

(3) On the expiry of the period of the *lasse* or, as the case may be, of the mortgage, the Collector may, notwithstanding anything contained in any law for the time being in force; or any decree or order of any court or award or order of any tribunal, or authority, either *suo motu* or on application made by the tribal in that behalf, restore possession of the occupancy to the Tribal.

(4) Where, on or after the commencement of the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974, it is noticed that any occupancy has been transferred in contravention of sub-section (1) ¹[the Collector shall, notwithstanding anything contained in any law for the time being in force, either *suo motu* or on an application made by any person interested in such occupancy, within thirty years] from the date of the transfer of occupancy hold an inquiry in the prescribed manner and decide the matter.

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(5) Where the Collector decides that any transfer of occupancy has been made in contravention of sub-section (1), he shall declare the transfer to be invalid, and thereupon, the occupancy together with the standing crops thereon, if any, shall vest in the State Government free of all encumbrances and shall be disposed of in such manner as the State Government may, from time to time.

(6) Where an occupancy vested in the State Government under sub-section (5) is to be disposed of, the Collector shall give notice in writing to the Tribal-transferor requiring him to state within 90 days from the date of receipt of such notice whether or not he is willing to purchase the land. If such Tribal-transferor agrees to purchase the occupancy, then the occupancy may be granted to him if he pays the prescribed purchase price and undertakes to cultivate the land personally; so however that the total land held by such Tribal-transferor, whether as owner or tenant, does not as far as possible exceed an economic holding.

Explanation.—For the purpose of this section, the expression “economic holding” means 6.48 hectares (16 acres) of *jirayat* land, or 3.24 hectares (8 acres) of seasonally irrigated land, or paddy or rice land, or 1.62 hectares (4 acres) of perennially irrigated land, and where the land held by any person consists of two or more kinds of land, the economic holding shall be determined on the basis of one hectare of perennially irrigated land being equal to 2 hectares of seasonally irrigated land or paddy or rice land or 4 hectares of *jirayat* land.

Damages for
use and
occupation of
occupancies
in certain
cases.

36B. A non-Tribal who after the occupancy is ordered to be restored ²[under either of the provisos] to sub-section (3) of section 36 or after the occupancy is vested in the State Government ³[under sub-section (3A) of section 36 or] under sub-section (5) of section 36A continues to be in possession of the occupancy, then the non-Tribal shall pay to the Tribal in the former case, and to the State Government in the latter case, for the period from the year (following the year in which the occupancy is or is ordered to be restored to the Tribal or is vested in the

¹ This portion was substituted for the portion beginning with the words “the Collector shall” and ending with the words “three years” by Mah. 1 of 1991, s. 3.

² These words were substituted for the words “under the proviso”, *ibid.*, s. 4.

³ These words, brackets, figures and letter were deemed always to have been inserted by Mah. 30 of 1977, s. 3.