

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.

(vi) under sub-section (1), the rules prohibiting or regulating the cutting of certain trees ; under sub-section (2) of section 25, the manner in which the occupant may apply to Collector to fix the value of right in trees and purchase such right ;

(vii) under sub-section 26, the manner in which trees, brushwood, jungle or other natural product vesting in Government shall be preserved or disposed of ;

(viii) under sub-section (1), the rules subject to which wood may be taken without payment of any tax ; under sub-section (2) of section 28, the rules regulating the exercise of the privileges ;

(ix) under clause (c) of sub-section (2) of section 29, the rules subject to which *Bhumidharis* may be permitted to be included in Occupants—Class I ;

(x) under section 31, the rules for the grant of unalienated land including provision for payment of price, action and condition to be annexed to such grant ;

(xi) under sub-section (1) of section 32, the rules subject to which alluvial land may be disposed of ;

(xii) under sub-section (2) of section 35, the rules subject to which the sub-division shall be disposed of by the Collector ;

(xiii) under sub-section (3) of section 36, the rules in accordance with which the Collector may determine liabilities for arrears of land revenue or any other dues and the procedure in accordance with which he may dispose of applications for being placed in possession of occupancy and under sub-section (4) of that section, the payment of premium ;

(xiv) under section 38, the rules subject to which the Collector may lease under grant or contract any unalienated unoccupied land ;

¹[(xiv-a) under section 41, the form of application for permission for erection of a farm building or carrying out the work of renewal, re-construction, alternation or additions ; and the terms and conditions subject to which such permission may be granted by the Collector ;]

(xv) under section 43, the rules subject to which the Collector or survey officer may prohibit the use of land for other purposes and summarily evict any holder who uses such land for such prohibited purpose ;

(xvi) under sub-section (1), the form of application for permission to convert the use of land from one purpose to another ; under clause (c) of sub-section (2), the rules subject to which permission for change of user may be granted by the Collector ; and under sub-section (3) of section 44, the conditions subject to which the permission for change of user shall be deemed to have been granted ; under sub-section (5), the rules prescribing the fine which the defaulter shall be liable to pay ; and under sub-section (6) of section 44, the form in which *sanad* shall be granted to the holder for non-agricultural use ;

²[(xvi-a) under sub-section (2) of section 44A, the form in which the person using the land for a *bona fide* industrial use ³[or special township project] shall give intimation of the date on which the change of user of land has commenced

¹ Clause (xiv-a) was inserted by Mah. 32 of 1986, s. 4.

² Clause (cxvi-a) was inserted by Mah. 26 of 1994, s. 4.

³ These words were inserted by Mah. 26 of 2005, s. 3.

and furnish other information ; and under sub-clause (i) of clause (a) of sub-section (3) of section 44A, the rules subject to which the Collector may levy penalty for failure to send intimation to the Tahsildar ; and under sub-section (5) of section 44A, the form of *Sanad* ;]

(xvii) under sub-section (1) of section 45, the rules prescribing the fine to be paid as penalty for using land without permission ;

(xviii) under section 47, the rules subject to which the Collector may regularise the non-agricultural use of any land ;

(xix) under sub-section (9) of section 48, the rules to regulate the extraction and removal of minor minerals ;

(xx) under sub-section (1) of section 49, the form in which an application shall be made ;

(xxi) under section 51, the rule subject to which the land shall be granted to the encroacher ;

(xxii) under section 60, the local area within which the operation of section 55 may be suspended ;

(xxiii) under section 66, the rules subject to which a holder of land shall be entitled to decrease of assessment including the rules subject to which the holder is liable for payment of land revenue on reappearance of land lost by diluvion ;

(xxiv) under sub-section (4) of section 67, rules according to which the assessment may be made under sub-sections (2) and (3) thereof ;

(xxv) under sub-section (1) of section 68, the rules subject to which the assessment of the amount to be paid as land revenue may be fixed by the Collector ;

(xxvi) under section 72, rules subject to which occupancy or alienated holding shall be disposed of ;

(xxvii) under section 75, the form of register of alienated lands to be kept, the rules subject to which a certified extract from that register may be granted, and the fees to be paid therefor ;

(xxviii) under section 78, the rules in accordance with which reduction, suspension or remission of land revenue in any area may be granted ;

(xxix) under section 84, the rules in accordance with which records of the area and assessment of survey numbers and sub-divisions thereof shall be maintained ;

(xxx) under section 85, the rules in accordance with which the Collector may divide the holding and apportion assessment thereof ; ¹* * *

(xxxi) under sub-section (1) of section 87, the rules in accordance with which the division of survey number in sub-divisions and the fixing of the assessments of the sub-divisions shall be carried out and revised; and the land records in which the area and assessment of such sub-divisions shall be entered ;

(xxxii) under clause (f) of section 90, the number of soil units in the factor scale corresponding to the sixteen annas classification ;

¹ These words " and the limit of area of land revenue below which partition may be rejected " were deleted by Mah. 4 of 1970, s. 6.

(xxxiii) under sub-section (1), the rules for dividing the lands to be settled in groups and fixing the standard rates for each group ; and under sub-section (3) of section 94, the manner in which the land revenue assessment of individual survey numbers and sub-divisions shall be fixed by the Settlement Officer on the basis of their classification value ;

(xxxiv) under section 96, the manner of ascertaining the average yield of crops of land for the purposes of the settlement and the manner of holding enquiry for that purpose and the manner of submitting report to the Collector ;

(xxxv) under section 97, the manner in which a settlement report shall be published ;

(xxxvi) under section 99, the amount of costs to be deposited, the manner in which an inquiry shall be made by ¹[the Tribunal] ; and the rules for the refund of the costs ;

(xxxvii) under section 102, the manner of giving notice ;

²[(xxxvii-a) under section 108, the manner of determining the capitalised assessment ;]

(xxxviii) under section 113, the percentage of the full market value of lands and the other manner of publication of the standard rates of non-agricultural assessment, fixed or revised and the manner in which the full market value shall be estimated ;

(xxxix) under section 117, the other occupations under clause (1), and the period and conditions under clause (5) thereof ;

(xl) under sub-section (2) of section 127, the rules in accordance with which the amount of survey fee shall be regulated by the Collector ;

(xli) under section 128, the manner in which and the maps and registers in which, the results of the operations conducted under section 126 shall be recorded ; and the proportion of contribution to be made by a village *panchayat* to the cost of preparing such maps ;

(xlii) under section 131, the charge or fees for granting a copy of *sanad* ;

(xliii) under sub-section (2) of section 136, the rules for regulating the procedure of the Collector in demarcating the boundaries of a survey number or of a sub-division and the nature of the boundary marks to be used and authorising the levy of fees from the holders of land ;

(xliv) under section 137, the manner of publication of the scheme, plan and the rules subject to which boundaries may be revised by the survey officer under sub-section (2) and the number of members constituting a village committee and the manner in which the committee shall be elected under sub-section (4) thereof ;

(xlv) under section 139, the rules subject to which the Superintendent of Land Records may determine the description of the boundary marks and survey marks and the manner in which they shall be constructed, laid out, maintained or repaired and determining dimensions and materials of such boundary and survey marks under sub-section (3) thereof ;

¹ These words were substituted for the words " the Divisional Commissioner " by Mah. 23 of 2007, s. 11.

² This clause was inserted by Mah. 35 of 1976, s. 4.

(x/vi) under section 142, the manner of demarcating boundary and of repairing and renewing boundary marks under sub-section (1) thereof ;

(x/vii) under section 148, the other particulars under clause (e) thereto which a record of rights shall include ;

(x/viii) under section 149, the rules for producing the requisite evidence of the order by which the permission was given as provided by the third proviso thereof ;

(xlix) under section 150, the form of acknowledgement to be given by the *Talathi* under sub-section (3), the manner in which orders disposing of objections shall be recorded in the register of mutations under sub-section (4), the rules subject to which transfers of entries from the register of mutations to the record of rights shall be effected under sub-section (5), the manner in which entries in the register of mutations shall be certified under sub-section (6) and the manner and procedure to be followed in maintaining the register of tenancies under sub-section (7) thereof ;

(l) under sub-section (4), other matters which the booklet should contain ; and under sub-section (5) of section 151, the rules in accordance with which such booklet shall be prepared, issued and maintained and the fees to be charged therefor ;

(li) the rules for the purpose of section 153 ;

(lii) under section 154, the form in which and the times at which intimation of transfers by registering officers shall be sent ;

(liii) under section 156, the other land records to be prepared ;

(liv) under sub-section (2) of section 170, the rules providing for the payment of land revenue in instalments and prescribing the dates on which the persons to whom, and the places where at, such instalments shall be paid ;

(lv) under section 179, the rules subject to which the occupancy or alienated holding forfeited to Government may be sold or otherwise disposed of ;

(lvi) under section 187, the rules for the management of unalienated land ;

(lvii) under sub-section (1) of section 192, the form of proclamation to be issued by the Collector ;

(lviii) under sub-section (4) of section 193, the form of notice ;

(lix) under section 205, the manner in which a fresh notice of re-sale of property shall be given ;

(lx) under section 238, the rules of conducting ordinary inquiries ;

(lxi) under section 239, the charges for copying, searches, inspection and other like matters ;

(lxii) under section 327, the rules subject to which, and the fees on payment of which, maps and records shall be open to the inspection of the public and certified extracts from the same or certified copies thereof shall be given ;

(lxiii) any other matter for which rules may be made under this Code.

329. (1) All rules made under this Code shall be subject to the condition of previous publication.

Provisions for previous publication of, and penalty for breach of rules.

(2) It shall be lawful for the State Government, in making any rules under this Code to prescribe that any person committing a breach of the same shall, in addition to any other consequences that would ensue from such breach, be punishable with such fine not exceeding one thousand rupees as the Collector may, after giving such person an opportunity to be heard, deem fit to impose.

330. Every rule made under this Code shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Laying of rules before Legislature.

¹[**330A.** Save as specifically provided in this Code, the State Government, and subject to the approval of the State Government, any Commissioner or Collector may, by notification in the *Official Gazette*, direct that all or any of the powers conferred or duties imposed on it or him by or under this Code may, subject to such restrictions and conditions, if any, be exercisable also by such officer not below such rank, as may be specified in the notification.]

Delegation of powers and duties.

331. (1) The provisions of section 68 and of Chapters V, VI, VII, VIII and IX shall be applicable to all alienated villages and alienated shares of villages subject to the following modifications, that is to say—

Certain Provisions to apply to alienated villages.

(i) subject to the provisions of any covenant or agreement entered into by the State Government with the holder or holders of any such village or share, the costs of any survey directed under section 79 or a fresh survey directed under section 83 and of any settlement carried out under the said Chapters in any such village or share shall be payable by the holder or holders in proportion to their share in the rent or revenue of the village or share ;

(ii) if the State Government so directs such costs shall also be payable by any class of persons who, in the opinion of the State Government, have any interest in any land in such village or share and in such proportions as the State Government may direct ;

(iii) on the introduction of a settlement under Chapter V or VI in any such village or share, the holder or holders of such village or share shall, in proportion to his share in the rent of revenue of the village or share, be liable to pay—

(a) the salaries of the village officers appointed for the village or the share including the commutation allowance payable in respect of a commuted Kulkarni watan in the village, if any ;

(b) the costs of the levy of a cess under sections 144, 151 and 152 of the, Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

Mah.
V of
1962.

¹ Section 330A was inserted by Mah. 4 of 1970, s. 7.

(iv) the liability under clauses (i) and (iii) shall be a first charge on the rent or revenue of such village or share ;

(v) the total amount payable under clauses (i) and (iii) in respect of the holding in any such village or share shall be recoverable from the holder of such village or share entered in the record of rights ;

(vi) the amount payable under clause (ii) by any class of persons shall be recoverable in such manner as the State Government directs from the members of that class as entered in the record of rights.

(2) All survey settlements hereto before introduced in alienated villages shall be valid as if they had been introduced in accordance with the provisions of this section.

Holders of
land in
alienated
villages.

332. When a survey settlement has been introduced under the provisions of section 331 or of any law for the time being in force, into an alienated village, the holders of all lands to which such settlement extends shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as holders of land in unalienated villages have, or are affected by, under the provisions of this Code, and all the provisions of this Code, relating to holders or land in unalienated villages shall be applicable, so far as may be, to them.

Construction
of the Code.

333. Nothing in this Code, which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed to affect alienated land, or the rights of holders of alienated land or of the Government in respect of any such land and no presumption shall be deemed to arise either in favour, or to the prejudice, of any holder of alienated land from any provision of this Code in terms relating to unalienated land only.

Amendment of
enactments.

334. The enactments specified in Schedule K are hereby amended in the manner and to the extent specified in the fourth column thereof.

Power to
remove
difficulty.

335. If any difficulty arises in giving effect to the provisions of this Code the State Government may, as the occasion requires, by order do anything not inconsistent with the purposes of this Code which appears to it to be necessary for the purpose of removing the difficulty :

Provided that, no order shall be made under this section after the expiry of one year from the commencement of this Code.

Repeal and
savings.

336. On the commencement of this Code, the following laws, that is to say—

(a) the Bombay City Land Revenue Act, 1876 ;

Bom.
II of
1876.

(b) the Bombay Land Revenue Code, 1879 ;

Bom.
V of
1879.

(c) the Bombay City Survey Act, 1915 ;

Bom.
IV of
1915.

(d) the Bombay Revenue Tribunal Act, 1957 ;

Bom.
XXXI
of
1958.

C. P.
II of
1916.

(e) the Central Provinces Land Alienation Act, 1916 ;

M. P.
II of
1955.

(f) the Madhya Pradesh Land Revenue Code, 1954 ;

Hyd.
VIII of
1317-F.

(g) the Hyderabad Land Revenue Act, 1317-F ;

Hyd.
LVIII of
1358-F.

(h) the Hyderabad Record of Rights in Land Regulations, 1358-F ;

are hereby repealed :

Provided that, the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued, or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, proceeding, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, proceeding, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Code had not been passed :

C. P.
II of
1916.

Provided further that, any temporary alienation made by a member of an aboriginal tribe before the commencement of this Code by mortgage, lease or otherwise under the Central Provinces Land Alienation Act, 1916, shall be regulated in accordance with the provisions of that Act, as if this Code had not been passed :

Provided also that, subject to the preceding provisos, and any saving provisions made in any of the Chapters of this Code, anything done or any action taken including any rule, assessments, appointments and transfers made, notifications, orders, summons, notices, warrants and proclamations issued, authorities and powers conferred, forms and leases granted, survey and boundary marks fixed, record of rights and other records framed or confirmed, rights acquired, liabilities incurred and times and places appointed under any law so repealed shall, in so far as it is not inconsistent with the provisions of this Code, be deemed to have been done or taken under the corresponding provision of this Code ; and shall continue to be in force accordingly unless and until superseded by anything done or action taken under this Code.

337. (1) Any reference in any law in force in the Vidarbha region of the State, to—

Construction
of reference.

- (a) (i) a malik makbuza ;
- (ii) a raiyat malik ;
- (iii) an absolute occupancy tenant ;
- (iv) an occupant ;
- (v) an ante-alienation tenant ;
- (vi) a tenant of antiquity ;
- (vii) a Bhumiswami ;

shall be deemed to be a reference to Occupant—Class I ; and

- (b) (i) an occupancy tenant ;
 (ii) a raiyat ;
 (iii) a tenant ;
 (iv) a permanent tenant ;
 (v) a Bhumidhari ;

shall be deemed to be a reference to Occupant—Class II.

(2) Any reference in any law or in any instrument or, other document to the expression "Mamlatdar, Mahalkari, Patwari, Patwari Circle" shall, unless a different intention appears, be construed as a reference to the corresponding expressions "Tahsildar, Naib-Tahsildar, Talathi and Saza" ; and in all suits, or other legal proceeding before any court, tribunal or authority pending on the commencement of this Act in which or to which any of the authorities first mentioned is a party, the authority corresponding thereto shall be deemed to be substituted therefor.

SCHEDULE A

(See sections 17 and 183)

Form of warrant to be issued by the Collector under section 17 or 183.

(Seal)

To,

THE OFFICER-IN-CHARGE OF THE CIVIL JAIL AT

WHEREAS AB of _____ was on the
 pay of _____ 20 _____, ordered by _____ to
 (here state the substance of the demand made) ; and whereas the said AB has
 neglected to comply with the said order, and it has therefore been directed , under
 the provisions of section 17 or 183 of the Maharashtra Land Revenue Code, 1966,
 that he be imprisoned in the civil jail until he obeys the said order, or until he
 obtains his discharge under the provisions of section 17 or 183 or 191 as the
 case may be, of the said Code ; you are hereby required to receive the said AB
 into jail under your charge and to carry the aforesaid order into execution
 according to law.

Dated this

day of

20 .

Seal

(Signature of the Collector)