State Government shall, or if so authorised by

the State Government, by notification in the Official Gazette, the Collector shall] [These words were

substituted for the words 'the Collector shall, with the approval of the State Government' by Maharashtra 23 of 1999, section 3(1)(a).] fix the rate of non-agricultural assessment per square

metre of and in each block in urban area (to be called "the standard rate of non-agricultural assessment") at such percentage of the full market value of such land as may be

prescribed. [Explanation. - For the purposes of this sub-section, the full market value shall be

estimated in the prescribed manner on the basis of the land rates as determined and issued in the

form of Annual Statement of rates, by the Chief Controlling Revenue Authority under the Bombay

Stamp (Determination of True Market Value of Property) Rules, 1995 framed under the Bombay

Stamp Act, 1958, immediately preceding the year in which the standard rate of non-agricultural

assessment is to be fixed.] [This Explanation was substituted for the existing Explanation, by

Maharashtra 23 of 1999, section 3(1)(b).] (2) [The standard rate of non-agricultural assessment shall

remain in force for a period of [five years] [These sub-sections were substituted for the original

sub-section (2) by Maharashtra 8 of 1979, by Maharashtra 23 of 1999, section 3(b).] (hereinafter

referred to as "the guaranteed period") and shall then be liable to be revised in accordance with the

provisions of this Chapter: [Provided that the first such guaranteed period shall commence on the Maharashtra Land Revenue Code, 1966

first day of August, 1979 and shall expire on the 31st day of the July, 1991:] [The proviso was

substituted and deemed to have been substituted on 31st day of March, 1979, by Maharashtra 17 of

1993, section 25(1)(b).][Provided further that, the State Government may, extend such guaranteed

period for all or any block in any urban area so however that, such extended period shall not be

more than five years.] [The proviso was inserted after the existing proviso by Maharashtra 23 of

1999, section 3(2).](2A)Where the standard rate of non-agricultural assessment in any block in any

urban area has been fixed or revised before the 1st day of August, 1979, such standard rate shall be

deemed to be due for revision at any time on and after [the 1st day of August, 1979; and then such

standard rate if so revised shall be deemed to have come into force with effect from the 1st day of

August, 1979 on which date the first guaranteed period commenced and would remain in force after

the 31st July, 1991 and would then be subject to further revision under sub-section (2B), from time

to time.] [These words, figures, brackets and letter were substituted for the words 'that date', and

shall deemed to have been substituted on 31st day of March 1979, by Maharashtra 17 of 1993,

section 25(2).](2B)Where the standard rate of non-agricultural assessment is fixed or revised for

any guaranteed period, the same shall be revised as soon as possible after the commencement of the

next guaranteed period and such revised rate shall be deemed to have come into force with effect

from the commencement of such next guaranteed period.(2C)[ Notwithstanding anything contained

in sub-section (1) or the rules made thereunder the rates of non agricultural assessment for every

guaranteed period of five years after the 1st August 2001 shall not be less than the rate prevailing on

the day immediately preceding the beginning of such guaranteed period (hereafter referred to as 'the

reference day' and shall not exceed)(a)three times the non agricultural assessment rate prevailing on

the reference day in a Municipal Corporation area and two times of such rate in the area of the rest

of the State for the cases which are already assessed for non-agricultural purposes; and(b)six times

the non-agricultural assessment rate prevailing on the reference day in a Municipal Corporation

area and four times of such rate in the area of the rest of the State for the cases to be assessed for

non-agricultural purposes.](3)The standard rates of non-agricultural assessment fixed or revised as

aforesaid shall be published in the Official Gazette, and in such other manner as may be prescribed

before they are brought in force.

114. Rate of assessment of lands used for non-agricultural purposes.

(1)Subject to the provisions of this Section, the rate of assessment in respect of lands in urban areas

-(a)used for purposes of residential building, shall be the standard rate of non-agricultural

assessment;(b)used for the purposes of industry, shall be one and one-half times the standard rate

of non-agricultural assessment.(c)[ used for purposes of commerce, shall be thrice the standard rate

of non-agricultural assessment in the areas within the limits of all the other municipal corporations,

excluding the area of the Mumbai City District in the Mumbai Municipal Corporation area, and

twice the standard rate of non-agricultural assessment in the remaining urban areas of the State;]

[This clause was substituted for clause (c) by Maharashtra 23 of 1999, section 4(a).][Explanation. -

For the purpose of this clause, "other municipal corporations", and "Mumbai Municipal Corporation" shall have the same meaning as assigned to them in the Explanation to Section 47A]

[This Explanation was substituted for the existing explanation by Maharashtra 23 of 1999, section

4(b).](d)used for any other non-agricultural purpose, shall be fixed by the Collector, at a rate not

less than the standard rate of non-agricultural assessment, and not exceeding one and one-halfMaharashtra Land Revenue Code, 1966

times that standard rate, regard being had to the situation, and special advantages or disadvantages

attaching to such lands.(2)Where any land is used for any non-agricultural purpose for a period of

six months or less, the non-agricultural assessment shall be half of that fixed for land used for the

non-agricultural purpose.(3)Notwithstanding anything in this Section, the Collector may in respect

of any land in a block fix the non-agricultural assessment for that land at a rate not less than

seventy-five per cent of the rate fixed in sub-section (1) but not exceeding by twenty-five per cent the

rate so fixed for a particular use, regard being had to the situation, and special advantages or

disadvantages attaching to such land.

115. Date of commencement of non-agricultural assessment.

- [Except as otherwise directed by the State Government in the case of co-operative societies and

housing boards established under any law for the time being in force in this State, the

non-agricultural assessment] [These words were substituted for the words 'the non-agricultural

assessment' by Maharashtra 4 of 1970, section 4.] shall be levied with effect from the date on which

any land is actually used for a non-agricultural purpose.

116. [\* \* \*] [Section 116 was deleted by Maharashtra 9 of 2002, section 3.].

117. Lands exempt from payment of non-agricultural assessment.

- Lands used for the following purposes shall be exempt from the payment of the non-agricultural

assessment, namely:-(1)lands used by an agriculturist for an occupation subsidiary or ancillary to

agriculture, such as the erection of sheds for handlooms, poultry farming, or gardening or such

other occupations as the State Government may specify in ruhes made in that behalf;(2)lands used

for purposes connected with the disposal of the dead;(3)lands solely occupied and used for public

worship and which were exempt from payment of land revenue by custom grant or otherwise before

the commencement of this Code;(4)lands used for an educational or charitable purpose the benefit

of which is open to all citizens without distinction of religion, race, caste, place of birth or any of

them;(5)lands used for any other public purpose which the State Government may by rules made

under this Code declare to be exempt, for such period and subject to such conditions as may be

specified therein;(5A)[ agricultural lands in non-urban area used for personal bona fide residential

purpose under sub-section (2) of section 42;] [Sub-section (5a) inserted by Maharashtra 17 of 2007,

section 4 w.e.f. 1-8-2007.](6)such agricultural lands (outside a gaathan, if any) in a non-urban area,

converted to non-agricultural use for purposes of residential building as the State Government may,

by notification in the Official Gazette, specify.

118. Revocation of exemption.

- It shall be lawful for the State Government to direct that any land which is exempt under the

provisions of Section 117 from payment of non-agricultural assessment shall cease to be so exempt if

the land is used for any purpose other than that for which the exemption is provided; and thereupon

the land shall be liable to payment of the assessment according to the provisions of this Chapter, andMaharashtra Land Revenue Code, 1966

in addition, to such fine as the Collector may, subject to the general orders of the State Government,

direct.

119. Non-agricultural assessment of lands wholly exempt from payment of land revenue.

- Nothing in this Chapter shall be deemed to prevent the Collector from determining and registering

the proper full non-agricultural assessment on lands wholly exempt from payment of such assessment.

120. Non-agricultural assessment fixed before commencement of Code to continue in force until altered.

- The non-agricultural assessment fixed on lands and in force in any part of the State immediately

before the commencement of this Code shall be deemed to have been fixed under the provisions of

this Chapter and shall, notwithstanding anything contained in this Chapter, be deemed to continue

to remain in force during the whole of the period for which the assessment was fixed, and thereafter,

until such assessment is revised under the provisions of this Chapter.

## Chapter VIII

### Of Lands within the Sites of Villages, Towns and Cities

121. Application of Chapter.

- The provisions of this Chapter shall apply to all lands situated within the site of village, town or

city.

122. Limits of sites of villages, towns and cities how to be fixed.

- It shall be lawful for the Collector or for a Survey Officer acting under the general or special orders

of the State Government, to ascertain and determine what lands are included within the site of any

village, town or city and to fix and from time to time, to vary the limits of the site determined as

aforesaid, regard being had to all subsisting rights of landholders.

123. No land revenue to be levied in certain cases of lands within sites of village, town or city.

- No land revenue shall, in the following cases, be levied on lands situated within the sites of a

village, town or city and not used for purposes of agriculture, namely:-(a)lands which are exempted

from the payment of assessment immediately before the commencement of this Code under the

provisions of any law in force before such commencement or which are exempted by virtue of any

custom, usage, grant, sanad, order or agreement;(b)residential building sites situated within theMaharashtra Land Revenue Code, 1966

sites of a village, town or city which is a non-urban area.

124. Right to exemption to be determined by Collector.

(1) Claims to exemption under the last preceding Section shall be determined by the Collector after a

summary inquiry, and his decision shall, subject to sub-section (2), be final. (2) Any person aggrieved

by any order made under sub-section (1) may institute a civil suit to contest the validity of the order

within the period of two years from the date of such order.

125. Pardi and wada lands exempted from payment of land revenue.

- Pardi land not exceeding one-fourth of an acre, and wada land, used only for an agricultural

purpose or a purpose subsidiary or ancillary thereto, shall be exempt from the payment of land

revenue: Provided that, in the case of pardi land the holder thereof shall be liable to the payment of

non-agricultural assessment and fine, as the case may be, under Sections 44, 45, and 67 for

alteration of the use for any purpose from agricultural use.

126. Survey of lands in village sites how to be conducted.

- If the State Government shall at any time deem it expedient to direct a survey of lands other than

those used ordinarily for the purposes of agriculture only within the site of any village, town or city,

under the provisions of Section 79, or a fresh survey thereof under the provisions of Section 83, such

survey shall be conducted and all its operations shall be regulated, according to the provisions of

Chapters V and IX of this Code: Provided that, nothing contained in Section 80, 81 or 133 thereof

shall apply to any such survey in any town or city having a population of more than two thousand

persons.

127. In certain cases survey fee to be charged.

(1)Where a survey is extended under the provisions of Section 126 to the site of any village, town or

city having a population of more than two thousand persons, each holder of a building site shall be

liable to the payment of the survey fee assessed on the area and rateable value of such site.(2)The

amount of survey fee payable under sub-section (1) shall be regulated by the Collector in accordance

with rules made by the State Government in this behalf.(3)The said survey fee shall be payable

within six months from the date of public notice to be given in this behalf by the Collector after the

completion of survey of the site of the village, town or city, or of such part thereof as the notice shall

refer to.

128. Maps of village sites.

(1)The results of the operations conducted under Section 126 shall be recorded in such manner in

such maps and registers as the State Government may prescribe.(2)If any village panchayat passes a

resolution that a map of a village-site should be prepared showing the plots occupied by the holdersMaharashtra Land Revenue Code, 1966

and that it is willing to contribute to the cost of preparing such maps in such proportion as may be

prescribed, the State Government may undertake the preparation of such maps.

129. Sanad to be granted without extra charge.

- Every holder of a building site as aforesaid and every holder of a building site newly formed or first

used as such, after the completion of a survey under Section 126 shall be entitled, where the holder

is required to pay survey fee provided therefor, to receive from the Collector without extra charge

one or more sanads, in the form of Schedule 'C' or to the like effect specifying by plan and description the extent and conditions of his holding and where a holder is not required to pay any

survey fee, he shall be entitled to receive such sanad or sanads on payment of a fee of [one rupee or

such amount as may be prescribed, whichever is higher] [Substituted 'one rupee' by Maharashtra

Act No. 21 of 2017, dated 18.1.2017.] per sanad. Every such sanad shall be executed on behalf of the

Governor by such person as he may direct or authorise: Provided that, if such holder do not apply for

such sanad or sanads at the time of payment of the survey fee or thereafter within one year from the

date of the public notice issued by the Collector under Section 127, the Collector may require him to

pay an additional fee not exceeding one rupee for each sanad.

130. Grant of sanad on alteration of holding.

- After a survey has been made under Section 126, and after sanads have been granted under Section

129, every holder of a building site as aforesaid whose holding is altered by increase, decrease,

sub-division, alteration of tenure or otherwise shall be entitled on payment of a correction fee to be

fixed by regulations made by the Collector with the sanction of the Commissioner for each villages,

city or town to receive from the Collector a fresh sanad in the form of Schedule 'C' or to the like

effect specifying by plan and description the extent and conditions of his altered holding or, as the

case may be, to have the sanad already issued to him under Section 129 amended by the Collector,

131. Duplicate sanads may be granted.

- If any holder informs the Collector that the sanad granted to him has been lost or destroyed by

accident, a copy of the sanad granted to him under Section 129 or Section 130 may be given to him

on payment of such charges or fees, if any, as may be prescribed.

## Chapter IX

### Boundary and Boundary Marks

132. Fixation and demarcation of boundaries.

- Boundaries of all villages in the State and of all survey numbers in villages therein shall be fixed

and demarcated by boundary marks: Provided that, in the villages in the districts of Nagpur, Chanda,

Wardha and Bhandara and Melghat Taiuka of the Amravab District, the boundaries of survey Maharashtra Land Revenue Code, 1966

numbers shall be fixed and demarcated by boundary marks with effect from such date as the State

Government may, by notification in the Official Gazette, direct.

133. Determination of village boundaries.

- The boundaries of villages shall be fixed, and all disputes relating thereto shall be determined by

Survey Officers, or by such other officers as may be appointed by the State Government for the

purpose, after holding a formal inquiry at which the village officers and all persons interested have

an opportunity of appearing and producing evidence.

134. Determination of field boundaries.

- If at the time of survey, the boundary of a field or holding be undisputed, and its correctness be

affirmed by the village officers then present, it may be laid down as pointed out by the holder or

person in occupation and, if disputed, or if the said holder or person in occupation be not present, it

shall be fixed by the Survey Officer according to the land records and according to occupation as

ascertained from the village officers and the holders of adjoining lands, or on such other evidence or

information as the Survey Officer may be able to procure.

135. [ Dispute regarding boundaries between villages, survey numbers and

sub-divisions. [Substituted by Maharashtra Act No. 60 of 2017, dated

7.9.2017.]

- If any dispute arises concerning the boundary of a village or a field or a holding which has not been

surveyed, or if at any time after the completion of a survey, a dispute arises concerning the boundary

of any village or boundary or area of any survey number or sub-division of a survey number, it shall

be decided by the Collector after holding a formal inquiry at which the concerned officers and all

persons interested shall have an opportunity of appearing and producing evidence. The Collector

may, while deciding such dispute or, otherwise after giving an opportunity of being heard to all the

concerned persons and officer, also correct any error in the area or assessment of a survey number

or subdivision of a survey number due to mistake of survey or arithmetical miscalculation :Provided

that, no arrears of land revenue shall become payable by reason of such correction; but excess

payment as land revenue made, if any, shall be adjusted against the payment of land revenue which

may become due.] [Substituted by Act No. 54 of 2017, dated 1.9.2017.]

136. Demarcation of boundaries of survey number or sub-division.

(1)The Collector may, on the application of a party interested, demarcate the boundaries of a survey

number or of a sub-division and construct boundary marks thereon.(2)The State Government may

make rules for regulating the procedure of the Collector in demarcating the boundaries of a survey

number or of a sub-division prescribing the nature of the boundary marks to be used, and authorising the levy of fees from the holders of land in a demarcated survey number or

sub-division.(3)Survey numbers and sub-divisions demarcated under the provisions of this SectionMaharashtra Land Revenue Code, 1966

shall be deemed to be survey numbers for purposes of Sections 132, 139 and 140.

137. Straightening out crooked boundaries.

(1)When any person (in this Section referred to as the applicant) desires to regularise or straighten

out the boundaries of any of his field or holdings in a village, he may make an application in that

behalf to the Survey Officer. The application shall be accompanied by a sketch showing the

boundaries of his field or holding, and the names of holders adjoining thereto. (2) If on receipt of the

application, the Survey Officer in the interest of better cultivation of the field or holding and easier

maintenance of boundary marks, deems it expedient to regularise or straighten out the boundaries

of the field or holding as desired by the applicant, he may, subject to the provisions of the Bombay

Prevention of Fragmentation and Consolidation of Holdings Act, 1947, prepare a plan to revise the

boundaries of such field or holding and for payment of compensation by the applicant to person who

would suffer loss of land on account of such revision and publish the same in village in such manner

as may be prescribed by rules. In revising the boundaries, the Survey Officer shall be guided by such

rules as may be made by the State Government in this behalf. The amount of compensation shall be

determined by him, so far as practicable, in accordance with the provisions of Section 23 of the Land

Acquisition Act, 1894. (3) If the applicant and the persons who suffer loss of land agree to the plan

prepared by the Survey Officer, the Survey Officer shall record their agreement and revise the

boundaries and fix them accordingly. Such agreement shall be binding on the applicant and such

persons and the amount of compensation payable by any person thereunder shall be recoverable

from him as an arrear of land revenue.(4)(a)In the absence of mutual agreement, the Survey Officer

shall refer the question of the amount of compensation to be paid or recovered by each person

concerned under the plan for decision -(i)to a village committee consisting of such number and

elected by the applicant and persons suffering loss of land in such manner as may be prescribed by

rules;(ii)on the failure to elect such village committee, to a committee consisting of three persons

nominated by the Survey Officer not below the rank of the District Inspector of Land Records with

the approval of the Superintendent of Land Records;(b)The decision of the village committee or the

committee nominated by the Survey Officer of the rank of District Inspector of Land Records, as the

case may be, shall be final and binding on all the parties concerned. The amount of compensation

payable by the applicant thereunder shall be recoverable from him as an arrear of land revenue.

When such decision is given, the plan prepared by the Survey Officer, so far as it relates to revision

of boundaries, shall also become final and the boundaries shall be deemed to be fixed

accordingly.(5)When the boundary is so fixed under this Section it shall be deemed to be a settlement of boundary for the purposes of Section 138.

138. Effect of settlement of boundary.

(1)The settlement of a boundary under any of the foregoing provisions of this Chapter shall be

determinative-(a)of the proper position of the boundary line or boundary marks, and(b)of the rights

of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain,

or not to appertain, to their respective holdings.(2)Where a boundary has been settled as aforesaid

the Collector may at any time summarily evict any landholder who is wrongfully in possession of any

land which has been adjudged in the settlement of a boundary not to appertain to his holding or to Maharashtra Land Revenue Code, 1966

the holding of any person through or under whom he claims.(3)An order of ejectment under

sub-section (2) shall, subject to the provisions of sub-sections (4) and (5), be subject to appeal and

revision in accordance with the provisions of this Code.(4)Where any person has been ejected or is

about to be ejected from any land: under the provisions of sub-section (2), he may, within a period

of one year from the date of the ejectment or the settlement of the boundary, institute a civil suit to

establish his title thereto:Provided that, the State Government or the Collector, or any Revenue or

Survey Officer as such, shall not be made a party to such suit.(5)Where a civil suit has been

instituted under sub-section (4) against any order of ejectment, such order shall not be subject to

appeal or revision.(6)The Collector may at any time make an order for redistribution of land revenue

which, in his opinion, should be made as a result of the decision of the appeal or revision, or as the

case may be, the suit, and such redistribution shall take effect from the beginning of the revenue

year following the date of the order.

139. Construction and repairs of boundary marks of survey numbers and villages etc.

(1)It shall be lawful for any Survey Officer authorised by a Superintendent of Land Records, or

Settlement Officer, to specify or cause to be constructed, laid out, maintained or repaired boundary

marks and survey marks of villages or survey numbers or sub-divisions of survey numbers, whether

cultivated or uncultivated and to assess all charges incurred thereby on the holders or others having

an interest therein.(2)Such officer may by notice in writing require landholders to construct, layout,

maintain or repair within a specified time, the boundary marks or survey marks of their respective

survey numbers or sub-divisions; and on their failure to do so the Survey Officer shall construct,

layout or repair them and assess all charges incurred thereby as hereinbefore provided.(3)The

boundary marks and survey marks shall be of such description and shall be constructed, laid out,

maintained or repaired in such manner and shall be of such dimensions and materials as may,

subject to rules made by the State Government in this behalf, be determined by the Superintendent

of Land Records, according to the requirement of soil, climate, durability and cheapness of materials.

140. Responsibility for maintenance of boundary marks and survey marks.

- Every landholder shall be responsible for the maintenance and good repair of the boundary marks

and survey marks of his holding, and for any charges reasonably incurred on account of the same by

the revenue or Survey Officers in cases of alteration, removal or disrepair. It shall be the duty of the

village officers and servants to prevent destruction of unauthorised alteration of the village boundary marks or survey marks.

141. Collector to have charge of boundary marks and survey marks after

introduction of survey.

- Where a survey is introduced into a district, the charge of the boundary marks and survey marks

shall devolve on the Collector, and it shall be his duty to take measures for their construction, laying Maharashtra Land Revenue Code, 1966

out, maintenance and repair, and for this purpose, the powers conferred on Survey Officers by

Section 139 shall vest in him.

142. Demarcation and maintenance of boundary marks between holding and village road.

(1) Unless the boundaries of his land are demarcated and fixed under any of the foregoing provisions

of this Chapter, every holder of the land adjoining a village road shall, at his own cost and in the

manner prescribed, - (a) demarcate the boundary between his land and village road adjoining it by

boundary marks; and (b) repair and renew such boundary marks from time to time. (2) If the holder

fails to demarcate the boundary or to repair or renew the boundary marks as required by sub-section (1), the Collector may, after such notice as he deems fit, cause the boundary to be

demarcated or the boundary marks to be repaired or renewed and may recover the cost incurred as

an arrear of land revenue. (3) In the event of any dispute regarding the demarcation of the boundary

or maintenance of the boundary marks in proper state of repair the matter shall be decided by the

Collector whose decision shall be final. Explanation. - Village road for the purposes of this Section

means in the districts of Nagpur, Chanda, Wardha and Bhandara and Melghat taluka in the

Amravati District a road which bears an indicative Khasra number; and in the rest of the State, a

road which has been recorded in the record of rights or village maps.

143. Right of way over boundaries.

(1) The Tahsildar may inquire into and decide claims by persons holding land in a survey number to

a right of way over the boundaries of other survey numbers. (2) In deciding such claims, the

Tahsildar shall have regard to the needs of cultivators for reasonable access to their field.(3)The

Tahsildar's decision under this Section shall, subject to the provisions of sub-sections (4) and (5), be

subject to appeal and revision in accordance with the provisions of this Code.(4)Any person who is

aggrieved by a decision of the Tahsildar under this Section may, within a period of one year from the

date of such decision, institute a civil suit to have it set aside or modified.(5)Where a civil suit has

been instituted under sub-section (4) against the Tahsildar's decision, such decision shall not be

subject to appeal or revision.

144. Demarcation of boundaries in areas under town planning scheme or improvement scheme, or consolidation scheme.

- As soon as possible after a final town planning scheme or improvement scheme or a scheme for the

consolidation of holdings has come into force in any area under any law in force in the State, it shall

be the duty of the Collector to alter the boundaries fixed and demarcated under the provisions of

this Chapter so as to accord with the plots, reconstituted or laid out or consolidated under such

scheme and for that purpose, he may cause to be erected, constructed and laid out boundary marks

of such plots and thereupon, the provisions of this Chapter for the recoveries of charges shall apply

to each plot as they apply in relation to the construction, maintenance and repair of boundary

marks.Maharashtra Land Revenue Code, 1966

145. Penalty for injuring boundary marks.

- Any person who after a summary inquiry before the Collector, or before a Survey Officer, Tahsildar, or Naib-Tahsildar, is proved to have wilfully erased, removed or injured a boundary mark

or survey mark shall be liable to a fine not exceeding one hundred rupees for each mark so erased,

removed or injured.

146. Power to exempt from operation of this Chapter.

- The State Government may, by notification in the Official Gazette, declare that all or any of the

provisions of this Chapter shall not apply to any village or class of villages.

Chapter X

Land Records

A - Record of Rights

147. Exemption from provisions of this Chapter.

- The State Government may, by notification in the Official Gazette, direct that the provisions of

Sections 148 to 159 (both inclusive) or any part thereof, shall not be in force in any specified local

area, or with reference to any class of villages or lands, or generally.

148. Record of Rights.

- A record of rights shall be maintained in every village and such record shall include the following

particulars : (a) the names of all persons (other than tenants) who are holders, occupants, owners or

mortgagees of the land or assignees of the rent or revenue thereof; (b) the names of all persons who

are holding as Government lessees or tenants including tenants within the meaning of the relevant

tenancy law; (c) the nature and extent of the respective interests of such persons and the conditions

or liabilities, if any, attaching thereto ; (d) the rent or revenue, if any, payable by or to any of such

persons;(e)such other particulars as the State Government may prescribe by rules made in this

behalf, either generally or for purposes of any area specified therein.

148A. [ Maintenance of record of rights etc., by using suitable storage device.

[Section 148A was inserted by Maharashtra 43 of 2005, section 3, (w.e.f.

25-8-2005).]

- The record of rights maintained under section 148 and the land records maintained under the

other provisions of this Chapter may also be so maintained by using a suitable storage device.]Maharashtra Land Revenue Code, 1966

149. Acquisition of rights to be reported.

- Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift,

lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord, Government lessee or

tenant of the land situated in any part of the State or assignee of the rent or revenue thereof, shall

report orally or in writing his acquisition of such right to the Talathi within three months from the

date of such acquisition, and the said Talathi shall at once give a written acknowledgement of the

receipt of such report to the person making it: Provided that, where the person acquiring the right is

a minor or otherwise disqualified, his guardian or other person having charge of his property shall

make the report to the Talathi: Provided further that, any person acquiring a right with the permission of the Collector or by virtue of a registered document shall be exempted from the

obligation to report to the Talathi: Provided also that, where a person claims to have acquired a right

with the permission of the Collector where such permission is required under the provisions of this

Code or any law for the time being in force, such person shall on being required by the Talathi so to

do produce such evidence of the order by which such permission is given as may be required, by

rules made under this Code. Explanation I.- The rights mentioned above include a mortgage without

possession, but do not include an easement or a charge not amounting to a mortgage of the kind

specified in Section 100 of the Transfer of Property Act, 1882. Explanation II.- A person in whose

favour a mortgage is discharged or extinguished or lease determined, acquires a right within the

meaning of this Section. Explanation III.- For the purpose of this Chapter, the term "Talathi"

includes any person appointed by the Collector to perform the duties of a Talathi under this Chapter.

150. Register of mutations and registers of disputed cases.

(1) The Talathi shall enter in a register of mutations every report made to him under Section 149 or

any intimation of acquisition or transfer under Section 154 or from any Collector. (2) Whenever a

Talathi makes an entry in the register of mutations, he shall at the same time post up a complete

copy of the entry in a conspicuous place in the Chavdi, and shall give written intimation to all

persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein. [Provided

that, where the record of rights are maintained under section 148A by using the storage device, as

soon as the Tahsildar in the Taluka receives an intimation under section 154, the Talathi in the

Tahsildar office shall send it to all persons appearing from the record of rights or register of mutations to be interested in the mutation and to any other person whom he has reason to believe to

be interested therein and also to the concerned Talathi of the village, by short message service or

electronic mail or any such device as may be prescribed; and upon receipt of such intimation, the

Talathi of the village shall immediately make an entry in the register of mutations: Provided further

that, no such intimation as provided under the first proviso shall be required to be sent by the

Talathi in the Tahsildar office to the persons who have executed the document in person before the

officer registering the document under the Indian Registration Act, 1908.] [Added by Maharashtra

Act No. 30 of 2014, 30.6.2014.](3)When any objection to any entry made under sub-section (1) in

the register of mutations is made either orally or in writing to the Talathi, it shall be the duty of the

Talathi to enter the particulars of the objections in a register of disputed casesection The TalathiMaharashtra Land Revenue Code, 1966

shall at once give a written acknowledgement for the objection to the person making it in the

prescribed form.(4)Disputes entered in the register of disputed cases shall as far as possible be

disposed of within one year by a Revenue or Survey Officer not below the rank of an Aval Karkun

and orders disposing of objections entered in such register shall be recorded in the register of

mutations by such officer in such manner as may be prescribed by rules made by the State

Government in this behalf.(5)The transfer of entries from the register of mutations to the record of

rights shall be effected subject to such rules as may be made by the State Government in this

behalf:Provided that, an entry in the register of mutations shall not be transferred to the record of

rights until such entry has been duly certified.(6)Entries in the register of mutations shall be tested

and if found correct, or after correction, as the case may be, shall be certified by any Revenue or

Survey Officer not below the rank of an Aval Karkun in such manner as may be prescribed:[Provided

that, entries in respect of which there is no dispute may be tested and certified by a Circle

Inspector:] [This proviso was inserted by Maharashtra 8 of 1969, section 5(a).][Provided further

that] [These words were substituted for the words 'provided that' by Maharashtra 8 of 1969, section

5(b).] no such entries shall be certified unless notice in that behalf is served on the parties

concerned.(7)The State Government may direct that a register of tenancies shall be maintained in

such manner and under such procedure as may be prescribed by rules made by the State

Government in this behalf.(8)[ The Commissioner may specify, from time to time, the storage device

for preparation, maintenance and updation of all registers and documents to be maintained under

section 148A.] [Sub-section (8) was added by Maharashtra 43 of 2005, section 4, (w.e.f. 25-8-2005).]

151. Obligation to furnish information, obligation to furnish entries from record of rights, etc., to holder or tenant in booklet form and to maintain booklet, etc.

(1) Any person whose rights, interests or liabilities are required to be, or have been entered in any

record or register, under this Chapter shall be bound, on the requisition of any Revenue Officer or

Talathi engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition all such information or document

needed for the correct compilation or revision thereof as may be within his knowledge or in his

possession or power. (2) A Revenue Officer or a Talathi to whom any information is furnished or

before whom any document is produced in accordance with the requisition under sub-section (1),

shall at once give a written acknowledgement thereof to the person furnishing or producing the

same and shall endorse on any such document a note under his signature stating the fact of its

production and the date thereof and may return the same immediately after keeping a copy of it, if

necessary. (3) Every holder of agricultural land (including a tenant if he is primarily liable to pay land

revenue therefor), on making an application in that behalf in writing, may be supplied by the Talathi

with a booklet containing a copy of the record of rights pertaining to such land. (4) The booklet shall

also contain information regarding the payment of land revenue in respect of land and other

Government dues by the holder or, as the case may be, the tenant and also information as respects

the cultivation of his land and the area of crops sown in it as shown in the village accounts and such

other matters as may be prescribed.(5)Every such booklet shall be prepared, issued and maintained

in accordance with the rules made by the State Government in that behalf. Such rules may provideMaharashtra Land Revenue Code, 1966

for fees to be charged for preparing, issuing and maintaining the booklet. [The fees so charged may,

subject to the order of the State Government, if any, be retained by Revenue Officer preparing,

issuing and maintaining the booklet] [These words were added by Maharashtra 18 of 1976, section

2(a)].(6)Where any booklet is prepared, issued or maintained immediately before the coming into

force of this Act, such booklet shall be deemed to have been prepared, issued and maintained in

accordance with the provisions of this Act and the rules made thereunder until provision is made for

preparing, issuing and maintaining the booklet in any other form or manner under the rules made

in that behalf by the State Government.(7)[ Every information in so far as it relates to the record of

rights, contained in the booklet prepared, issued or maintained or deemed to have been prepared,

issued or maintained in accordance with the provisions of this Code and the rules made thereunder

shall be presumed to be true until the contrary is proved or until such information is duly modified

under this Code.] [This sub-section was added, by Maharashtra 18 of 1976, section 2(b).]

152. Fine for neglect to afford information.

- Any person neglecting to make the report required by Section 149, or furnish the information or

produce the documents required by Section 151 within the period specified in that Section shall be

liable, at the discretion of the Collector, to be charged a fine not exceeding five rupees, which shall

be leviable as an arrear of land revenue.

153. Requisition of assistance in preparation of maps.

- Subject to rules made in this behalf by the State Government -(a)any Revenue Officer or a Talathi

may for the purpose of preparing or revising any map or plan required for, or in connection with any

record or register under the Chapter exercise any of the powers of a Survey Officer under Sections

80 and 81 except the power of assessing the cost of hired labour under Section 81, and(b)any

Revenue Officer of a rank not lower than that of an Assistant or Deputy Collector or of a Survey

Officer may assess the cost of the preparation or revision of such map or plan and all contingent

expenses, including the cost of clerical labour and supervision, on the lands to which such maps or

plans relate and such costs shall be recoverable as a revenue demand.

154. Intimation of transfers by registering officers.

- When any document purporting to create, assign or extinguish any title to, or any charge on, and

used for agricultural purposes, or in respect of which a record of rights has been prepared is

registered under the Indian Registration Act, 1908, the officer registering the document shall send

intimation to the Talathi of the village in which the land is situate and to the Tahsildar of the taluka,

in such form and at such times as may be prescribed by rules made under this Code.

155. Correction of clerical errors.

- The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors

which the parties interested admit to have been made in the record of rights or registers maintainedMaharashtra Land Revenue Code, 1966

under this Chapter or which a Revenue Officer may notice during the course of his inspection: Provided that, when any error is noticed by a Revenue Officer during the course of his inspection, no such error shall be corrected unless notice has been given to the parties and objections, if any, have been disposed of finally in accordance with the procedure relating to disputed entries.

#### 156. Land records.

- In addition to the map, the registers and the record of rights, there shall be prepared for each village such other land records may be prescribed.

#### 157. Presumption of correctness of entries in record of rights and register of mutations.

- An entry in the record of rights, and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

#### 158. Bar of suits [\*\*\*\*] [The words and figures 'and exclusion of Chapter XIII' were deleted by Maharashtra 30 of 1968, section 4.].

- No suit shall lie against the State Government or any officer of the State Government in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any entry omitted or amended.

#### 159. Record of rights at commencement of Code.

- Until the record of rights of any area in the State is prepared in accordance with the provisions of this Chapter, the existing record of rights in force in that area under any law for the time being in force (including the record of rights prepared under Section 115 of the Madhya Pradesh Land Revenue Code, 1954), shall be deemed to be the record of rights prepared under this Chapter.

#### B-Rights in unoccupied land

160. Application of provisions of Sections 161 to 167.

- The provisions of Sections 161 to 167 shall apply to those areas in the State to which provisions

corresponding thereto applied immediately before the commencement of this Code; but the State

Government may, by notification in the Official Gazette, apply the Sections aforesaid to such other

areas in the State as may be specified in the notification.

161. Nistar Patrak.

(1)The Collector shall consistently with the provisions of this Code and the rules made thereunder;

prepare a Nistar Patrak embodying a scheme of management of all unoccupied land in a village andMaharashtra Land Revenue Code, 1966

all matters incidental thereto, and more particularly the matters specified in Section 162.(2)A draft

of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the

residents of the village in the manner determined by the Collector, it shall be finalised by the

Collector.(3)On a request being made by the village panchayat, or where there is no village

panchayat, on the application of not less than one-fourth of the adult residents of a village, the

Collector may, at any time, modify any entry in the Nistar Patrak after such enquiry as he deems fit.

162. Matter to be provided for in Nistar Patrak.

- The following matters shall be provided in a Nistar Patrak, that is to say, -(a)the terms and

conditions on which grazing of cattle in the village will be permitted;(b)the terms and conditions on

which and the extent to which any resident of the village may obtain, -(i)wood, timber, fuel or any

other forest produce;(ii)mooram, kankar, sand, earth, clay, stones or any other minor

minerals;(c)instructions regulating generally the grazing of cattle and removal of articles mentioned

in paragraph (b);(d)any other matter required to be recorded in the Nistar Patrak by or under this

Code.

163. Provision in Nistar Patrak for certain matters.

- In preparing a Nistar Patrak the Collector shall, as far as possible, make provision for -(a)free

grazing of the cattle used for agriculture;(b)removal free of charge by the residents of the village for

their bona fide domestic consumption of any(i)forest produce;(ii)minor minerals;(c)the concessions

to be granted to the village craftsmen for the removal of articles specified in clause (b) for the

purpose of their craft.

164. Right in waste land of another village.

(1) Where the Collector is of the opinion that waste land or any village is insufficient and it is in the

public interest to proceed under this Section, he may after such enquiry as he deems fit, order that

the residents of the village shall have a right of Nistar or a right of grazing cattle, as the case may be,

in the neighbouring village to the extent specified in the order. (2) The residents of a village having a

right of grazing cattle in the neighbouring village under sub-section (1), or Government forest may

make an application to the Collector for recording their right of passage for the purpose of exercising

the rights. (3) If, on enquiry into an application made under sub-section (2), the Collector finds that

the right of passage is reasonably necessary to enable such residents to exercise a right to graze their

cattle in any other village or in a Government forest, he shall pass an order declaring that such right

of passage exists and shall state the conditions upon which it shall be exercised. (4) The Collector

shall, thereupon, determine the route of passage through unoccupied land and shall restrict such

route in such manner as to cause minimum inconvenience to the residents of the villages through

which it passes. (5) The Collector may, if he thinks fit, demarcate such route. (6) Orders passed by the

Collector under this Section shall be recorded in the Nistar Patrak. (7) Where the villages mentioned

in sub-section (1) lie in different districts the following provisions shall apply, namely:-(a) the orders

specifying the right of Nistar or the right of grazing cattle shall be passed by the Collector in whose

district the village over which such right is claimed lies;(b)any orders regarding route of passagesMaharashtra Land Revenue Code, 1966

shall be passed by the Collector in whose respective jurisdiction the area over which passage is

allowed lies;(c)the Collector passing an order in accordance with clauses (a) and (b) shall, consult in

writing with the other Collector concerned.

165. Wajib-ul-arz.

(1)As soon as may be after this Code comes into force, the Collector shall, according to any general

or special order made by the State Government in that behalf, ascertain and record customs in each

village in regard to -(a)the right to irrigation or right of way or other easements,(b)the right to

fishing, in any land or water belonging to or controlled or managed by the State Government or a

local authority, and such record shall be known as Wajib-u/-arz of the village.(2)The record made in

pursuance of sub-section (1) shall be published by the Collector in such manner as he may deem fit

and it shall, subject to the decision of a civil court in the suit instituted under sub-section (3), be

final and conclusive.(3)Any person aggrieved by any entry made in such record may, within one year

from the date of the publication of such record under sub-section (2), institute a suit in a civil court

to have entry cancelled or modified.(4)The Collector may, on the application of any person

interested therein or on his own motion, modify any entry or insert any new entry in the

Wajib-ul-arz on any of the following grounds:-(a)that, all persons interested in such entry wish to

have it modified; or(b)that, by a decree in a civil suit, it has been declared to be erroneous; or(c)that,

being founded on a decree or order of a civil court or on the order of a Revenue Officer, it is not in

accordance with such decree or order; or(d)that, being so founded, such decree or order has

subsequently been varied on appeal, revision or review; or(e)that, the civil court has by a decree

determine any custom existing in the village.

166. Regulation of fishing, [\* \* \*] [The word 'hunting' was deleted by Maharashtra 30 of 1968, section 5.] etc.

(1)The State Government may make rules for regulating, -(a)fishing in Government tanks;(b)the

removal of any materials from lands belonging to the State Government.(2)Such rules may provide

for the issue of permits, the conditions attaching to such permits and the imposition of fees therefor

and other incidental matters.

167. Punishment for contravention of provisions.

(1)Except as otherwise provided in this Code, any person who acts in contravention of the provisions

in Sections 161 to 166 or rules made under Section 166 or who contravenes or fails to observe any

rules or custom entered in the Wajib-ul-arz or commits a breach of any entry entered in the Nistar

Patrak shall be liable to such penalty not exceeding rupees one thousand as the Collector may, after

giving such person an opportunity to be heard, deem fit; and the Collector may further order

confiscation of any produce, or any other produce which such person may have appropriated or

removed from lands belonging to the State Government.(2)Where the Collector passes an order

imposing a penalty under this Section, he may direct that the whole or any part of the penalty may

be applied to meeting the cost of such measures as may be necessary to prevent loss or injury to theMaharashtra Land Revenue Code, 1966

public owing to such contravention, breach or non-observance.

## Chapter XI

### Realisation of Land Revenue and Other Revenue Demands

#### 168. Liability for land revenue.

(1) In the case of - (a) unalienated land, the occupant or the lessee of the State

Government, (b) alienated land, the superior holder, and (c) land in the possession of a tenant, such

tenant if he is liable to pay land revenue therefor under the relevant tenancy law, shall be primarily

liable to the State Government for the payment of the land revenue, including all arrears of land

revenue, due in respect of the land, joint occupants and joint holders who are primarily liable under

this Section shall be jointly and severally liable. (2) In case of default by any person who is primarily

liable under this Section, the land revenue including arrears as aforesaid, shall be recoverable from

any person in possession of the land: Provided that, where such person is a tenant, the amount

recoverable from him shall not exceed the demands of the year in which the recovery is

made: Provided further that, when land revenue is recovered under this Section from any person

who is not primarily liable for the same, such person shall be allowed credit for any payments which

he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the

amount recovered from him, in account with the person who is primarily liable.

#### 169. Claims of State Government to have precedence over all others.

(1) The arrears of land revenue due on account of land shall be a paramount charge on the land and

on every part thereof and shall have precedence over any other debt, demand or claim whatsoever,

whether in respect of mortgage, judgement-decree, execution or attachment, or otherwise

howsoever, against any land for the holder thereof.(2)The claim of the State Government to any

monies other than arrears of land revenue, but recoverable as a revenue demand under the

provisions of this Chapter shall have priority over all unsecured claims against any land or holder

thereof.

170. Dates on which land revenue falls due and is payable.

(1)The land revenue payable on account of a revenue year shall fall due on the first day of that year;

but except when temporary attachment and management of a village or share of a village is deemed

necessary under the provisions of Section 171, payment will be required only on the dates to be fixed

as provided under sub-section (2).(2)The State Government may make rules providing for the

payment of land revenue in instalments and on dates (hereinafter referred to as the "prescribed

dates") subsequent to the first day of the revenue year, and such rules may prescribe the persons to

whom and the places where at such instalments shall be paid.(3)The payment of land revenue to the

person prescribed under sub-section (2) may be made in cash or may, at the cost of the remitter, be

remitted by money order.(4)Any period intervening between the first day of the revenue year and

any date fixed for the payment of land revenue by such rules shall be deemed to be a period of grace,Maharashtra Land Revenue Code, 1966

and shall not affect the provisions of sub-section (1).

171. Temporary attachment and management of village or share of village.

(1) If owing to disputes amongst the shares, or for other cause, the Collector shall deem that there is

reason to apprehend that the land revenue payable in respect of any holding consisting of an entire

village or of a share of a village will not be paid as it falls due, he may cause the village or share of a

village to be attached and taken under the management of himself, or any agent whom he appoints

for that purpose. (2) The provisions of Section 186 shall apply to any village or share of a village so

attached and all surplus profits of the land attached, beyond the cost of such attachment and

management, including the payments of the land revenue and the cost of the introduction of a

revenue survey, if the same be introduced under the provisions of Section 187 shall be kept in

deposit for the eventual benefit of the person or persons entitled to the same, or paid to the said

person or persons from time to time as the Collector may direct.

172. Temporary attachment and management of village or share of village to

be vacated (withdrawn) on security being furnished.

- The temporary attachment and management of a village or share of a village under Section 171

shall be vacated if the person primarily responsible for the payment of revenue or any person who

would be responsible for the same if default were made by the person primarily responsible shall

pay the cost, if any, lawfully incurred by the Collector up to the time of such vacation and shall

furnish security satisfactory to the Collector for the payment of the revenue, at the time at which or

in the instalments, if any, in which it is payable under the provisions hereinafter contained.

173. 'Arrear', 'defaulter'.

- Any land revenue due and not paid on or before the prescribed dates becomes therefrom an arrear,

and the persons responsible for it under the provision of Section 168 or otherwise become defaulters.

174. Penalty for default of payment of land revenue.

- If any instalment of land revenue or any part thereof is not paid within one month after the prescribed date, the Collector may in the case of a wilful defaulter impose a penalty not exceeding

[twenty-five per cent. of the amount not so paid or such amount as may be prescribed, whichever is

higher] [Substituted 'twenty-five per cent, of the amount not so paid' by Maharashtra Act No. 21 of

2017, dated 18.1.2017.] Provided that, no such penalty shall be imposed for non-payment of any

instalment (the payment of which is suspended by the order of the State Government) in respect of

the period during which the payment remained suspended. Maharashtra Land Revenue Code, 1966

175. Certified account to be evidence as to arrears.

(1) A statement of account, certified by the Collector or by an Assistant or Deputy Collector or by a

Tahsildar shall, for the purposes of this Chapter, be conclusive evidence of the existence of the

arrears of the amount of land revenue due, and of the person who is the defaulter. (2) On receipt of

such a certified statement of account, it shall be lawful for the Collector, the Assistant or the Deputy

Collector or the Tahsildar in one district to proceed to recover the demands of the Collector of any

other district under the provisions of this Chapter as if the demand arose in his own district. (3) A

similar statement of account certified by the Collector of Bombay may be proceeded upon as if

certified by the Collector of a district under this Code.

176. Process of recovery of arrears.

- An arrear of land revenue may be recovered by any or more of the following processes, that is to

say, - (a) by serving a written notice of demand on the defaulter under Section 178; (b) by forfeiture of

the occupancy or alienated holding in respect of which the arrear is due under Section 179; (c) by

distrain and sale of the defaulter's movable property under Section 180; (d) by attachment and sale

of the defaulter's immovable property under Section 181; (e) by attachment of the defaulter's

immovable property under Section 182; (f) by arrest and imprisonment of the defaulter under

Sections 183 and 184. (g) in the case of alienated holding consisting of entire villages, or shares of

village, by attachment of the said villages or shares of villages under Sections 185 to 190 (both

inclusive): Provided that, the processes specified in clauses (c), (d) and (e) shall not permit the

attachment and sale of the following, namely :-(i)the necessary wearing apparel, cooking vessels,

beds and bedding of the defaulter, his wife and children, and such personal ornaments as, in

accordance with the religious usage, cannot be parted with by any woman;(ii)tools of artisans and, if

the defaulter is an agriculturist, his implements of husbandry, except an implement driven by

mechanical power and such cattle and seed as may, in the opinion of the Collector, be necessary to

enable him to earn his livelihood as such and also such portion of the agricultural produce as in the

opinion of the Collector is necessary for the purpose of providing, until the next harvest, for the due

cultivation of the land and for support of the holder and his family;(iii)articles set aside exclusively

for the use of religious endowments;(iv)houses and other buildings (with the materials and sites

thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging

to an agriculturist and occupied by him.

177. Revenue demands of former years how recoverable.

- The said processes may be employed for the recovery of arrears of former years as well as of the

current year.

178. When notice of demand may issue.

(1)A notice of demand may be issued on or after the day following that on which the arrear

accrues.(2)The Commissioner may from time to time make orders for the issue of such notices, andMaharashtra Land Revenue Code, 1966

with the sanction of the State Government shall fix the costs recoverable from the defaulter as an

arrears revenue, and direct what officer such notices shall be issued.

179. Occupancy or alienated holding for which arrears is due may be forfeited.

- The Collector may declare the occupancy or alienated holding in respect of which an arrears of land

revenue is due, to be forfeited to the State Government and subject to rules made in this behalf, sell

or otherwise dispose of the same under the provisions of Sections 72 to 73 and credit the proceeds, if

any, to the defaulters' accounts: Provided that, the Collector shall not declare any such occupancy or

alienated holding to be forfeited -(a) unless previously thereto he shall have issued a proclamation

and written notices of the intended declaration in the manner provided by Sections 192 and 193 for

sales of immovable property; and (b) until after the expiration of at least fifteen days from the latest

date on which any of the said notices shall have been affixed as required by Section 193.

180. Distrained and sale of defaulter's movable property.

(1) The Collector may also cause the defaulter's movable property to be distrained and sold. (2) Such

distraints shall be made by such officers or class of officers as the Collector under the orders of the

State Government may from time to time direct.

181. Sale of defaulter's immovable property.

- The Collector may also cause the right, title and interest of the defaulter [(not being a person

belonging to a Scheduled Tribes)] [These brackets and words were inserted by Maharashtra 35 of

1974, section 4.] in any immovable property other than the and on which the arrears is due to be

attached and sold.

182. Power to attach defaulter's immovable property and take it under

management.

(1) If the Collector deems it inexpedient to adopt any of the processes specified in the foregoing

provisions for recovery of arrears, [he shall, in case where the immovable property belongs to a

person belonging to a Scheduled Tribe, and in any other case, he may,] [These words were

substituted for the words 'he may', by Maharashtra 35 of 1974, section 5.] cause the immovable

property of a defaulter to be attached and taken under the management of himself or any agent

whom he may appoint for that purpose. (2) The Collector or the agent so appointed shall be entitled

to manage the lands attached and to receive all rents and profits accruing therefrom until the

Collector restores the defaulter to the management thereof. (3) All surplus profits of the land attached, beyond the cost of such attachment and management, including the payment of the

current revenue, shall apply in defraying the arrears due in respect of such lands. (4) The land so

attached shall be released from attachment and restored to the defaulter on his making an application to the Collector for that purpose at any time within twelve years from the date of

attachment - (a) if at the time that such application is made it appears that the arrear has been Maharashtra Land Revenue Code, 1966

liquidated; or(b)if the defaulter is willing to pay the balance, if any, still due by him, and shall do so

within such period as the Collector may specify in that behalf.(5)If no application be made for the

restoration of the land within twelve years, or if, after such application has been made, the defaulter

fails to pay the balance, if any, still due by him within the period specified by the Collector in this

behalf, the Collector may sell the right, title and interest of the defaulter in the land without prejudice to the encumbrances created prior to the attachment of the land; and shall make over the

sale proceeds to the defaulter after deducting therefrom the sum due to the State Government and

expenses of the sale.

183. Arrest and detention of defaulter.

(1)At any time after any arrear becomes due, the defaulter (not being an agriculturist from whom

such arrear in respect of his occupancy is due) may be arrested and detained in custody for ten days

in the office of the Collector or of a Tahsildar unless the revenue due together with the penalty or

interest and the cost of arrest and of notice of demand and the cost of his subsistence during

detention is sooner paid:Provided that, no such arrest shall be made unless the default is wilful and

the defaulter is given an opportunity to show cause against his arrest and detention.(2)If, on the

expiry of ten days the amount due by the defaulter is not paid then, or if the Collector deems fit on

any earlier day, he may be sent by the Collector with a warrant, in the form of Schedule A for

imprisonment in the civil jail of the district:Provided that, no defaulter shall be detained in

imprisonment for a longer period than the time limited by law in the case of the execution of a

decree of a civil court for a debt equal in amount to the arrear of revenue due by such defaulter.

184. Power to arrest by whom to be exercised.

- The State Government may, from time to time, declare by what officers or class of officers, the

powers of arrest conferred by Section 183 may be exercised, and also fix the costs of arrest and the

amount of subsistence money to be paid by the State Government to any defaulter under detention

or imprisonment.

185. Power to attach defaulter's village and take it under management.

- If the holding, in respect of which an arrear is due, consists of an entire alienated village, or of a

share of an alienated village, and the adoption of any of the other processes before specified is

deemed inexpedient, the Collector may, with the previous sanction of the Commissioner, cause such

village or share of a village to be attached and taken under the management of himself or any agent

whom he appoints for that purpose.

186. Lands of such village to revert free of encumbrances.

- The lands of any village or share of a village so attached shall revert to the State Government

unaffected by the acts of the superior holder or of any of the shares, or by any charges or liabilities

subsisting against such lands, or against such superior holder or sharers as are interested therein, so Maharashtra Land Revenue Code, 1966

far as the public revenue is concerned, but without prejudice in other respects to the rights of

individuals; and the Collector or the agent so appointed shall be entitled to manage the lands

attached, and to receive all rents and profits accruing therefrom to the exclusion of the superior

holder or any of the sharers thereof, until the Collector restores the said superior holder to the

management thereof.

187. Revenue management of villages or estates not belonging to

Government that may be temporarily under management of State

Government.

- In the event of any alienated village or estate coming under the temporary management of the

officers of the State Government, it shall be lawful for the Collector to let out the lands thereof, at

rates determined by means of a survey settlement or at such other fixed rates as he may deem to be

reasonable, and to grant unoccupied lands therein on lease and otherwise to conduct the revenue

management thereof under the rules for the management of unalienated lands, so far as such rules

may be applicable and for so long as the said village or estate shall be under the management of

Government officers; provided, however, that any written agreements relating to the land made by

the superior holder of such village or estate, shall not be affected by any proceedings under this

Section in so far as they shall not operate to the detriment of the lawful claims of the State Government on the land.

188. Application of surplus profits.

- All surplus profits of the lands attached, beyond the cost of such attachment and management,

including the payment of the current revenue, and the cost of the introduction of a revenue survey, if

the same be introduced under the provisions of Section 187 shall be applied in defraying the said

arrears.

189. Restoration of village so attached.

(1)The village or share of village so attached shall be released from attachment, and the management thereof shall be restored to the superior holder on the said superior holder's making an

application to the Collector for that purpose at any time within twelve years from the commencement of the agricultural year next after the attachment,-(a)if at the time that such

application is made it shall appear that the arrears has been liquidated; or(b)if the said superior

holder is willing to pay the balance, if any, still due by him, and shall do so within such period as the

Collector may specify in that behalf.(2)The Collector shall make over to the superior holder the

surplus receipts, if any, which have accrued in the year in which his application for restoration of the

village or share of a village is made after defraying all arrears and costs; but such surplus receipts, if

any, of previous years shall be at the disposal of the State Government.Maharashtra Land Revenue Code, 1966

190. Village, etc. to vest in State Government if not redeemed within twelve years.

- If no application be made for the restoration of a village or portion of a village so attached within

the said period -of twelve years, or if, after such application has been made, the superior holder fails

to pay the balance, if any, still due by him within the period specified by the Collector in this behalf,

the said village or portion of a village shall thence forward vest in the State Government free from all

encumbrances created by the superior holder or any of the sharers or any of his or their predecessors-in-title, or in any wise subsisting as against such superior holder or any of the sharers,

but without prejudice to the rights of the persons in actual possession of the land.

191. But all processes to be stayed on security being given.

(1)Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty and the execution of any process shall, at any time, be stayed, on the defaulter's giving before the Collector

or other person nominated by him for the purpose, or if the defaulter is in jail, before the officer in

charge of such jail, security in the form of Schedule B satisfactory to the Collector or to such other

person or officer.(2)Any person against whom proceedings are taken under this Chapter may pay

the amount claimed under protest to the officer taking such proceedings, and upon such payment,

the proceedings shall be stayed.

192. Procedure in effecting sales.

(1)When any sale of either movable or immovable property is ordered under the provisions of this

Chapter, the Collector shall issue a proclamation in the prescribed form with its translation in

Marathi of the intended sale, specifying the time and place of sale, and in the case of movable

property whether the sale is subject to confirmation, or not and when land paying revenue to the

State Government is to be sold, the revenue assessed upon it, together with any other particulars he

may think necessary.(2)Such proclamation shall be made by beat of drum at the headquarters of the

taluka and in the village in which the immovable property is situate if the sale be of immovable

property; and if the sale be of movable property, the proclamation shall be made in the village in

which such property was seized, and in such other places as the Collector may direct.(3)A copy of

the proclamation issued under this Section where it relates to the sale of any holding shall be sent to

the Co-operative Bank or the Land Development Bank or both operating within the area in which

the holding is situate.

193. Notification of sales.

(1)A written notice of the intended sale of immovable property, and of the time and place thereof,

shall be affixed in each of the following places, namely :(a)the office of the Collector of the district,(b)the office of the Tahsildar of the taluka in which the immovable property is situate,(c)the

chavdi, or some other public building in the village in which it is situate, and(d)the defaulter's

dwelling place.(2)In the case of movable property, the written notice shall be affixed in theMaharashtra Land Revenue Code, 1966

Tahsildar's office, and in the Chavdi, or some other public building in the village in which such

property was seized.(3)The Collector may also cause notice of any sale, whether of movable or

immovable property, to be published in any other manner that he may deem fit.(4)A notice referred

to in this Section shall be in such form as may be prescribed.

194. Sale by whom to be made; time of sale, etc.

(1)Sales shall be made by auction by such persons as the Collector may direct.(2)No such sale shall

take place on a Sunday or other general holiday recognized by the State Government, or until after

the expiration of at least thirty days in the case of immovable property, or seven days in the case of

movable property, from the latest date on which any of the said notices shall have been affixed as

required by Section 193.

195. Postponement of sale.

- The sale may from time to time be postponed for any sufficient reason:Provided that, when the sale

is postponed for a period longer than thirty days, a fresh proclamation and notice shall be issued

unless the defaulter consents to waive it.

196. Sale of perishable articles.

- Nothing in Sections 192, 193, 194 and 195 applies to the sale of perishable articles Such articles

shall be sold by auction with the least possible delay, in accordance with such orders as may from

time to time be made by the Collector either generally or especially in that behalf.

197. When sale may be stayed.

- If the defaulter or any person on his behalf, pays the arrear in respect of which the property is to be

sold and all other charges legally due by him at any time before the property knocked down, to the

person prescribed under Section 170 to receive payment of the land revenue due, or to the officer

appointed to conduct the sale or if he furnishes security under Section 191, the sale shall be stayed.

198. Sales of movable property when liable to confirmation.

- Sales of perishable articles shall be at once finally concluded by the officer conducting such sales

movable property shall be finally concluded by the officer conducting such sales or shall be subject

to confirmation, as may be directed in orders to be made by the Collector either generally or

specially in that behalf. In the case of sale made subject to confirmation, the Collector shall direct by

whom such sales may be confirmed. Maharashtra Land Revenue Code, 1966

199. Mode of payment for the movable property when sale is concluded at once.

- When a sale is finally concluded by the officer conducting the same, the price of every lot shall be

paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such

payment, the property shall forthwith be again put up and sold. On payment of the purchase money,

the officer holding the sale shall grant a receipt for the same [and the sale shall become absolute as

against all persons whomsoever, after the expiry of a period of seven days from the date of sale, if no

application is made under Section 206, or if made, after it is rejected] [This portion was substituted

for the words and figures 'and the sale shall after seven days from the date of sale, become absolute

as against all persons whomsoever unless it is set aside under Section 206' by Maharashtra 8 of

1959, section 6.].

200. Mode of payment when sale is subject to confirmation.

(1)When sale is subject to confirmation, the party who is declared to be purchaser shall be required

to deposit immediately twenty-five per centum of the amount of his bid, and in default of such

deposit, the property shall forthwith be again put up and sold.(2)The full amount of

purchase-money shall be paid by the purchaser before the sunset of the third day after he is

informed of the sale having been confirmed, or if the said third day be a Sunday or other authorized

holiday, then before sunset of the first office day after such day. On payment of such full amount of

the purchase money, the purchaser shall be granted, a receipt for the same, and the sale shall

become absolute as against all persons whomsoever [after the expiry of a period of seven days from

the date of sale, if no application is made under Section 206, or if made, after it is rejected.] [These

words and figures were added by Maharashtra 30 of 1968, section 7.]

201. Deposit by purchaser in case of sale of immovable property.

- In all cases of sale of immovable property, the party who is declared to be the purchaser shall be

required to deposit immediately twenty-five per centum of the amount of his bid, and in default of

such deposit, the property shall forthwith be again put up and sold.

202. Purchase-money when to be paid.

- The full amount of purchase-money shall be paid by the purchaser before the expiration of two

months from the date on which the sale of the immovable property took place or before the expiration of fifteen days from the date on which the intimation of confirmation of the sale is

received by the purchaser, whichever is earlier: Provided that, if the last date on which the purchase-money is to be paid happens to be a Sunday or other authorised holiday, then the payment

shall be made before the sunset of the first office day after such date. Maharashtra Land Revenue Code, 1966

203. Effect of default.

- In default of payment within the prescribed period of the full amount of purchase-money whether

of movable or immovable property, the deposit after defraying thereout the expenses of the sale,

shall be forfeited to the State Government, and the property shall be resold, and the defaulting

purchaser shall forfeit all claims to the property or to any part of the sum for which it may be

subsequently sold.

204. Liability of purchaser for loss by resale.

- If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting

purchaser, the difference shall be recoverable from him by the Collector as an arrear of land

revenue.

205. Notification before resale.

- Every resale of property in default of payment of the purchase-money shall, except when such

resale takes place forthwith, be made after the issue of a notice in the manner prescribed for original

sale.

206. Setting aside sales of movables.

- Sales of movables, except perishable articles, may be set aside on the ground of some material

irregularity or mistakes in publishing or conducting it if a person (on application made within seven

days from the date of sale) proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

207. Application to set aside sale of immovables.

(1)At any time within thirty days from the date of sale of immovable property, an application may be

made to the Collector to set aside the sale on the ground of some material irregularity, or mistake, or

fraud, in publishing or conducting it; but, except as is otherwise provided in Sections 208, 209 and

210, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant

proves to the satisfaction of the Collector that he has sustained substantial injury by reason

thereof:[Provided that, such application may be made by a defaulter who is a person belonging to a

Scheduled Tribe or any person on his behalf, within one hundred and eighty days from such date.]

[This proviso was added by Maharashtra 35 of 1974, section 6.](2)If the application be allowed, the

Collector shall set aside the sale, and direct fresh one.

208. Order confirming or setting aside sale.

- On the expiration of thirty days [or, as the case may be, one hundred and eighty days]

[These

words were inserted, by Maharashtra 35 of 1974, section 7.] from the date of the sale, if no such Maharashtra Land Revenue Code, 1966

application as is mentioned in Section 207 has been made, or if such application has been made and

rejected, the Collector shall make an order confirming the sale: Provided that, if he has reason to

think that the sale ought to be set aside notwithstanding that no such application has been made, or

on grounds other than those alleged in any application which has been rejected, he may, after

recording his reasons in writing, set aside the sale.

209. Purchaser may apply to set aside sale under certain circumstances.

- Except in a case, where land has been sold for arrears which form a charge on the land, the

purchaser may, at any time within thirty days from the date of sale, apply to the Collector to set

aside the sale on the ground that the defaulter had no saleable interest in the property sold; and the

Collector shall, after due enquiry, pass such orders on such application as he deems fit.

210. Application to set aside sale by person owning to the holding interest in property.

(1) Where immovable property has been sold under this Code, any person either owning such

property or holding an interest therein by virtue of a title acquired before such sale may, at any time

within thirty days from the date of sale, apply to the Collector to have the sale set aside on his

depositing-(a) for payment to the purchaser a sum equal to five per cent of the

purchase-money; (b) for payment on account of the arrear, the amounts specified in the

proclamation of sale as that for the recovery of which the sale was ordered, less any amount which

may have been paid since the date of sale on that account; and (c) the cost of the sale: [Provided that,

such application may be made by any such person belonging to a Scheduled Tribe within one

hundred and eighty days from the date of sale.] [This proviso was added by Maharashtra 35 of 1974,

section 8(1).](2)If such deposit is made within thirty days [or, as the case may be, one hundred and

eighty days] [These words were inserted, by Maharashtra 35 of 1974, section 8(2).] from the date of

sale, the Collector shall pass an order setting aside the sale.

211. Refund of deposit or purchaser money when sale set aside.

- Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled

to receive back his deposit or his purchase-money, as the case may be and the sum equal to five per

cent of the purchase-money deposited under clause (a) of sub-section 210.

212. On confirmation of sale, purchaser to be put in possession, certificate of purchase.

- After a sale of any occupancy or alienated holding has been confirmed in the manner aforesaid, the

Collector shall put the person declared to be the purchaser into possession of the land and shall

cause his name to be entered in the land records as occupant or holder in lieu of that of the defaulter

and shall grant him a certificate to the effect that he has purchased the land to which the certificate

refers. Maharashtra Land Revenue Code, 1966

213. Bar of suit against certified purchaser.

- The certificate shall state the name of the person declared at the time of sale to be the actual

purchaser; and any suit brought in a civil court against the certified purchaser on the ground that

the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed.

214. Application of proceeds of sale.

(1)When any sale of movable property under this Chapter has become absolute, and when any sale

of immovable property has been confirmed, the proceeds of the sale shall be applied to defraying the

expenses of the sale and to the payment of any arrears due by the defaulter at the date of the

confirmation of such sale, and recoverable as an arrear of land revenue and any other sum

recoverable from the defaulter as an arrear of land revenue and notified to the Collector before the

confirmation of such sale, and the surplus, if any, shall be paid to the person whose property has

been sold.(2)The expenses of sale shall be estimated at such rate and according to such orders as

may from time to time be sanctioned by the Commissioner under the orders of the State Government.

215. Surplus not to be paid to creditors except under order of court.

- This said surplus shall not, except under an order of a civil court, be payable to any creditors of the

person whose property has been sold.

216. Certified purchaser liable only for land revenue subsequently due.

- Notwithstanding anything contained in Section 168, the person named in the certificate of title as

purchaser shall not be liable for land revenue due in respect of the land for any period previous to

the date of the sale.

217. Purchaser's title.

- Where immovable property is sold under the provisions of the Chapter and such sale has been

confirmed, the property shall be deemed to have vested, in the purchaser on the date when the

property is sold and not on the date when the sale was confirmed.

218. Claims to attached property how to be disposed.

(1) If any claim is set up by a third person to the property attached or proceeded against under the

provisions of this Code, the Collector may on a formal inquiry held after reasonable notice, admit or

reject it. (2) The person against whom an order is made under sub-section (1) may, within one year

from the date of the order, institute a suit to establish the right which he claims to the property

attached or proceeded, against, but subject to the result of such suit, if any, the order shall be Maharashtra Land Revenue Code, 1966

conclusive.

219. Bar of Revenue Officer to bid etc. at sale.

- Except as provided in Section 220, no officer or other person having any duty to perform in

connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any

interest in the property sold.

220. Purchase on nominal bid.

- Where at any sale held under the provisions of this Chapter, there is no bidder or the bids made are

inadequate or nominal, it shall be lawful for the Collector to authorise any of his subordinates to

purchase such property on behalf of the State Government for such bid as such subordinate may

make: Provided that if the property so purchased is subsequently sold by the State Government

within twelve years of the purchase, the following amounts shall be recovered from the sale proceeds

and surplus, if any, shall be paid to the person whose property has been sold, namely:-(a) dues, that

is, the principal outstanding with interest; (b) loss of revenue, if any, caused to the State Government

during the period the land remains with the State Government and no person takes it on lease or

otherwise; (c) actual expenditure incurred in the auction sale; (d) penalty equal to one-fourth of the

principal: Provided further that, if the property, is not subsequently sold as aforesaid, it may be

returned or granted on the tenure on which he holds it immediately before its purchase by

Government, as the case may be, to the defaulter on his paying the amounts specified in the

previous proviso, at any time within a period of twelve years from the date of purchase on behalf of

the State Government.

221. Sum recoverable under provisions of this Chapter.

(1)(a) All sums due on account of land revenue, rent, quit-rents, nazranas, succession duties, transfer

duties and forfeitures, cesses, profits from land, emoluments, fees, charges, fines, penalties, water

rates, royalty, costs, payable or leviable under this Code or any enactment for the time being in force

relating to land revenue; (b) all moneys due by any contractor for the farm of any tax, duty, cess, or

fee or any other item of revenue whatsoever, and all specific pecuniary penalties to which any such

contractor renders himself liable under the terms of his agreement; (c) all sums declared by this Code

or any law for the time being in force or by any agreement or contract with the Government to be

leviable as an assessment or as a revenue demand, or as an arrear of land revenue, shall be levied

under the foregoing provisions of this Chapter and all the provisions of this Chapter shall, so far as

may be, applicable thereto. (2) In the event of the resumption of any farm referred to in clause (b) of

sub-section (1), no person shall be entitled to any credit for any payments which he may have made

to the contractor in anticipation.

222. Recovery of free grants as arrear of revenue in case of misuse.

- Any person who has received from the State Government a free grant of money for any agricultural Maharashtra Land Revenue Code, 1966

purpose, subject to the condition that he shall refund the same on failure to observe any of the

conditions of the grant, shall, on failure to observe any such condition and to repay the said sum to

the State Government be liable to be proceeded against under the provisions of this Chapter as

revenue defaulter; and all foregoing provisions of this Chapter shall, so far as may be, be applicable

to such person.

223. Recovery of monies from surety.

- Every person may have become a surety under any of the provisions of this Code, or under any

other enactment or any grant, lease or contract where under the sum secured is recoverable from the

principal as an arrear of land revenue including a contractor referred to in clause (b) of sub-section

(1) of Section 221 shall, on failure to pay the amount or any portion thereof which he may have

become liable to pay under the terms of his security bond, be liable to be proceeded against under

the provisions of this Code as a revenue defaulter; and all the foregoing provisions of this Chapter

shall, so far as may be, be applicable to such person.

Chapter XII

Procedure of Revenue Officers

224. Subordination of Revenue Officers.

- In all official acts and proceedings Revenue Officer shall, in the absence of any express provision of

law or any rule made thereunder to the contrary, be subject as to the place, time and manner of

performing his duties to the direction and control of the officer to whom he is subordinate.

225. Power to transfer cases.

- Whenever it appears to the State Government that an order under this Section is expedient for the

ends of justices, it may direct that any particular case be transferred from one Revenue Officer to

another Revenue Officer of an equal or superior rank in same district or any other district.

226. Power to transfer cases to and from subordinates.

(1)A Commissioner, a Collector, a Sub-Divisional Officer or a Tahsildar may make over any case or

class of cases, arising under the provisions of this Code or any other enactment for the time being in

force, for decision from his own file to any Revenue Officer subordinate to him competent to decide

such case or class of cases or may withdraw any case or class of cases from any such Revenue Officer

and may deal with such case or class of cases himself or refer the same for disposal to any other

Revenue Officer competent to decide such case or class of cases.(2)A Commissioner, a Collector, a

Sub-Divisional Officer, or a Tahsildar may make over for inquiry and report any case or class of

cases arising under the provisions of this Code or any other enactment for the time being in force

from his own file to any Revenue Officer subordinate to him.Maharashtra Land Revenue Code, 1966

227. Power to summon persons to give evidence and produce documents.

(1) Every Revenue or Survey Officer not below the rank of an Aval Karkun or a District Inspector of

Land Records in their respective departments shall have power to summon any person whose

attendance he considers necessary either to be examined as a party or to give evidence as a witness,

or to produce documents for the purposes of any inquiry which such Officer is legally empowered to

make. A summon to produce documents may be for the production of certain specified documents

for or the production of all documents of a certain description in the possession of the person

summoned. (2) Subject to the provisions of Sections 132 and 133 of the Code of Civil Procedure,

1908, all persons so summoned shall be bound to attend, either in person or by any authorized

agent, as such officer may direct. (3) All persons summoned as aforesaid shall be bound to state the

truth upon any subject respecting which they are examined or made statements and to produce such

documents and other things as may be required.

228. Summons to be in writing, signed and sealed; service of summons.

(1) Every summons shall be in writing in duplicate, and shall state the purpose for which it is issued,

and shall be signed by the officer issuing it, and if he has a seal shall also bear his seal. (2) The

summons shall be served by tendering or delivering a copy of it to the person summoned or, if he

cannot be found, by affixing a copy of it to some conspicuous part of his usual residence. (3) If his

usual residence be in another district, the summons may be sent by post to the Collector of that

district, who shall cause it to be served in accordance with the provisions of sub-section (2).

229. Compelling attendance of witness.

- If any person on whom a summons to attend as witness or to produce any documents has been

served fails to comply with the summons, the officer by whom the summons is issued under Section

227 may, -(a) issue a bailable warrant of arrest; (b) order him to furnish security for appearance;

or (c) impose upon him a fine not exceeding [fifty rupees or such amount as may be prescribed,

whichever is higher.] [Substituted 'fifty rupees' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.]

230. Mode of serving notice.

(1) Subject to the provisions of this Code and the rules made thereunder, every notice under this

Code may be served either by tendering or delivering a copy thereof, or sending such copy by post to

the person on whom it is to be served or his authorised agent, or if service in the manner aforesaid

cannot be made, by affixing a copy thereof at his last known place or residence or at some place of

public resort in the village in which the land to which the notice relates is situated or from which the

land is cultivated. (2) No such notice shall be deemed void on account of any error in the name or

designation of any person, or in the description of any land, referred to therein, unless such error

has produced substantial injustice. Maharashtra Land Revenue Code, 1966

231. Procedure for producing attendance of witnesses.

- In any formal or summary inquiry if any party desires the attendance of witnesses he shall follow

the procedure prescribed by the Code of Civil Procedure, 1908, for parties applying for summons for

witnesses.

232. Hearing in absence of party.

(1) If on the date fixed for hearing a case or proceeding, a Revenue Officer or Survey Officer finds

that summons or notice was not served on any party due to the failure of the opposite party to pay

the requisite process fees for such service, the case or the proceeding may be dismissed in default of

payment of such process fees. (2) If any party to a case or proceeding before the Revenue Officer or

Survey Officer does not appear on the date fixed for hearing, the case may be heard and determined

in his absence or may be dismissed in default. (3) The party against whom any order is passed under

sub-section (1) or (2) may apply within thirty days from the date of such order to have it set aside on

the ground that he was prevented by any sufficient cause from paying the requisite 'process fees' for

service of a summons or notice on the opposite party or from appearing at the hearing and the

Revenue Officer or Survey Officer may, after notice to the opposite party which was present on the

date on which such order was passed and after making such inquiry as he considers necessary set

aside the order passed. (4) Where an application filed under sub-section (3) is rejected, the party

aggrieved may file an appeal to the authority to whom an appeal lies from an original order passed

by such officer. (5) Except as provided in sub-section (4) or except where a case or proceeding before

any such officer has been decided on merits, no appeal shall lie from an order passed under this

Section.

233. Adjournment of hearing.

(1)A revenue or survey officer may, from time to time, for reasons to be recorded, adjourn the

hearing of a case of proceeding before him.(2)The date and place of an adjourned hearing of a case

or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses

as are present.

234. Mode of taking evidence in formal inquiries.

(1)In all formal inquiries the evidence shall be taken down in full, in writing, in Marathi, by or in the

presence and hearing and under the personal superintendence and direction of, the officer making

the investigation or inquiry, and shall be signed by him. The officer shall read out or cause to be read

out the evidence so taken to the witness and obtain his signature thereto in token of its

correctness.(2)In cases in which the evidence is not taken down in full in writing by the officer

making the inquiry he shall, as the examination of each witness proceeds, make a memorandum of

the substance of what such witness deposes; and such memorandum shall be written and signed by

such officer with his own hand, and shall form part of the record.(3)If such officer is prevented from

making a memorandum as required aforesaid, he shall record the reason of his inability to doMaharashtra Land Revenue Code, 1966

so.(4)When the evidence is given in English, such officer may take it down in that language with his

own hand, and an authenticated translation of the same in Marathi shall be made and shall form

part of the record.

235. Writing and explanation of decisions.

- Every decision, after a formal inquiry, shall be in writing signed by the officer passing the same,

and shall contain a full statement of the grounds on which it is passed.

236. Summary inquiries how to be conducted.

- In summary inquiries, the revenue officer or the survey officer shall himself, as any such inquiry

proceeds, record minute of the proceedings in his own hand in English or in Marathi embracing the

material averments made by the parties interested in the material parts of the evidence, the decision

and the reasons for the same:Provided that, it shall at any time be lawful for such officer to conduct

an inquiry directed by this Code to be summary under all, or any of the rules applicable to a formal

inquiry, if he deems fit.

237. Formal and summary inquiries to be deemed judicial proceedings.

(1)A formal or summary inquiry under this Code shall be deemed to be a judicial proceeding with

the meaning of Sections 193, 219 and 228 of the Indian Penal Code, and the office of any authority

holding a formal or summary inquiry shall be deemed a civil court for the purposes of such

inquiry.(2)Every hearing and decision, whether in a formal or summary inquiry, shall be in public,

and the parties or their authorised agents shall have due notice to attend.

238. Ordinary inquiries how to be conducted.

- An inquiry which this Code does not require to be either formal or summary or which any revenue

or survey officer may on any occasion deem to be necessary to make, in the execution of his lawful

duties, shall be conducted according to such rules applicable thereto, whether general or special, as

may have been prescribed by the State Government, or an authority superior to the officer conducting such inquiry, and except in so far as controlled by such rules, according to the discretion

of the officer in such way as may seem best calculated for the ascertainment of all essential facts and

the furtherance of the public good.

239. Copies and translation, etc. how to be obtained.

- In all cases in which a formal or summary inquiry is made, authenticated copies and translations of

decisions, orders, and the reasons therefor, and of exhibits, shall be furnished to the parties, and

original documents used as evidence shall be restored to the persons who produced them or to

persons claiming under them on due application being made for the same, subject to such charges

for copying, searches, inspection and other like matters as may, from time to time, be prescribed by Maharashtra Land Revenue Code, 1966

the State Government.

240. Arrest of defaulter to be made upon warrant.

- Whenever it is provided by this Code, that a defaulter, or any other person may be arrested, such

arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

241. Power enter upon and survey land.

- All revenue and survey officers and when under their observation and control their servants and

workmen when so directed, may enter upon and survey land and demarcate boundaries and do

other acts connected with the lawful exercise of their office under this Code or any other law for the

time being in force relating to land revenue and in so doing shall cause no more damage than may

be required for the due performance of their duties: Provided that, no person shall enter into any

building or upon any enclosed court or garden attached to a dwelling house, unless with the consent

of the occupier thereof, without giving such occupier at least twenty four hours' notice, and in

making such entry due regard shall be paid to the social and religious sentiments of the occupier.

242. Collector how to proceed in order to evict any person wrongfully in

possession of land.

- Whenever it is provided by this Code or by any other law for the time being in force that the

Collector may or shall evict any person wrongfully in possession of land, such eviction shall be made

in the following manner, that is to say, -(a) by serving a notice on the person or persons in possession

requiring them (within such time as may appear reasonable after receipt of the said notice) to vacate

the land, and(b)if such notice is not obeyed, by removing, or deputing a subordinate to remove, any

person who may refuse to vacate the same, and(c)if the officer removing any such person shall be

resisted or obstructed by any person, the Collector shall hold the summary inquiry into the facts of

the case, and if satisfied that the resistance or obstruction was without any just cause and that such

resistance and obstruction still continue, may, without prejudice to any proceedings to which such

person may be liable under any law for the time being in force for the punishment of such resistance

or obstruction, issue a warrant for the arrest of the said person, and on his appearance commit him

to close custody in the office of the Collector or of any Tahsildar, or send him with a warrant in the

form of Schedule 0, for imprisonment in the civil jail of the district for such period not exceeding

thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

243. Power to give and apportion costs.

- A revenue or survey officer may give and apportion costs incurred in any case or proceeding arising

under this Code or any other law for the time being in force in such manner and to such extent as he

thinks fit:Provided that, the fees of a legal practitioner shall not be allowed as costs in any such case

or proceedings, unless such officer considers otherwise for reasons to be recorded by him in writing.Maharashtra Land Revenue Code, 1966

244. Persons by whom appearances and applications may be made before and to revenue or survey officer.

- Save as otherwise provided in any other enactment for the time being in force, all appearances

before, applications to and acts to be done before, any revenue or survey officer under this Code or

any other law for the time being in force may be made or done by the parties themselves or by their

recognised agents or by any legal practitioner: Provided that, subject to the provisions of Sections

132 and 133 of the Code of Civil Procedure, 1908, any such appearance shall, if the revenue or the

survey officer so directs, be made by the party in person.

245. [ Saving. [Sections 245 and 246 inserted by Maharashtra Land Revenue Code (Second Amendment) Act, 2007, Maharashtra 23 of 2007, sections 4 and 5.]

- Nothing contained in this Chapter shall apply to any proceeding before the Maharashtra Revenue

Tribunal under Chapter XV.]

Chapter XIII

Appeals, Revision and Review

246. [ Application of this Chapter. [Sections 245 and 246 inserted by Maharashtra Land Revenue Code (Second Amendment) Act, 2007, Maharashtra 23 of 2007, sections 4 and 5.]

- The provisions of this Chapter shall not apply to proceedings before the Maharashtra Revenue

Tribunal under Chapter XV.]

246A. [ Pending applications for conferral of Occupants-Class I Rights.

[Inserted by Maharashtra Act No. 44 of 2018, dated 27.7.2018.]

- Any application by a person pending before any revenue officer or, before the state Government,

whether in appeal, revision or otherwise, on the 21st April, 2018 being 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) Act 2018, for permission to

hold the land as Occupants-Class I, shall, with effect from the date of commencement of the said Act

be treated as closed.Explanation. - For the purposes of this section, the expression "land" shall mean

the land in any local area in Vidarbha, held in Bhumiswani rights with restrictions on right to

transfer, or in Bhumidhari rights in any local area in Vidarbha.]Maharashtra Land Revenue Code, 1966

247. Appeal and appellate authorities.

(1) In the absence of any express provisions of the Code, or of any law for the time being in force to

the contrary, an appeal shall lie from any decision or order passed by a revenue or survey officer

specified in column 1 of the Schedule E under this Code or any other law for the time being in force

to the officer specified in column 2 of that Schedule whether or not such decision or order may itself

have been passed on appeal from the decision or order of the officer specified in column 1 of the said

Schedule: Provided that, in no case the number of appeals shall exceed two. (2) When on account of

promotion or change of designation, an appeal against any decision or order lies under this Section

to the same officer who has passed the decision or order appealed against, the appeal shall lie to

such other officer competent to decide the appeal to whom it may be transferred under the provisions of this Code.

248. Appeal when to lie to State Government.

- An appeal shall lie to the State Government from any decision or order passed by a Commissioner

or by a Settlement Commissioner or by a Director of Land Records, or by a Deputy Director of Land

Records invested with powers of Director of Land Records [ \* \* \* ] [The words 'or by the Collector of

Bombay or by an Assistant or Deputy Collector subordinate to him invested with the appellate

power of the Collector' were deleted by Maharashtra 47 of 1981, section 8.] except in the case of any

decision or order passed by such officer on appeal from a decision or order itself recorded in appeal

by any officer subordinate to him.

249. Appeal against review or revision.

(1) An order passed in review varying or reversing any order shall be appealable in the like manner as

an original decision or order. (2) An order passed in revision varying or reversing any order shall be

appealable as if it were an order passed by the revisional authority in appeal.

250. Periods within which appeals must be brought.

- No appeal shall be brought after the expiration of sixty days if the decision or order complained of

have been passed by an officer inferior in rank to a Collector or a Superintendent of Land Records in

their respective departments; nor after the expiration of ninety days in any other case. The period of

sixty and ninety days shall be counted from the date on which the decision or order is received by

the appellant. In computing the above periods, the time required to obtain a copy of the decision or

order appealed against shall be excluded.

251. Admission of appeal after period of limitation.

- Any appeal or an application for review under this Chapter may be admitted after the period of

limitation prescribed therefor when the appellant or the applicant, as the case may be, satisfies the

officer or the State Government to whom or to which he appeals or applies, that he had sufficient Maharashtra Land Revenue Code, 1966

cause for not presenting the appeal or application, as the case may be, within such period.

252. Appeal shall not be against certain orders.

- No appeal shall lie from an order. (a) admitting an appeal or an application for review under Section

251; (b) rejecting an application for revision or review; or (c) granting or rejecting an application for

stay.

253. Provision where last day for appeal falls on Sunday or holiday.

- Whenever the last day of any period provided in the Chapter for presentation of an appeal or an

application for review falls on a Sunday or other holiday recognised by the State Government the

day next following the close of the holiday shall be deemed to be such last day.

254. Copy of order to accompany petition of appeal.

- Every petition for appeal, review or revision shall be accompanied by a certified copy of the order

to which objection is made unless the production of such copy is dispensed with.

255. Power of appellate authority.

(1) The appellate authority may either admit the appeal or, after calling for the record and giving the

appellant an opportunity to be heard, may summarily reject it: Provided that, the appellate authority

shall not be bound to call for the record where the appeal is time-barred or does not lie. (2) If the

appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the

respondent. (3) After hearing the parties, if they appear, the appellate authority may, for reasons to

be recorded in writing, either annul, confirm, modify, or reverse the order appealed against, or may

direct such further investigation to be made, or such additional evidence to be taken, as it may think

necessary; or may itself take such additional evidence; or may remand the case for disposal with

such directions as it thinks fit.

256. Stay of execution of orders.

(1) A revenue or survey officer who has passed any order or his successor in office may, at any time

before the expiry of the period, prescribed for appeal, direct the execution of such order to be stayed

for such time as he thinks fit, provided no appeal has been filed. (2) The appellate authority may, at

any time, direct the execution of the order appealed from, to be stayed for such time as it may think

fit. (3) The authority exercising the powers of revision or review may direct the execution of the order

under revision or review, as the case may be, to be stayed for such time as it may think fit. (4) The

appellate authority or the authority exercising the powers of revision or review may set aside or

modify any direction made under sub-section (1). (5) The revenue or the survey officer or the

authority directing the execution of an order to be stayed may impose such conditions or order such

security to be furnished as he or it thinks fit. (6) No order directing the stay of the execution of any Maharashtra Land Revenue Code, 1966

order shall be passed, except in accordance with the provisions of this Section.

257. Power of State Government and of certain revenue and survey officers

to call for and examine records and proceedings of subordinate officers.

(1)The State Government and any revenue or survey officer, not inferior in rank to an Assistant or

Deputy Collector, or a Superintendent of Land Records, in their respective departments, may call for

and examine the record of any inquiry or the proceedings of any subordinate revenue or survey

officer, for the purpose of satisfying itself or himself, as the case may be, as the legality or propriety

of any decision or order passed, and as to the regularity of the proceedings of such officer.(2)A

Tahsildar, a Naib-Tahsildar, and a District Inspector of Land Records may in the same manner call

for and examine the proceedings of any officer subordinate to them in any matter in which neither a

formal nor a summary inquiry has been held.(3)If in any case, it shall appear to the State

Government, or to any officer referred to in sub-section (1) or sub-section (2) that any decision or

order or proceedings so called for should be modified, annulled or reversed, it or he may pass such

order thereon as it or he deems fit:Provided that, the State Government or such officer shall not vary

or reverse any order affecting any question or right between private persons without having to the

parties interested notice to appear and to be heard in support of such order:Provided further that,

an Assistant or Deputy Collector shall not himself pass such order in any matter in which a formal

inquiry has been held, but shall submit the record with his opinion to the Collector, who shall pass

such order thereon as he may deem fit.[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.] [Added by Maharashtra

Act No. 6 of 2018, dated 15.1.2018.]

258. Review of orders.

(1)The State Government and every revenue or survey officer may, either on its or his own motion or

on the application of any party interested, review any order passed by itself or himself or any of its

or his predecessors in office and pass such orders in reference thereto as it or he thinks fit:Provided

that, -(i)if the Collector or Settlement Officer thinks it necessary to review any order which he has

not himself passed, on the ground other than that of clerical mistake, he shall first obtain the

sanction of the Commissioner or the Settlement Commissioner, as the case may be, and if an officer

subordinate to a Collector or Settlement Officer proposes to review any order on the ground other

than that of clerical mistake, whether such order is passed by himself or his predecessor, he shall

first obtain the sanction of the authority to whom he is immediately subordinate;(ii)no order shall

be varied or reversed unless notice has been given to the parties interested to appear and be heard in

support of such order;(iii)no order from which an appeal has been made, or which is the subject of

any revision proceedings shall, so long as such appeal or proceedings are pending be reviewed;(iv)no order affecting any question of right between private persons shall be reviewed

except on an application of a party to the proceedings, and no such application for review of such

order shall be entertained unless it is made within ninety days from the passing of the order,(2)No

order shall be reviewed except on the following grounds, namely :-(i)discovery of new and importantMaharashtra Land Revenue Code, 1966

matter or evidence;(ii)some mistake or error apparent on the face of the record;(iii)any other

sufficient reason.(3)For the purposes of this Section the Collector shall be deemed to be the

successor in office of any revenue or survey officer who has left the district or who has ceased to

exercise powers as a revenue or survey officer and to whom there is no successor in the district.(4)An order which has been dealt with in appeal or on revision shall not be reviewed by any

revenue or survey officer subordinate to the appellate or revisional authority.(5)Order passed in

review shall on no account be reviewed.

259. Rules as to decisions or orders expressly made final.

- Whenever in this Code, it is provided that a decision or order shall be final or conclusive, such

provision shall mean that no appeal lies from any such decision or order; but it shall be lawful to the

State Government alone to modify, annul or reverse any such decision or order under the provisions

of Section 257.

Chapter XIV

Special Provisions for Land Revenue in the City of Bombay

260. Extent of this Chapter.

- The provisions of this Chapter extend to the City of Bombay only,

261. Interpretation.

- In this Chapter; unless the context requires otherwise,-(1a)[ "City Tenures Abolition Act" means

the Bombay City (Inami and Special Tenures) Abolition and Maharashtra Land Revenue Code

(Amendment) Act, 1969:] [Clause (1a) and (aa) were inserted and clause (e) was added by

Maharashtra 44 of 1969, section 20, Second Schedule.](a)"holder", in relation to any land, means

the occupier of such land, or where rent is paid for such land, any person in receipt of rent for such

land who does not pay rent to another person;Explanation. - "Rent" in this clause does not include,

money paid for land to the Government or to the Municipal Corporation of Greater Bombay or to

the Trustees of the Port of Bombay or to a fazendar, except when such money is paid by a person

holding such land on a tenancy for a term of less than one year;(aa)[ 'revenue division' means such

local area in the City of Bombay as the Collector may, subject to the order of the State Government,

by an order in the Official Gazette, constitute to be a revenue division for the purpose of determining

the standard rate of assessment of lands therein;] [Clause (1a) and (aa) were inserted and clause (e)

was added by Maharashtra 44 of 1969, section 20, Second Schedule.](b)"superior holder" means the

person having the highest title under the State Government to any land in the City of

Bombay;(c)"survey" includes identification of boundaries and all other operations antecedent to, or

connected with, survey;(d)"survey-boundary-mark" means primarily any iron or other mark set up

by the officers who conducted the Bombay City Survey hereinafter described; and include any such

new mark that may hereafter be set up by the Collector or under his orders, according to the

provisions of this Chapter.(e)[ words and expressions used but not defined in this Chapter shall haveMaharashtra Land Revenue Code, 1966

the meanings respectively assigned to them in the City Tenures Abolition Act.] [Clause (1a) and (aa)

were inserted and clause (e) was added by Maharashtra 44 of 1969, section 20, Second Schedule.]Assessment and Collection of Land Revenue

262. [ Power of Collector to fix and to levy assessment for land revenue.

[Section 262 was substituted by Maharashtra 44 of 1969.]

(1)It shall be the duty of the Collector to fix and to levy the assessment for land revenue subject to

the provisions of sub-section (2) and sub-section (3).(2)Where there is no right on the part of a

superior holder in limitation of the right of the State Government to assess, then, subject to the

provisions of the City Tenures Abolition Act, the assessment shall be fixed in accordance with this

Chapter.(3)Where there is a right on the part of a superior holder in limitation of the right of the

State Government to assess in consequence of a specific limit established and preserved, and not

abolished under the City Tenures Abolition Act, the assessment shall not exceed such specific limit.]

262A. [ Rate of assessment not to exceed percentage of market value.

[Sections 262A to 262E were inserted by Maharashtra 44 of 1969.]

- Except as provided in the City Tenures Abolition Act for the initial assessment of land held on

inami or special tenure, the rate of assessment of such lands in each revenue division shall not

exceed such percentage of the average of the market value thereof, when used as unbuilt plots, as the

State Government may, from time to time, fix in this behalf on the basis of the bank rate of interest

published by the Reserve Bank of India under Section 49 of the Reserve Bank of India Act, 1934.

262B. Standard rate of assessment.

(1) Subject to the provisions of Section 262A, the Collector shall, with the approval of the State

Government, fix the rate of assessment per square metre of land in each revenue division (to be

called 'the standard rate of assessment') which shall be a sum equal to such percentage of the

average of the market value of the unbuilt plots in each division as may have been fixed by the State

Government under Section 262A. (2) The market value shall be estimated in the prescribed manner

on the basis of - (a) sales of and in the revenue division during the period of fifteen years immediately

preceding the year in which proceedings for the fixation of the standard rate of assessment are

initiated; (b) awards relating to the acquisition of land under the Land Acquisition Act, 1894, in the

revenue division during the period of fifteen years aforesaid; (c) rental value of lands in the revenue

division during the period aforesaid; (3) The actual assessment of an individual plot in each revenue

division shall be fixed by the Collector at an amount equal to the product of the standard rate of

assessment in rupees per square metre and the area of the plot in square metre rounded off in the

prescribed manner (hereinafter referred to as 'the full assessment'). (4) Any person aggrieved by the

decision of the Collector regarding the standard rate of assessment or market value of lands in any

revenue division, may [appeal to the Commissioner:] [These words were substituted for the words

'appeal to the State Government' by Maharashtra 47 of 1981, section 9(a).] [\*\*\*\*] [Proviso was

deleted, by Maharashtra 47 of 1981, section 9(b). Section 13 of Maharashtra 47 of 1981 reads as Maharashtra Land Revenue Code, 1966

under :-'13. The amendments made by this Act in the principal Act shall not have any effect in

respect of and apply to any appeals or other proceedings, pertaining to the City of Bombay or the

Bombay Suburban District, filed and pending before the State Government or the Commissioner for

the Konkan Division on the date of commencement of this Act, and such appeals and proceedings

shall be continued and disposed of by the State Government or by the said Commissioner, or by the

officers authorised by them in this behalf, as the case may be, as if this Act had not been enacted.'](5)The State Government may make rules under Section 306 for the institution and

disposal of such appeal (including provision for period of limitation and hearing).

262C. Publication of standard rates of assessment.

- The standard rates of assessment fixed or revised under this Chapter shall be published in the

Official Gazette and in such other manner as may be prescribed before they are brought into force.

262D. Standard rate of assessment to be in force for ten years until revised.

- The standard rate of assessment fixed for each division shall come into force from the 1st day of the

revenue year immediately following the year in which the rate is fixed; and notwithstanding any

alteration in the bank rate of interest or average market value of lands referred to in Section 262A,

shall remain in force for a period of ten years; and shall be liable to be revised in accordance with the

provisions of this Chapter after the expiry of the said period. Until it is so revised, the rate fixed as

aforesaid shall be deemed to be in force.

262E. Period of guarantee.

(1)Notwithstanding any alteration in the bank rate of interest referred to in Section 262A, or the

revision of the standard rate of assessment, the assessment fixed in respect of any land under this

Chapter shall remain in force for a period of fifty years from the date on which it is fixed, (such

period being called 'the period of guarantee').(2)On the expiry of the period of guarantee, the

assessment shall be liable to revision; and the foregoing provisions of this Chapter shall, so far as

may be, apply to such revision.(3)Until the assessment is so revised, the assessment made shall

continue in force notwithstanding the expiry of the period of guarantee.]

263. Settlement of assessment with whom to be made.

(1)The settlement of the assessment of each portion of land to the land revenue shall be made with

the superior holder of the same.(2)If the superior holder be absent and have left no known authorized agent in Bombay, or if there be a dispute as to who is entitled to be considered the

superior holder of the land, the settlement may be made with the person actually in possession of

the land and any assessment so fixed shall be binding upon the rightful superior holder of the

land.(3)Any payment made by the person in possession in accordance with the provision of this

Code shall be deemed to have been made on behalf of the superior holder.(4)Where the superior

holder or the person in possession cannot be readily ascertained, the Collector shall give noticeMaharashtra Land Revenue Code, 1966

calling on all persons claiming the right of a superior holder in or over the said land or right to the

possession thereof, to intimate such claim to the Collector at his office.(5)If no person asserts such

right by informing the Collector as aforesaid within twenty-one days from the date of such notice,

the Collector may assess such land at his discretion, and the superior holder and every person then

or thereafter in possession of the land shall be liable accordingly.

#### 264. Liability of land revenue.

(1)The superior holder of land, or in his absence the person actually in possession shall be liable in

person and property for the land revenue due upon the holding.(2)Arrears of land revenue due on

account of land shall, on failure by the persons interested therein to pay the same on or before the

date specified in that behalf in a notice demanding payment posted on or near the land, be a

paramount charge on the land and on every part thereof.

#### 265. Claims of State Government to have precedence.

(1)Arrears of and revenue due on any land under this Chapter shall have precedence over any other

debt, demand or claim whatsoever, whether in respect of mortgage, judgement-decree, execution,

attachment or otherwise howsoever, against such land, or the superior holder thereof.(2)The claim

of the State Government to any moneys other than the arrears of land revenue but recoverable as a

revenue demand under the provisions of this Chapter shall have priority over all unsecured claims

against any land.

#### 266. Power of Collector to give direction regarding payment of revenue.

- Subject to such orders as may be passed by the State Government, the Collector shall from time to

time give orders and make known the same by notice, to be served on all superior holders of land

paying revenue, or in their absence persons in possession, regulating the person, places and times to

whom and within which the revenue payable in respect of any and shall be paid: Provided that,

where the assessment leviable in any case under the provisions of this Chapter does not exceed [one

rupee per annum or such amount as may be prescribed, whichever is higher] [Substituted 'one rupee

per annum,' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] it shall be lawful for the Collector

subject to the orders of the State Government to levy, in lieu of such assessment, a single lump sum

of such amount as the Collector, subject as aforesaid deems to be a fair equivalent of the assessment

but not in any case exceeding [thirty times the assessment or such amount as may be prescribed,

whichever is higher.] [Substituted 'thirty times the assessment' by Maharashtra Act No. 21 of 2017,

dated 18.1.2017.]

267. Notice of demand may be served after arrears due.

(1) If any land revenue is not paid, at or within, the time when it becomes payable the Collector may,

on or after the day following that on which the arrears accrue due, cause a notice of demand to be

served on the superior holder or on the person in possession, or on both. (2) Every person to whom Maharashtra Land Revenue Code, 1966

any such notice is issued shall be chargeable in respect thereof with a fee not exceeding two rupees

calculated according to the rates specified in this behalf in the table in Schedule F [or of such higher

amount as may be prescribed, whichever is higher:] [Added by Maharashtra Act No. 21 of 2017,

dated 18.1.2017.] Provided that, in no case shall the fee chargeable for any notice exceed the amount

of the land revenue in respect of which the said notice is issued. (3) If the superior holder or person in

possession, as the case may be, shall, for the space of twenty days after service of written notice of

demand of payment, fail to discharge the revenue due, it shall be lawful for the Collector to levy the

same by, - (a) attachment and sale of the defaulter's movable property; or (b) attachment and sale of

such portion of the land on which the revenue is due as may be required to satisfy the demand;

or (c) attachment and sale of the right, title and interest of the defaulter in any other immovable

property. Such sales shall be by public auction and shall not take place until at least fifteen days after

notice thereof shall have been published in the Official Gazette.

268. Sales how to be conducted.

- Sales under the provisions in this Chapter shall be conducted in accordance with the provisions

contained in Sections 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212,

213, 214, 215, 218, 219 and 220 of this Code: Provided that, a sale may from time to time be

postponed for any sufficient reason recorded in that behalf; and when the sale is postponed for a

period longer than thirty days, a fresh notice shall be issued unless the defaulter consents to waive

it.

269. Defaulters may be arrested and confined.

- If the sale of the defaulter's property does not satisfy the demand in respect of the arrears of land

revenue, it shall be lawful for the Collector to cause the defaulter to be apprehended and confined in

the civil jail according to the law in force in the City of Bombay for the confinement of debtors, for

which purpose a certificate of demand under the Collector's signature sent with the defaulter shall

be the Sheriff's sufficient warrant equally with the usual legal process in ordinary cases of arrest in

execution of judgement for debt: Provided that no such apprehension shall be made unless the

default is wilful and the defaulter is given an opportunity to show cause against his apprehension

and confinement: Provided further that, such imprisonment shall cease at any time upon payment of

the sum due and that it shall in no case exceed, -(i) a period of six months when the sum due is more

than fifty rupees; and (ii) a period of six weeks in any other case.

270. Exemption from attachment and sale.

(1) All such property as is by the Code of Civil Procedure, 1908, exempted from attachment and sale

in execution of a decree, shall also be exempted from attachment and sale under Section 267. (2) The

Collector's decision as to what property is so entitled to exemption shall be conclusive. Maharashtra Land Revenue Code, 1966

271. Collector's decision to be acted in the first instance but may be stayed on security being furnished.

- The decision of the Collector upon any question arising out of the provisions of Sections 262 to 269

shall, [subject to the provisions of sub-sections (4) and (5) of Section 262B and Section 274] [These

words, brackets, figures and letter were substituted for the words and figures 'subject to the

provisions of section 274' by Maharashtra 44 of 1969, section 20, Second Schedule.] be binding

upon all persons to whom it may concern, and shall be acted upon accordingly, but the Collector's

decision shall be stayed on any such person giving security to the satisfaction of the Collector that he

will, within sixty days from the date when such decision was made known to him, make an appeal

before [[the Commissioner] [These words were inserted by Maharashtra 44 of 1969.]], [or as the

case may be, the Maharashtra Revenue Tribunal] [These words were inserted by Maharashtra Land

Revenue Code (Second Amendment) Act, 2007, Maharashtra 23 of 2007, section 6.] for the purpose

of contesting the legality of the Collector's decision and will fulfil the order that may be passed

against him, and will pay all costs and interest which may be so ordered or that, if he fails to file an

appeal as specified above, he will, when required, pay the amount demanded.

272. Compulsory process to cease on payment under protest and on filing appeal and furnishing security.

- All compulsory process against a defaulter shall cease on his paying or tendering the amount

demanded of him under protest to the officer executing such process or on his filing an appeal

[before the Commissioner or as the case may be, the Maharashtra Revenue Tribunal]  
[These words

were substituted for the words 'before the Commissioner' by Maharashtra Land Revenue Code

(Second Amendment) Act, 2007, Maharashtra 23 of 2007, section 7(a).] to contest the legality of the

demand and furnishing security satisfactory to the Collector, [the Commissioner] [These words 'The

Commissioner' were substituted for the words 'the State Government' by Maharashtra 47 of 1981,

section 11.], [or as the case may be, the Maharashtra Revenue Tribunal] [These words 'The

Commissioner' were inserted by Maharashtra Land Revenue Code (Second Amendment) Act, 2007,

Maharashtra 23 of 2007, section 7(b).] that he will be pending the decision of the said appeal

neither quit jurisdiction nor removed nor transfer his property therein, without providing to the

satisfaction of the Collector [of the Commissioner or of the Maharashtra Revenue Tribunal] [These

words were substituted for the words 'of the Commissioner' by Maharashtra Land Revenue Code

(Second Amendment) Act, 2007, Maharashtra 23 of 2007, section 7(c).] for the execution of the

order passed in appeal.

273. Fees in respect of warrant for attachment and sale of defaulters'

property. Additional fee.

- Fees shall be payable according to the table in Schedule G [or according to such higher amount as

may be prescribed, whichever is higher] [Inserted by Maharashtra Act No. 21 of 2017, dated

18.1.2017.] on all warrants issued under the provisions of Section 269 or the attachment and sale of

the property of defaulters by the person in respect of whose property such warrants are issued, and Maharashtra Land Revenue Code, 1966



an additional fee of [twenty-five paise or such amount as may be prescribed, whichever is higher]

[Substituted 'twenty-five paise' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] per diem shall

be paid in like manner in respect of each peon employed, whenever the property distrained is placed

in charge of any peon or peons.

274. Appeals before [Maharashtra Revenue Tribunal] [These words were

substituted for the words 'concerned Divisional Commissioner' by

Maharashtra Land Revenue Code (Second Amendment) Act, 2007,

Maharashtra 23 of 2007, section 8(b).]

- [Except as provided in sub-sections (4) and (5) of Section 262B, an appeal] [These words, brackets,

figures and letters were substituted for the words 'An appeal' by Maharashtra 44 of 1969, section 20,

Second Schedule.] shall lie against any decision or order passed by the Collector or any of his

assistants or other subordinates exercising the powers of the Collector under this Chapter to [the

Maharashtra Revenue Tribunal] [These words were substituted for the words 'the concerned

Divisional Commissioner' by Maharashtra Land Revenue Code (Second Amendment) Act, 2007,

Maharashtra 23 of 2007, section 8(a).]

275. Court-fees.

- Notwithstanding anything contained in the Bombay Court-fees Act, 1959, and in Section 324 of the

Code, every appeal before [the Maharashtra Revenue Tribunal] [These words were substituted for

the words 'the Divisional Commissioner' by Maharashtra Land Revenue Code (Second Amendment)

Act, 2007, Maharashtra 23 of 2007, section 9.] shall bear a court-fee stamp of such value as may be

prescribed by rules under this Chapter.

276. Power of State Government to make grants of lands free of revenue.

- It shall be lawful for the State Government to grant lands free of price and free of revenue, whether

in perpetuity or for a term of years, and on such other terms and conditions (if any) as may be

annexed to the grant. The Bombay City Survey and Boundary Marks

277. Bombay City Survey recognised.

- The latest Survey completed under the authority of the State Government shall be called "the

Bombay City Survey" and the demarcation of lands then made, and all records of the said survey

(including alteration or correction made therein before the commencement of this Code) shall be

taken as prima facie evidence for all proceedings under and for all the purposes of this

Chapter: Provided that, the Collector may, on the application of the parties interested in such land,

and shall, in pursuance of a decree or order of the competent court, cause any alteration or

correction to be made of any such demarcation of lands, or of any entry in such record. Maharashtra Land Revenue Code, 1966

278. State Government may order survey and appoint Superintendent.

(1)The State Government may, whenever it thinks fit, order that a survey shall be made of the lands

situated in the City of Bombay and for such purpose may appoint a Superintendent of Survey and

one or more Assistant Superintendents of Survey.(2)The Assistant Superintendents shall exercise

such powers as may be delegated to them by the Superintendent.

279. Collector or subordinates may enter upon lands.

- It shall be lawful for the Collector or any of his assistants or other subordinates duly authorised by

writing under his hand in that behalf and for the Superintendent or any other officer employed in

the survey after giving not less than twenty-four hours notice to enter upon any lands for the

purpose of inspecting the survey boundary marks erected thereon or of altering, renewing or

repairing such marks or for survey in the manner provided in Section 241 of this Code.

280. Notice to be served on holder to attend.

- Before entering on any land for the purposes of survey, the Superintendent may cause a notice in

writing under his hand to be served on the holder or occupier of the land about to be surveyed and

on the holders or occupiers of coterminous lands, calling upon them to attend either personally or

by agent on such land before him or before such officer as may be authorised by him in that behalf,

within a specified time (which shall not be less than three days after the service of such notice), for

the purpose of pointing out boundaries and of affording such information as may be needed for the

purposes of this Chapter and intimating that in the event of their failing to attend, he or such officer

will proceed with the survey in their absence.

281. After service of notices Superintendent may proceed with survey.

- After due service of notice under Section 280, the Superintendent, or such officer as may be

authorised by him may proceed with the survey whether the person upon whom notices have been

served are present or not.

282. Survey map and register.

(1)The Superintendent shall prepare a map and a register of all lands which have been surveyed

under this Chapter.(2)To every piece of land separately shown on the map and entered in the

register an indicative number shall be assigned, and the name of the person appearing to be the

holder thereof at the time of the survey shall be entered in the register.(3)Nothing contained in such

map or register shall affect the rights of any person.Maharashtra Land Revenue Code, 1966

283. Superintendent may erect boundary marks.

- The Superintendent may at any time cause to be erected, on any land which is to be, or has been

surveyed under this Chapter temporary or permanent boundary marks of such materials and in such

number and manner as he may determine to be sufficient for the purpose of the survey: Provided

that, no permanent boundary marks shall be erected when the boundary is defined by a permanent

building, wall or fence.

284. Maintenance of temporary boundary marks.

(1) When any temporary boundary mark has been erected under Section 283, the Superintendent

may cause a notice in writing under his hand to be served on the holder of the land whereon, or

adjoining which, such boundary mark is situate requiring him to maintain such boundary mark till

the survey has been completed. (2) If such holder does not comply with such notice, the

Superintendent may repair the boundary mark and expenses shall be recoverable from such holder

as an arrear of land revenue under the provisions of this Chapter.

285. Survey fee may be charged.

(1) The holder of any and surveyed under this Chapter shall be liable to the payment of a survey fee

assessed on the area and rateable value of such land. (2) The amount of the survey fee payable under

sub-section (1) shall be regulated by the Collector in accordance with the rules made by the State

Government in that behalf. (3) Any survey fee assessed in accordance with sub-sections (1) and (2)

shall be payable within three months from the date of notice to be served by the Collector upon the

person liable therefor after the completion of the survey of the City of Bombay; and such survey fee

shall be leviable as an arrear of land revenue under the provisions of this Chapter.(4)Any person

who has paid the survey fee assessed on any land under this Section shall be entitled to receive free

of charge a certified extract from the map and a certified extract from the register prepared under

Section 282, so far as they relate to such land.

286. All documents connected with survey to be sent to Collector.

(1)After the survey of any part of the City has been completed, the Superintendent shall deposit with

the Collector all maps, registers and other documents connected with the survey of such

part.(2)Such deposit shall be notified in the Official Gazette, and any person interested in the survey

may, at any time within two months from the date of such notification, inspect such maps, registers

and other documents free of charge.(3)During such period the Collector may, if necessary, and

without prejudice to the rights of any of the parties concerned, cause the map or the register

prepared under Section 282 to be corrected free of charge.Maharashtra Land Revenue Code, 1966

287. Maintenance of survey map and register.

(1)The map and register prepared under Section 282 shall be maintained by the Collector, who shall

cause the map to be revised and the entries in the register to be corrected from time to time as may

be necessary, without prejudice to the rights of any person:Provided that, no person shall, for the

purposes of this Section be required to give notice of the acquisition of any interest in land.(2)The

Collector may assess the cost of the revision of any part of the map and all contingent expenses on

the land to which such part relates and such cost shall be payable by the holder of such land, and

shall be leviable as an arrear of land revenue under the provisions of this Chapter.

288. Revision of maps.

- Subject to rules made in this behalf by the State Government under this Chapter, any officer acting

under the orders of the Collector of Bombay may, for the purpose of revising any map prepared

under this Chapter, exercise any of the powers of a Superintendent under this Chapter.

289. Responsibility for maintenance and repair of boundary marks.

- Every superior holder of land shall be responsible for the maintenance and good repair of the

survey boundary marks of his holding and for any expenses not exceeding [five rupees or such

amount as may be prescribed, whichever is higher] [Substituted 'five rupees' by Maharashtra Act

No. 21 of 2017, dated 18.1.2017.] for each mark, reasonably incurred on account of the same by the

Collector in cases of alteration or removal.

290. Collector may require superior holder to renew or repair survey marks

Requisition how made.

- In the event of any survey boundary mark being destroyed, defaced, injured or removed, it shall be

lawful for the Collector to cause to be served on the superior holder, or in his absence the person in

possession of any land of which such mark designates the boundary, a requisition in writing signed

by the said Collector, calling on such superior holder or person in possession to renew or repair the

said mark, at his own expense, within fifteen days from the date of the service of such requisition.

291. On default, Collector or assistants may enter and renew or repair Charge for renewal or repair.

- If the said survey-boundary mark be not renewed or repaired, within the said period, to the

Collector's satisfaction, it shall be lawful for the Collector or any of his assistants or other subordinates, or other person duly authorised as hereinbefore mentioned, to enter upon any land to

which the said mark appertains and to renew or repair it, and for each such mark so renewed or

repaired, it shall be lawful for the Collector to charge each superior holder or person in possession,

the boundary of whose land is designed by any such mark, such sum, not exceeding [rupees ten in

the whole or such amount as may be prescribed, whichever is higher] [Substituted 'rupees ten in the Maharashtra Land Revenue Code, 1966

whole' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] as he may deem fit.

292. Privilege of title-deeds.

- No person shall for the purposes of surveys undertaken under this Chapter or for erecting boundary marks thereunder be compelled to produce his title deeds to any land or to disclose their contents.

293. Proceedings not to be affected by informality.

- The proceedings undertaken under Sections 278 to 292 (both inclusive) shall not be affected by reason of any informality, provided that the provision in these Sections be in substance and effect

complied with. Government Lands and Foreshore

294. Right of Government to lands and foreshore.

- All unoccupied lands within the City of Bombay, and every unoccupied portion of the foreshore,

below high water mark, shall be deemed, and are hereby declared to be, the property of the State

Government, subject always to the rights of way and all other rights of the public legally subsisting. For the avoidance of doubt, it is hereby expressly declared that nothing in this Section

shall be taken to affect the right of the State Government to unoccupied lands declared to be the

property of the State Government by any earlier law.

295. Such lands and foreshore how disposed of.

- It shall be lawful for the Collector, with the sanction of the State Government, to dispose of any

lands or foreshore vested in the State Government in such manner and subject to such conditions as

he may deem fit, and in any such case, the land or foreshore so disposed of shall be held only in the

manner, for the period and subject to the conditions so prescribed. Transfer of lands etc.

296. Notice of transfer of title to lands etc. to be given to Collector.

(1)Whenever the title to any land, house or other immovable property, subject to the payment of

land revenue to the State Government, is transferred or assigned, the person transferring or

assigning the same and the person to whom the same is transferred or assigned, shall respectively

cause notice of such transfer or assignment to be given to the Collector.(2)Such notice shall be given

within twenty days after execution of the instrument of transfer or assignment, or after its registration if it be registered, or after the transfer or assignment is effected, if no instrument is

executed.(3)In the event of the death of any person in whose name the title to any property is

entered in the records of the Collector, the person to whom such title is transferred as heir or

otherwise shall cause notice thereof to be given to the Collector within one year from such death.Maharashtra Land Revenue Code, 1966

297. Form of notice.

(1)The notice shall be in the form either of Schedule H or Schedule I as the case may be, and shall

state clearly all the particulars required by the said form.(2)It shall be accompanied, whenever the

Collector shall deem fit so to require, by the instrument of transfer if any, by a plan to be furnished

of the land which is the subject of the transfer or assignment, drawn and attested by such officer as

the Collector may direct and by a certificate that public notice has been given of the transfer or

assignment by heat of bataki.

298. Penalty for neglect to give notice.

- Every person neglecting to give the notice required by the two last preceding Sections within the

time therein specified, shall be liable at the discretion of the Collector to a fine not exceeding [ten

rupees or such amount as may be prescribed, whichever is higher] [Substituted 'ten rupees' by

Maharashtra Act No. 21 of 2017, dated 18.1.2017.] in case of holding paying less than one rupee as

land revenue, and in no other exceeding rupees [one hundred or such amount as may be prescribed,

whichever is higher.] [Substituted 'one hundred' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.]

299. Person transferring title and omitting to give notice to continue liable for

revenue.

- Every person transferring the title to any land, house or other immovable property subject to the

payment of land revenue to the State Government without giving the notice required by Sections

296 and 297 shall continue liable to the State Government for the payment of all land revenue due in

respect thereof, until he gives such notice or until the requisite transfer has been effected in the

records of the Collector: Provided that, nothing contained in this Section shall be held to diminish

the liability of the land, house or other immovable property to attachment or sale under the provisions of Section 267.

300. Proceeding in case of disputes as to entry or transfer.

(1) Whenever any dispute or question arises with respect to the making or completion of any entry or

transfer in the records of the Collector, of or relating to any land, house or other immovable property subject to the payment of land revenue to the State Government, the Collector shall

summon all the parties interested in such entry or transfer, and shall call for such evidence, and

examine such witnesses, as he shall consider necessary, and shall thereupon decide summarily what

entry shall be made in his records in respect of such land, house, or other immovable property. (2) If

at any time a certified copy shall be produced to the Collector of an order of a competent court

determining the title to any such land, house or other immovable property, the Collector shall

amend his records in conformity with such order. Maharashtra Land Revenue Code, 1966

301. Registration or transfer not to affect right of Government.

- The registration or transfer of any title in the Collector's records shall not be deemed to operate so

as in any way to affect any right title or interest of the Government in the land, house or other

immovable property in respect of which any such transfer is made or registered. Procedure

302. Law applied to summons etc.

(1) The provisions of the Code of Civil Procedure, 1908, in force for the time being with respect of the

issue of summons and commissions, and the compelling attendance of witnesses, and for their

remuneration in suits before a District Court shall apply to all persons summoned to appear before

the Collector under the provisions of this Chapter. (2) Any notice which the Collector or any of his

subordinates is by this Chapter required or empowered to issue shall be deemed to have been

sufficiently served, - (a) if it is addressed to any person and has been - (i) delivered to such person;

or (ii) delivered at his abode in his absence to any adult member of servant of his family; or (iii) sent

by post in a letter addressed to him at his last known residence, address or place of business and

registered under Chapter VI of the Indian Post Office Act, 1898; or (b) if the Collector is in doubt as

to the person to whom such notice should be addressed or as to the residence, address or place of

business of any person on whom it is desired to serve such notice, and (i) causes the notice to be

posted in some conspicuous place on or near the land to which it relates, and (ii) publishes the notice

either in Official Gazette, or in such local newspapers as he deems fit or by proclamation on or near

such land accompanied with beat of drum. Levy, house-rent, fees, penalties, etc.

303. Dues leviable as revenue demands.

(1) All arrears of rent payable by any persons in respect of the occupation of any house the property

of the Government and all fees, fines and penalties chargeable under this Chapter and all moneys

leviable under the provisions of this Chapter on account of the value of any land, or on account of

the alteration, removal, renewal or repair of survey-boundary marks or on account of the abatement

or removal of an encroachment shall be realised in the same manner as other revenue demands,

under the provisions of Sections 267 and 269 of this Chapter. (2) All other sums declared by any Act

or Regulation or by any rules thereunder or by any agreement or contract with the State

Government to be leviable as an assessment or as a revenue-demand, or as an arrear of land

revenue, shall also be realised in the same manner as revenue-demands under provisions of Sections

267 and 269 of this Chapter. (3) All persons who may have become sureties for the payment of any

sum of money payable under any of the provisions of this Chapter or for any such contractor as

aforesaid shall, on failure to pay the amount or any portion thereof for which they may have become

liable under the terms of their security bond, be liable to be proceeded against under the provisions

of Sections 267 and 269 as revenue defaulters and the provisions of Sections 267 and 269 shall, so

far as may be, be applicable to such persons. Maharashtra Land Revenue Code, 1966

304. Power to Collector of Bombay to assist other Collectors in realisation of dues.

- It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land-revenue

due under this Chapter any sum certified by the Collector or Assistant or Deputy Collector or a

Tahsildar of any district in the State to be due and recoverable as an arrear of land-revenue from any

person residing or owning property in the City of Bombay, by whom the same is so certified to be

due.

305. Collector to keep registers and rent rolls.

- It shall be the duty of the Collector to prepare and keep in such form as the State Government may

from time to time sanction a separate register and rent roll of every description of land according to

the nature and terms of the tenure on which such land is held.

306. Rules.

(1)The State Government may, by notification in the Official Gazette, make rules consistent with the

provisions of this Chapter for carrying into effect the purposes of this Chapter.(2)In particular and

without prejudice to the generality of the foregoing provision, such rules may make provision for the

guidance of the Collector, and his assistants and other subordinates in the discharge of their duties,

or for any other purpose connected with the subject matter of this Chapter not expressly provided

for therein.

307. Savings.

(1)Anything done or action taken under the provisions of the Bombay City Land Revenue Act, 1876

(including all rules prescribed), appointments made, powers conferred, orders issued and

notifications published under that Act, and all other rules (if any) now in force and relating to any of

the matters dealt with in this Chapter; and any surveys made or boundary marks erected or any

maps and registers prepared under the Bombay City Survey Act, 1915, shall be deemed to have been

prescribed, made, conferred, issued, published, erected and prepared under this Chapter.(2)All

proceedings which have been commenced under any of the Acts aforesaid shall, on the commencement of this Chapter in the City of Bombay, be deemed to have been commenced under

this Code and shall hereafter be conducted in accordance with the provisions of this

Code.[CHAPTER XV] [Chapter XV was Inserted by Maharashtra Land Revenue Code (Second

Amendment) Act, 2007, Maharashtra 23 of 2007, section 10] Maharashtra Revenue Tribunal

308. Definitions.

- In this Chapter; unless the context requires otherwise,-(a)"President" means the President of the

Tribunal;(b)"Tribunal" means the Maharashtra Revenue Tribunal constituted under section 309.Maharashtra Land Revenue Code, 1966

309. Maharashtra Revenue Tribunal.

(1) There shall be established for the State of Maharashtra, a Tribunal, to be called the Maharashtra

Revenue Tribunal. (2) The Tribunal shall consist of the President and such number of other members

as the State Government may, by notification in the Official Gazette, appoint.

310. President and members.

- The qualifications (including age) of the President and other members constituting the Tribunal,

the period for which they shall hold office, and their conditions of service, shall be such as may be

prescribed.

311. Vacancy and temporary absence.

(1) If any vacancy occurs by reason of the death, resignation or expiry of the appointment, or

termination of the appointment, of the President or other members or for any other cause

whatsoever, such vacancy shall be filled by appointment of a duly qualified person. (2) If any member

of the Tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing

the duties of his office, the State Government may appoint some other person to discharge his duties

for any period not exceeding six months at one time and the person so appointed shall during that

period have the same powers as the person in whose place he is appointed. (3) If the office of the

President falls vacant in circumstances specified in sub-section (1), the senior most member shall

act as a President until the vacancy in the office of the President is duly filled by appointment of a

President by the State Government. (4) The Tribunal shall not be deemed to be invalidly constituted

merely by reason of any vacancy or temporary absence referred to in the foregoing sub-sections.

312. Registrar and Deputy Registrars.

- The State Government may, by notification in the Official Gazette, appoint a Registrar of the

Tribunal having such qualifications as may be prescribed; and may also appoint, in like manner,

such number of Deputy Registrars, having such qualifications, as may be prescribed, for such areas

as may be specified in the notification.

313. Headquarters.

- The Headquarters of the Tribunal shall be in Brihan Mumbai.

314. Place of sitting.

- The Tribunal shall ordinarily sit at the headquarters, Aurangabad [, Pune] [This word was inserted

by Maharashtra 10 of 2009, section 2, (w.e.f, 24-2-2009). ] and Nagpur and may also sit at any

other place convenient for the transaction of business, in the State of Maharashtra, as the President,

with the approval of the State Government, may direct by general or special order. Maharashtra Land Revenue Code, 1966

315. Jurisdiction of Tribunal.

(1) Notwithstanding anything contained in Chapter XIII of this Code or any other law for time being

in force, but subject to the provisions of this section, in cases arising under the provisions of the

enactments specified in the Schedule 3, (a) an appeal shall lie to the Tribunal from original orders or

decisions made or passed by the Collector; and (b) an application for revision shall lie to the Tribunal

from an order or decision made or passed by the Collector in appeal, against an order or decision

made or passed by any subordinate officer or authority. (2) An application for revision under clause

(h) of sub-section (1), shall lie on the following grounds only, that is to say- (i) that the order or

decision of the Collector was contrary to law; (ii) that the Collector failed to determine some material

issue of law; and (iii) that there was a substantial defect in following the procedure laid down by law

which has resulted in the miscarriage of justice. (3) Save as expressly provided in any enactment for

the time being in force, the State Government may, by notification in the Official Gazette, direct that

the Tribunal shall also have jurisdiction to entertain and decide appeals from and revise decisions

and orders, of, such persons, officers and authority in such other cases as the State Government may

determine; and for that purpose the State Government may, by notification in the Official Gazette,

add to, amend or omit, any of the entries in Schedule 3; and thereupon, the Tribunal shall have

jurisdiction in such matter; and the jurisdiction of any other person, officer or authority therein

shall cease. (4) The State Government may, at any time in like manner, cancel such notification or

omit any entry from Schedule J and resume to itself such jurisdiction: Provided that, nothing herein

shall prevent the State Government after such resumption of jurisdiction from conferring any such

jurisdiction on any person, officer or authority. (5) Notwithstanding anything contained in any other

law for the time being in force, when the Tribunal has jurisdiction to entertain and decide appeals

from, and revise decisions and orders, of, any person, officer or authority in any matter aforesaid, no

other person, officer or authority shall have jurisdiction to entertain and decide appeals from and

revise decisions or orders of, such person, officer or authority in that matter. (6) Every appeal or

application for revision made under this section shall be filed within a period of sixty days from the

day of the order or decision of the Collector. The provisions of sections 4, 5, 12 and 14 of the

Limitation Act, 1963, shall apply to the filing of such appeal or application for revision:

316. Jurisdiction barred in certain cases.

(1) The Tribunal shall have no jurisdiction in any matter which is sub-judice in a court of law. (2) The

Tribunal shall also have no jurisdiction in respect of a matter which in its opinion involves a question as to the validity of any Act, Ordinance or Regulation, or any provision contained in an Act,

Ordinance or Regulation, the determination of the invalidity of which in its opinion is necessary to

the disposal of that matter. Explanation.- In this section, "Regulation" means any Regulation of the

Bombay Code or Regulation as defined in the General Clauses Act, 1887, or in a General Clauses Act

in force in any part of the State.

317. Powers of Tribunal under other laws not affected.

- Nothing contained in this Chapter shall affect any powers or functions of the Tribunal conferred on

it, or which may be conferred on it, by or under any other law for the time being in force to entertain Maharashtra Land Revenue Code, 1966

and decide any appeals, applications for revision, or other proceedings.

318. Tribunal to have power of civil court.

(1) In exercising the jurisdiction conferred upon it by or under this Chapter, the Tribunal shall have

all the powers of a civil court, for the purpose of taking evidence on oath, affirmation or affidavit, or

summoning and enforcing the attendance of witnesses, of compelling discovery and the production

of documents and material objects, requisitioning any public record or any copy thereof from any

court or office, issuing commissions for the examination of witnesses or documents, and for such

other purpose as may be prescribed; and the Tribunal shall be deemed to be a civil court for all the

purposes of sections 195, 345 and 346 of the Code of Criminal Procedure, 1973, and its proceedings

shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the

Indian Penal Code. (2) In the case of any affidavit to be filed, any officer appointed by the Tribunal in

this behalf may administer the oath to the deponent.

319. Practice and procedure.

(1) Subject to the provisions of this Chapter and with the previous approval of the State Government,

the President may make regulations for regulating the practice and procedure of the Tribunal,

including the award of costs by the Tribunal, the levy of any process fee (including provisions for

recovery thereof in the form of court-fee stamps), the right of audience before the Tribunal, the

sittings of the members either singly, or in Benches constituted by the President (or such member as

is authorised by him from amongst the members of the Tribunal), the disposal by the Tribunal, or a

bench thereof, of any proceedings before it notwithstanding that in the course thereof there has

been a change in the persons sitting as members of the Tribunal or Bench; and generally for the

effective exercise of its powers and discharge of its functions under this Chapter. Where any

members sit singly or where any Benches are constituted, such members or bench shall exercise and

discharge all the powers and functions of the Tribunal.(2)The Regulations made under this section

shall be published in the Official Gazette.

320. State Government to be heard in certain cases.

(1)If at any stage in any proceeding before the Tribunal it appears to the Tribunal that the proceedings raise a question, as to the interpretation of law, which is of such a nature and of such

public importance that, it is expedient to issue notice to the State Government, the Tribunal shall

issue notice to that Government, and that Government may, if it thinks fit, appear and the Tribunal

shall then hear the State Government before deciding the question.(2)If it appears to the State

Government that in its opinion the interpretation of a provision of law in any proceedings before the

Tribunal, is of such nature and of such public importance that it is expedient that the State

Government be heard before decision of the question, it may apply to the Tribunal in such

proceedings to be heard; and the Tribunal shall not decide the question without hearing the State

Government.Maharashtra Land Revenue Code, 1966

321. No appeal to State Government and jurisdiction of court barred.

(1) No appeal shall lie to the State Government against any order passed by the Tribunal in the

exercise of its powers of appeal or revision under section 315. (2) Every order or decision of the

Tribunal made or passed by or under this Code shall be final and shall not be questioned in any suit

or other legal proceedings.

322. Review of orders of Tribunal.

(1) The Tribunal may, either on its own motion or on the application of any party interested, and

where the State Government is heard, under section 320 on the application by that Government,

review its own decision or order in any case, and pass in reference thereto such order as it thinks

just and proper: Provided that, no such application made by any party shall be entertained, unless

the Tribunal is satisfied that there has been the discovery of new and important matter or evidence

which after the exercise of due diligence, was not within the knowledge of such party or could not be

produced by him at the time when its decision was made, or that there has been some mistake or

error apparent on the face of the record, or any other sufficient reason: Provided further that, no

such decision or order shall be varied or revised, unless notice has been given to the parties

interested to appear and be heard in support of such order. (2) An application for review under

sub-section (1) by any party or as the case may be, by the State Government shall be made within

ninety days from the date of the decision or order of the Tribunal: Provided that, in computing the

period of limitation, the provisions of the Limitation Act, 1963 applicable to applications for review

of a judgment or order of a civil court, shall, so far as may be, apply to applications for review under

this section.

323. Manner of executing orders passed by Tribunal.

- All orders passed by the Tribunal shall be executed in the same manner in which similar orders, if

passed by the State Government or other competent authority, as the case may be, could have been

executed.

324. Provision for court fees.

- Notwithstanding anything contained in the Bombay Court Fees Act, 1959, but subject to the

provision of section 275, every appeal or application made to the Tribunal shall bear a court fee

stamp of [one hundred rupees or such amount as may be prescribed, whichever is higher]

[Substituted 'one hundred rupees' by Maharashtra Act No. 21 of 2017, dated 18.1.2017.] if the value

of the suit property is ten thousand rupees or less and of [five hundred rupees or such amount as

may be prescribed, whichever is higher] [Substituted 'five hundred rupees' by Maharashtra Act No.

21 of 2017, dated 18.1.2017.] if such value exceeds ten thousand rupees :Provided that, where the

Tribunal exercises any powers or functions under any relevant tenancy law or other special law and

that law provided for the levy of court fee on any appeal or application to the Tribunal, nothing

contained in this section shall affect the provisions for levy of such fee. Maharashtra Land Revenue Code, 1966

### 325. Rules.

(1)The State Government may, by notification in the Official Gazette, make rules consistent with the

provisions of this Chapter for carrying into effect the purposes of this Chapter.(2)In particular and

without prejudice to the generality of the foregoing provision such rules may provide for the following matters, namely :(a)the qualifications (including age) of the President and other members

of the Tribunal;(b)the period of office and the terms and conditions of service of the President and

other members of the Tribunal;(c)the qualifications of the Registrar and Deputy Registrars;(d)any

other powers of a Civil Court which maybe vested in the Tribunal.]

### 326.

Deleted by Maharashtra 25 of 2002, Section 10. (w.e.f. 1-5-2002).

## Chapter XVI

### Miscellaneous

#### 327. Maps and land records open to inspection, etc.

- Subject to such rules and the payment of such fees as the State Government may from time to time

prescribe in this behalf, all maps and land records shall, subject to such restrictions as may be

imposed, be open to the inspection of the public at reasonable hours, and certified extracts from the

same or certified copies thereof shall be given to all persons applying for the same.

#### 328. Rules.

(1)The State Government may make rules not inconsistent with the provisions of this Code for the

purpose of carrying into effect the provisions of this Code.(2)In particular and without prejudice to

the generality of the foregoing provisions, such rules may provide for all or any of the following

matters :-(i)under sub-section (1) of Section 13, the other powers and duties of appeal,

superintendence and control which may be exercised by revenue officers;(ii)under sub-section (2) of

Section 14, the powers which may be exercised by a Circle Officer and Circle Inspector over the

Talathi and the duties and functions which may be performed by them;(iii)under Section 15, the

qualifications of persons on whom powers may be conferred;(iv)under sub-section (1), the manner

of disposal of the property of the State Government and under sub-section (5) of Section 20, the

rules to be made for giving notice;(v)under Section 23, the rules regulating the right of grazing on

free pasturage lands;(vi)under sub-section (1), the rules prohibiting or regulating the cutting of

certain trees; under sub-section (2) of Section 25, the manner in which the occupant may apply to

the Collector to fix the value of right in trees and purchase such right;(vii)under Section 26, the

manner in which trees, brushwood, jungle or other natural product vesting in Government shall be

preserved or disposed of;(viii)under sub-section (1), the rules subject to which wood may be taken

without payment of any tax; under sub-section (2) of Section 28, the rules regulating the exercise ofMaharashtra Land Revenue Code, 1966

the privileges;(ix)[ \*\*\*] [Deleted by Maharashtra Act No. 44 of 2018, dated 27.7.2018.](x)under

Section 31, the rules for the grant of unalienated land including provision for payment of price,

action and conditions to be annexed to such grant;(xi)under sub-section (1) of Section 32, the rules

subject to which alluvial land may be disposed of;(xii)under sub-section (2) of Section 35, the rules

subject to sub-division shall be disposed of by the Collector;(xiii)under sub-section (3) of Section 36,

the rules in accordance with which the Collector may determine liabilities for arrears of land

revenue or any other dues and the procedure in accordance with which he may dispose of applications for being placed in possession of occupancy and under sub-section (4) of that Section,

the payment of premium;(xiv)under Section 38, the rules subject to which the Collector may lease

under grant or contract any unalienated unoccupied land;(xiv-a) under Section 41, the form of

application for permission for erection of a farm building or carrying out the work of renewal,

re-construction, alteration or additions; and the terms and conditions subject to which such permission may be granted by the Collector;] [Clause (xiv-a) was inserted by Maharashtra 32 of

1986, section 4.](xiv-aa) under sub-section (2) of section 42, the form in which the person shall give

intimation of the date on which the change of use of land has commenced and furnish other

information.] [Clause (xiv-aa) was inserted by 19 of 2012, section 3 (w.e.f. 8.8.2012).](xv)under

Section 43, the rules subject to which the Collector or Survey Officer may prohibit the use of land for

other purposes and summarily evict any holder who uses such land for such prohibited purpose;(xvi)under sub-section (1), the form of application for permission to convert the use of land

from one purpose to another; under clause (c) of sub-section (2); the rules subject to which permission for change of user may be granted by the Collector; and under sub-section (3) of Section

44, the conditions subject to which the permission for change of user shall be deemed to have been

granted under sub-section (5), the rules prescribing the fine which the defaulter shall be liable to

pay; and under sub-section (6) of Section 44, the form in which sanad shall be granted to the holder

for non-agricultural use;[(xvi-a) under sub-section (2) of Section 44A, the form in which the person

using the land for a bona fide industrial use [[or Integrated Township Project] [Clause (xvi-a) was

inserted by Maharashtra 26 of 1994, section 4.]] shall give intimation of the date on which the

change of user of land has commenced and furnish other information; and under sub-clause (i) of

clause (a) of sub-section (3) of Section 44A, the rules subject to which the Collector may levy penalty

for failure to send intimation to the Tahsildar; and under sub-section (5) of Section 44A, the form of

sanad;](xvii)under sub-section (1) of Section 45, the rules prescribing the fine to be paid as penalty

for using land without permission;(xviii)under Section 47, the rules subject to which the Collector

may regularise the non-agricultural use of any land;(xix)[ under sub-section (8) of section 48, the

rules prescribing the penalty to be paid by the owner for release of the machinery, equipment or

means of transport used for unauthorised extraction, removal, collection, replacement, picking up

or disposal of minor minerals; and under sub-section (9) of the said section 48, the rules to regulate

the extraction and removal of minor minerals;] [Substituted by Maharashtra Act No. 27 of 2015,

dated 17.8.2015.](xx)under sub-section (1) of Section 49, the form in which an application shall be

made;(xxi)under Section 51, the rules subject to which the land shall be granted to the encroacher;(xxii)under Section 60, the local area within which the operation of Section 55 may be

suspended;(xxiii)under Section 66, the rules subject to which a holder of land shall be entitled to

decrease of assessment including the rules subject to which the holder is liable for payment of land

revenue on reappearance of the land lost by diluvion;(xxiv)under sub-section (4) of Section 67, rules

according to which the assessment may be made under sub-sections (2) and (3) thereof;(xxv)underMaharashtra Land Revenue Code, 1966

sub-section (1) of Section 68, the rules subject to which the assessment of the amount to be paid as

land revenue may be fixed by the Collector;(xxvi)under Section 72, rules subject to which occupancy

or alienated holding shall be disposed of;(xxvii)under Section 75, the form of register of alienated

lands to be kept the rules subject to which a certified extract from that register may be granted and

the fees to be paid therefor;(xxviii)under Section 78, the rules in accordance with which reduction,

suspension or remission of land revenue in any area may be granted;(xxix)under Section 84, the

rules in accordance with which the records of the area and assessment of survey numbers and

sub-divisions thereof shall be maintained;(xxx)under Section 85, the rules in accordance with which

the Collector may divide the holding and apportion assessment thereof; [\* \* \*] [These words 'and

the limits of area or land revenue below which partition may be rejected' were deleted by Maharashtra 4 of 1970, section 6.](xxxi)under sub-section (1) of Section 87, the rules in accordance

with which the division of survey numbers in sub-divisions and the fixing of the assessments of the

sub-divisions shall be carried out and revised; and the land records in which the area and assessment of such sub-divisions shall be entered;(xxxii)under clause (f) of Section 90, the number

of soil units in the factor scale corresponding to the sixteen annas classification;(xxxiii)under

sub-section (1), the rules for dividing the lands to be settled in groups and fixing the standard rates

for each group; and under sub-section (3) of Section 94, the manner in which the land revenue

assessment of individual survey numbers and sub-divisions shall be fixed by the Settlement Officer

on the basis of their classification value;(xxxiv)under Section 96, the manner of ascertaining the

average yield of crops of land for the purposes of the settlement and the manner of holding enquiry

for that purpose and the manner of submitting report to the Collector;(xxxv)under Section 97, the

manner in which a settlement report shall be published;(xxxvi)under Section 99, the amount of

costs to be deposited, the manner in which an inquiry shall be made by [the Tribunal] [These words

were substituted for the words 'the Divisional Commissioner' by Malt Land Revenue Code (Second

Amendment) Act, 2007, Maharashtra 23 of 2002, section 11.]; and the rules for the refund of the

costs;(xxxvii)under Section 102, the manner of giving notice;(xxxviii)[ under Section 108, the

manner of determining the capitalised assessment; ] [This clause was inserted by Maharashtra 35 or

1976, section 4.](xxxviii)under Section 113, the percentage of the full market value of lands and the

other manner of publication of the standard rates of non-agricultural assessment, fixed or revised

and the manner in which the full market value shall be estimated;(xxxix)under Section 117, the other

occupations under clause (1), and the period and conditions under clause (5) thereof;(xl)under

sub-section (2) of Section 127, the rules in accordance with which the amount of survey fee shall be

regulated by the Collector;(xli)under Section 128, the manner in which and the maps and registers

in which, the results of the operations conducted under Section 126 shall be recorded; and the

proportion of contribution to be made by a village panchayat to the cost of preparing such maps;(xlii)under Section 131, the charges or fees for granting a copy of sanad;(xliii)under

sub-section (2) of Section 136, the rules for regulating the procedure of the Collector in demarcating

the boundaries of a survey number or of a sub-division and the nature of the boundary marks to be

used and authorising the levy of fees from the holders of land;(xliv)under Section 137, the manner of

publication of the scheme, plan and the rules subject to which boundaries may be revised by the

Survey Officer under sub-section (2) and the number of members constituting a village committee

and the manner in which the committee shall be elected under sub-section (4) thereof;(xlv)under

Section 139, the rules subject to which the Superintendent of Land Records may determine the

description of the boundary marks and survey marks and the manner in which they shall beMaharashtra Land Revenue Code, 1966

constructed, laid out, maintained or repaired and determining dimensions and materials of such

boundary and survey marks under sub-section (3) thereof;(xlvi)under Section 142, the manner of

demarcating boundary and of repairing and renewing boundary marks under sub-section (1)

thereof;(xlvii)under Section 148, the other particulars under clause (e) thereto which a record of

rights shall include;(xlviii)under Section 149, the rules for producing the requisite evidence of the

order by which the permission was given as provided by the third proviso thereof;(xlix)under

Section 150, the form of acknowledgement to be given by the Talathi under sub-section (3), the

manner in which orders disposing of objections shall be recorded in the register of mutations under

sub-section (4), the rules subject to which transfers of entries from the register of mutations to the

record of rights shall be effected under sub-section (5), the manner in which entries in the register of

mutations shall be certified under sub-section (6) and the manner and procedure to be followed in

maintaining the register of tenancies under sub-section (7), thereof;(l)under sub-section (4), other

matters which the booklet should contain; and under sub-section (5) of Section 151, the rules in

accordance with which such booklet shall be prepared, issued and maintained and the fees to be

charged therefor;(li)the rules for the purpose of Section 153;(lii)under Section 154, the form in

which and the times at which intimation of transfers by registering officers shall be sent;(liii)under

Section 156, the other land records to be prepared;(liv)under sub-section (2) of Section 170, the

rules providing for the payment of land revenue in instalments and prescribing the dates on which,

the persons to whom, and the places where at, such instalments shall be paid;(iv)under Section 179,

the rules subject to which the occupancy or-alienated holding forfeited to Government may be sold

or otherwise disposed of;(lvi)under Section 187, the rules for the management of unalienated

land;(lvii)under sub-section (1) of Section 192, the form of proclamation to be issued by the

Collector;(lviii)under sub-section (4) of Section 193, the form of notice;(lix)under Section 205, the

manner in which a fresh notice of re-sale of property shall be given;(lx)under Section 238, the rules

for conducting ordinary inquiries;(lxi)under Section 239, the charges for copying, searches, inspection and other like matters;(lxii)under Section 327, the rules subject to which, and the fees on

payment of which, maps and records shall be open to the inspection of the public and certified

extracts from the same or certified copies thereof shall be given;(lxiii)any other matter for which

rules may be made under this Code.

329. Provision for previous publication of, and penalty for breach of rules.

(1)All rules made under this Code shall be subject to the condition of previous publication.(2)It shall

be lawful for the State Government, in making any rules under this Code to prescribe that any

person committing a breach of the same shall, in addition to any other consequences that would

ensue from such breach, be punishable with such fine not exceeding [one thousand rupees or such

amount as may be prescribed, whichever is higher] [Substituted 'one thousand rupees' by

Maharashtra Act No. 21 of 2017, dated 18.1.2017.] as the Collector may, after giving such person an

opportunity to be heard, deem fit to impose.

330. Laying of rules before Legislature.

- Every rule made under this Code shall be laid as soon as may be after it is made before each House

of the State Legislature while it is in session for a total period of thirty days which may be comprised Maharashtra Land Revenue Code, 1966

in one session or in two successive sessions, and if, before the expiry of the session in which it is so

laid or the session immediately following, both Houses agree in making any modification in the rule

or both Houses agree that the rule should not be made, and notify such decision in the Official

Gazette, the rule shall from the date of publication of such notification have effect only in such

modified form or be of no effect, as the case may be; so however, that any such modification or

annulment shall be without prejudice to the validity of anything previously done or omitted to be

done under that rule.

330A. [ Delegation of powers and duties. [Section 330A was inserted by

Maharashtra 4 of 1970, section 7.]

- Save as specifically provided in this Code, the State Government, and subject to the approval of the

State Government, any Commissioner or Collector may, by notification in the Official Gazette, direct

that all or any of the powers conferred or duties imposed on it or him by or under this Code, may,

subject to such restrictions and conditions, if any, be exercisable also by such officers, not below

such rank, as may be specified in the notification.]

331. Certain provisions to apply to alienated villages.

(1)The provisions of Section 68 and of Chapters V, VI, VII, VIII and IX shall be applicable to all

alienated villages and alienated shares of villages, subject to the following modifications, that is to

say -(i)subject to the provisions of any covenant or agreement entered into by the State Government

with the holder or holders of any such village or share, the costs of any survey directed under

Section 79 or a fresh survey directed under Section 83 and of any settlement carried out under the

said Chapters in any such village or share shall be payable by the holder or holders in proportion to

their shares in the rent or revenue of the village or share;(ii)if the State Government so directs such

costs shall also be payable by any class of persons who, in the opinion of the State Government, have

any interest in any land in such village or share and in such proportions as the State Government

may direct;(iii)on the introduction of a settlement under Chapters V or VI in any such village or

share, the holder or, holders of such village or share shall, in proportion to his share in the rent or

revenue of the village or share, be liable to pay -(a)the salaries of the village officers appointed for

the village or the share including the commutation allowance payable in respect of a commuted

Kulkarni watan in the village, if any;(b)the costs of the levy of a cess under Sections 114, 151, and 152

of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;(iv)the liability under clauses (i)

and (iii) shall be a first charge on the rent or revenue of such village or share;(v)the total amount

payable under clauses (i) and (iii) in respect of the holding in any such village or share shall be

recoverable from the holder of such village or share entered in the record of rights;(vi)the amount

payable under clause (ii) by any class of persons shall be recoverable in such manner as the State

Government directs from the members of that class as entered in the record of rights.(2)All survey

settlements here to before introduced in alienated villages shall be valid as if they had been

introduced in accordance with the provisions of this Section. Maharashtra Land Revenue Code, 1966

332. Holders of land in alienated villages.

- When a survey settlement has been introduced under the provisions of Section 331 or of any law

for the time being in force, into an alienated village, the holders of all lands to which such settlement

extends shall have the same rights and be affected by the same responsibilities in respect of the

lands in their occupation as holders of land in unalienated villages have, or are affected by, under

the provisions of this Code, and all the provisions of this Code, relating to holders or land in

unalienated villages shall be applicable, so far as may be, to them.

333. Construction of this Code.

- Nothing in this Code, which applies in terms to unalienated land or to the holders of unalienated

land only, shall be deemed to affect alienated land, or the rights of holders of alienated land or of the

Government in respect of any such land and no presumption shall be deemed to arise either in

favour, or to the prejudice, of any holder of alienated land from any provision of this Code in terms

relating to unalienated land only.

334. Amendment of enactments.

- The enactments specified in Schedule K are hereby amended in the manner and to the extent

specified in the fourth column thereof.

335. Power to remove difficulty.

- If any difficulty arises in giving effect to the provisions of this Code the State Government may, as

the occasion requires, by order do anything not inconsistent with the purposes of this Code which

appears to it to be necessary for the purpose of removing the difficulty: Provided that, no order shall

be made under this Section after the expiry of one year from the commencement of this Code.

336. Repeal and savings.

- On the commencement of this Code, the following laws, that is to say-(a)the Bombay City Land

Revenue Act, 1876;(b)the Bombay Land Revenue Code, 1879;(c)the Bombay City Survey Act,

1915;(d)the Bombay Revenue Tribunal Act, 1957;(e)the Central Provinces Land Alienation Act,

1916;(f)the Madhya Pradesh Land Revenue Code, 1954;(g)the Hyderabad Land Revenue Act,

1317-F;(h)the Hyderabad Record of Rights in Land Regulations, 1358-F are hereby

repealed:Provided that, the repeal shall not affect -(a)the previous operation of any law so repealed

or anything duly done or suffered thereunder, or(b)any right, privilege, obligation or liability acquired, accrued, or incurred under any law so repealed, or(c)any penalty, forfeiture or punishment

incurred in respect of any offence committed against any law so repealed, or(d)any investigation,

proceeding, legal proceeding or remedy in respect of any such right, privilege, obligation, liability,

penalty, forfeiture or punishment as aforesaid:and any such investigation, proceeding, legal

proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeitures orMaharashtra Land Revenue Code, 1966

punishment may be imposed as if this Code had not been passed: Provided further that, any

temporary alienation made by a member of an aboriginal tribe before the commencement of this

Code by mortgage, lease or otherwise under the Central Provinces Land Alienation Act, 1916 (C.P. II

of 1916), shall be regulated in accordance with the provisions of that Act, as if this Code had not

been passed: Provided also that, subject to the preceding provision, and any saving provisions made

in any of the Chapters of this Code, anything done or any action taken including any rule, assessments, appointments and transfers made, notifications, orders, summons, notices, warrants

and proclamations issued, authorities and powers conferred, forms and leases granted, survey and

boundary marks fixed, record of rights and other records framed or confirmed, rights acquired,

liabilities incurred and times and places appointed under any law so repealed shall, in so far as it is

not inconsistent with the provisions of this Code, be deemed to have been done or taken under the

corresponding provision of this Code, and shall continue to be in force accordingly unless and until

superseded by anything done or action taken under this Code.

337. Construction of reference.

(1) Any reference in any law in force in the Vidarbha region of the State, to -(a)(i) a malik makbuza; (ii) a raiyat malik; (iii) an absolute occupancy tenant; (iv) an occupant; (v) an ante-alienation

tenant; (vi) a tenant of antiquity; (vii) a Bhumiswami; shall be deemed to be a reference to Occupant -

Class-I; and (b)(i) an occupancy tenant; (ii) a raiyat; (iii) a tenant; (iv) a permanent tenant; (v) a

Bhumidhari; shall be deemed to be a reference to Occupant - Class-II. (2) Any reference in any law or

in any instrument or other document to the expressions "Mamlatdar, Mahalkari, Patwari, Patwari

Circle" shall, unless a different intention appears, be construed as a reference to the corresponding

expressions "Tahsildar, Naib-Tahsildar, Talathi and Saza"; and in all suits, or other legal proceeding

before any court, tribunal or authority pending on the commencement of this Act in which or to

which any of the authorities first mentioned is a party, the authority corresponding thereto shall be

deemed to be substituted therefor.

A

(See Sections 17 and 183)Form of warrant to be issued by the Collector under Section 17 or

183(Seal)ToThe Officer-in-Charge of the Civil Jail atWhereas AB of

..... was on the

.....pay of

.....

20..... , ordered by ..... to (here state the substance of the

demand made); and whereas the said AB has neglected to comply with the said order, and it has

therefore been directed, under the provisions of Sections 17/183 of the Maharashtra Land Revenue

Code, 1966, that he be imprisoned in the civil jail until he obeys the said order, or until he obtains

his discharge; under the provisions of Section 17 or Section 183 or Section 191, as the case may be, of

the said Code; you are hereby required to receive the said AB into jail under your charge and to carry

the aforesaid order into execution according to law.Dated this \_\_\_\_\_day

of \_\_\_\_\_20Seal(Signature of the Collector)Maharashtra Land Revenue Code, 1966

B

Form of Bond to be required under Section 19 or 191Whereas I,

..... , have been ordered by

..... to (here state the nature of the demand) and  
whereas I

dispute the right of the said ..... to make the said  
order, I

hereby bind myself to file a suit within fifteen days from the date of this bond in the District  
Court of

..... to contest the justice of the demand, and do  
agree that

in the event of a decree being passed against me, I will fulfil the same and will pay all,  
amounts

including costs and interests, that may be due by me, or that if I fail to institute a suit as  
aforesaid, I

will, when required, pay the above mentioned amount of

..... rupees (or will deliver up the above  
mentioned papers

or property, as the case may be), and in the case of my making default therein, I hereby  
bind myself

to forfeit to the State Government the sum of .....

rupees.Dated:(Signature)Form of Security to be subjoined to the bond of the principalWe,

.....

hereby

declare ourselves securities for the abovesaid

..... that he

shall do and perform all that he has above undertaken to do and perform and in case of his  
making

default therein, we hereby bind ourselves to forfeit to the State Government the sum of

..... rupees.Dated :(Signature)Schedule C(See  
Sections 129

and 130)Form of Sanad for building sites(The Ashoka Capital Motif)The Government of

MaharashtraTo.....Whereas, the State

Government, with a

view to the settlement of the land revenue, and the record and preservation of proprietary and other

rights connected, with the soil, has under the provisions of the Maharashtra Land Revenue Code,

1966, directed as survey of the lands within the  
..... of and

ordered the necessary inquiries connected therewith to be made, this sanad is issued under Section

129 or 130 of the said Code to the effect that -There is a certain plot of ground occupied by you in the

..... Division of the ..... of

..... Register No. .... in the map marked sheet

..... No ..... and facing towards the

..... the road leading from ..... to

..... containing about ..... square metres and of the

following shape and about the following dimensions :-You are hereby confirmed in the said occupancy exempt from all land revenue (or subject to the payment of Rs .....per

annum of the land revenue).The terms of your tenure are such that your occupancy is both transferable or heritable, and will be continued by the State Government, without any objection or

question as to title to whosoever shall from time to time be its lawful holder (subject only to the

condition of the payment annually of the above land revenue according to the provisions of the

Maharashtra Land Revenue Code, 1966 or of any other law for the time being in force, and to the

liability to have the said rate of assessment revised at the expiration of a term of

..... years reckoned from the

..... and thereafter at successive periods of

..... years in perpetuity, and necessity for compliance with

the provisions of the law from time to time in force as to the time and manner of payment of the said Maharashtra Land Revenue Code, 1966

assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests

connected therewith in case of your failure to pay the said assessment as required by law).(Signature)Schedule D(See Section 242)Form of Warrant to be issued by the Collector under

Section 242(Seal)ToThe Officer-in-Charge of the Civil Jail atWhereas AB of

..... has resisted (or obstructed) C.D. in removing EF (or

himself, that is, the said AB) from ..... certain land in the

village ..... in the ..... taluka

..... and whereas it is necessary, in the land or foreshore

situated at order to prevent the continuance of such resistance or obstruction to commit the said AB

to close custody; you are hereby required under the provisions of Section 242 of the Maharashtra

Land Revenue Code, 1966, to receive the said AB into the jail under your charge and thereto keep

him in safe custody for ..... days.Dated this \_\_\_\_\_ day of

\_\_\_\_\_ 20Seal(Signature of the Collector)

E

(See Section 247)

Revenue

OfficerAppellate Authority

1.All Officers in a Sub-Division, sub-ordinate to theSub-Divisional Officer.Sub-Divisional Officer or such

Assistant or Deputy Collectoras

may be specified by the Collector

in this behalf.

2. Sub-Divisional Officer, Assistant or Deputy Collector.Collector or such Assistant or Deputy Collector who may

be invested with powers of the

Collector by the State

Government in this behalf.

3. Collector [including the Collector of Bombay] [These

brackets and words were substituted for the bracket

and words '(not being the Collector of Bombay)' by

Maharashtra 47 of 1981, section

12.] or Assistant/Deputy Collector invested with the

appellate power of the Collector. Divisional Commissioner.

4. A person exercising powers conferred by Section [15]

[These figures were substituted for the figures '16' by

Maharashtra 30 of 1968, section 8.]. Such officer as may be specified

by the State Government in this

behalf.

Survey

Officer Appellate Authority

1. District Inspector of Land Records,

Survey Tahsildar and other Officers not

above the rank of District Inspector or Superintendent of Land Records or such Officers

of equal rank as may be specified by the State

Government in this behalf. Maharashtra Land Revenue Code, 1966

LandRecords.

2. Superintendent of Land Records and

other Officers of equal rank. Director of Land Records or the Deputy Director

of LandRecords, who may be invested with the

powers of Director of LandRecords by the State

Government in this behalf.

3. Settlement Officer. Settlement Commissioner.

F

(See Section 267) Table of rates of fees payable under the provisions of Section 267 in respect of

notices demanding payment of arrears of revenue

Revenue due Notice fee Rs. P.

Not exceeding Rs 25 0.50

Over Rs 25 and not exceeding Rs 100 1.00

Over Rs 100 2.00

G

(See Section 273) Table of fees payable under the provisions of Section 273 of this Code  
Sum

distrainted for

Fee

Rs. P

Not exceeding Rs. 5 .. ..... 0.5

Over Rs. 5 and not exceeding Rs. 10 ..... 1.00

“ “ 10 “ “ 15 ..... 1.50

“ “ 15 “ “ 20 ..... 2.00

“ “ 20 “ “ 25 ..... 3.00

“ “ 25 “ “ 30 ..... 3.50

“ “ 30 “ “ 35 ..... 4.00

“ “ 35 “ “ 40 ..... 4.50

“ “ 40 “ “ 45 ..... 5.00

“ “ 45“ “ “ 50 ..... 6.00

“ “ 50“ “ “ 60 ..... 7.00

“ “ 60“ “ “ 80 ..... 7.50

“ “ 80“ “ “ 100 ..... 9.00

Upward of Rs. 100 .... .. 10.00 Maharashtra Land Revenue Code, 1966

H

(See Section 297) Form of notice of transfer to be given under Section 297 of this Code when the

transfer has taken place otherwise than by Instrument To The Collector of Mumbai, A. B., hereby

give notice, as required by Section 302 of the Maharashtra Land Revenue Code, 1966, of the

following transfer of property :-

Description

of the

Property

Date of

Notice Name in

which the

property is

at present

entered in

the

Collector's

records To whose

name it is

to be

transferred Of what it

consists Situation Collector's

No. Mumbai

City

Survey

No. Dimensions

of land Boundaries Remarks

(Signed) A.B.

I

(See Section 297) Form of notice of transfer to be given under Section 297 of this Code when the

transfer has been effected by Instrument. To The Collector of Mumbai, A.B. hereby give notice, as

required by Section 302 of the Maharashtra Land Revenue Code, 1966, of the following transfer of

property :-

Description

of the

Property

Date of

Notice Date of

Instrument Name of

vendor

or

assigner Name of

purchaser

or

assignee Amount of

consideration Of what it

consists Situation Collector's

No. Mumbai

City

Survey

No. Dimensions

of lands Boundaries If

instrument

has been

registered,

the dateRemarks

J

(See Section 315)

Serial

No.Name of Enactment Appellate or revisional jurisdiction

againstorders or decisions in case arisingMaharashtra Land Revenue Code, 1966

under the following provisions

(1) (2) (3)

1. The Maharashtra Land Revenue Code, 1966

(Maharashtra XLI of 1966) Section 24 Section 27 Section 59, except clause (b) thereof. Section 65 Section 66.

2. The Hyderabad Tenancy and Agricultural

Lands Act, 1950 (Hyderabad Act XXI of 1950). Section 18, sub-section (2). Section 44, sub-section (1). Section 47. Section 48. Section 49. Section 71. Section 75.

3. The Madhya Pradesh Abolition of Proprietary

Rights (Estates, Mahals, Alienated Lands) Act,

1950 (Madhya Pradesh Act I of 1951). Section 24. Section 25. Section 26. Section 27.]

K

Enactments amended (See Section 334)

Serial

No. Number and

year Short title Extent of amendment

1 2 3 4

1. X of 1876 The Bombay Revenue

Jurisdiction Act, 1876 In Section 11, for the words "No Civil Court shall entertain" the words and figures "Except as otherwise expressly provided in the Maharashtra Land Revenue Code, 1966, no Civil Court shall entertain" shall be substituted.

2. Bombay

LXVII of

1948 The Bombay Tenancy and

Agricultural Lands Act,

19481. Chapter V-A shall be deleted;2. In Section 70, clause(na) shall be deleted;3. In Section 74, in sub-section (1), clause (i) shall be deleted;4. In Section 81, in sub-section(1), in the Table, the entries relating to Section 66A shall be deleted;5. In clause 82, in sub-section (2), clause (1a) shall be deleted;

### 3. Hyderabad

XXI of 1950 The Hyderabad Tenancy and Agricultural Lands Act, 1950, as re-enacted, validated and further amended by Maharashtra

XLV of 1961. Chapter V-A shall be deleted;2. In Section 96, in sub-section (1), in the Table, the last two entries relating to Sections 50D and 50F shall be deleted;3. [\*\*\*\*] [Entry 3 was deleted by Maharashtra 11 of 1976, section 3, Second Schedule.]

### 4. Bombay

XCIX of 1958 The Bombay Tenancy and Agricultural Lands

(Vidarbha Region) Act, 1958. Chapter IX shall be deleted;2. In Section 107, in sub-section (1), in the Table all entries relating to Section 93 shall be deleted. Maharashtra Land Revenue Code, 1966