

The Maharashtra Agricultural Lands (Ceiling on Holdings) (Penalty for Failure to Furnish Returns, etc.) Rules, 1976

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-AGRICULTURAL-LANDS-CEILING-ON-HOLDINGS-RULES-1976

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The Maharashtra Agricultural Lands (Ceiling on Holdings) (Penalty for Failure to Furnish Returns, etc.) Rules, 1976 Published vide Notification No. G. N., R. F. D., No. ICH. 1176(3), 00-11-L-8, dated 17th May, 1976 (M. G. G., Part 4B, dated 3.7.1976) In exercise of the powers conferred by sub-section (1) of section 46 read with section 40-A of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra XXVII of 1961), and of all other powers enabling it in that behalf. Government of Maharashtra hereby makes the following rules, the same having been previously, published as required by sub-section (1) of section 46 of the said Act namely:

1. Short title.

- These rules may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) (Penalty for Failure to Furnish Returns, etc.) Rules, 1976.

2. Definitions.

- In these rules, unless the context requires otherwise, -(a)'Act' means Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961;(b)'Section' means a section of the Act;(c)words and expressions used, but not defined in these rules, shall have the meanings respectively assigned to them in the Act.

3. Procedure for according sanction for prosecution under section 40-A(2).

(1) Before according sanction under sub-section (2) of section 40-A of the Act, the Collector shall satisfy himself that the action under the provisions of section 13 of the Act has been taken. (2) Where the Collector is satisfied that the prosecution under section 40-A of the Act is necessary, then, whether or not penalty has been imposed on the person, or, as the case may be, the member of the family unit, under section 13, the Collector shall issue a show cause notice to the person or, as the case may be, the member of the family unit, who is proposed to be prosecuted, giving him/her an opportunity of making his/her representation, in writing on or before the date specified in the notice. (3) Where after considering the representation, if any, made under sub-rule (2), the Collector is satisfied that there is a prima facie case and that the person or, as the case may be, the member of the family unit has, without reasonable cause or excuse, failed to furnish the return within the prescribed period or has furnished the return which he/she knows or has reason to believe to be false, he shall accord sanction for the prosecution of such person or member of the family unit. (4) Every sanction under sub-section (2) of section 40-A, shall be in writing and shall set out the reasons for sanctioning the prosecution.