

# LAND LAWS OF MAHARASHTRA

## Contents

I	MEANING OF LAND:.....	2
II	LAND RECORD .....	3
III	LAND REVENUE ADMINISTRATION .....	8
IV	CHANGE IN RIGHT OVER LAND .....	10
V	DEVELOPMENT OF THE LAND.....	16
VI	LAND CONVERSION   Maharashtra.....	24
VII	OWNERSHIP, POSSESSION / OCCUPANCY OF LAND .....	30
VIII	PROPERTY CARD IN MAHARASHTRA .....	32
IX	CLASSIFICATION OF LAND IN MAHARASHTRA: .....	33
X	IMPROVEMENTS FOR THE BETTER CULTIVATION OF THE LAND .....	34
XI	LAND RELATED APPLICABLE LAWS.....	35

## **LAND LAWS OF MAHARASHTRA**

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### **I MEANING OF LAND:**

Land includes benefits that arise out of land and all things attached to the earth.

The term "land" not only means the surface of the ground but also everything on or over or under it. Land in its ordinary normal conditions means entire land. It includes upper soil, sub-soil whether be it clay sand or gravel.

The definition of land is wide enough to take within its fold buildings also, as building is a thing permanently attached to the earth. The expression permanently has been held to be used as an antithesis to temporarily.

(Immovable property is defined under Bombay General Clauses Act,1897)

Land Records- For the purposes of Maharashtra Land Revenue Code 1966, "Land Records" means records maintained under the provisions of or for the purposes of the (this)code . It includes a copy of maps and plans or a final town planning scheme, improvement scheme or a scheme of consolidation of holdings<sup>63</sup>.

This is the primordial provision pertaining to land records though derivative, this has a large persuasive value on presumption on title to land.

## II LAND RECORD

For the purposes of MLR Code, 1966; Land Records means records maintained under the provisions of code. It includes a copy of maps and plans or a final town planning scheme, improvement scheme or a scheme of consolidation of holding. Appreciations of land records are primary to understanding the title of the land as per land revenue records.

### Department of Land Records

At the State level, the Land Records Department is controlled by the Director of Land Records and Settlement Commissioner, Maharashtra State, Pune. At the district and taluka level the work is done by the District Inspector of Land Records and Taluka Inspector of Land Records respectively. Functions of the Land Records department are as follows:-

1. to maintain all survey, classification and settlement records up-to-date by keeping a careful note of all changes by conducting field operations preliminary to incorporation of the changes in survey records;
2. to collect and provide statistical information necessary for the sound administration of all matters connected with land;
3. to simplify the procedure and reduce the cost of litigation in revenue and civil courts by providing reliable survey and other land records for the purpose;
4. to supervise the preparation and maintenance of Record of Rights by periodical inspection and maintenance and repairs of the boundary marks of individual fields;
5. to conduct periodical revision settlement operations;
6. to organize and carry out surveys of village sites on an extensive scale and arrange for their proper maintenance;
7. to maintain up-to-date all village maps by incorporating necessary changes as and when they occur;
8. to maintain all tahsil maps up-to-date, to reprint them and to arrange for their distribution to various departments for administrative purposes and for sale to public; and
9. to train revenue officers in survey and settlement matters.

### List of Land Records

1. All records maintained under various "Village Forms" are land records.
2. Map or plan of survey number or subdivision of survey number prepared under the MLR Code 1966
3. Town Planning Records: Maps of Town Planning Scheme, Improvement Scheme etc.

Village Forms: Revenue accounts system at village level is maintained by Talathi in 16 village forms. Purposes of keeping these village forms are as mentioned below:-

1. To keep revenue accounts relating to area and land revenue.
2. To keep accounts relating to persons from who land revenue is realizable.
3. To keep Revenue Accounts of recoveries, with the balance sheet.
4. To keep Revenue accounts relating to statistics for sound general administration.
5. To keep Accounts of dues other than land revenue and forms and registers in respect of administration and other matters.

Village form VII to XII is a combined form showing:

1. An index of all rights by survey number and their sub-divisions.
2. Details of crops, fallow, survey and boundary marks.

Below mentioned forms are required to maintain for keeping revenue accounts relating person from whom land revenue is realizable.

1. Village Form VI
2. Village Form VII-XII
3. Village Form VIII-A
4. Village Form VII-B
5. Village Forms VI-C

Village Form VI

This form is also called register of mutation. Mutation means substitution of the names of a person in the Record of Right. This is a record of changes in the record of right. This is done by the Revenue Officers u/s 148 to 151 and 154 of M.L.R. Code 1966. Transfer may be by Will, Sale, Mortgage, Lease, Exchange, Gift or Inheritance.

This is very useful record as one can find out history of land.

Village Form VII-XII

This is combined Registered of Record of Right and Registered of crops.

Village Form VII (Record of Right) consists of the below mentioned column.

1. Name of the village
2. Name of the taluka
3. Survey no/Gat No. and its sub division Number.
4. Tenure (Marathi-Bhudharana paddhti-Type of occupancy)
5. Name of the occupant (Marathi-Bhogvatadarache nav)
6. Local name of the field.
7. Cultivable area
8. Total
9. Uncultivable land (Marathi-Pot kharaba) class (a) and Class(b)
10. Total
11. Assessment
12. Judi or special assessment
13. Khata No.
14. Rent Rs. P.
15. Other rights

Explanation of entries:-

## Tenure- Occupancy

[Marathi-Bhudharana- Occupancy, paddhti-Type of( occupancy)]

### Occupant

Occupant and occupancy:- Occupant is a person having lawful and actual possession of the land whereas occupancy means portion of the land held by the occupant. Occupant is responsible to pay land revenue to the Government. Occupancy is liable to forfeiture in case occupant fails to pay land revenue to the Government. On forfeiture occupant and his heirs loses all their right on the land. Occupancy is transferable immovable property. The way of transfer may be by sale, by mortgage, by lease, by exchange, by gift or by his will.

Under section 29 of MLR Code 1966 persons are classified into occupant class I and occupant class II.

Occupant Class I: Person classified into this class is free to transfer the agricultural land without permission of collector in favour of person who is agriculturist.

Occupant Class II: Lands purchased by tenant under the provision of The Bombay Tenancy And Agricultural Lands Act 1948., lands granted by Government to the Schedule Cast/ Tribes persons, freedom fighter, member of army forces, ex-service man are allowed to transfer only after collectors permission. Persons holding land under this category are classified as an Occupant Class II.

Under the column Tenure, Talathi has to write Occupants class (I or II) Local name of field: Considering shape or location of the field farmers has given names to their field, for example ohalacha mal (field where spring water is flowing). Local names are useful for finding out exact location of land.

Potkarab Class (a) and Class (b): It means uncultivable portion of the land. It is of two kinds-

- a) that which is classed as a unfit for the cultivation i.e rocky area, land under nala and farm building etc.
- b) that which is reserved for public purpose i.e. road, recognized foot path and public place of drinking water etc.

Khata number: Under this column Talathi has to right khata number of form VIII-A.

### Other right

1. Details of charges of attachment and decrees under the order of civil court or revenue authorities
2. Details of loan taken by the occupant
3. If land is classified as a fragment under the section 6 of the Bombay prevention of fragmentation and consolidation of holding Act 1947, the same is noted as a fragment in this column.
4. Easement, such as right of way.
5. If right is acquired by heir-ship, names of heirs with whom land is not in actual possession.

### Village Form XII

This is registered of crops. In this form below mentioned details are available:-

1. Names of the crops and the area covered by them.
2. Names and numbers of the fruit trees and fuel trees.
3. Source of water for irrigation such as wells, tube wells and rivers etc.
4. Area under grass.
5. Area under building, roads and other non agricultural used.
6. Land that has been left idle in the current crop season to improve the productivity of the land, and land that is fallowed for a longer time period and for which no cultivation activity has been planned.

### Village Form VIII-A

In this form detail of khatedars land with the area and taxes payable by him is entered by Talathi.

Subsidiary Registers

### Village Forms VI-C

This is registered of heir-ship cases. In this form below mentioned details are available:-

1. Name of the deceased occupant or the name of the deceased other right holder.(other right holder means person whose name is entered in other right column of village form VII).
2. Date of death.
3. Old khata number of village form VIII-A.( deceased occupant's khata number)
4. Names of the legal heirs.
5. Names of the heirs with whom land is in actual possession.("Occupant").
6. Details of the order of the Tahasildar as to who should be enter as a "Occupant" and who should be entered in the "other right column" of Village Form VII.
7. Entry number of village form VI regarding decision taken by Tahsildar about heir-ships.

### Village Form VII-B

This is register of persons whose names are not enter in a Record of Rights as a occupant but are in actual possession of the land. Possession of the land for very long period is as good as ownership of the land.

If during the period of crop inspection Talathi finds that the person cultivating land is not the person who is supposed to cultivate the land as per Record of Right, under the circumstances he has to enter his name in this village form as possessor of the land and send extract of the same entry to the Tahasildar for further action. Tahasildar has to complete enquiry as per the rules and decide the matter. For more details please see chapter 'Possession of the Land'

Above forms are very important as they provide protection to all who hold interest in the land. The entries made in the village forms are evidence of the facts recorded therein under section 35 of the Indian Evidence Act.

The above mentioned land records are open for inspection under section 327 of Maharashtra Land Revenue Code 1966

Also peruse Maharashtra Land Revenue Record of Rights and Registers (Preparation and Maintenance) Rules, 1971.

### III LAND REVENUE ADMINISTRATION

History:- The history of Land Administration dates back to the days of kings and Kingdoms. The Land Revenue was the major source of revenue for the kings. The prosperity of the kingdom was depending upon levy of tax and its recovery. The Minister of Vijapur kingdom Todarmal was the founder of Ryotwari land revenue system. This system was introduced by Chhatrapati Shivaji in his "Hindavi Swaraj". This system became so popular that British rule was compelled to adopt this system in old Bombay Province. The present system of preparing and maintaining land records is a scientific form of Ryotwari Land Revenue System.

Objective:- Main Objective of Land Revenue Administration are;

1. to assess and collect of land revenue, collection of local cess on behalf of local bodies, collection of court fees, recovery of loans and advances, other dues of various departments, and all other dues recoverable as arrears of land revenue,
2. to Prepare and maintain "Land Records" related to revenue accounts,
3. to exercise the statutory powers endowed under the Maharashtra Land Revenue Code, 1966, the Mamlatdar Courts Act, the Land Acquisition Act, 1894 of various other land reform enactments.

Departments Of Revenue Administration:-

Revenue administration is divided into four separate departments which are as mentioned below:

- i. Recovery of Revenue,
- ii. Measuring of lands,
- iii. The registration of land alienations, and
- iv. Treasury.

To appreciate as a primer on the land laws of Maharashtra one needs a basic understand of -

The Department of Land Records:

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5. to conduct periodical revision settlement operations;
6. to organize and carry out surveys of village sites on an extensive scale and arrange for their proper maintenance;
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## IV CHANGE IN RIGHT OVER LAND

Rights over Land may change due to the following:

1. Transfer of land.
2. Inheritance
3. Partition

Transfer of land

Land is transferable immovable property. "Transfer of Property" means an act by which a living person conveys property, in present or in future, to one or more other living persons, or to himself and one or more other living persons. "Living person" includes a company or association or body of individuals.

Section 7 of Transfer of Property Act, 1882 state that, every person competent to contract and entitled to transferable property, or authorised to dispose of transferable property not his own, is competent to transfer such property either wholly or in part, and either absolutely or conditionally, in the circumstances, to the extent and in the manner, allowed and prescribed by any law for the time being in force.

Transfer of rights to Land can be done by following:

- \* Sale of property
- \* Lease or renting of Property
- \* Mortgage of Property
- \* Gifting Property
- \* Exchange of property

Inheritance:

Property received from a decedent, either by will or through state laws of interstate succession, where the decedent has failed to execute a valid will. Or through a valid will, where will is a document in which a person specifies the method to be applied in the management and distribution of his estate after his death.

Partition:

Any division of real property or personal property between co-owners, resulting in individual ownership of the interests of each.

The registration of land alienations:- The transfer of land is legal and valid if the same is registered as per provisions of Transfer of Property Act, and the Indian Registration Act, 1908. The land transfers are registered with the Sub-Registrar who has his office in each Taluka.

Restrictions over Transfer of Land

The laws which are restricting persons rights of transfer of the land are as follows:

- A) Maharashtra Land Revenue Code 1966:

Forfeited land: Failure to pay arrears of land revenue makes the holding liable to forfeiture. On forfeiture the occupancy ceases to be property of the occupant under section 72 of MLR Code 1966. The forfeited land shall not change hands by way of inheritance or by will.

Tribal land: Under section 36A, the land of a Tribal cannot be transferred in favour of any non-Tribal without permission of State Government and/or Collector as the case may be.

B) Bombay Tenancy and Agricultural Lands Act, 1948:

1) Tiller land: To gain maximum revenue from the land in India the British rulers introduced three major forms of land settlements namely Zamindari, Raiyatwari and Mahalwari. Under the influence of these systems actual cultivators turned into tenants. These land system created intermediary between the State and the actual tillers of the soil. These intermediaries had no interest in improvement of the land. Against this background intermediary interests were abolished by the Government by framing policy "Land to the tillers" In the Maharashtra under section 32 of the Bombay Tenancy and Agricultural Lands Act, 1948. Provides compulsory transfer of ownership rights of tenanted lands to the tenants from 1st April 1957. The title of landlord passed to the tenant on 1st April 1957. There is complete sale and purchase to effectuate this The tiller who purchased the land under this act is classified as an Occupant Class II. The land of Occupant Class II is heritable but transfer of land is valid subject to fulfilling conditions imposed by the Government.

No land purchased by tenant under section 32, 32F, 32O, 33C, or 43 ID or sold to any person under section 32P or 64 shall be transferred by sale, gift, exchange, mortgaged, leased or assignment, without the previous sanction of the collector. Sanction is not required when land is to be mortgaged in favour of Government.

The collector may grant permission for transfer of land in any of the following circumstances, namely:-

- a. That the land is require for agricultural purpose by industrial or commercial undertaking in connection with any industrial or commercial operations carried on by such undertaking;
- b. That the transfer is for the benefit of any educational or charitable institution;
- c. That the land is required by a co- operative farming society;
- d. That the land is being sold in execution of a decree of a Civil Court or for the recovery of arrears of land revenue under the provision of the code;
- e. That the land is being sold bona fide for any non agricultural purpose;
- f. That the land is being sold by a land owner on the ground that
  - i. He is permanently giving up the by profession of an agriculturist, or
  - ii. He is permanently rendered incapable of cultivating the land personally;
- g. That the land is being gifted in favour of
  - i. .The bodies or institution mentioned d in section 88A and clauses a & b of section 88B or

- ii. A member of land-owners family;
- h. That the land is being exchanged-
  - i. With the land of equal or nearly equal value owned and cultivated personally by the member of the same family; or
  - ii. With the land of equal or nearly equal value situate in the same village owned and cultivated personally by another land owner with a view to forming compact block of his holding or with view to having better management of the land:

Provided that ,the total land held and cultivated personally by any of the parties to the exchange whether as a owner or tenant or partly as does not exceed the area as a result of exchange;

- i. That the land is being leased by a land owner who is a minor; or a widow or person subject to any physical or mental disability or the member of the armed forces or among the land owners holding the land jointly;
- j. That the land is being portioned among the heirs or survivors of the deceased land owner;
- k. That the land is being mortgaged in favour of society registered or deem to be registered under the Maharashtra Co-op Societies Act 1960 for raising a loan for paying the purchase price of such land.
- l. That the land is being transferred to the person who by reason of acquisition of his land for any development project has been displaced and requires to be resettled.

Where sanctioned for sale of land given in the circumstances specified in the clauses a, b, c, e, or f it shall be subject to the condition of the land owner paying to the State Government a nazrana equal to 20 times assessment of the land.

In the case of portioned sanctioned under clause j it shall be subjected to the condition that they are allotted to each sharer shall not be less than the unit specified by the State Government under clause c of sub section I of sub-section 27.

## 2) Transfer to non agriculturist barred under Section 63:

No sale, gifts, exchange or lease of any land shall be valid in favour of person who is not an agriculturist. However collector may grant permission for transfer under the below mentioned conditions:

- a) Such a person bona fide requires the land for a non agricultural purposes; or
- b) The land is required for the benefit of an industrial or commercial undertaking or an educational or charitable institution; or
- c) Such land being mortgaged, mortgagee has obtained from collector a certificate that he intends to take the profession of an agriculturist and agrees to cultivate the land personally; or
- d) The land is required by co-op society; or
- e) The land is required for cultivating it by a personally by a person, who, not being an agriculturist, intends to take to the profession of agriculture and to

whom collector has given certificate that such person is intend to take to the profession of agriculture and is capable of cultivating land personally; or  
f) Such land is being sold in execution of decree of a civil court, or recovering arrear of land revenue.

Transfer to non agriculturist for bona-fide industrial use<sup>64</sup>:

No permission is required to sell the land to the person who may or may not be an agriculturist for the purpose of bona-fide industrial use if the land situates within the industrial zone of a draft plan or final regional plan or draft of final town planning scheme prepared under the MRTP Act 1966.

C) The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947:

Under this Act government is empowered to declare the area as a local area for determine minimum size of any class of land that can be cultivated profitably as a separate plot. The size of the land so determined is called standard area. Fragments means plot of agricultural land of less extent than the appropriate standard area determined for the local area.

Under section 7: "Fragment" is not allowed to transfer except to the owner of a contiguous survey number or recognized sub-division of survey numbers. Also no land shall be transferred so as to create "fragment".

Under section 8: No land in local area shall be transferred or partitioned so as to create fragment.

Under section 27: There is ban on transfer of land, execution of awards and decrees during the continuance of the consolidation of holdings.

Under section 31: There are restrictions on alienation and sub division of consolidated holdings.

D) Maharashtra Agricultural land s Ceiling on Holding Act, 1961.

The basic objective of fixation of ceiling on landholdings is to acquire land above a certain level from the present landholders for its distribution among the landless. It is primarily a redistributive measure based on the principle of socio-economic justice.

This act is restricting the size of holdings which a person or family can own. Acquisition of land in excess of the ceiling is prohibited. Land rendered surplus to the ceiling is taken over by the state and distributed among the weaker sections of the community.

Any person or family cannot hold land in excess of ceiling area fixed on 26th September 1961 Person or family cannot transfer surplus land until the land in excess of the ceiling area is determined under the act.(Section 8) A person possessing land in excess of ceiling area cannot acquire land by transfer. (Section9).

The land held by individual or the family of the Maharashtra State or the part of India is to be taken into consideration while calculating the ceiling area.

For fixing ceiling areas lands have been classified in five classes as detailed below:

Class Of Land	Ceiling Area	
	Hectares	Acres
Land with assured supply of water for irrigation and capable of yielding at least two crops in a year	7-28-43	18
Land which has assured supply of water for only one crop.	10-92-65	27
Land which has un-assured supply of water for only one crop.	14-56-86	36
Dry Land situated in Mumbai Sub Urban District and Districts of Thana, Raigad, Ratanagiri, Sindhurg, Bhandara, Gadchiroli, Sironcha talukas of Chandrapur District which is under paddy cultivation for continuous period of three years.	14-56-86	36
Dry Crop Lands other than all above lands.	21-85-29	54

E) The Maharashtra Co-op Act, 1960.

While taking loan from co-operative society member is furnishing undertaking to the society that he is mortgaging his own agricultural land against the said loan amount. Under section 48, a charge on land continues until the whole debt, due to the society is satisfied.

F) Transfer of Property Act, 1882.

Section 52 of the Transfer of Property Act provides that during the pendency of any litigation affecting the immovable property it can not be transferred or otherwise dealt with by any party to the suit so as to affect the rights of the other party under any decree or order which may be made therein.

G) Registration Act, 1908

a. Section 17 of the Registration Act, 1908 lays down different categories of documents for which registration is compulsory. The documents relating to

the following transactions of immovable properties are required to be compulsorily registered; Instruments of gift of \*immovable property

b. Lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

c. Instruments which create or extinguish any right or title to or in an immovable property of a value of more than one hundred rupees.

d. Immovable property includes: Land, buildings, hereditary allowances, rights to ways, lights, fisheries or any other benefit to arise out of land, and things attached to the earth, or permanently fastened to any thing which is attached to the earth, but not standing timber, growing crops nor grass.

Under section 49 of the above Act, if the registration of the above transactions is not effectuated it creates an impediment to its evidenciary value of transfer.<sup>65</sup>

#### H) Wakf Land

Wakf is a permanent dedication of movable or immovable properties for religious, pious or charitable purposes as recognized by Muslim Law. No transfer of immovable of a wakf, by way of sale or mortgage, exchange or lease for period of exceeding three years is validly allowed without previous sanction of the Wakf Board.

#### I) Trust Lands

These lands attract the provisions of the charitable Trust Acts. The trustees are competent to dispose of the trust property exercising the powers vested in them by the Trust Deed.

## V DEVELOPMENT OF THE LAND

Development is defined as "the carrying out building, engineering, mining or other operations in, or over or under land or the making of any material change, in any building or land the use of any building or land and includes demolition of any existing building, structure or erection or part of such building, structure or erection, reclamation, redevelopment and layout and subdivision of any land".

" engineering operations " includes the formation or laying out of a street or means of access to a road or laying out of means of water-supply, drainage, electricity, gas or other public service;

Basic requirement to carry out any development over the land is that the land is require to convert for the purpose for which land is intend to develop. Basically all lands are agricultural land. Collector of the district is empowered to covert the land from agricultural to non agricultural purpose and from one non-agricultural purpose to another non-agricultural purpose. More details are given in the chapter "Non- Agricultural Land".

Control on development:

Control on development is essential for the achieving the below mention purposes;

1. land be used for the best purposes for which it is most suitable e.g. residential, commercial, industrial, agricultural, recreational, etc. having regard to both public and private interests;
2. adequate means of communications be provided for traffic throughout the region;
3. building development be concentrated in areas where adequate public and utility services can be supplied economically;
4. ample area be reserved as open spaces;
5. amenities of the country side be protected including preservation of landscapes; and
6. Preservation of historical monuments, etc.

Regulating the development is State Government subject. The State Government is empowered to enforce and enact necessary laws and frame policies for the subject. In the Maharashtra, there are number of laws, rules, regulations and policies in force for regulating development. In this chapter we are considering provisions made under Maharashtra Regional Town Planning Act, 1966.

### MAHARASHTRA REGIONAL TOWN PLANNING ACT, 1966

Regional Planning: The statutory powers regarding planning were embodied under the Bombay Town Planning Act, 1915, which was in force till its

replacement by the Bombay Town Planning Act, 1954. The Act of 1954 generally incorporated the provisions of Bombay Town Planning Act, 1915, and in addition made it obligatory on every local authority (barring village panchayats) to prepare a development plan for the entire area within its jurisdiction.

The Bombay Town Planning Act, 1954, applied to lands included within the municipal limits only and therefore, there was no provision for exercising proper and effective control over the planning and development of land in peripheral areas outside the municipal areas which were growing in an irregular and haphazard manner. The evil results of such uncontrolled growth and development have already become apparent in the vast areas outside Greater Bombay and Poona Nagpur and by developing counter magnets for the dispersal and reallocation of both industries and population within the region. and , and other important urban centres. It was considered that the only way to tackle adequately these evil effects arising out of rapid industrialization and urbanization would be by resorting to regional planning for areas around the metropolitan centres.

There was no statutory power under the Act of 1954 for the preparation of regional plans which has therefore, been repealed and replaced by the Maharashtra Regional Town Planning Act, 1966 and constituted Regional Planning Boards for these three regions and this Act provides for establishment of regions and constitution of Regional Planning Boards for the preparation of regional plans, designation of sites for new towns, establishment of development authorities to create new towns, preparation of development plans for the municipal areas and town planning schemes for execution of the sanctioned development plans. Government has established Metropolitan Regions at Regional and Town Planning Act, 1966.

**Development Plan:** Development plan<sup>73</sup> means a plan for the development or redevelopment of the area within the jurisdiction of the local authority.

Act made it obligatory on every Municipal Corporations, Councils and other local authorities (barring village panchayats) to prepare a Development Plan for the entire area within its jurisdiction. Object of preparing Development Plan is to use the land for the best purposes for which it is most suitable for e.g. residential, commercial, industrial, agricultural, recreational, etc.

A Development plan generally indicates the manner in which the use land of in the area of a Planning Authority shall be regulated, and also indicate the manner in which the development of land therein is to be carried out. It provides all or any of the following matters;

- a. allocation of the of land for purposes; such as residential, industrial, commercial, agricultural, recreational;
- b. designation of lands for public purpose, such as schools, colleges and other educational institutions, medical and public health institutions, markets, social welfare and cultural institutions, theatres and places for public entertainment,

or public assembly, museums, art galleries, religious building and government and other public buildings as may from time to time be approved by the State Government,

c. designation of areas for open spaces, playgrounds, stadium, zoological gardens, green belts, nature reserves, sanctuaries and dairies,

d. existing plans and future plans for transport and communications, such as roads, high-ways, park-ways, rail-ways, water-ways, canals and air ports, including their extension and development,

e. existing and future provisions of Water supply, drainage, sewerage, sewage disposal, other public utilities, amenities and services including electricity and gas,

f. reservation of the lands made for community facilities and services,

g. designation of sites for service industries, industrial estates and any other development on an extensive scale,

h. preservation, conservation and development of areas of natural scenery and landscape,

i. preservation of features, structures or places of historical, natural, architectural and scientific interest and educational value of heritage buildings and heritage precincts,

j. the filling up or reclamation of low lying, swampy or unhealthy areas or leveling up of land,

k. the laying out or re-laying out of land either vacant or already built upon including areas of comprehensive development,

l. provisions for permission to be granted for controlling and regulating the use and development of land within the jurisdiction of a local authority including imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the location, number, size, height, number of storeys and character of buildings and density of population allowed in a specified area, the use and purposes to which buildings or specified areas of land may or may not be appropriated, the sub-division of plots the discontinuance of objectionable users of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of [projections and advertisement signs and hoardings and other matters as may be considered necessary for carrying out the objects of this Act.

Local Authority has to carry out a survey, prepare an existing land-use map and prepare a Development Plan for the area. Local authority may for the purpose of implementing the proposals in the final Development Plan, prepare one or more Town Planning Schemes for the area within its jurisdiction.

Under section 3 of above act,

1. State government may establish any area in the State, by defining its limits, to be a Region for the purpose of this act and may give name to it. (For example, Mumbai Metropolitan Region is a region established by the government under this act.)

2. Constitutes a Regional Planning Board for the Region for the purpose of planning the development and use of land.

It shall be the duty of a Regional Board

- a. to carry out a survey of the Region, and prepare reports on the surveys so carried out;
- b. to prepare an existing-land-use map and such other maps as may be necessary, for the purpose of preparing a Regional Plan.

Regional Plan

Region may extend over an area of thousands of sq.kms. It comprises Municipal Corporations, Municipal Councils, non-municipal urban centres, and hundreds of villages. The object of Regional Plan is to regulate future development in the Region so that it shall develop in a proper and orderly manner.

A Regional Plan may provide for all or any of the following matters;

1. allocation of land for different uses, general distribution and general location of land and the extent to which the land may be used as residential, industrial, agricultural or as forest, or for mineral exploitation;
2. reservation of areas for open spaces, gardens, recreation, zoological gardens, nature reserves, animal sanctuaries, dairies and health resorts;
3. transport and communications such as roads, highways, railways, waterways, channels and airports, including their development;
4. water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services including electricity and gas;
5. reservation of sites for new towns, industrial estates and any other large scale development or project which is required to be undertaken for the proper development of the region or new towns;
6. preservation, conservation and development of areas of natural scenery, forest, wild life, natural resources and landscaping;
7. preservation of objects, features, structures or places of historical, natural, architectural or scientific interest and educational value;
8. areas required for military and defense purposes;
9. prevention of erosion, provision for afforestation, or reforestation, improvement and redevelopment of water front-areas, rivers and lakes;
10. proposals for irrigation, water supply and hydroelectric works, flood control and prevention of river pollution;
11. providing for the relocation of population or industry from overpopulated and industrially congested areas and indicating the density of population or the concentration of industry to be allowed in the area.

In the Regional Plan land allocation for different purposes are made by dividing land in the Zones. Broadly lands are divided in the zones as mentioned below:

- a. Urbanisable Zone

- b. Industrial Zone
- c. Recreational Zone
- d. Forest Zone
- e. Green Zone

#### Development Control in the "Region"

If the land situates within the limits of any planning authority, the land may be developed for residential, commercial, industrial, warehousing or other urban uses. Such development shall be in conformity with the detailed land use provisions of the Development Plan, Planning Proposals, Town Planning Schemes, and the related Development Control Regulations as may be enforced by the concerned planning authorities for their respective areas.

If the land situates outside the limits of any planning authority, the development shall be in conformity with the detailed land use provisions of the Land use plan and the related Development Control Regulations as may be enforced by the concerned Special Planning Authority appointed for the Region. Where Development Control Regulations are inadequate for control.

#### Special Planning Authority:-

City And Industrial Development Corporation, Maharashtra housing and Area Development Authority, Maharashtra Industrial Development Corporation and Mumbai Metropolitan Region Development Authority etc

#### Development Control outside the "Region" and Planning Authority

Where there is no Regional Plan, Development Plan or Town Planning Scheme, for development control standardized building bye laws and DC Rules for B. & C. Class municipal councils are used by Town Planning Department while scrutinizing miscellaneous building permission cases and layouts received from the Collectors.

District Collector is empowered to grant or refuse development permission.

List of some of the authorities functioning important role In Development Control are given below.

1. Town Planning Department:
2. Health Department
3. The Mumbai Village Panchayat Act, 1958
4. Laws Related to Development Along Roads
5. Mumbai Highways Act, 1955
6. National Highway Act 1956
7. Environment (Protection) Act, 1986
8. Indian Forest Act, 1927
9. Forest Conservation Act, 1980
10. Maharashtra Acquisition of Private Forests Act, 1975
11. Minor Mineral (Extraction) Act, 1955 and Explosives Act, 1984

### Restrictions on the Use of the Land:

In developing area it is essential to use the land for the best purposes for which it is most suitable for e.g. residential, commercial, industrial, agricultural, recreational, etc. To achieve this object, the land use plans (Regional Plan) are prepared by the Government. In the Regional Plan, land allocation for different purposes is made by dividing land in the Zones. Broadly lands are divided in the zones as mentioned below:

1. Urbanisable Zone
2. Industrial Zone
3. Recreational Zone
4. Forest Zone
5. Green Zone

If the land is situated within the limit of Regional Plan, the use of land should be in confirmative to land use plan. Buyer or developer of the land must know the restrictions imposed on the use of the land.

### Green Zone

All lands are basically agricultural land so all lands not falling in any non-agricultural categories are deemed to be agricultural land irrespective of they are used for cultivation or not. Where the area is primarily engaged in agricultural activity the Regional Plan allocates the land of the area for agricultural activity and categories it as the Green Zone.

The aim is to protect agricultural activity, preserve area for recreational use and arrest urban sprawl. Although Green Zone is much like Forest zone, lands falling under Green Zone cannot be purely used for agricultural activity alone for number of reasons. For example;

1. In every village there are some places which are reserved for village settlement. The place reserved for this purpose is called Gaothan. Population of rural area is ever increasing. To meet the growing requirement of housing and allied activities provisions are made in MLR Code and in the Bombay Village Gram Panchayat Act for extension of Gaothan.
2. Agricultural land is required to use for other purposes such as, agro-based industries for processing farm produce.
3. Village needs roads for commuting, a hospital for the health care and schools for education.
4. Although poultry farms, horticultural project, cattle stables, piggeries, sheep farms are agricultural activities, they consume agricultural land for erecting buildings for above production.
5. Due to high value and shortage of large size land in urban area many space extensive activities such as educational, medical, social, cultural religious institutions, film and video shooting sites are not possible in urban areas.

Generally the Regional Plans permits below mentioned activities in the Green Zone under some conditions.

- a) Gaothan and Gaothan Expansion Schemes.
- b) Farm buildings as permissible under Section 41 of the Maharashtra Land Revenue Code, 1966.
- c) Holiday resorts, holiday homes.
- d) Single-family houses on plots not less than 2000 sq.m. in area.
- e) Educational, medical, social, cultural and religious institutions along with residential quarters, and shops for the staff and the primary school, pre-primary school and health centre.
- f) Film and video shooting sites with studio and other related facilities
- g) Godowns, container park, open ground storage of non-hazardous and non-obnoxious nature on the major district roads, state highways, or road having width 15.00m or more and away from 500m from Gaothan and National Highway.
- h) Agricultural and allied activities and agro-based industries, rice mill, poha mill, saw mill, cold storage, horticultural project, poultry farms, cattle stables, piggeries, sheep farms.
- i) Religious places, crematorium and cemetery;
- j) Parks, gardens, play fields, golf courses, swimming pools, race courses, shooting ranges, camping grounds, facilities for water sports, amusement parks, theme parks;
- k) Fish farms, fish drying, storage of boats, servicing and repairs of boats;
- l) Quarrying of stone, murum or earth including mechanised stone crushing or stone dressing and temporary housing of laborers, office of the supervisors, managers and other accessory buildings related to quarrying activity.
- m) Small scale industries and resource based industries and processing plants employing local resources and giving employment to the local population in the rural areas having land requirements of not more than 4000 sq.m subject to not more than 2.0 ha in each village may be freely allowed in villages located 8 km from major industrial department.
- n) Roads and bridges, railways, heliports, airports, ports, jetties, dams, pipelines, electricity transmission lines, communication towers, rope ways and such other essential services.
- o) Highway amenities and services such as petrol pump, small shops, service stations including emergency repair services, restaurants, parking lots and police check-post.

#### Non Agricultural Land

Land can be called non agricultural land, if any activity in the nature of development is carried over on the land which makes land unfit for cultivation.

Section 42: Permission for non-agricultural use of the Maharashtra Land Revenue Code 1966

No land 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.

Further under section 44, before carrying out any development on the land, an eligible person has to apply to the collector for the permission to convert the use of agricultural land for any non-agricultural purpose, or to change the use of land from one non-agricultural purpose to another non-agricultural purpose.

Procedure: The applicant may then Fill a Form of application to convert use of land which has to be attached with the documents mentioned. The collector has to follow the procedure for granting permission to convert the use of any agricultural land for the non agricultural purpose or to change the use of any one non agricultural purpose to other nonagricultural purpose. The collector may refuse permission for conversion of land if the collector feels that the permission is contradictory to the laws. The person to whom the permission is granted or deemed to be granted may then inform in writing to the Thashildar through the Thalti the date on which the change of user of land is commenced within thirty days from such date, if the person fails to inform then he shall be liable to pay in addition to the non agricultural assessment such fine as the Collector may subject to the rules and the regulations laid down by laws imposes.

**Grant Of Sanad:**

Where land is permitted to be used for non-agricultural purpose, a Sanad shall be granted to the holder thereof in the form in Schedule IV if the land is situated outside the jurisdiction of the Planning Authority, and in the form in Schedule V if the land is situated within the jurisdiction of the Planning Authority.

Sanad is agreement between government and occupant. Conditions of sanad are binding on both the government and occupant. Sanad is prima facie evidence of title but not conclusive evidence.

**Penalties for unauthorised non-agricultural use-**

If any land is used for non agricultural purpose by occupant without obtaining permission, it is lawful for the collector to stop its unauthorised use, ask him to pay NA taxes and penalty.

## VI LAND CONVERSION | Maharashtra

Maharashtra land conversion is a process of converting agricultural land for non-agricultural purposes or converting land from one non-agricultural purpose to other non-agricultural uses. Agricultural lands cannot be utilised for the development purposes such as residential, commercial, industrial, or medical facilities besides on conversion of the land into non-agricultural lands. As per the provisions contained in the Maharashtra Land Revenue (Conversion of Use of Land and Non-Agriculture Assessment) Rules, 1969, agriculture land in the state cannot be used for the development purpose, without the advanced permission of the prescribed authority. In this article, we look at the Maharashtra land conversion in detail.

Maharashtra Land Revenue (Conversion of Use of Land and Non-Agriculture Assessment) Rules

As mentioned above, Maharashtra Land Revenue (Conversion of Use of Land and Non-Agriculture Assessment) Rules 1969 moderates the process of agriculture land conversion into non-agriculture purpose in Maharashtra. The process of conversion of land will be completed on payment of a premium, and on verification, if it is found that the holder of the land fulfils all the conditions a conversion order or sanad will be granted to the landholder.

Note: This MLR act applies to all areas in the State of Maharashtra, except those notified as planning areas by state or central Government.

Exempted Lands for Maharashtra Land Conversion

No permission will be granted for conversion of the following type of lands:

Land which is under the Central or State Government Company about the management of Coastal Regulation Zone

Landfalling within the boundary limits of any railway line or national Highway

Land earmarked as a controlled area in any development plan notified by the State Government under the Ribbon Development Rules,

Land identified and declared by the Government through its Forest Department as Protected Forests

Maharashtra land conversion cannot be done in the zones of irrigation project and also those about the environment, public health, peace or safety.

Purposes of Maharashtra Land Conversion

Any agriculture land can be converted, for one or more of the following purposes:

Residential Purposes

Commercial Purposes

Individual or Industrial Area

Medical facilities

Animal rearing and husbandry, systematic farming or dairies such as isolated farms specialising in horticulture, rising of genetically enhanced crops or agriculture requiring specialised abiotic premises.

Public utility of use to the state or district

The public or semi-public service of use to the community, tribe or an entire anchal Ceremonials purposes

#### Document required for Maharashtra Land Conversion

For obtaining completing Maharashtra land conversion, the applicant has to attach documents as mentioned below:

Prescribed application form duly filled in duplicate with court fee stamp of rupees 5

Extract of 7/12 and its four photocopies

Copies of the relevant mutation entries about land in question

If the record is not available in the revenue office, a certificate from the Revenue Officer (Talathi or Tahasildar) stating that the files are not available with

Extract of village form 8A

Certified copies of the land map issued by Taluka Inspector or Taluka Land Record Office

Site plan (8 copies) and eight copies of the building plan (if permission is asked for constructing the building)

Extract of the relevant 7/12 – If the proposed land is not abutting to the classified road and right of the way over the boundaries of other survey number or GAT number is acquired and

If the land in question is abutting SH, NH or EW, a copy of the NOC from Highway Authorities or other appropriate authority

NOC from Municipal concern councils or Gram Panchayat

If the permission for conversion is already granted an application is to be made for a change of use of land, then a copy of the NA order and sanctioned plan is to be attached,

If the area is attracting provisions of Bombay Tenancy and Agricultural Lands Act, 1948 then the Sale Permission received under section 43/63

No dues certificate from farmer's co-op society,

A document obtained from the Talathi stating therein that the land in the question is not under acquisition.

If there is no Municipal Corporation or Municipal Council in the area for proposed conversion, the applicant needs to submit a No Objection Certificate (NOC) and clearance certificate.

#### Documents required for Temporary Maharashtra Land Conversion

If temporary permission is already granted an application is made for final approval under the circumstances, the following documents need to be attached:

Copy of temporary NA order permission  
Plan prepared by the survey department after subdivision of land in the plots, roads, open spaces and amenity places etc.  
Architect's plan – 8 copies  
Extract of 7/12 and its four photocopies  
Copy of the mutation entry related to the temporary NA permission

#### Eligibility Criteria for Maharashtra Land Conversion

A superior holder of alienated land or a tenant of land or an occupant of unalienated land can apply for Maharashtra Land Conversion.

#### Premium Payable for Maharashtra Land Conversion

The premium payable for conversion of agricultural lands will be based on the market value of property in Maharashtra.

For the conversion of agricultural land to residential property, the premium would be 50% of the total cost of land as per ready reckoner rates

For agricultural land to the commercial area, the premium would be 75% of the market value of land

For semi-public land to residential land, it will be 20% of the market value of land

For residential to industrial use, the premium would be 20% of the land

For the forest to agricultural, it would be 40% of the market value of land

#### Market Value of Land

Sales will estimate the full market value of non-agricultural lands in an urban area in a block, leases an award under the Land Acquisition Act, 1894.

#### Prescribed Authority for Land Conversion

Land can be called non-agricultural land if any activity like development is carried over on the agriculture land which makes agriculture land unfit for cultivation.

As per the Maharashtra Land Revenue Code rules, before carrying out any development on the agriculture land, an eligible person need to apply to the collector for the permission to convert the use of agricultural land into the non-agricultural purpose or to change the use of land from one non-agricultural purpose to another non-agricultural purpose.

#### Application for Maharashtra Land Conversion

Procedure for getting conversion order for converting agriculture land for the non-agriculture purpose is explained here:

#### Approach District Collector Office

Step 1: Occupant or superior holder of land, who is seeking permission for Maharashtra land conversion, has to furnish an application form in prescribed

format along with the supporting documents to the District Collector in whose jurisdiction the concerning agriculture land is situated.

We have here with attached an application for Maharashtra Land Conversion:  
#Verification by District Collector

Step 2: On receipt of the request, District collector will acknowledge the application within seven days and send a copy of the application to Tahasildhar.

If the proposed area is within the jurisdiction of a Municipal Corporation or Municipal Council, the Collector consults them concerning acquiring the building permit.

#Verification by Tahasildhar

Tahasildhar will check for revenue clearance and special clearance.

#Revenue Clearance

The Tahasildhar will check the following parameters for revenue clearance.

The applicant is the rightful occupant or superior holder of land and is empowered to file for a change of land use

Any dues outstanding to any Department by the occupant or preferred holder

The property is free from the encumbrances and if the local authority has any objections for land conversion

Technical Clearance

The Tahasildhar will check the following parameters for technical clearance:

The intended land conversion is violating any stipulations of any development plan:

The converted land will not pose any perceivable hazard regarding the environment, health or safety to the occupier or landholder or any other individual residing in that area

The converted land is not being sought for a purpose for which adequate land is already earmarked at the nearest urban area

The issue of Conversion Order:

Step 3: The District Collector within a month of the date of payment of premium issue an order of conversion.

Entries in the Revenue Records

Step 4: The District Collector, after the issue of conversion order, authorise the Tahsildar to change the particulars of the tenancy land by making necessary entries in the revenue records.

Convert Agriculture Land

Any agricultural land, converted for a non-agricultural purpose can be used for such converted purpose within a year from the date of issue of the conversion order.

If the land is not converted within the prescribed time, the conversion order will be withdrawn and the premium deposited will be relinquished to the Government.

#### Report Conversion Date

The owner or holder to whom permission is granted or the conversion order is issued need report the Tahsildar in writing through the Talathi the date on which the change of use of land commenced, within thirty days from the conversion.

#### Pay NA Taxes

The land occupier or landholder has to pay non-agriculture land taxes from the date on which non-agriculture land use begins.

If the occupier or holder fails to inform the Tahsildar within the period specified, he/she will be liable to pay in addition to the non-agricultural assessment fine of five hundred rupees to the District Collector.

#### Grant of Sanad

A sanad will be granted to the holder of property if the area is situated outside the jurisdiction of the Planning Authority.

And is an agreement between the Government and the occupant or holder. Sanad is prima facie evidence of land title, but it is not conclusive evidence. Conditions of Government and occupier will be recorded in the Sanad.

#### Change in Purpose of Conversion

If a person, after receiving the conversion order intends to use the land for other non-agricultural purposes, he needs to submit an application to the prescribed authority along with conversion fee.

Note: Any land, duly converted for any non-agricultural purpose under these rules will not be transferred within two years, after two years such land can be transferred without payment of premium or obtaining permission from the prescribed authority.

#### Penalties for Unauthorised Land Conversion

If any land is used for the non-agricultural purpose by occupant or holder without obtaining permission, the collector will stop its unauthorised use, and the applicant needs to pay Rs. 500 as fine.

#### Regularisation of Unauthorised Use

Where permission for non-agricultural use was possible but occupant had not taken care to apply for permission, under the circumstances collector may regularise his unauthorised use, subject to the following terms and conditions, namely:

That the holder will pay the amount of conversion tax leviable and will pay a non-agricultural assessment on the land concerning the altered use since the commencement of that use

That the holder will pay the fine not exceeding 40 times the non-agricultural evaluation on the property concerning the modified use

## VII OWNERSHIP, POSSESSION / OCCUPANCY OF LAND

Ownership and occupant of land are two different concepts and has a major play in appreciating the status of land in Maharashtra. In terms of law, "Occupant" is a person having lawful and actual possession of the land. Other than tenant of Government leasee. Possession of the land is also termed as the occupancy. Occupant is responsible to pay land revenue to the Government. Occupancy is liable to forfeiture in case occupant fails to pay land revenue to the Government. On forfeiture occupant and his heirs loses all their right on the land.

**POSSESSION OF THE LAND:** Person can have control over land only if he is directly in contact with the land. In other words person can control over the land if the land is under his possession. It directly means word 'possession' and word 'ownership' goes together. Possession is most important component of the ownership.

If owner is not in touch with land and somebody else is having control over the land, under certain circumstances owner may lose his ownership. There are legal provisions for granting ownership to the person having control on land for long period as adverse possession .

### TYPE OF POSSESSIONS:

a) **Authorised Possession:-**When person is possessing land by way of ownership, grant, licence, lease etc. such possession is called authorised possession.

b) **Unauthorised Possession:-**When possession is acquired by encroachment or trespass, such possession is called unauthorised possession.

c) **Wrongful Possession:-**

\* Conversion of use of land from one purpose to other purpose requires proper permission under section 42 of MLR Code 1966. If the possessor of land has change the use of land without permission or violated any terms or conditions of N.A. order, then his possession is called wrongful possession.

\* If the land is under possession of the person after expiry of period of lease or tenancy or after termination of lease or tenancy or breach of any conditions annexed to the tenure then his possession is called wrongful possession.

\* If person is unauthorizedly occupying or wrongfully in possession of any land or foreshore vesting in the State Government it shall be lawful for the Collector to evict such person. The buyer should note that the land reserved for grazing is Government land.

d) **Adverse Possession:-**

\* This is one of the methods for acquiring title to the land by the person having possession of the land for a long period. Once adverse possession is

proved by the person, owner loses his right over land/property even though that person possesses the land through inappropriate means.

\* Only physical possession on land is not enough for acquiring title to the land/property. Possessor has to get it registered in his name in the village form VII-B every year during the period of crop inspection. Adverse possession is protected by law of limitation. If possessor possesses the land/property more than twelve year, real owner loses his right to take action for claiming relief against adverse possession.

## VIII PROPERTY CARD IN MAHARASHTRA

Malmatta Patrak – Property Card in Maharashtra

Malmatta Patrak or property card is close to "Government certified property ownership title document in Maharashtra". Property card as the Record of Right (RoR) provides detail information about ownership of a land and history of holders of land. In Maharashtra, property card is issued by local authorities for revenue to establish ownership in Urban Area while for rural areas 7/12 extract is issued. These are derivative title indicators.

Property Card vs. 7/12 extract

Property cards provide information about the ownership of a property and history of holdings of a land located in urban area.

7/12 extract is a record of land property in a rural area. 7/12 extract contains ownership of the property and type and purpose of the land. 7/12 extracts mainly deals with areas that are outside city limits.

Importance of Malmatta Patrak

Importance of malmatta patrak or property card are listed below:

- Property card certifies the real owner of a land in urban area.
- Malmatta Patrak helps to detect false claim on the urban area lands.
- Usage of Malmatta Patrak (Property Card) avoids land grabbing.
- Property card can be used in court litigations related to land in an urban area.
- Property card will help holder avoid any legal-hassles in the future.

## IX CLASSIFICATION OF LAND IN MAHARASHTRA:

Classification of land are varied but may be summarized as:

As per its economic uses.

- \* Agricultural land.
- \* Non agricultural land.
- \* Forest Land.

As per its geographical nature:-

- \* Water bodies, Rivers streamaCreeks, Reservoirs, Tanks, Lakes, Canals and Drains are classified as the land.)
- \* Wastelands (Salt affected land; Gullied/Eroded land, Water logged areas, Undulating upland, with/without scrubs, Sandy area, Rocky outcrops.)
- \* Coastal wetland (Tidal/Mudflats, Saltpans, Vegetated, Non-Vegetated.)

sub-classified as per soil composition/soil classification;

- \* Best black soil and the black mixed soil,
- \* Medium height and soft red and combined soil,
- \* Lowest dark or daski soil having sand or springs, and Inferior hard and dry soil.

Agricultural Land: "Agriculture" includes horticulture, poultry farming, the rising of crops, fruits, vegetables, flowers, grass or trees of any kind, breeding of livestock including cattle, horses, donkeys, mules, pigs, breeding of fish and keeping of bees, the use of land for grazing, cattle and for any purpose which is ancillary to its cultivation or other agricultural purpose.

Classification of Agricultural Land can be as following:

- \* Warkas Land: The warkas land is the land of the poor productivity. This land is used by the farmer during the monsoon to grow 'low-grade' millets such as nachani and warai. Its cultivation involved burning of the vegetation on the land, (rab manure) preparing the soil with a pick and sowing by hand.
- \* Jirayat land (Dry crop); Jirayat land is the land where cultivation is depends upon annual rainfall. The jirayat land is used for seasonal crops, kharif and rabi. The agricultural sessions of kharif crops starts from June and agricultural sessions of rabi crops are starts from September-October.
- \* Bagayat or Garden land/ irrigated land, Jirayat land is the land where cultivation is depends upon annual rainfall. The jirayat land is used for seasonal crops, kharif and rabi. The agricultural sessions of kharif crops starts from June and agricultural sessions of rabi crops are starts from September-October.
- \* Rice land or paddy land: In coastal and heavy rainfall area where main crop is rice, lands are classified into to two categories namely; rice land and warkas land.

## **X IMPROVEMENTS FOR THE BETTER CULTIVATION OF THE LAND**

"Improvement" in relation to land means any work which adds materially to the value of the land. The works which makes improvement in the land are

1. the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;
2. 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;
3. the planting of trees and the reclaiming, clearing, enclosing, leveling or terracing of land;
4. the erection of buildings on or in the vicinity of the holding, elsewhere than in the gaathan required for the convenient or profitable use or occupation of the holdings ; and
5. the renewal or reconstruction of any of the foregoing works, or alternations therein or additions there to;

However the below mentioned works are not "improvements."

\* Temporary wells and such water-channels, embankments, leveling, 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

\* any work which substantially diminishes the value of any land wherever situated, in the occupation of any other person, whether as occupant or tenant.

Farm building:- It means a structure erected on the agricultural land for the purposes as mentioned below;

1. for residence of members of the family, servants or tenants of the holder,
2. for the storage of agricultural implements, manures or fodder,
3. for the storage of agricultural produce,
4. for sheltering cattle.
5. for any other purpose which is an integral part of his cultivating ;(ex crushing, sifting etc.

Farm building means the residence of a cultivator or his tenants and his barns and cattle-sheds etc. even if it is of a landlord for the purpose of supervising the cultivation of his land, water-lifts and granaries and that is inseperable from the cultivation or agricultural use.

## **XI LAND RELATED APPLICABLE LAWS**

Land Related applicable Laws are as:

1. Maharashtra Land Revenue Code 1966
2. Maharashtra Regional and Town Planning Act, 1966
3. Bombay Tenancy and Agricultural Lands Act, 1948 and Its Rules
4. The Bombay Prevention of Fragmentation and Consolidation of Holding Act, 1947
5. The Maharashtra Agricultural Lands (Ceiling On Holdings) Act, 1961
6. The Bombay Village Panchayat Act, 1958
7. The Bombay Provincial Municipal Corporations Act, 1949
8. Maharashtra Restoration of Lands to Schedule Tribes Act 1974
9. Maharashtra Restoration of Lands to Schedule Tribes Rules 1975
10. Maharashtra Project Affected Person Rehabilitation Act, 1989
11. Maharashtra Groundwater Regulation for Drinking Water Purposes Act, 1993
12. Maharashtra Groundwater (Regulation for Drinking Water Purposes Rules, 1975
13. The Mamlatdar Court Act, 1906
14. The Maharashtra Co-Op Society Act, 1960
15. The Land Acquisition Act, 1894
16. Transfer of Property Act, 1882
17. The Bombay Highway Act, 1955
18. The National Highway Act, 1956
19. Hindu Succession Act, 1956
20. Registration Act, 1908
21. Indian Forest Act 1927
22. The Environment Protection Act 1986
23. Maharashtra Gunthewari Developments (Regularisation, Upgradation and Control) Act 2001