

Rules. **306.** (1) The State Government may, by notification in the *Official Gazette*, make rules consistent with the provisions of this Chapter for carrying into effect the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may make provision for the guidance of the Collector, and his assistances, and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Chapter not expressly provided for therein.

Savings. **307.** (1) Anything done or action taken under the provisions of the Bombay City Land Revenue Act, 1876 (including all rules prescribed), appointments made, powers conferred, orders issued and notifications published under that Act, and all other rules (if any) now in force and relating to any of the matters dealt with in this Chapter ; and any surveys made or boundary marks erected or any maps and registers prepared under the Bombay City Survey Act, 1915, shall be deemed to have been prescribed, made, conferred, issued, published, erected and prepared under this Chapter. Bom. II of 1876.
Bom. IV of 1915.

(2) All proceedings which have been commenced under any of the Acts aforesaid shall, on the commencement of this Chapter in the City of Bombay, be deemed to have been commenced under this Code and shall hereafter be conducted in accordance with the provisions of this Code.

¹[CHAPTER XV

MAHARASHTRA REVENUE TRIBUNAL

Definitions. **308.** In this Chapter, unless the context requires otherwise,—

(a) “President” means the President of the Tribunal ;

(b) “Tribunal” means the Maharashtra Revenue Tribunal constituted under section 309.

Maharashtra Revenue Tribunal. **309.** (1) There shall be established for the State of Maharashtra, a Tribunal, to be called the Maharashtra Revenue Tribunal.

(2) The Tribunal shall consist of the President and such number of other members as the State Government may, by notification in the *Official Gazette*, appoint.

President and members. **310.** The qualifications (including age) of the President and other members constituting the Tribunal, the period for which they shall hold office, and their conditions of service, shall be such as may be prescribed.

Vacancy and temporary absence. **311.** (1) If any vacancy occurs by reason of the death, resignation or expiry of the appointment, or termination of the appointment, of the President or other members or for any other cause whatsoever, such vacancy shall be filled by appointment of a duly qualified person.

(2) If any member of the Tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, the State Government may appoint some other person to discharge his duties for any period not exceeding six months at one time and the person so appointed shall during that period have the same powers as the person in whose place he is appointed.

¹ Chapter XV was inserted by Mah. 23 of 2007, s. 10.

(3) If the office of the President falls vacant in circumstances specified in sub-section (1), the senior most member shall act as a President until the vacancy in the office of the President is duly filled by appointment of a President by the State Government.

(4) The Tribunal shall not be deemed to be invalidly constituted merely by reason of any vacancy or temporary absence referred to in the foregoing sub-sections.

312. The State Government may, by notification in the *Official Gazette*, appoint a Registrar of the Tribunal having such qualifications as may be prescribed ; and may also appoint, in like manner, such number of Deputy Registrars, having such qualifications, as may be prescribed, for such areas as may be specified in the notification.

Registrar
and Deputy
Registrars.

313. The Headquarters of the Tribunal shall be in *Brihan Mumbai*.

Headquarters.

314. The Tribunal shall ordinarily sit at the headquarters, Aurangabad ¹[Pune] and Nagpur and may also sit at any other place convenient for the transaction of business, in the State of Maharashtra, as the President, with the approval of the State Government, may direct by general or special order.

Place of
sitting.

315. (1) Notwithstanding anything contained in Chapter XIII of this Code or any other law for the time being in force, but subject to the provisions of this section, in cases arising under the provisions of the enactments specified in the Schedule J,—

Jurisdiction
of Tribunal.

(a) an appeal shall lie to the Tribunal from original orders or decisions made or passed by the Collector ; and

(b) an application for revision shall lie to the Tribunal from an order or decision made or passed by any subordinate officer or authority.

(2) An application for revision under clause (b) of sub-section (1), shall lie on the following grounds only, that is to say—

(i) that the order or decision of the Collector was contrary to law ;

(ii) that the Collector failed to determine some material issue of law ; and

(iii) that there was a substantial defect in following the procedure laid down by law which has resulted in the miscarriage of justice.

(3) Save as expressly provided in any enactment for the time being in force, the State Government may, by notification in the *Official Gazette*, direct that the Tribunal shall also have jurisdiction to entertain and decide appeals from and revise decisions and orders, of, such persons, officers and authority in such other cases as the State Government may determine ; and for that purpose the State Government may, by notification in the *Official Gazette*, add to, amend or omit, any of the entries in Schedule J ; and thereupon, the Tribunal shall have jurisdiction in such matter ; and the jurisdiction of any other person, officer or authority therein shall cease.

(4) The State Government may, at any time in like manner, cancel such notification or omit any entry from Schedule J and resume to itself such jurisdiction :

Provided that, nothing herein shall prevent the State Government after such resumption of jurisdiction from conferring any such jurisdiction on any other person, officer or authority.

¹ This word was inserted by Mah. 10 of 2009, s. 2.

(5) Notwithstanding anything contained in any other law for the time being in force, when the Tribunal has jurisdiction to entertain and decide appeals from, and revise decisions and orders, of, any person, officer or authority in any matter aforesaid, no other person, officer or authority shall have jurisdiction to entertain and decide appeals from and revise decisions or orders of, such person, officer or authority in that matter.

(6) Every appeal or application for revision made under this section shall be filed within a period of sixty days from the day of the order or decision of the Collector. The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963, shall apply to the filing of such appeal or application for revision.

36 of
1963.

Jurisdiction
barred in
certain
cases.

316. (1) The Tribunal shall have no jurisdiction in any matter which is sub-judice in a Court of law.

(2) The Tribunal shall also have no jurisdiction in respect of a matter which in its opinion involves a question as to the validity of any Act, Ordinance or Regulation, or any provision contained in an Act, Ordinance or Regulation, the determination of the invalidity of which in its opinion is necessary to the disposal of that matter.

Explanation.—In this section, “Regulation” means any Regulation of the Bombay Code or Regulation as defined in the General Clauses Act, 1897, or in a General Clauses Act in force in any part of the State.

X of
1897.

Powers of
Tribunal
under other
laws not
affected.

317. Nothing contained in this Chapter shall affect any powers or functions of the Tribunal conferred on it, or which may be conferred on it, by or under any other law for the time being in force to entertain and decide any appeals, applications for revision, or other proceedings.

Tribunal to
have power
of civil court.

318. (1) In exercising the jurisdiction conferred upon it by or under this Chapter, the Tribunal shall have all the powers of a civil court, for the purpose of taking evidence on oath, affirmation or affidavit, or summoning and enforcing the attendance of witnesses, of compelling discovery and the production of documents and material objects, requisitioning any public record or any copy thereof from any Court or office, issuing commissions for the examination of witnesses or documents, and for such other purpose as may be prescribed ; and the Tribunal shall be deemed to be a civil court for all the purposes of sections 195, 345 and 346 of the Code of Criminal Procedure, 1973, and its proceedings shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

2 of
1974.
45 of
1860.

(2) In the case of any affidavit to be filed, any officer appointed by the Tribunal in this behalf may administer the oath to the deponent.

Practice and
procedure.

319. (1) Subject to the provisions of this Chapter and with the previous approval of the State Government, the President may make regulations for regulating the practice and procedure of the Tribunal, including the award of costs by the Tribunal, the levy of any process fee (including provisions for recovery thereof in the form of court-fee stamps), the right of audience before the Tribunal, the sittings of the members either singly, or in benches constituted by the President (or such member as is authorised by him from amongst the members of the Tribunal), the disposal by the Tribunal, or a bench thereof, of any proceedings before it notwithstanding that in the course thereof there has been a change in the persons sitting as members of the Tribunal or bench ; and generally for the

effective exercise of its powers and discharge of its functions under this Chapter. Where any members sit singly or where any benches are constituted, such members or bench shall exercise and discharge all the powers and functions of the Tribunal.

(2) The regulations made under this section shall be published in the *Official Gazette*.

320. (1) If at any stage in any proceeding before the Tribunal it appears to the Tribunal that the proceedings raise a question, as to the interpretation of law, which is of such a nature and of such public importance that, it is expedient to issue notice to the State Government, the Tribunal shall issue notice to that Government, and that Government may, if it thinks fit, appear and the Tribunal shall then hear the State Government before deciding the question.

State Government to be heard in certain cases.

(2) If it appears to the State Government that in its opinion the interpretation of a provision of law in any proceedings before the Tribunal, is of such nature and of such public importance that it is expedient that the State Government be heard before decision of the question, it may apply to the Tribunal in such proceedings to be heard ; and the Tribunal shall not decide the question without hearing the State Government.

321. (1) No appeal shall lie to the State Government against any order passed by the Tribunal in the exercise of its powers of appeal or revision under section 315.

No appeal to State Government and jurisdiction of court barred.

(2) Every order or decision of the Tribunal made or passed by or under this Code shall be final and shall not be questioned in any suit or other legal proceedings.

322. (1) The Tribunal may, either on its own motion or on the application of any party interested, and where the State Government is heard, under section 320 on the application by that Government, review its own decision or order in any case, and pass in reference thereto such order as it thinks just and proper :

Review of orders of Tribunal.

Provided that, no such application made by any party shall be entertained, unless the Tribunal is satisfied that there has been the discovery of new and important matter or evidence which after the exercise of due diligence, was not within the knowledge of such party or could not be produced by him at the time when its decision was made, or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reason :

Provided further that, no such decision or order shall be varied or revised, unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) An application for review under sub-section (1) by any party or, as the case may be, by the State Government shall be made within ninety days from the date of the decision or order of the Tribunal :

36 of 1963. Provided that, in computing the period of limitation, the provisions of the Limitation Act, 1963, applicable to applications for review of a judgement or order of a Civil Court, shall, so far as may be, apply to applications for review under this section.

323. All orders passed by the Tribunal shall be executed in the same manner in which similar orders, if passed by the State Government or other competent authority, as the case may be, could have been executed.

Manner of executing orders passed by Tribunal.

Provision for
court-fees.

324. Notwithstanding anything contained in the Bombay Court-fees Act, 1959, but subject to the provisions of section 275, every appeal or application made to the Tribunal shall bear a court-fee stamp of one hundred rupees if the value of the suit property is ten thousand rupees or less and of five hundred rupees if such value exceeds ten thousand rupees :

Bom.
XXX-
VI of
1959.

Provided that, where the Tribunal exercises any powers or functions under any relevant tenancy law or other special law and that law provided for the levy of court-fee on any appeal or application to the Tribunal, nothing contained in this section shall affect the provisions for levy of such fee.

Rules.

325. (1) The State Government may, by notification in the *Official Gazette*, make rules consistent with the provisions of this Chapter for carrying into effect the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may provide for the following matters, namely :—

(a) the qualifications (including age) of the President and other members of the Tribunal ;

(b) the period of office and the terms and conditions of service of the President and other members of the Tribunal ;

(c) the qualifications of the Registrar and Deputy Registrars ;

(d) any other powers of a Civil Court which may be vested in the Tribunal.]

1*

*

*

*

*

*

CHAPTER XVI

MISCELLANEOUS

Maps and
land records
open to
inspection,
etc.

327. Subject to such rules and the payment of such fees as the State Government may from time to time prescribe in this behalf, all maps and land records shall, subject to such restrictions as may be imposed, be open to the inspection of the public at reasonable hours and certified extracts from the same or certified copies thereof shall be given to all persons applying for the same.

Rules.

328. (1) The State Government may make rules not inconsistent with the provisions, of this code for the purpose of carrying into effect the provisions of this code.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters :—

(i) under sub-section (1) of section 13, the other powers and duties of appeal, superintendence and control which may be exercised by revenue officers ;

(ii) under sub-section (2) of section 14, the powers which may be exercised by a Circle Officer and Circle Inspector over the Talathi and the duties and functions which may be performed by them ;

(iii) under section 15, the qualifications of persons on whom powers may be conferred ;

(iv) under sub-section (1), the manner of disposal of the property of the State Government and under sub-section (5) of section 20, the rules to be made for giving notice ;

(v) under section 23, the rules regulating the right of grazing on free pasturage lands ;

¹ Section 326 was deleted by Mah. 25 of 2002, s. 10.