

In exercise of the powers conferred upon it by clauses (xvi), (xvii), (xviii), (xxiv), (xxv), (xxxviii), (xxxix) and (lxiii) of sub-section (2) of section 328, with sections 44, 45, 47, 67, 68, 69, 108, 113, 114, 115 and 117 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and in supersession of all previous rules made in this behalf and continued in force by virtue of the third proviso to section 336 of the said Code, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 329 of the Code, namely: -

1. Short title:- These rules may be called the **Maharashtra Land Revenue (Conversion of Use of Land and Non-Agricultural Assessment) Rules, 1969.**

2. Definitions:- In these rules, unless the context requires otherwise-

(a) "Code" means the Maharashtra Land Revenue Code, 1966;

¹"(aa) "Conversion Tax" means the additional land revenue leviable under section 47-A of the Code"]

(b) "Section" means a section of the Code;

(c) "Planning Authority" means a Planning Authority as defined in the Maharashtra Regional and Town Planning Act, 1966.

Footnote:

1. Inserted by G.N. dated 15-12-1987.

3. Form of application for permission to convert use of land:- Every application for permission for conversion of use of land from one purpose to another as provided in section 44 shall be made in the form in Schedule I to the Collector. Where different portions of land included in the same survey number are to be converted for use for different non-agricultural purposes, the same should be clearly and separately shown in the form.

4. Conditions on which permission may be granted:- (1) 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 may be granted by the Collector after consulting the Planning Authority and such other authority as the State Government may, from time to time, direct subject to the provisions of any law for the time being in force and to the following among other conditions, he is to say-

(a) the grant of permission shall be subject to the provisions of the Code and Rules made thereunder;

(b) the land shall not be used for a purpose other than that for which permission is granted;

- (c) the applicant shall commence the non-agricultural use applied for within one year from the date of the order made by the Collector in that behalf; failing which, unless the said period is extended by the Collector from time to time, the permission granted shall be deemed to have lapsed;
- (d) the applicant shall be liable to pay such altered assessment as may be determined with reference to the altered use under section 110, or as the case may be, section 114;

¹"(dd) where the land is situated in any of the areas referred to in section 47A and to which the provisions of the said section 47A apply, the applicant shall be liable to pay the amount of conversion tax leviable under the said section 47A within thirty days from the grant of permission for conversion";

- (e) where permission is granted for the construction of a structure to be used for any non-agricultural purpose each structure shall, if it is within the jurisdiction of a Planning Authority, be constructed in accordance with the plan approved by the Planning Authority in that behalf, and in areas in which the provisions of Chapter III of the Bombay Highways Act, 1955, are not in force, be subject to the provisions of Schedule II; and if it is situated outside such jurisdiction, be constructed in accordance with the plans approved by the village Panchayat, and be subject to such provisions of Schedules II and III, as the Collector may determine in each case, regard being had to the sanctioned use of the land;

"and the provisions of the development scheme or Zone Plan prepared in pursuance of the orders of the State Government and approved by the Collector or the Master Plan prepared for the purpose of clause (h) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 a due notice of which is given in the Official Gazette and in the local newspaper having wide circulation in that area.

Explanation:- For the purposes of this clause, the expression development scheme or Zone Plan or Master Plan prepared for the purpose of clause (h) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976, shall mean and include a plan indicating the board outline as to how the lands are proposed to be used";

- (f) any other reasonable conditions which the Collector may deem fit to impose regard being had to the sanctioned use of the land:

Provided that, in hill stations and such other localities as the State Government may specify in his behalf, where there is no Regional Plan, Development Plan or Town Planning Scheme, such permission may be granted on such conditions as are and the observance of Municipal or sanitary regulations, in addition to the conditions aforesaid so far as they are applicable.

- (2) Such conditions shall be embodied in the sanad.

Footnote:

1. Added by G.N. dated 15-12-1987.

5. Conditions where permission is deemed to have been granted:- In cases where permission for change of use of land is deemed to have been granted under sub-section (3) of section 44, such permission shall be subject to the conditions provided in rule 4.

6. Penalty for failure to intimate commencement of non-agricultural use:- Subject to the maximum amount of penalty of Rs. 500 prescribed by sub-section (5) of section 44, the penalty for failure to inform the date on which the change of user of land commenced as required by sub-section (4) of that section shall, if the land is used for a residential purpose, be such amount as is not less than an amount equal to two times the non-agricultural assessment of the land for the period of default; and if the land is used for any other non-agricultural purpose be such amount as is not less than three times the non-agricultural assessment for the period aforesaid, as the Collector may in each case deem fit to impose.

7. Grant of sanad:- Where land is permitted to be used for non-agricultural purpose, then subject to the provisions of any law for the time being in force 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.

8. Penalties for unauthorised non-agricultural use:- If any land is used unauthorisedly in contravention of the provisions of section 44, ¹* * * * * it shall be lawful for the Collector to require the holder thereof or any person claiming through or under him to stop such unauthorised use, pay the non-agricultural assessment on the land with reference to the altered use for the entire period of such unauthorised use, and such fine not more than ²[forty] times the non-agricultural assessment on the land leviable with reference to the unauthorised altered use under the provisions of the Code, as he may fix.

9. Regularisation of unauthorised use:- Where any land is used unauthorisedly in contravention of the provisions of section 44, and the Collector is satisfied that had the holder applied for necessary permission under that section his application would not have ordinarily been rejected on any of the grounds specified in clause (c) of sub-section (2) of section 44, the Collector may, if the holder so desires, and in areas falling within the jurisdiction of a Planning Authority after consulting such Planning Authority, instead of taking action under rule 8, regularise such unauthorised non-agricultural use, subject to the following terms and conditions, namely: -

³[(i) that the holder shall pay the amount of conversion tax leviable under section 47A within thirty days from the date of regularisation of unauthorised non-agricultural use and shall pay non-agricultural assessment on the land with reference to the altered use since the commencement of that use. If it is not already paid under rule 8"];]

(ii) that the holder shall pay such fine not exceeding forty times the nonagricultural assessment on the land with reference to the altered use, as the Collector may fix ⁴[if it is not already paid under rule 8];

(iii) that the holder shall abide by the conditions specified in rule 4 so far as they are applicable, and such other conditions as the Collector may deem fit to impose.

10. Continuance of offending unauthorised constructions:- Where the unauthorised non-agricultural use cannot be regularised under rule 9, and the Collector is satisfied that the demolition of the offending unauthorised construction is likely to cause heavy damage and serious inconvenience and hardship, he may, if the holder so desires, and in areas falling within the jurisdiction of a Planning Authority, after consulting such Planning Authority, allow such construction to stand, with the sanction of the State Government, subject to conditions (i) and (iii) in preceding rule; and the additional conditions-

(a) that the holder shall pay a composition fee not less than fifty per cent, of the cost incurred on the offending unauthorised construction or forty times the non-agricultural assessment payable on the land with reference to the altered use, whichever is greater ⁵[and];

(b) that the holder shall agree in writing to demolish the offending unauthorised construction without claiming compensation if after reasonable period thereafter, he is asked to do so by the Collector, in the public interest, failing which the Collector shall do so at the holder's risk and cost:

⁶[Provided that, if the Collector having regard to the pecuniary condition of the holder is of opinion that undue hardship will be caused to the holder by the recovery of the amount of composition fee laid down in condition (a), and that the offending unauthorised construction was not constructed by the holder with the knowledge that it was unauthorised, the Collector may, with the sanction of the State Government, reduce the amount of composition fee payable by the holder under condition (a) to such extent as he may think fit];

⁷[**Explanation:-** For the purposes of rules 8, 9 and 10 of these rules, the expression "forty times the non-agricultural assessment on the land" means forty times the non-agricultural assessment, only on that area of the land which is under unauthorised non-agricultural user];

Footnotes:

1. Deleted by G.N. dated 3-10-1972.
2. Subs, by G.N. dated 3-10-1972.
3. Added by G.N. dated 15-12-1987.
4. Added by G.N. dated 3-10-1972.
5. Added by G.N. dated 16-6-1973.

6. Substituted by G.N. dated 15-12-1987.

7. Added by G.N. dated 15-12-1987.

11. On regulation sanad to be granted:- When any unauthorised non-agricultural use is permitted to be continued under rule 9 or 10, a sanad in the form in Schedule VI shall be granted to the holder.

12. Non-agricultural Assessment:- Where land assessed to agriculture is used for non-agricultural purpose or vice versa or being assessed to one non-agricultural purpose is used for another non-agricultural purpose, the assessment fixed upon the land so used shall be altered under sub-section (2) of section 67 of the Code, and such alteration shall be made by the Collector in accordance with the provisions of the Code and these rules.

13. Capitalised assessment:- For purposes of Chapter VII of the Code, the term "Capitalised Assessment" means an amount equal to sixteen times the assessment on the land for the time being in force.

14. Maintenance of statistics of sales, etc:- The Collector shall maintain a record of all registered sales and leases, and of awards under the Land Acquisition Act, 1894, of non-agricultural lands in different blocks in an urban area in the forms in Schedules VII, VIII and IX, respectively.

15. Full market value how determined:- (1) The full market value of non-agricultural lands in an urban area in a block shall be estimated on the basis of sales, leases and awards under the Land Acquisition Act, 1894, which have taken place or declared, as the case may be, in that block during the period of five years immediately preceding the year in which the standard rate of non-agricultural assessment of lands in that block is to be fixed in accordance with the following principles that is to say:-

- (a) in the case of a sale of an open plot not assessed to land revenue, the amount of sale price thereof, shall be the full market value thereof;
- (b) in the case of a sale of an open plot assessed to land revenue, the amount equal to the sale price and sixteen times the assessment shall be the full market value;
- (c) in the case of a sale of a plot with superstructure, where such plot is not assessed to land revenue or rent, an amount equal to the difference between the amount of the sale price thereof and amount of the market value of only superstructure on the date of the sale shall be the full market value;
- (d) in the case of sale of a plot with a superstructure where such plot is assessed to land revenue, an amount equal to the difference between the amount of the sale price thereof and amount of the assessment multiplied by sixteen on

the one hand and amount of the market value of the superstructure on the date of the sale on the other shall be the full market value;

- (e) in the case of a long-term lease or assignment of a long-term lease of an open plot for a premium with a reservation of ground rent, and amount equal to the premium and sixteen times the ground rent reserved shall be the full market value;
- (f) in the case of a term lease or assignment of a long-term lease of an open plot without payment of premium, an amount, equal to sixteen times the amount of rent reserved shall be the full market value;
- (g) in the case of a long-term lease or assignment of a long-term lease without payment of premium of a plot with superstructure, where rent is reserved an amount equal to sixteen times the difference between the amount of the annual rent reserved and the amount of the annual letting value of the superstructure on the date of the lease shall be the full market value;
- (h) in the case of transfer of a leasehold plot with superstructure, an amount equal to the difference between the amount of the sale price and the amount of the market value of the superstructure on the date of the transfer plus sixteen times the ground rent shall be the full market value;
- (i) in the case of plot with or without superstructure not assessed to land revenue which is acquired under the Land Acquisition Act, 1894, the amount of the value of the land (exceeding the value of superstructure, if any) declared under the award, shall be the full market value; and
- (j) in the case of a plot with or without superstructure, assessed to land revenue which is acquired under the Land Acquisition Act, 1894, the amount of the value of the land (exceeding the value of the superstructure, if any) declared, under the award plus sixteen times the assessment, shall be the full market value.

(2) The transactions referred to in clauses (c), (d), (e) and (h) of sub-rule (1) shall be the basis for purposes of estimating the full market value of the land only if the Collector is of opinion that the number of transactions falling under clauses (a), (b), (e), (f), (i) and (j) of that sub-rule is either too small or is not sufficiently representative for the said purpose.

(3) If in any block the full market value of non-agricultural land cannot be estimated in accordance with the principle enunciated in this rule, the full market value of lands in such block shall be estimated on the basis of the sales, lease and awards, as the case may be of similar plots in blocks adjacent to such block.

16. Standard rate of non-agricultural assessment:- (1) For purpose of determining the standard rate of non-agricultural assessment, the Collector shall, on the basis of the full market value of plots ascertained in accordance with the principles enunciated in the preceding rule, first estimate the full market value of non-agricultural land in each block separately for each of the ¹[five years] immediately preceding the year in which the standard rate of non-agricultural assessment is to be fixed.

(2) On the basis of the full market value determined for the preceding ²[five years] under sub-rule (1), the Collector shall estimate the full market value of land per square metre in each block.

(3) The standard rate of non-agricultural assessment per square metre of land in each block shall be equal to 1.25 per cent of the full market value estimated under sub-rule (2).

(4) The Collector shall submit to the State Government for approval the standard rate determined under sub-rule (3) through the Commissioner of the Division.

(5) The State Government may modify the Collector's proposal in respect of standard rate to such extent as it may deem fit.

(6) The standard rate approved by the State Government shall be published in the Official Gazette and such standard rate shall come into force with effect from the commencement of the relevant guaranteed period as provided for in section 113. The standard rate shall also be put up on the notice board in the office of the Tahsildar.

(7) The standard rate fixed under sub-rule (3) shall remain in force for the relevant guaranteed period and thereafter shall be liable to be revised under section 113 of the Code"].

Footnote:

1. Substituted by G.N. dated 15-12-1987.

2. Substituted by G.N. dated 15-12-1987.

17. Revision of standard rate:- The standard rate of non-agricultural assessment shall be liable to revision at intervals of ten years, and the provisions of rules 15 and 16 shall apply to such revision of standard rates as they apply to the fixation of standard rates.

18. Fixation of non-agricultural assessment on individual plots:- The actual assessment on individual plots in each block shall be fixed by the Collector on the basis of the standard rate for the time being in force in that block, having regard to the specific non-agricultural purpose for which the land is used as provided in sub-section (1) of section 114; subject to the reduction or increase of 15 per cent as provided in sub-section (3) thereof. In fixing such actual assessment, the amount of assessment shall be rounded off to the nearest multiple of ten, less than five paise being disregarded, and five paise and more being regarded as ten paise.

19. Assessment leviable on land within compounds:- Non-agricultural assessment in respect of land used for residential purpose shall be levied on that

area of the land within a compound which is built upon and also on the area that is required to be left open in relation to the area so built upon according to any law for the time being in force.

20. Reimposition of agricultural assessment:- (1) Except in cases where agricultural lands are transferred under the provisions of the relevant tenancy law for purposes of non-agricultural use, where any holding, which has been assessed, or of which the assessment has been altered for any non-agricultural use, is used for agriculture only, the Collector may, on the application of the holder, withdraw the non-agricultural assessment, and impose either the old agricultural assessment, if any, if the settlement period has not expired; or may, in other cases, impose an agricultural assessment equivalent to that imposed on other similar agricultural lands in the vicinity of such holding.

(2) Such agricultural assessment shall commence from the first day of the agricultural year next following and shall be subject to the same conditions as to periodical revision, and the same rules and provisions of law as if they had been imposed at the ordinary revenue settlement of the village in which the land is situated.

21. Assessment under section 68:- Where land held or used for any non-agricultural purpose is assessed under the provisions of section 68, such assessment shall be fixed and revised by the Collector ^{1* * *} in accordance with the provisions of Chapter VII of the Code and these rules.

Footnote:

1. Deleted by G.N. of 16-6-1973.

22. Exemption:- (1) For the purposes of clause (1) of section 117, lands used by an agriculturist for extracting or canning fruit juice, gur making, oil pressing, cotton ginning or paddy husking or other similar purposes from the produce of his own fields shall be deemed to be used for occupation subsidiary or ancillary to agriculture.

(2) Lands used for hospitals, hostels, play grounds, parks and gardens, office premises of local authorities and gymnasiums or for roads, paths and lanes set apart in layouts, for the benefit of all citizens without distinction of religion, race, caste, sex, place of birth or any of them shall be exempt from the payment of non-agricultural assessment so long as they are used for any of the said purposes and for no other purposes and yield no profit to private individuals or to any person.

(3) In the case of building sites held by Co-operative Housing Societies or the Housing Board which are not built upon, no non-agricultural assessment shall be levied for the three years subsequent to the date on which possession of the lands was taken or till the date on which non-agricultural use of the land begins, whichever is later.

23. Map showing non-agricultural areas:- (1) Each Collector shall maintain in his office and from time to time as required renew or bring up-to-date a map of his district upon which it shall be clearly shown by distinct colours or otherwise as may be convenient, the urban and non-urban areas in the district in accordance with clause (42) of section 2 of the Code, the area classified as Class I and Class II villages in non-urban areas under section 110 and the blocks for different non-agricultural uses in urban areas constituted under section 111.

(2) When an area is very small, or when its limits intersect a village in an intricate way, insets on a larger scale or a supplementary file of village maps shall be provided.

(3) Whenever any area is brought under a different class or rate by a fresh order, the map shall be corrected and the authority for the change noted over the Collector's signature on the map.

(4) Each Tahsildar shall similarly maintain a map of his taluka with similar supplements which shall be similarly corrected and endorsed by the Collector, at each change.

(5) These maps shall be open to public inspection free of charge during all office hours.

24. Delegation of powers:- The powers conferred upon the Collector under these rules may also be exercised by a Sub-Divisional Officer.

Schedule I

(See Rule 3)

Form of Application under sub-section (1) of Section 44 of The Maharashtra Land Revenue Code, 1966

To

The Collector of

The Sub-Divisional Officer,

The Tahsildar,

Sir,

I residing at Taluka in
..... District hereby apply for permission to use the land
described
below which is -

¹(a) assessed or held for the purpose of agriculture for the non-
agricultural
purpose/purposes of.....

² (b) assessed or held for the non-agricultural purpose
of..... for the non-agricultural purpose
but in relaxation of condition ³

⁴(c) assessed or held for the non-agriculturist
purpose of
..... for the non agricultural purpose but
in
relaxation of condition ⁵..... imposed at the time of
grant
of land for permission for such non-agricultural use viz.

2. I annex to this application-

- (a) a certified copy of record of rights in respect of the land as it existed at the time of application;
- (b) a sketch or layout of the site in question (in triplicate) showing the location of the proposed building or other words for which permission is sought of the nearest roads or means of access;
- (c) written consent of the tenant/superior holder/occupant.

3. I also furnish the following information: -

- (1) Full name of the applicant ...
- (2) Full postal address ...
- (3) Occupation ...
- (4) Village, taluka and district where the land is situated.
- (5) Survey No., Hissa No., area and assessment/ rent of the land
- (6) Area of the site out of (5) above proposed to be used.
for.....
.....

.....

- | | Purpose | Area in |
|--|---|---------|
| (7) Whether the applicant is superior holder of alienated land or occupant Class I or Class II or a tenant or a Government lessee. | Residential.....
Industrial.....
Commercial.....
Any other non-agricultural purpose. | sq.mt. |
| (8) Present use of the land and whether any building exists thereon and if so, its use. | | |
| (9) Whether the land is situated or included -
(a) in municipal area;
(b) in City Surveyed area;
(c) in the notified Regional Development Plan or a Town Planning Scheme under the Maharashtra Regional and Town Planning Act, 1966;
(d) in or near a cantonment area;
(e) near Airport or a Railway station or a Railway line or Jail or prison or local public office or cremation or burial ground. If so, its approximate distance therefrom. | | |
| (10) Where electrical high transmission lines pass over the land and if so, what is the distance thereof from the proposed building or other works. | | |
| (11) Is the land under acquisition, if so, state details. | | |
| (12) Is there a road from where the land is easily accessible? State the name of the road, and whether it is Highway, Major district road or village road. What is the distance of the proposed building or other work from the centre of the road? | | |
| (13) If there is no road adjoining the land, how is it proposed to provide for access to the site? | | |
| (14) Was a similar application made in the past for non-agricultural use of this land and was it rejected? | | |

If yes, why?

I solemnly affirm that the information given above is true to the best of my knowledge and belief.

Place:

Date:

Signature of Applicant

(To be filled in by Revenue Officer)

Date of receipt of the Application:

Stamp of the Officer.

Signature and designation of the receiver

Footnotes:

1. Score out portion not applicable.
2. Score out portion not applicable.
3. Here state in brief the gist of condition.
4. Score cut portion not applicable
5. Here state in brief the gist of condition.

Schedule II

[See Rule 4(1) (E)]

¹[Provision for construction of buildings between boundary of a road and building line and between building line and control line in areas on which Chapter III of the Bombay Highway Act, 1955 is not in force]

1. Subject to the provisions of this schedule, no person shall without the previous permission in writing of the Collector -

(a) upon any land lying between boundary of a road and building line specified under clause 2 erect any structure or materially alter any existing structure or change user of land;

(b) upon any land lying between building line, and the control line specified under clause 2 erect any structure for any industrial or commercial purpose including cinema houses which attract large number of vehicles.

2. As respects the class of roads specified in column 2 of the table hereto, the building line and control line measured from the centre of any such road shall in any urban or industrial area be as specified in columns 3, 4, 5 and 6 and in any non-urban excluding industrial area as specified in columns 7 and 8 of the table against each such class of road:

Provided that, at curves on each such road, the building line shall be set at an increased distance equal to 20 per cent of building specified as aforesaid.

Footnote:

1. Inserted by G.N. of 3-10-1972.

Table

Sr. No.	Class of road	Urban or industrial areas				Non-urban excluding industrial area	
		Within actual limits		On approaches to urban or industrial area		Building line	Control line
		Building line	Control line	Building line	Control line		
1	2	3	4	5	6	7	8
		M	M	M	M	M	M
1.	National Highways and State Highways	24.38	36.58	30.48	45.72	30.48	67.06
2.	Major District Roads....	24.38	36.58	24.38	36.58	30.48	46.85
3.	Other District Roads....	12.19	18.29	15.24	22.86	15.24	30.48
4.	Village Roads....	9.14	13.72	12.19	18.29	12.19	24.38

Notes:- Figures in Metres from the central lines of a road.

"Actual limits" means notified limits of municipal towns or industrial area.

"Approaches to urban or industrial areas" comprise of distance of three miles from the actual limits of such areas.

"Industrial areas" means areas which are specified as such by a notification in the Official Gazette.

3. Nothing in this Schedule shall apply -

(a) to any land forming part of a burial area, cremation ground or any place for the disposal of the dead, being land, which before the commencement of these rules, has been used for such purpose;

(b) to any excavation or work necessary for the repair, renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct or other apparatus constructed in or upon the line before the commencement of these rules or with the consent of the Collector, on or before such commencement.

Schedule III

[See Rule 4(1) (E)]

¹[Building Regulations]

Part I

General

1. Minimum open space:- The open space shall ordinarily be two-thirds of the plot; but it may be reduced to one-half, when the land is of a very high value or the buildings are likely to be inhabited by ²[poorer class of persons] or in areas such as bazaars and central parts of towns which are already densely built over. In computing the built up area of a plot, the area covered by a porch shall be excluded.

³**[Explanation:-** For the purposes of this regulation "poor class of persons" means persons whose annual income does not exceed Rs. 4,200].

Footnote:

1. Inserted by G.N. of 3-10-1972.

2. Subs, by G.N. of 3-10-1972.

3. Subs, by G.N. of 3-10-1972.

2. Number of storeys:- Ordinarily two storeys (ground and one upper floor) shall be permitted to be built over in an area where the minimum open space is one-half of the plot and three storeys (ground and two upper floors) in an area where the minimum open space is two-third of the plot.

3. Access to road:- Building shall be allowed to be erected on the condition that the applicant provides for suitable access by an existing road or by a projected road.

4. Size and situation of building:- Normally, every building to be built shall face the main road. In case of a chawl, it shall not measure more than 30.48 metres in any direction.

5. Distance from boundary of the plot:- No building shall be erected within 3.05 metres of the perimeter of a plot; and 6.10 metres from the rear boundary of the plot.

6. Porch within open space:- An unenclosed porch for parking vehicles open on three sides except for a parapet wall on one side and attached to the main building may be permitted in one of the open spaces of the plot excepting rear open space, subject to the following conditions: -

(a) The porch shall be parallel to the main building and it shall not be more than one storey in height 3.66 metres in length and 3.05 metres in width;

(b) A minimum open space of 1.52 metres shall be maintained between the porch and the plot boundary on that side.

7. Open space for more buildings:- When there is more than one building in a plot, the same open space shall be required round each main building, as if each main building was in a separate plot:

Provided that, a ground floor, privy or a ground floor outhouse providing ancillary accommodation, such as, motor garage, servants quarters, kitchen and store-room appurtenant to the main building and detached therefrom, may be allowed to be erected in the rear of a plot at a distance of not less than 3.05 metres from the main building, subject to the condition of leaving 3.05 metres open margin from the rear boundary of the plot.

8. Plinth:- In case of residential building, the plinth shall be at least 0.61 metre above the general level of the ground.

9. Dimensions of residential room:- No side of a room used for a residential purpose shall be less than 3.05 metres long. One side of every such room shall abut on the surrounding open land throughout its length.

10. Construction of privies:- Privies shall be at the side or rear of the main building and shall not be less than 3.05 metres from it. They shall be innocuous to the neighbours. They shall not be within 9.14 metres of a well and shall be screened from public view.

11. Construction of cesspools etc:- No cesspools shall be allowed to be constructed, unless there exists an agency for clearing them regularly and properly. No cesspool shall be used or made within 30-47 metres of any well. No khalkuwa or khalkoti shall be used for the reception of night soil.

12. Stables:- No cattle shall be kept in any residential building. No stable or cattle shed shall be constructed within 3.05 metres of a residential building.

13. Building materials:- All buildings shall be a pucca construction, and no easily combustible materials shall be used in their construction.

14. Construction of shops:- Where shops are built, the space between the shop and the road boundary shall be of hard material, such as, murrum or metal, levelled, well rolled and consolidated.

15. Additions and alterations:- No addition to, or alteration in, a building shall be carried out, without the previous written permission of the Collector.

Part II

Special Provisions for Plots Over 0.4047 Hectare

16. Preparation of a layout:- In cases where the land to be covered to nonagricultural use is larger than 0.4047 hectare in area, proper layout shall be prepared by the applicant in the following manner: -

(1) The width of internal roads in the layout having length specified in column 1 below shall not be less than those specified against them in column 2: -

Length of the road 1	Width 2
More than 304.8 metres	13.72 metres
Between 152.4 to 304.8 metres	9.14 metres
Between 76.2 to 152.4 metres	7.62 metres
Less than 76.2 metres	6.10 metres
Less than 76.2 metres and with plots fronting on one side	

(2) Alignment of roads should as far as possible be such as to facilitate quick movement of traffic, easy drainage of rain and sullage and other water. Corners of plots at the junctions of roads shall be rounded off.

(3) The system of roads should be such as to fit in with the topography of the land and the direction of traffic. Dea-ends of roads, shall, as far as possible, be avoided.

(4) Provisioning of back lanes shall as far as possible be avoided. If any back lane is provided, it shall not be made wider than 3.66 metres so as to prevent it from being used as a regular traffic road.

(5) (a) Every plot in a layout shall ordinarily measure not less than 278.71 sq. metres in area:

Provided that, the plots mentioned in column (2) of the Table hereto shall measure not less than the area specified against it in column (3) thereof:

Table

Sr. No.	Description of the plot	Area in sq. metres
1.	Plots fronting National Highways, State Highways, Major District Roads or other main roads having a width of 18.29 metres or more	464.51
2.	Plots in the layouts of Co-operative Housing Societies other than the Societies mentioned in Sr. No. 3.	185.80
3.	Plots in the layouts of Co-operative Housing Societies consisting of industrial workers or persons belonging to economically backward classes, or backward classes or individuals who are industrial workers or persons belonging to such classes	139.35

(b) No plot shall be sub-divided, if such sub-division results in creating a plot of an area less than the minimum herein prescribed.

(6) Every plot of a layout shall be regular in shape so as to accommodate a building with adequate front set back, side marginal open spaces, and rear open space.

(7) Every plot in a layout shall have an access by a road open to the public.

(8) In every layout, provision for open spaces having an area equal to at least 10 per cent, of the total area of the land shall be made.

(9) Plots for wells for drinking water should be provided in the layout at the rate of well for the use of every two hundred persons.

(10) Existing facilities such as shady trees, and the like should as far as possible be retained.

¹*** conditions shall be observed, that is to say:-

(1) In respect of the plots, specified in clause (5) of regulation 16, the set back from the sides of the plot, the maximum built over area and maximum number of storeys including ground floor, shall be as indicated in the Table below: -

Footnote:

1. Deleted by G.N. of 16-6-1973.

Table

Sr.	Description of the plot	Area of the	Setback in sq. metres	Built over	Number
------------	--------------------------------	--------------------	------------------------------	-------------------	---------------

No.		Plot				area	of storey
			Front	Side	Rear		
1	2	3	4	5	6	7	8
1.	General	278.71 to 464.51 sq.mt.	4.57	2.29	3.05	1/3	3
2.	Plots fronting National Highways, State Highways, Major District roads or other main roads having a width of 18.29 metres or more.	464.51 sq.mt.	4.57	3.05	4.57	1/3	3
3.	Plots in the layouts of Co-operative Housing Societies other than the societies mentioned in Sr. No. 4	185.80 to 278.71 sq.mt.	3.05	1.52	3.05	4/10	2
4.	Plots in the layouts of Co-operative Housing Societies consisting of industrial workers or persons belonging to economically backward classes or individuals who are industrial workers or persons belonging to such classes	139.35 to 185.80 sq.mt.	2.29	1.52	1.52	½	1

(2) In case of plots fronting on classified roads referred to in clause (2) the standards prescribed in Schedule II shall be observed.

(3) Subsidiary buildings such as cattle-shed, latrines, other similar constructions may be allowed to be constructed abutting the rear boundary of the plot, the clear distance between such subsidiary building and the main building not being less than 3.05 metres in case of plots having more than 185.80 square metres area.

(4) The carpet area of a living room shall not be less than 9.29 square metres, and the total area of living space and kitchen in a tenement inclusive of a verandah shall not be less than 23.23 square metres.

(5) A separate kitchen or a kitchen-cum-verandah shall be provided for cooking.

(6) Every house shall as far as possible with a pucca bathing platform enclosed on sides having an area of not less 1.86 square metres.

(7) If a house is provided with a sanitary latrine, it shall be properly roofed and shall have an area of not less than 1.11 square metres.

(8) Sullage water from the kitchen and bathroom shall be connected by means of a suitable drain to a soak-pit constructed in the rear portion of the plot, and shall not be brought to any public street, unless pucca drains are available on the road and there is satisfactory arrangement for the disposal of sullage water.

(9) The height of the plinth for the main house shall be not less than 0.30 metre, and that for cattle-shed and other similar structures not less than 0.15 metre, above the general ground level.

(10) The height of a living room shall not be less than 2.74 metres in the case of a flat roof and in the case of a sloping roof the average height shall not be less than 2.74 metres with a minimum of 2.13 metres at the lowest point.

(11) All the living rooms shall be reasonably ventilated and lighted, the total open area of the windows, ventilators, grills and the like opening directly into open air being not less than 8 per cent (to be increased to 10 per cent in areas which in the opinion of the Collector are humid areas) of the floor of the room.

(12) Ventilation area for bath-rooms and latrines, ^{1***}, shall not be less than 0.28 square metre.

(13) All the doors in a house shall have a height of not less than 1.83 metres clear.

(14) The floor of the living rooms and kitchen shall be of hard and non-absorbent material.

(15) All the gates in compound walls shall be so hung so as to open on the plot and not on the road.

²[18.] ³[Power ⁴[of] Collector to relax provisions of regulations to certain exigencies.]:- The Collector may relax any of the provisions of the regulations in this Schedule in consultation with the ⁴[Divisional Deputy Director or Town Planning] whenever in the exigencies of the circumstances he considers necessary to do so.

Footnotes:

1. Deleted by G.N. of 3-10-1972.
2. Renumbered by G.N. of 3-10-1972.
3. Subs, by G.N. of 16-6-1973.
4. Subs, by G.N. of 16-6-1973.

Schedule IV

(See Rule 7)

¹(Form of Sand to Be Grated To the Holder of Land Situated Outside The Jurisdiction of Planning Authority]

Whereas an application has been made to the Collector of (hereinafter referred to as "the Collector" which expression shall include any officer whom the Collector shall appoint to exercise and perform his powers and duties under this grant) under section 44 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code", which expression shall where the context so admits include the rules and orders thereunder) by in habitant of being the superior holder/occupant/tenant of Survey No in the village of in the Taluka (hereinafter referred to as "the applicant" which expression shall, where the context so admits, include his heirs, executors, administrators and assigns) for permission to use for the plot of land (hereinafter referred to as the "said plot") described in Appendix I hereto and indicated by the letters on the site plan annexed hereto, forming part of survey number and measuring be the same a little more or less.

Now, this is to certify that the permission to use for the said plot is hereby granted, subject to the provisions of the said Code, and rules thereunder, and on the following conditions, namely: -

1. Levelling and clearing of the land:- The applicant shall be bound to level and clear the land sufficiently to render suitable for the particular non-agriculture purpose for which permission is granted and to prevent insanitary conditions.

²["2. Assessment:- The Application in lieu of the assessment heretofore leviable in respect of the said plot shall pay to Government on the date of In each year an annual assessment of Rupees (Rupees) during the guaranteed period expiring on 31st July, 200..... and on expiry of the said period, such revised assessment as may, from time to time, be fixed by the Collector under the said Code";

"2A. The applicant shall pay to the Government, the amount of conversion tax, in any, leviable under section 47A within thirty days from the grant of permission"].

Provided that, where the applicant is a co-operative housing society or the Maharashtra Housing Board, it shall be entitled to such exemption from the payment of altered assessment as is permissible under sub-rule (3) of rule 22.

Footnote:

1. Ins. by G.N. of 16-6-1973.
2. Substituted and inserted by G.N. dated 15-12-1987.

3. Use:- The applicant shall not use the said land and building erected or to be erected thereon for any purpose other than (here insert the specific purpose or which the permission is granted).....without the previous sanction of the Collector.

4. Building time-limit:- The applicant shall within one year from the date hereof, commence on the said plot Of a substantial and permanent description, failing which unless the said period is extended by the Collector from time to time the permission granted shall be deemed to have lapsed and where there are no building regulations prescribed by or under any other law shall in the case of residential use in regard thereto duly comply in every respect with the building regulation contained in clauses of Appendix II hereto.

5. Liability for rates:- The applicant shall pay all taxes, rates and cesses leviable on the said land.

6. Penalty clause:- (a) If the applicant contravenes any of the foregoing conditions, the Collector may, without prejudice to any other penalty to which the applicant may be liable under the provisions of the said Code continue the said plot in the occupation of the applicant 1[on payment of such assessment and subject to sub-section (2) of section 329 of the said Code, such fine as he may direct].

Notwithstanding anything contained in sub-clause (a) it shall be lawful for the Collector to direct the removal or alteration of any building or structure erected or used contrary to the provisions of this grant within such time as is specified in that behalf by the Collector, and on such removal or alteration not being carried out within the specified time, he may cause the same to be carried out, and recover the cost of carrying out the same from the applicant as an arrear of land revenue.

Footnote:

1. Subs, by G. N. of 3-10-1972.

7. Code provisions applicable:- Save as herein provided, the grant shall be subject to the provisions of the Code and the rules thereunder.

**(MAP)
Appendix I**

Length and Breadth	Total Superficial area	Forming (Part of) Survey No.	Boundaries	Remarks

				or Hissa No.				
North to South	East to West			North	South	Eats	West	

Appendix II

[See Condition (E) In Rule 4(1)]

(The Members of the Conditions Which Are Applicable Should Be Entered In Condition 4 of the Grant; And Special Conditions Should Be Inserted In Conditions.)

1. The applicant shall observe the standards for building and control lines and shall build on the area marked on the map annexed, and shall leave the remaining area of the said plot as open space.

2 of the said plot shall be left open to the sky.

3. Any latrine, cesspool or stables constructed on the said plot shall, if any place shall have been set apart in the map annexed for such purpose, be constructed in such place and not elsewhere.

4. No building shall be erected in the said plot more than Metres in height.

5. The building erected on the said plot shall be used for* purpose only.

6. No building erected on the said plot shall be used as a shop† or as a place for carrying on any offensive trade.

7. The grant shall be subject to the following conditions, that is to say-

(i) [here enter the other conditions imposed under the rule 4(1)(e) and the special conditions under rule 4(1)(f), if any].

(ii) etc. etc.

In witness whereof the Collector of has hereunto set his hand and the seal of his office on behalf of the Governor of Maharashtra; and the applicant has also hereunto set his hand this day the of200

(Signature of applicant)

Signatures and designations of witnesses)

(Signature of Collector)

(Signatures and designations of witnesses)

Seal of the
Collector

We declare that A. B. who has signed this sand is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed) B.F.

* Here specify purpose.

† Delete what does not apply.

N.B. (1) This documents need not be registered.

(2) This documents is exempt from stamp duty.

Schedule V

(See Rule 7)

Whereas an application has been made to the Collector of (hereinafter referred to as "the Collector" which expression shall include any office whom the Collector shall appoint to exercise and perform his powers and duties under this grant) under section 44 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code" which expression shall where the context so admits include the rules and orders hereunder) by inhabitant of being the superior holder/occupant/tenant of Survey No..... in the Village of taluka of the district (hereinafter referred to as the "applicant" which expression shall where the context so admits include his heirs, executors, administrators and assigns) for permission to use for..... purposes the plot of land (hereinafter referred to as the "said plot") described in Appendix I hereto, and indicated by the letters on the site plan annexed hereto forming part of the Survey No..... and measuring be the same a little more or less.

And, this is to certify that permission to use for..... purpose the said plot is hereby granted subject to the provisions of the said Code and on the following conditions, namely: -

1. Levelling and clearing of the land:- The applicant shall be bound to level and clear the land sufficiently to render suitable for the particular non-agricultural purpose for which permission is granted and to prevent insanitary conditions.

2. Assessment:- The applicant in lieu of the assessment heretofore leviable in respect of the said plot shall pay to Government on the day of in each year an annual assessment of Rupees (Rupees) during the guaranteed period expiring on 31str July 200 and on expiry of the said period, such revised assessment as may, from time to time, be fixed by the Collector under the said Code".

"2A. The applicant shall pay to the Government, the amount of conversion tax, if any, leviable under section 47A within thirty days from the grant of permission."]

Footnote:

1. Substituted by G.N. No. 15-12-1987.

3. Use:- The Applicant shall not use the said land and building erected or to be erected thereon for any purpose other than-
(Here insert the specific purpose for which the permission is granted)
without the previous sanction of the Collector.

The applicant shall duly comply with the conditions contained in Appendix II hereto.

4. Building time-limit:- The applicant shall within one year from the date thereof commence on the said plot of a substantial and permanent description; failing which unless the period is extended by the Collector from time to time, the permission granted shall be deemed to have been lapsed.

5. Liability for rates:- The applicant shall pay all taxes, rates, and cesses leviable on the said land.

6. Penalty clause:- (a) If the applicant contravenes any of the foregoing conditions, the Collector may, without prejudice to any other penalty to which the applicant may be leviable under the provisions of the said Code continue the said plot in the occupation of the applicant on payment of such fine, and assessment as he may direct.

(b) Notwithstanding anything contained in sub-clause (a) it shall be lawful for the Collector to direct the removal or alteration of any building or structure erected or used contrary to the provisions of this grant within a time specified in that behalf by the Collector, and on such removal or alternation not being carried out within the specified period, he may cause the same to be carried out, and recover the cost of carrying out the same from the applicant as an arrear of land revenue.

7. Code provisions applicable:- Save as herein provided, the grant shall be subject to the provisions of the said Code and the rules made thereunder: -

**(MAP)
Appendix I**

Length and Breadth	Total Superficial area	Forming (Part of) Survey No.	Boundaries	Remarks

				or Hissa No.					
North to South	East to West				North	South	Eats	West	

Appendix II

1. The applicant shall build on the plot in accordance with the plan approved by a Planning Authority under the Maharashtra Regional and Town Planning Act, 1966.
2. The applicant shall observe the standards of building and control lines and leave the area marked..... On the map annexed of open space.
3. The grant shall be subject to the following special conditions: -
 - (a)
 - (b) etc. etc.

In witness whereof the Collector of Has hereunto set his hand and the seal of his office on behalf of the Governor of Maharashtra and the applicant has also hereunto set his hands this day the of 200

(Signature of the applicant)
(Signature and Designations of Witnesses)

(Signature of Collector)
(Signature and Designations of Witnesses)

We declare that A. B., who has signed this sand is to our personal knowledge the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed-----)

Schedule VI

(See Rule 11)

¹[Form Of Sanad to Be Granted To the Holder on Regularisation Of Unautorised Non-Agricultural Use]

Footnote:

1. Ins. by G.N. of 3-10-1972.

Whereas, the applicant being the Superior holder / occupant / tenant of Survey No..... of the village of taluka has used purposes without the permission of the Collector of.

(hereinafter referred to as "the Collector") being first obtained as required by section by section 44 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code"), the plot of land indicated by the letters on the site plan hereto annexed forming part of the said Survey No and measuringbe the same, a little more or less, and has thereby become liable to the penalties prescribed by section 45 of the said Code;

And whereas, the applicant has applied for permission to remain in possession of and to continue to use the aforesaid plot of land for purpose;

And whereas, the Collector is authorised under clause (b) of section 47 of the said Code, to grant the permission applied for, subject to the provisions of the said Code, and rules and orders thereunder and to the terms and conditions hereinafter contained.

Now, this is to certify that permission to use, for purposes, the said plot is hereby granted, subject to the provisions of the said Code, and the rules made thereunder and on the following conditions, namely: -

- N.B.:** (1) This documents need not be registered.
(2) This document is exempt from stamp duty.

1. Fine:- The applicant shall pay such fine composition fee as may be fixed by the Collector under the Maharashtra Land Revenue (Conversion of use of Land and Nonagricultural Assessment) Rules, 1969.

1[a2. Assessment:- The Applicant in lieu of the assessment hereinbefore leviable in respect of the said plot shall pay to Government on the..... day of in each year an annual assessment of Rupees (Rupees) during the guaranteed period expiring on 31st July 200.... And on expiry of the said period, such revised assessment as may, from time to time, be fixed by the Collector under the said Code";

2A. The applicant shall pay to the Government, the amount of conversion tax, if any, leviable under section 47A within thirty days from the grant of permission."]

(3)Use:- The Applicant shall not use the said land and building erected or to be erected thereon for any purpose other than (here insert the specific purpose for which the permission is granted) without the previous sanction of the Collector.

(4) Building to comply with regulations specified in Appendix:- The applicant shall duly comply in every respect with the building regulations contained in clauses..... of the Appendix hereto.

(5) Liability for rates:- The applicant shall pay all taxes, rates and cesses leviable on the said land.

*** (6) Undertaking:-** The applicant shall agree in a legally binding manner to demolish the offending unauthorised construction without claiming compensation whenever after the expiry of a reasonable period he is asked to do so, by the Collector failing which the Collector shall do so the applicant's risk and costs.

(7) Penalty clause:- If the applicant contravenes any of the foregoing conditions, the Collector may, without prejudice to any other penalty to which the applicant may be leviable under the provisions of the said Code and rules thereunder continue the said plot in the occupation of the applicant ²[on payment of such assessment and subject to sub-section (2) of section 329 of the said Code, such fine as he may direct.]

(b) Notwithstanding anything contained in sub-clause (a) it shall be lawful for the Collector to direct the removal or alteration of any building or structure erected or used contrary to the provisions of this grant within such period as is specified in that behalf by the Collector, and on such removal or alteration not being carried out within the specified period, he may cause the same to be carried out, and recover the cost of carrying out the same from the applicant as an arrear of land revenue.

Footnote:

1. Substituted and inserted by G.N. dated 15-12-1987.

* Delete if not applicable.

2. Subs, by G.N. dated 15.12.1987.

(8) Code provisions applicable:- Save as herein provided, the grant shall be subject to the provisions of the said Code and the rules made thereunder.

(Site Plan)

Appendix

(The Numbers of the Conditions Which Are Applicable Should Be Entered

In Condition 4 of the Grant; and Special Condition Should Be Inserted In Continuation)

1. The applicant may build on the area marked on the map annexed and shall leave the remaining area of the said plot as an open space.

2 of the said plot shall be left open to the sky.

3. Any latrine, cesspool or stable constructed on the said plot shall, if any, be set apart in the map annexed for such purposes, be constructed in such place and not elsewhere.

4. No building shall be erected on the plot more than Metres in height.
5. The building erected on the said plot shall be used for Purposes only.
6. No building erected on the said plot shall be used as a shop*/ or a factory* or as a place for carrying on an offensive trade.
7. The grant shall be subject to the following special conditions: -

(a)

(b)

In witness whereof the Collector of has hereunto set hand and the seal of his office on behalf of the Governor of Maharashtra and the applicant has also hereunto set his hand day the of..... 19 .

(Signature of applicant)
(Signatures and designations of witnesses)

(Signature of Collector)
(Signature and designations of witnesses)

We declare that A. B. who has signed this sanad is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed)

*Deleted what does not apply.

- N. B. (1) This document need not be registered.
(2) This document is exempt from stamp duty.

Schedule VII

[See Rule 14)

Register of Sale Transactions of Non-Agricultural Land

Block No Town
.....
Taluka
District.....

Year	Date of transaction	Name and father's name of vendor	Name and father's name of	Details of sale transaction			
				Plot No. Survey No.	Revenue assessed or ground rent paid	Area sold	Sale price
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
					Rs.	Hectar	Rs.

In the case of land with superstructure, break-up of price		Purpose for which land was		Remarks
Value of	Value of Superstructure on the date of sale	Used at the time of sale	Sold	
(9)	(10)	(11)	(12)	(12)
Rs.	Rs.			

Notes:-

(1) The transactions of sales of agricultural land from non-agricultural purposes should also be entered in the register.

(2) The official maintaining the register should enter in the "Remarks" column and result of his enquiry as to whether the transaction was bona fide or otherwise there are any reasons for the sale price or premium being unusually high or low.

Schedule VII

(See Rule 14)

Register of Lease Transactions of Non-Agricultural Land

Block No.....

Town.....

TalukaDistrict

.....

Year	Date of transaction	Name and father's name of vendor	Name and father's name of vendee	Details of sale transaction

				Plot No. Survey No.	Revenue assessed or ground rent paid	Area sold	Sale price
	(2)	(3)	(4)	(5)	(6)	(7)	(8)
					Rs.	Hectar	Rs.

In the case of land with superstructure, break-up of price into		Purpose for which land was		Remarks
Value of	Value of Superstructure on the date of sale	Used at the time of sale	Sold	
(9)	(10)	(11)	(12)	(12)
Rs.	Rs.			

Notes.:

The official maintaining the register should enter in the "Remarks" column the result of the enquiry as to whether the transaction was bona fide or otherwise and whether there are any reasons for the lease money being unusually high or low.

Schedule IX

(See Rule 14)

**Register of Awards Declared In Respect Of Non-Agricultural
Lands under the Acquisition Act, 1894**

Block No..... Town

Taluka

..... District

Year	Date of issue of notification under section 4 of the Land Acquisition Act	Details of the land acquired				Use of the land at the time of acquisition	Purposes for which the land was acquired	Remarks
		Plot No. or Survey No.	Revenue assessed or ground rent paid	Areas acquired	Value of the land declared under the			
1	2	3	4	5	6	7	8	9

Note: The year in column 1 shall be the year in which notification under section 4 of Land Acquisition Act was issued and not year in which the award was declared.