

the manufacturing process or purpose, or power projects and ancillary industrial usages like research and development, godown, canteen, office -building of the industry concerned or providing housing accommodation to the workers of the industry concerned, or establishment of an industrial estate including co-operative industrial estate, service industry, cottage industry, *gramodyog* units or *gramodyog Vasahats*.]

¹[*Explanation-II*.—For the purposes of this section, “special township project” means special township project or projects under the Regulations framed for Development of Special Township by the Government, under the provisions of the Maharashtra Regional and Town Planning Act, 1966.]

Mah.
XXXVII
of 1966.

Penalty for
so using
land without
permission.

45. (1) If any land held or assessed for one purpose is used for another purpose—

(a) without obtaining permission of the Collector under section 44 or before the expiry of the period after which the change of user is deemed to have been granted under that section, or in contravention of any of the terms and conditions subject to which such permission is granted, or

(b) in contravention of any of the conditions subject to which any exemption or concession in the payment of land revenue in relation to such land is granted, the holder thereof or other person claiming through or under him, as the case may be, shall be liable to the one or more of the following penalties, that is to say,—

(i) to pay non-agricultural assessment on the land leviable with reference to the altered use ;

(ii) to pay in addition to the non-agricultural assessment which may be leviable by or under the provisions of this Code such fine as the Collector may, subject to rules made by the State Government in this behalf, direct ;

(iii) to restore the land to its original use or to observe the conditions on which the permission is granted within such reasonable period as the Collector may by notice in writing direct; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied.

(2) If any person fails within the period specified in the notice aforesaid to take steps required by the Collector, the Collector may also impose on such person a penalty not exceeding three hundred rupees for such contravention, and a further penalty not exceeding thirty rupees for each day during which the contravention is persisted in. The Collector may himself take those steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

Explanation.—Using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be change of user.

Responsibil-
ity of tenant
or other
person for
wrongful
use.

46. If a tenant of any holder or any person claiming under or through him uses land for a purpose in contravention of the provisions of section 42, 43 or 44 without the consent of the holder and thereby renders the holder liable to the penalties specified in section 43, 44 or 45, the tenant or the person, as the case may be, shall be responsible to the holder in damages.

¹ The existing *Explanation* was renumbered as *Explanation-I* and after the *Explanation-I* so renumbered, the *Explanation-II* was added, by Mah. 26 of 2005, s. 2 (e).