

The Maharashtra Agricultural Lands (Ceiling on Holdings) (Lands of Public Trusts) Removal of Difficulties Order, 1970

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-AGRICULTURAL-LANDS-CEILING-ON-HOLDINGS-REMOVAL-OF-DIFFICULTIES-ORDER-1970

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The Maharashtra Agricultural Lands (Ceiling on Holdings) (Lands of Public Trusts) Removal of Difficulties Order, 1970 Published vide Notification No. G. N., R. & F. D., No. ICH-2069/122774-M (Spl.), dated 24th June, 1970 (M. G., Part 4B, p. 858) Whereas clause (d) of sub-section (1) of section 47 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra XXVII of 1961), provides that the lands held by a public trust where the major portion of the income is not appropriated for the purpose of education or medical relief, but an undertaking in the prescribed form is given, within six months from the appointed day, to the Collector that the major portion of the income of such land will, within a period of two years from the appointed day, be appropriated to those purposes, shall be exempted from the provisions of the said Act; And whereas, it has been brought to the notice of the State Government that certain public trusts have obtained lands or have come into possession of lands after the appointed day, and that in the case of such trusts, the condition of the undertaking being given within six months of the appointed day cannot be fulfilled, or is not capable of being fulfilled; And whereas, a difficulty has consequently arisen in giving effect to the provision of clause (d) of sub-section (1) of section 47 aforesaid; Now, therefore, in exercise of the powers conferred by section 49 of the Act the Government of Maharashtra makes the following order, namely :-

1.

(1) This order may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) (Lands of Public Trusts) Removal of Difficulties Order, 1970. (2) It shall come into force at once.

2.

If a result of the acquisition by testamentary disposition, or by operation of law (including by, or in the execution of, a decree or order of a court, tribunal or authority) by any public trust, the total area of the lands held by such trust exceeds the ceiling area (hereinafter referred to as "such lands"), such a trust may, within six months of the date of its coming into possession of the land as is in excess of the ceiling area, give an undertaking to the Collector that the major portion of the income of such lands shall, within a period of two years from the said date, be appropriated for the purpose of education or medical relief.

3.

Where a public trust has acquired such lands after the appointed day, but before the coming into force of this Order, such trust may give the undertaking referred to in clause 1 within six months from the coming into force of this Order.

4.

The undertaking to be given under clause 2 or clause 3 of this Order shall be in the Form appended hereto.

5.

The public trust which gives the undertaking within the period referred to in clause 2 or as the case may be, in clause 3, shall be held eligible for exemption under clause (d) of sub-section (1) of section 47 aforesaid, and any undertaking proposed to be given by any public trust under clause 2 or 3 shall be disposed of, accordingly. Form 'A' [See clause 4 of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Lands of Public Trusts) Removal of Difficulties Order, 1970.] Undertaking to be given under clause (d) of sub-section (1) of section 47 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, by a public trust which comes into possession of land in excess of the ceiling area after the appointed day. Whereas, the Trust has been established for the purpose of, and the same having [come into possession of lands on] [Here the date of coming into possession of lands should be mentioned.] that is to say, after the appointed day, namely, 26th January, 1962, now holds land as specified in the schedule hereto; And whereas, the major portion of the income from the said lands is not appropriated for the purpose of education or medical relief; And whereas, the said trust desires that the said lands be exempted from the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, under clause (d) of subsection (1) of section 47 of the said Act; Now, therefore, we, that is, Sarvashri..... the trustees of the said Trust hereby give an undertaking that on the said trust being given a certificate of exemption under sub-rule (3) of rule 15 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Rules, 1962, read with the Maharashtra Agricultural Lands (Ceiling on Holdings) (Lands of Public Trusts) Removal of Difficulties Order, 1970, shall take all necessary legal and other steps and ensure that the major portion of the income

from the said lands will, within a period of two years from 1970 be appropriated for the purpose of education or medical relief. Dated the.....day of.....19Signatures of trustees. Signatures of two witnesses.

Schedule

Details of lands held by the Trust

District Taluka or Tahsil	Village	Survey No. and Hissa No.	Area Assessment
			H. A. (A. g.)