

OVERVIEW OF MAHARASHTRA LAND REVENUE CODE, 1966 AND RULES AND ALLIED LAWS FOR BUILDERS AND DEVELOPERS

FOR WEBINAR DT. 23RD MAY, 2020 CONDUCTED BY MCHI-CREDAI

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Concept of Land Revenue

- Amir Khan's Movie *Lagaan* (Land Revenue) captures the importance of Land Revenue. *Sab Bhoomi Gopal Ki* is a popular phrase connoting ownership of all land in the King / Political Sovereign, which is an accepted principle in India, since Medieval historic times. The Cultivator is only an "Occupant" of the land, liable to pay land revenue levied and recovered for its use and occupation. We find principles of Land Revenue in *Manusmriti*, *Arthashastra* by Chanakya. In Maharashtra, *Malik Ambar*, *Wazeer of Nijamshah of Ahmednagar* established a system of Survey of land and assessment and recovery of land revenue based on percentage of average yield of lands.
- Prior to British Rule various Watans, Inams, Jagirs, Saranjams were given by the then Sovereign like Khoti Watans, Salsette Estates, Sardeshmukhi Inam, Patil Watan, Kulkarni Watan, Mahar / Ramoshi Watan, Balutedar Watan, Shilotri and Shetgi Watans, Bombay Rent Free Estates and Deosthan Inams etc. providing for total or partial exemption from liability to pay land revenue.
- The British continued this concept and along with collection of land revenue, provided for survey of land and maintaining land records.

The Bombay Land Revenue Code, 1879

The Land Revenue Rules, 1921 and their importance

- The Bombay Land Revenue Code, 1879 was a comprehensive enactment applicable in the then Bombay Province till its repeal and replacement by MLR Code, 1966 on 15th August, 1967. The Land Revenue Rules, 1921 are framed under the 1879 Code. For a Developer they continue to be relevant since Old records, sanads, City Survey Extracts / Property Register Cards, Tenures etc. have to be seen and understood therefrom.
- Forms H, HH, HH-1, I etc., which you come across for Collector /Government grants in Mumbai, Thane etc.; are provided in these Rules.
- **Note:** Imp terms like Survey No. 2(6), Boundary Mark 2(10), to hold land 2(11), Superior Holder 2(13), Occupant 2(16), Alienated 2(20) , Land Revenue were
- S. 53 ***Alienation Register*** (still relevant for Watan lands) provided for maintaining a register for alienated land which was a database for lands fully or partially exempted from land revenue.

- S. 133 of BLRC, 1879 provided for grant of Sanad for building site. In villages and towns such Sanad which contain the particulars of the property, plan and description relating to conditions of holding are provided. In Mumbai City and in Gaothan Areas of Suburbs, you will get such Sanads; which are accepted as documents of title as against Government. In a private dispute before Civil Court, the title will have to be independently established.
- Chapter X-A granted a statutory recognition to the record of right and reporting of acquisition of such right, resulting in a mutation entry / ferfar; maintaining register of mutations / ferfar and register of disputed cases, enquiry by Circle Officer, Appeals, Revisions etc.
- Francis G. Anderson compiled the entire information relating to Land Revenue, Surveys etc. in his book *Manual of Revenue Accounts of Villages, Talukas and Districts of the Bombay Presidency* extensively covers the concepts of mutation entries, various village forms like Form No. 6, 7, 7A, 12 etc. which we will discuss.

MAHARASHTRA LAND REVENUE CODE, 1966

COMMENCED ON 15.8.1967

Hierarchy of Revenue Officers with Marathi Names (See S. 5 to 7 and 11) Ascending Order

MARATHI

Talathi / Patwari / Kulkarni
Kotwal
Mandal Adhikari
Mamlatdar / Tahasildar
Naib Tahasildar

ENGLISH

Talathi
Village Officer
Circle Officer
Tahasildar
Naib Tahasildar

Following Three Officers are of Equal Rank

Prant / Prant Officer
Sahayyak Zilla Adhikari
Upa Zilla Adhikari

Sub Divisional Officer
Assistant Collector
Deputy Collector

Atirikta Zilla Adhikari
Zilla Adhikari
Sahayyak Mahasul Auykta
Atirikta Vibhagiya Aukta
Vibhagiya Auykta

Additional District Collector
District Collector
Assistant Divisional Commissioner
Additional Divisional Commissioner
Divisional Commissioner-Revenue Division

Hierarchy of Survey Officers with Marathi Names (See S. 8 and 11) Ascending Order

MARATHI

Nagar Bhumapan Adhikari

ENGLISH

City Survey Officer/ Survey Tahasildar

Next Four officers of Equal Rank

Zilla Nirikshak Bhumi Abhilekh

District Inspector of Land Records [DILR]

Zilla Adhikshak Bhumi Abhilekh

District Superintendant of Land Records [DSLRL/SLR]

Jamabandi Adhikari

Settlement Officer

Ekatrikaran Adhikari (Under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947)

Consolidation Officer

Upa Sanchalak Bhumi Adhilekh

Deputy Director of Land Records

Jamabandi Ayukta /

Settlement Commissioner /

Sanchalak Bhumi Adhilekh

Director of Land Records

Note 1 The State Government in its Revenue Department is the supreme authority exercising overall power of superintendence and control over all the Revenue and Survey Officers. That's why the *Mahasul Mantri – Revenue Minister and Mahasul Sachiv – Secretary Revenue Department* are posts which are most coveted.

Note 2 S. 247 provides for appeals and S. 257 provides for Revision Applications and have to be read with Schedule E of the Code. So the subordination of the Revenue and Survey Officers for those purposes is provided in Schedule E.

DIVISION OF STATE IN REVENUE AREAS [See S. 3 and 4] AND THEIR COMPOSITION AND OFFICERS IN CHARGE OF THE REVENUE AREAS

Vibhag /Division	One or More Zillas / Districts (including the City of Bombay District)	Vibhagiya Ayukta / Divisional Commissioner
Zilla / District (including City of Bombay District)	One or more Prant /Sub Divisions	Zilla Adhikari / District Collector
Prant / Sub Division	One or more Talukas	Prant Adhikari / Sub Divisional Officer (Rank Deputy or Assistant Collector)
Taluka	Villages	Tahasildar
Mandal / Circle	Some Villages in Taluka	Mandal Adhikari / Circle Officer
Saja / Saza	Some villages in Circle	Talathi Saza / Saja
Gaon / Village	Local Area of Wadis/ wastis and Gaothan	Talathi

IMPORTANT DEFINITIONS

- S. 2 [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.
- S2 [12] **to hold land** or to be a land Holder or holder of land means to be lawfully in possession of land, whether such position is actual or not
- **Note** Hence an encroacher or trespasser is not a holder of land whereas an occupant or owner who may not be in physical possession of land is still a holder.
- S2 [14] **Improvement** in relation to be holding, means any work which adds material to the value of the holding which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the holding is either executed directly for its benefit or is, after execution, made directly beneficial to it; and subject to the foregoing provisions includes:
 - construction of tanks, Embankments, water storage, drains, protection from flood, reclaiming land, levelling and terracing land, direction of buildings on or in vicinity for convenient and profitable use etc.
- **Note** Relevant for *Anarjit Utpanna* or *unearned Income* since while payment of Nazrana or premium to the government, from the value of the land, the cost of improvements made by the Grantee or holder have to be deducted and then Nazrana or premium has to be calculated on the reduced value.

S 2 [15] **Joint Holders Or Joint Occupants** means holders or occupants who hold land as co-sharers, whether as Co-sharers in a family according to Hindu law or otherwise; and whose shares are not yet divided by metes and bounds; and where land is held by joint holders or joint occupants, holder or occupants as the case may be, means all the joint holders or joint occupants.

Note:- Entries of HUF Manager or EKUMYA, Entry of name of only the eldest son or the widow, no entries made of the names of daughters of the Deceased or the widows of a predeceased son etc.; are to be taken care of. Hence it is hazardous to purchase or get DA based on 7/12 or PR Card and going to the root of the title by Search etc., including finding out the Heirship Registers is crucial.

S 2 [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.

S 12 [19] **Land Revenue** means all sums and payments, in money received or illegally 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 some 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, Judy payable by and Inamdar or any other payment provided under any act, rule, contract or deed on account of any land.

S 2 [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;

S2 [23] **Occupant** means a holder in actual position of any alienate it land, other than a tenant or government lazy, provided that, where a holder in actual position is the tenant, the land holder or the superior landlord, as the case maybe, shall be deemed to be the occupant

- S2 [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 or scheme of consolidation of holding which has come into force in any area under any law and; (ii)Nagpur.....
- S 2 [35] **Subdivision Of A Survey Number** means a portion of a survey number of which the area and assessment or separately entered in the land records under an indicative Number subordinate to that of the survey number of which it is a portion
- **Note 1**– Thus apart or his son number of a survey number must have a separate land revenue assessment, to make it developable separately.
- **Note 2:-** The term fragment that is Tukada is important and defined in the Bombay prevention of fragmentation and consolidation of holdings act, 1947 which provides for consolidation schemes and after such a scheme is implemented, the lands are marked as good numbers instead of survey number

S2 [38] **Superior Holder** except in chapter 14 means a land holder entitled to receive rent or land revenue from the 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 –
proviso...(Not Reproduced)

Note the name of Superior holder is recorded in a 712 extract above line whereas that of inferior holder is recorded below the line. Hence, to get a valid title to the land, one must acquire the title of the superior and inferior holder or title of the inferior holder and the consent of superior holder for development and sale of tenements, which would of course be a matter of commercial contract

S2 [40] **Tenant** means a Lessee, whether holding under an instrument, or under an oral agreement, and includes A mortgagee of tenants rights with position but does not include LC directly holding under the state government

For terms not defined in the Code refer to the Bombay General Clauses Act, 1904

REVENUE RECORDS, FERFAR, 7/12
EXTRACTS AND RULES UNDER
MLRC

Important Village Forms

- Revenue Records are the various records and registers to be maintained by Revenue Officers
- S. 148 Record of Rights:- A record of rights shall be maintained in every village and such record shall include the names of all persons who are holders, occupants, owners or mortgagees of land or assignees of the rent or revenue of lands. Names of all Government Lessees or tenants, Nature and extent of their respective interests, conditions and liabilities attached to land. Rent and revenue payable by or to such persons etc.
- S. 148-A Provision for storage in Electronic-Digital form. This is the source of computerized Revenue Records.

- S. 149 Obligation of any person acquiring rights as succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease, Government Lessee etc. to report such right to Talathi under the Rules within 3 months.
- S. 150 Register of Mutations and Disputed Cases provides that Talathi will enter in Register of Mutations (*Ferfar Patrak*) every report made u/s 149, paste a copy and issue notices to persons interested. This is called a Pencil or Draft entry.
- S. 154 Registrar's obligation to intimate transfers by registered instruments at the end of every month in prescribed format to the Tahasildar, who shall make Mutation entries and make entries in 7/12.

- The MLR Record Of Rights And Registers Preparation And Maintenance Rules, 1971 prescribe the procedure for making entries, hearing of disputed cases by the Circle Officer and various forms.
- Forms I and XIV are important. This gives a statutory recognition to 7/12 extract. Form XIII is the Register of Crops and XIV is the Register showing persons in possession other than persons deemed to be in possession.
- *In villages encroachers file this form and a chain of litigation under the MLRC and Civil Courts starts.*



महाराष्ट्र जमीन महसूल नियमपुस्तिका

ठेवता येतील. या लेखांचे सर्वाधिक महत्व लक्षात घेता, पुनरावृत्तीचा दोष पत्करून या खंडाचा विस्तार वाढत आहे याकडे दुर्लक्ष करून, कायद्यातील पुष्कळसे महत्वाचे उपबंध व त्याखालील नियम आणि स्थायी आदेश यांचा खालील सुचनांमध्ये निर्देश केला आहे. तथापि, ते परिपूर्ण आहेत असे समजू नये. याविषयवरील सर्विस्तर सुचनांसाठी याप्रकरणात समाविष्ट केलेल्या सुचनांच्या अधिक खुलाशासाठी खंड दोन पहावा.

सर्व दुय्यम नोंदवह्या गाव नमुना सहाला पुरक असून त्या अचूकपणे ठेवणे नितांत आवश्यक आहे.

गाव नमुना सहा फेरफारांची नोंदवह्या (फेरफार पत्रक) [महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम, 1971 यातील नियम 1971 नियम 10] गाव : हमदाबाज, तालुका : सातारा जिल्हा : सातारा			
नोंदीचा अनुक्र मांक	संपादन केलेल्या अधिकाराचे स्वरूप	परिणाम झालेले भूमापन व उपविभाग क्रमांक	चाचणी अधिकाऱ्यांच्या अद्याक्षरी किंवा शेरा
(1)	(2)	(3)	(4)
150	फेरफाराचा दिनांक 1-11-1968ए व माहिती मिळाल्याचा दिनांक 3-10-1968	खाते क्र. 104 138, 128, 72, 75-ब, 12, 134 (सहा फक्त)	नोंदणीकृत विलेखावरून पडताळून पाहिले.
			(सही) मंडल निरीक्षक. गहाणदार हजर होता त्याने फेरफार कबूल केला आहे.
			(सही) उप-विभागीय अधिकारी, सातारा.

गाव नमुना सहा - चालू			
(1)	(2)	(3)	(4)
	<p>ताबे गहाणदार :-</p> <p>खतेदार- सखाराम पुंडलिक सांळुखे यांनी सातारा डिस्ट्रिक्ट को-ऑपरेटिव्ह लॅंड डेव्हलपमेंट बँक लि. साताराकडे दिनांक 27-5-68 रोजी गहाण ठेवली. नोंदणी क्र. 762, रुपये 8,000 साठी.</p>		
	<p>हितसंबंधितांना फेरफाराची सूचना दिल्याचा दिनांक 2-11-1968</p>	<p>फेरफार सूचना फलकावर प्रसिध्द केल्याचा दिनांक 1-11-1968</p>	
	नोंद प्रमाणित करावयाच्या दिनांकाची सूचना दिली दि.2-11-1968		
	<p>सही.....</p> <p>तलाठी</p>		



गाव नमुना सहा- चालू					
(1)	(2)		(3)		(4)
151	फेरफाराचा दिनांक 1-11-1968, पट्टा.	माहिती मिळाल्याचा दिनांक 3-10-1968.	खाते क्र. 110	138, 128, 72, 75-ब, 12, 134 (सहा फक्त)	पट्टाविलेखावरून पडताळून पाहिले.
	भाडेपट्टा देणार :- सातारा डिस्ट्रिक्ट को-ऑपरेटिव्ह लँड डेव्हलपमेंट बँक लि. सातारा				(सही) मंडल निरीक्षक.
	पट्टेदार :- सखाराम पुंडलिक सांळुखे भाडे रू. 1,260-32 प्रतिवर्षास.				मंजूर केली.
	काल :- वर्षे- 10, महिने -10, दिवस -5. नोंदणी क्र. 763/27-5-1968.				(सही) उप-विभागीय अधिकारी, सातारा.
	हितसंबंधितांना फेरफार दिल्याचा दिनांक 1-11-1968.	सूचना फलकावर प्रसिध्द केल्याचा दिनांक 1-11-1968.			
	नोंद प्रमाणित करावयाच्या दिनांकाची सूचना दिली.				(सही,) तलाठी.



गाव नमुना सहा-चालू					
(1)	(2)		(3)		(4)
154	फेरफाराची दिनांक 13-3-1969	माहिती मिळाल्याचा दिनांक 12-3-1959.	खाते क्र. ..	42, 43 (दोन फक्त)	सूचना : तगाई मंजूर केल्याची अगर तिच्या परत फेडीबद्दलचा नोंदी या पत्रकामध्ये नमूद करावयाच्या नाहीत तर त्या सरळ गाव नमुना 7 च्या इतर हक्कांच्या स्तंभामध्ये दाखल करावयाचे आहेत कारण ह्या नोंदी रीतसर प्रमाणित करावयाच्या आहेत.
	खातेदार , गणपती बाबूराव सांळूखे यांनी ता. 30-3-1960 च्या तगाई कर्जाची रू. 300 परत फेड ता. 12-3-1969 रोजी केली. (फेरफार नोंदणी क्र. 680 पहा)				(सही) मंडल निरीक्षक.
	हितसंबंधितांना फेरफाराची सूचना दिल्याचा दिनांक		सूचना : फेरफार क्र. 698 आणि हे फेरफार अनावश्यक होते. तगाई संबंधी नोंदी पूर्णरीतीने करण्याची जरूरी नाही.		
			(सही) तलाठी		(सही) अधिक्षक, भूमि अभिलेख.





महाराष्ट्र जमीन महसूल नियमपुस्तिका

गाव नमुना सहा-चालू					
(1)	(2)			(3)	(4)
157	फेरफाराची दिनांक 11-7-1969.	माहिती मिळाल्याचा दिनांक 4-7-1969	खाते क्र. 100	एकत्रीकरण गट नं. 191	एकत्रीकरण अधिनियमाच्या विरुद्ध व्यवहार झाला आहे. आणि म्हणून
	विक्री :- (१) खातेदार, शांताबाई खंडू कदम. (२) ताराबाई रामचंद्र शिंदे. (३) लिलाबाई धर्माजी शिंदे यांनी त्यांचा तीन आणे आणि नऊ पै. एवढा अविभाज्य हिस्सा बळीराम परबती ठोणे यास रूपये 1200 ला तारीख 2-5-1969 ला विक्री केला आहे. नोंदीचा क्र. 3782.				प्रमाणित केले. मंडळ निरीक्षक. 7-9-1969.
		फेरफार सूचना फलकावर प्रसिध्द		फेरफार सूचना फलकावर प्रसिध्द केल्याची तारीख 11-7-1969.	
		(सही) तलाठी		(सही) तलाठी	

7/12 Extract

अहवाल दिनांक : 23/05/2020

गाव नमुना सात
अधिकार अभिलेख पत्रक
[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम, १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- कारंबा तालुका :- उत्तर सोलापूर जिल्हा :- सोलापूर
भुमापन क्रमांक व उपविभाग : 112/2

भुमापन क्रमांक व उपविभाग 112/2		भू-धारणा पध्दती भोगवटादार वर्ग -1		भोगवटादाराचे नांव		
शेताचे स्थानिक नांव :-		क्षेत्र	आकार	पो.ख.	फे.फा	खाते क्रमांक
क्षेत्र एकक	हे.आर.चौ.मी	श्रीकृष्ण एकनाथ गोडबोले जयंत श्रीकृष्ण गोडबोले गिरिश श्रीकृष्ण गोडबोले -----सामाईक क्षेत्र----- संजय सचिन कणेकर सतीष शरद उपासनी -----सामाईक क्षेत्र-----	4.45.00	5.65	(3174)	118, 1243 कुळाचे नाव इतर अधिकार
जिरायत	4.65.00				(3174)	
बागायत	-				(3174)	
तरी	-					
वरकस	-					
इतर	-				(3174)	
एकुण क्षेत्र	4.65.00				(3174)	
पोट-खराब (लागवडीस अयोग्य)	-					
वर्ग (अ)	-					
वर्ग (ब)	-					
एकुण पो ख	0.00.00	0.20.00	0.25			
आकारणी	5.90					
जुडी किंवा विशेष आकारणी	-					
जुने फेरफार क्र. (315)						सीमा आणि भुमापन चिन्हे :

सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेशीर बाबींसाठी वापरता येणार नाही.

Form I
(See Rules 3, 5, 6 and 7)

Record of Rights

Village Taluka Satara

Survey No.	Sub-division of Survey number	Tenure	Name of occupant	Khata No.	
191	Local Name of the field	Occupant-class I		127	
				Name of the tenant	Rent Rs. P.
	Cultivable area	Hectres	Areas		
		1	29		
	Total				
		2	29		
	Pot Kharab				
	(un-cultivable).				
	Class (a)			
	Class (b)			
	Total			
		Rs. Ps.....			
	Assessment				
	Judi or special assessment.	Boundary and Survey marks.			

Village Forms-Marathi PDF

- Form I-A Register of Forest Lands Share Page 152
- Form I-C Register of Class II and Village Panchayat Lands Share Page 156
- Form I-D Register of Lands granted under Tenancy Laws Class II grants and Surplus Lands under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961. *page 157*
- Form 1E Encroached Lands share Page 158
- Form VI Mutation Register share Page 205
- Form VI-A Register of Heirship Share Page 241
- Form VI-D Register of New Pot Hissas share Page 242
- Form VII-12 Registrar of Occupancies and Cultivation share Page 245
- Form VII-A Register of Tenancies and Other Rights share Page 261
- Form VII-B Register of persons other than occupants in possession share Page 263
- Form VIII-A Register of Occupancies (Khat Utara) share Page 265
- KIND OF TENURES USED IN MUMBAI AND WESTERN MAHARASHTRA LIKE
- A- Revenue Free, **(Share PDF file)**

- Legal Status of Mutations / Ferfar and Revenue Entries
- S. 157 gives a rebuttable presumption as to correctness of entries in Record of rights and register of mutations. However, it can be disproved by evidence in a Civil Suit.
- Mutation Entries neither confer nor extinguish title. They are not conclusive but are evidence of the facts recorded therein and relevant under the Evidence Act. They raise a rebuttable presumption (See S. 157) and cannot be elevated to the status of a title document. They are made for fiscal purposes (to impose primary liability to pay land revenue on the holder including occupant) to pay land revenue. See Jatturam C Hakamsingh 1993 (5) SC 423; Gangabai v Fakir Gouda AIR 1930 PC 93 = 32 BLR 368; Nagesharbaksh v Ganesha AIR 1920 PC 46 = 22 BLR 596.

Of Land Titles, Powers of Collector

- Chapter III (Ss 20 – 63). This Chapter is the core of the Code containing important provisions regarding inquiry and determination of title of State in all lands
- (S. 20) Contains a statutory declaration of all public roads, lanes, bed of the sea, harbours, rivers and creeks etc. vesting in the State except the property of person legally capable of holding property.
- S. 20(2) Empowers Collector or a Survey Officer to Determine claims (old S.37 of BLRC 1879), and to decide the right / claim in / over any property by or against the Government.
- Thus, if a Sanad U/S. 133 of BLR Code, 1879 is issued for the revenue record (VF No. 7) indicate occupancy rights of an individual, that would be sufficient proof of title against the Government.
- See *Savatram Dairy Products v Akola Municipal Corporation* 2008 (2) BCR 61 = 2008(1) MhLJ 636 holding that 7/12 extract, being a combination of record of right and crop statement, is a statutory document creating a rebuttable presumption of title.

Tribal Occupancy

- S. 36 (1) makes the occupancy, subject to S. 72 and to any conditions lawfully annexed to the tenure, *and save as otherwise provided by law*, be deemed a heritable and transferable property.
- S. 36 (2) carves out an exception that occupancies of S. T. [Tribal] lands which cannot be transferred without permission of Collector, to be granted subject to prior approval of State Government.
- S. 36 (3) empowers a Tribal Transferor, who has transferred land without such permission, to apply to Collector, within 30 years from 6th July, 2004 (2034) to apply for restoration.
- S. 36A Imposes restrictions on transfers of Occupancies by Tribals by way of Sale including sales in execution of decree of civil court or award or order or gift or exchange or mortgage except on application of non tribal and with previous sanctions of Collector or State Government.

The relevant enactments in this regard are,

MLR Restoration Of Occupancy Of Tribals Rules, 1969

The MLR Transfer Of Occupancy By Tribals To Non-tribals Rules, 1975

The Maharashtra Restoration Of Lands To Scheduled Tribes Act, 1974

The Maharashtra Caste Scrutiny Committee Act

Also see the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes [Vimukta Jatis], Nomadic Tribes, Other Backward Classes and Special Backward Category [Regulation of Issuance and Verification of] Caste Certificate Act, 2000 under which Scrutiny Committees are established. So if a Non Tribal makes a claim you will be well advised to complain to such committee.

Salt Pan Lands / Khar Lands

There are Salt Pan lands in Palghar, Thane, Mumbai Suburban, Raigad, Ratnagiri and Sindhudurg Districts for a detailed discussion regarding the legislative history and demarcation of legislative powers of Federal Government and Provincial Government under the Government of India Act, 1935 and the post-Constitution Legislative powers is done in the case of Union of India v/s. M/s. Mundra Salt and Chemical Industries (2001) 1 SCC 222 = 2001 SC 203. It was held that Constitutional provisions confer title to the lands on the State Government and not the Union.

The Maharashtra Khar Lands Development Act, 1979 and the 1981 Rules framed thereunder will have to be considered before undertaking development of Salt Pan Lands.

Gairan Lands / Grazing Lands

- S. 22A - Restriction / prohibition / diversion on use of Gairan lands - introduced w.e.f. 26.04.2017 prohibits diversion of use of gairan lands for pasturizing of village cattle. This amendment was brought in on account of judgment of the Supreme Court in Jagpal Singh & others v/s. the State of Punjab reported in (2011) 11 SCC 396.

Classes Of Persons Holding Land

Section 29

- **Occupants – Class I**

Persons who hold unalienated land in perpetuity and without any restrictions on the right to transfer.

Thus persons holding Unalienated Lands with Juni Sharta / old Tenure are Class 1 occupants

Occupants – Class II

Persons who hold unalienated land in perpetuity subject to restrictions on the right to transfer. These include Government Grants requiring Prior permission for transfers from Collector or Government etc.

- **Government lessees-** Holding Lease from Govt.

Conversion of Occupancy of Class II to Class I

S. 29-A Provides for conversion of Occupancy of certain Government Lands from Class II and Government Leased Lands to Occupancy Class I, subject to the Rules made by Govt.

Exceptions:- Various Watan Abolition Acts, Tenancy Laws Agricultural Lands Ceiling Act etc. In these cases, conversion isn't permissible.

The Maharashtra Land Revenue Conversion Of Occupancy Class –II and Leasehold Lands into Occupancy Class I Lands Rules, 2019

GR dated 3 August 2019 For clarification regarding lands granted in HH form agreement under the 1921 rules

- GR dated 18 February 2019 for permitting use of lands granted for industrial purpose for other purposes
-
- GR dated 11 January 2018 in respect of policy for use, change of use or transfer of lands acquired under Chapter 7 of the Land Acquisition Act, 1894 and allotted to various companies by executing Agreements.

Sections 42 A, 44, 44 A

- By an amendment of 2016 Section 42 A was added providing that power to grant conversion for NA use is conferred on the planning authority viz. the Municipal Council/ Corporation.
- S. 42B Made provisions for conversion of land and use of lands included in Final DP Area
- S. 42C Provisions of conversion of lands included in Draft RPs
- S. 42D Provisions for conversion of lands used for Residential purpose

- S. 43 imposes restrictions on use
- Sec 44 deals with procedure for conversion from agricultural user to NA user for residential or commercial or industrial purpose.
- Sec 44 A provides for bonafide NA user.

- The Maharashtra Land Revenue Restriction On Use Of Lands Rules, 1968
- The MLR (Conversion Of Use Of Land And Non-Agricultural Assessment Rules), 1969

Functions of Revenue & Survey Officers

1. Survey Of Land After Determining Boundaries
 - Chapter IX – Boundary & Boundary Marks
 - Chapter V - Revenue Surveys
2. Creation & Maintenance Of Land Records
 - Chapter X – Land Records
3. Assessment, Levy And Collection Of Land Revenue
 - Chapter IV – Of Land Revenue
 - Chapter VI – Assessment & Settlement of Land Revenue of Agricultural Lands
 - Chapter VII - Assessment & Settlement of Land Revenue of Lands used for Non-Agricultural Purposes
 - Chapter XI – Realisation of Land Revenue & other Revenue Demands

Section 48 Govt. Title to Mines & Minerals

S. 48 (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, nallas, creeks, river-beds or such other places wherever situate, the right to which vests in, and has not been assigned by state Govt. 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 to pay penalty not exceeding a sum determined, at three times the market value of the minerals so extracted, removed, collected, replaced, picked up or disposed of as case may be:

- Provided that if the sum so determined is less than 1000 Rs. The penalty may be such larger sum not exceeding 1000 Rs. as the collector may impose.

Rights of state government in minor minerals.

- The Maharashtra Abolition Of Subsisting Proprietary Rights To Mines And Minerals In Certain Lands Act, 1985 and the legal position of Watandars, Inamdars, Estate Holders, Khots etc. prior to the enactment of the said act
- Section 48 and its effects. Care to be taken by developers before commencing development and during the course of development.
- The Bombay Minor Mineral Extraction Rules, 1955.
- The Maharashtra Minor Mineral [Extraction and Development And Regulation] Rules, 2013
- The Maharashtra [Mineral Prevention Of Illegal Mining, Transportation And Storage] Rules, 2001
- The MLR Extraction And Removal Of Minor Minerals Rules, 1968

Chapter XIII

Appeals, Revision & Review

SECTION 247

(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.

Section 248 – Appeal when to lie to State Govt.

- An appeal shall lie to the State Govt from any decision or order passed by a commissioner or by a settlement commissioner or by a director of land records, or by deputy of land records invested with powers of director of land records except in 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.

SECTION 249

(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.

Section 252

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. Sec 256 (1) (2nd proviso).

By an amendment 2016 Sec 256 was amended and provision was made that where an appeal/ revision is filed against an order where there is demand of revenue or penalty, a condition of pre deposit of 25% was made which can be waived in special circumstances.

Section 257 – Power of revision of superior revenue or survey officers.

2nd revision is held to be maintainable as against bar of 2nd revision u/s 154 of M.C.S. Act.

Section 258 – Power of review.

Most imp principle about revenue entries is that they are made only for fiscal purposes i.e. only to determine who is primarily responsible to Govt. to pay revenue. Revenue entries do not decide title, which can be decided only by Civil Court. The revenue authorities can't decide title.

- **Farmhouses**, concept of Farmhouse section 42, the MLR [Farm Building Erection, Renewal, Reconstruction, Alterations, Additions Rules], 1989

Watans and Inams

- Relevant provisions like types of such grants, their abolition and various abolition acts.
- Regrant on old or New tenure, conversion of lands from new to old tenure, payment of premiums for such conversions, Non-applicability of section 37 – A and 29 – A to such lands, care to be taken while getting development permissions for such lands
- Deosthan Inams not yet abolished – Prohibition on transfer
No definite policy as yet- certain orders based on the 1908 and 1913 GRs of the then Bombay Presidency Govt., recorded in Joglekar Land Revenue Manual.

THANK YOU

Questions if Any