

which form a charge on the holding, <sup>1</sup>[and, notwithstanding anything contained in any law for the time being in force, the Collector shall] dispose of such application in accordance with the procedure which may be prescribed :

<sup>2</sup>[Provided that, where a Tribal in contravention of sub-section (2) or any law for the time being in force has, at any time before the commencement of the Maharashtra land Revenue Code and Tenancy Laws (Amendment) Act, 1974 transferred possession of his occupancy to a non-Tribal and such occupancy is in the possession of such non-Tribal or his successor-in-interest, and has not been put to any non-agricultural use before such commencement, then, the Collector shall, notwithstanding anything contained in any law for the time being in force, either *suo motu* at any time or on application by the Tribal (or his successor-in-interest) made at any time <sup>3</sup>[within thirty years] of such commencement, after making such inquiry as he thinks fit, declare the transfer of the occupancy to be invalid, and direct that the occupancy shall be taken from the possession of such non-Tribal or his successor-in-interest and restored to the Tribal or his successor-in-interest.

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<sup>5</sup>[Provided further] that where transfer of occupancy of a Tribal has taken place before the commencement of the said Act in favour of a non-Tribal, who was rendered landless by reason of acquisition of his land for a public purpose, only half the land involved in the transfer shall be restored to the Tribal.

<sup>6</sup>[(3A) Where any Tribal (or his successor-in-interest) to whom the possession of the occupancy is directed to be restored under the first proviso to sub-section (3) expresses his unwillingness to accept the same, the Collector shall, after holding such inquiry as he thinks fit, by order in writing, declare that the occupancy together with the standing crops therein, if any, shall with effect from the date of the order, without further assurance, be deemed to have been acquired and vest in the State Government.

(3B) On the vesting of the occupancy under sub-section (3A), the non-Tribal shall, subject to the persons of sub-section (3C), be entitled to receive from the State Government an amount equal to 48 times the assessment of the land *plus* the value of improvements, if any, made by the non-Tribal therein to be determined by the Collector in the prescribed manner.

*Explanation.*—In determining the value of any improvements under this sub-section, the Collector shall have regard to—

- (i) the labour and capital provided or spent on improvements;
- (ii) the present condition of the improvements;

<sup>1</sup> These words were substituted for the words, "and the Collector shall" by Mah. 1 of 1991, s. 2(a)(ii).

<sup>2</sup> These provisos were added, by Mah. 35 of 1974, s. 2(2).

<sup>3</sup> These words were substituted for the words, "within two years" by Mah. 1 of 1991, s. 2(b).

<sup>4</sup> The explanation was deleted by Mah. 11 of 1976, s. 3, Second Schedule.

<sup>5</sup> These words were substituted of the word "Provided" by Mah. 11 of 1976, s. 3, Second Schedule.

<sup>6</sup> Sub-sections (3A) to (3D) were deemed always to have been inserted by Mah. 30 of 1977, s. 2.