

The Maharashtra land Revenue (Revenue Tribunal) Rules, 2007

MAHARASHTRA

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Rule

THE-MAHARASHTRA-LAND-REVENUE-REVENUE-TRIBUNAL-RULES- of 2007

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The Maharashtra land Revenue (Revenue Tribunal) Rules, 2007 Published vide Notification No. M.G.G., No. MRT. 1007/C.R. 81/T-1, dated 17th December, 2007, Part 4B page 1861 No. MRT. 1007/C.R. 81/T-1, dated 17th December, 2007. - In exercise of the powers conferred by section 325 of the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966), and in supersession of the Maharashtra Land Revenue (Revenue Tribunal) Rules, 1967, and of all other powers enabling it in that behalf, 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 said Code, namely

1. Short title.

- These Rules may be called the Maharashtra Land Revenue (Revenue Tribunal) Rules, 2007.

2. Definitions.

- In these Rules, unless the context requires otherwise, -(a) "Code" means the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966); (b) "equivalent officer" means, in relation to an office specified in any rule, such officer as is, in the opinion of the State Government, equal in rank to the office so specified; (c) "Government" means the Government of Maharashtra; (d) "member" means a member of the Maharashtra Revenue Tribunal.

3. Qualifications of President and Members of Tribunal.

(1) The President shall be a person, -(i) who is or has been a Judge of a High Court, or (ii) who is an

Advocate qualified to be a Judge of a High Court, or(iii)who has for a period not less than five years held the office, or as the case may be, exercised the powers of -(a)the Principal Secretary and Remembrancer of Legal Affairs of the Law and Judiciary Department,(b)the Principal Judge of the City Civil Court, Bombay,(c)a District Judge,(d)the Chief Judge, Court of Small Causes of Bombay,(e)a member of the Industrial Court constituted under the Bombay Industrial Relations Act, 1946 (Bombay XI of 1946),(f)a member of the Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947),(g)a member of the Maharashtra Revenue Tribunal constituted under the Maharashtra Land Revenue Code, 1966, or(h)the Secretary, Maharashtra Legislature Secretariat and who being an advocate has practiced for less than seven years in any Civil Court, and is in the opinion of the State Government well- versed in revenue and tenancy laws.(2)A member shall be a person,-(a)who is holding or has held an office not lower in rank than that of,-(i)a Collector,(ii)a District Judge,(iii)an Assistant Judge or a Civil Judge (Senior Division), appointed under the Bombay Civil Courts Act, 1869, or a Civil Judge holding an equivalent office under any other law for the time being in force; or(b)who is an Advocate or Attorney of the High Court, or a legal practitioner entitled to practice before courts other than the High Court under any law relating to legal practitioners for the time being in force in this State, has practiced for not less than five years in any Civil Courts or before the Tribunal, and is in the opinion of the State Government well-versed in revenue and tenancy laws.

4. Period of office and terms and conditions of service of President and Members of Tribunal.

(1)The President and the non-official members shall hold office for such period not exceeding three years, as may be specified by the State Government.(2)A person who has held office as a President or a member for the period mentioned in sub-rule (1), shall be eligible for re-appointment.(3)No person appointed,-(a)as the President shall hold office after attaining the age of sixty-five years;(b)as the non-official member shall hold office after attaining the age of sixty-five years :Provided that, the State Government may, in suitable cases for reasons to be recorded in writing, extend the age limit by a further period not exceeding one year.(4)The President or any non-official member may at any time, by writing under his hand addressed to the State Government, resign his office and his resignation shall take effect from the date on which it is accepted.(5)Notwithstanding, anything contained in sub-rule (1), the State Government may terminate at any time the appointment of the President or any non-official member, if, in its opinion, such President or member is unable or unfit to continue to perform the duties of his office.

5. Qualifications of Registrar and Deputy Registrar.

(1)The Registrar shall be an officer not below the rank of an Assistant or a Deputy Collector or not below the rank of a holder of an equivalent office :Provided that, the State Government may appoint an officer not below the rank of a Tahsildar or not below the rank of a holder of an equivalent officer, to act as Registrar for such period as it may consider necessary.(2)The Deputy Registrar shall be an officer, not below the rank of a Tahsildar or not below the rank of a holder of an equivalent office.

6. Notice about Tribunal's sitting outside Brihan Mumbai.

- Sufficient notice about the sitting of the Tribunal outside Brihan Mumbai shall be given by publication on the notice board of the Tribunal and in such other manner as may be laid down in the regulations made by the President under section 319 of the Code.

7. Notice of date of hearing.

- The Registrar or the Deputy Registrar shall arrange for the sittings of the Tribunal for hearing the appeals and applications for revision and publish the dates fixed for the hearing thereof on the notice board of the Tribunal sufficiently in advance.