

(6) Any land used for the erection of a farm building or for carrying out any work of renewal, re-construction, alterations or additions to a farm building as aforesaid in contravention of the provisions of this section shall be deemed to have been used for non-agricultural purpose and the holder or, as the case may be, any person referred to in sub-section (1) making such use of land shall be liable to the penalties or damages specified in section 43 or 45 or 46, as the case may be.]

Permission
for non-
agricultural
use.

¹[42. (1)] No land used for agriculture shall be used for any non-agricultural purposes; and no land assessed for one non-agricultural purpose shall be used for any other non-agricultural purpose or for the same non-agricultural purpose but in relaxation of any of the conditions imposed at the time of the grant of permission for non-agricultural purpose, except with the permission of the Collector.

¹[(2) Notwithstanding anything contained in sub-section (1), no such permission shall be necessary for conversion of use of any agricultural land for the personal *bona fide* residential purpose in non-urban area, excluding,—

(a) the area mentioned in clause (2) of the *Explanation* to section 47A, as a peripheral area of the Municipal Corporation or the Municipal Council ;

(b) the area falling within the control line of the National Highways, State Highways, District Roads or Village Roads ;

(c) the areas notified as the Eco-sensitive Zone by the Government of India.]

Restrictions
on use.

43. Subject to the rules made by the State Government in this behalf the Collector or a Survey Officer may regulate or prohibit the use of land liable to the payment of land revenue for purposes such as, cultivation of unarable land in a survey number assigned for public purpose, manufacture of salt from agricultural land, removal of earth, stone, kankar, murum or any other material from the land assessed for the purpose of agricultural only, so as to destroy or materially injure the land for cultivation, removal of earth, stone (other than loose surface stone), kankar, murum or any other material from the land assessed as a building site, excavation of land situated within a *gaathan* ; and such other purposes as may be prescribed ; and may summarily evict any person who uses or attempts to use the land for any such prohibited purpose.

Procedure
for conver-
sion of use
of land from
one purpose
to another.

44. (1) ²[Subject to the provisions of sub-section (2) of section 42, if an occupant of unalienated land or a superior holder of alienated land or a tenant of such land—

(a) which is assessed or held for the purpose of agriculture, wishes to use it for a non-agricultural purpose, or]

(b) if land is assessed or held for a particular non-agricultural purpose, wishes to use it for another non-agricultural purpose, or

(c) desires to use it for the same non-agricultural purpose for which it is assessed but in relaxation of any of the conditions imposed at the time of grant of land or permission for such non-agricultural purpose,

such occupant or superior holder or tenant shall, with the consent of the tenant, or as the case may be, of the occupant or superior holder, apply to the Collector for permission in accordance with the form prescribed.

¹ Section 42 was renumbered as sub-section (1) thereof and after the said sub-section (1) as so renumbered, sub-section (2) was added by Mah. 17 of 2007, s. 2

² This portion was substituted for the portion beginning with the words "if an occupant" and ending with the words "for a non-agricultural purpose, or" *ibid*, s. 3.