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प्र. क्र./Q. No.

01

STANDARD RENT AND PERMITTED INCREASE

- # Introduction / nomencl
- # Standard Rent sec (7)
- # permitted Increase sec (7)
- # power of court to fix Standard Rent and permitted increase sec 8.
- # No Application shall lie in certain cases sec 9.
- # Conclusive comments

Introduction

The Maharashtra Rent Control Act 1999 aims to unify, amend and consolidate the law relating to payment of rent, eviction and promote construction of new houses for fair return of investment by landlord.

Sec. 8 Empower court to fix standard and permitted increase in certain circumstances.

Standard rent sec 7

→ For the purpose of this Act

Standard rent mean's

- i) The rent fixed by the court in the collector's of or under i) Bombay Rents, Hotels and Lodging House Rates Act or ii) Central Provinces of Berar letting house for accommodation Act or iii) Hyderabad House Act fixed such



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Rent and a Increase of 5%.

ii) Where the Rent is ~~not~~ not fixed by the Court according to subsection 7 then

A) The Rent on which the premises were let on 1st Oct 1982

B) If Rent is not so fixed on 1st Oct 1982 then the before 1st Oct 1982 plus increase of 5%.

iii) Where the Rent is fixed by the Court 4/5 8. of this Act.

Permitted Increase 5%

- permitted increase in relation to this Act mean increase in the standard Rent according to the provision of this Act.

power of the Court to fix the standard Rent and permitted increase Sec. 8

- Sec 9 Empower Court to fix the standard Rent and the permitted increase under the purview of this Act.



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object of this section

- To safeguard the interest of tenant's

- To control over the standard rent to be payable

- To settlement of the dispute between landlord and tenant.

Sec 8. power of court to fix standard rent.

1) A court may fix the standard rent and permitted increase in the following cases.

A) - If it is not possible to ascertain or there is no evidence to ascertain the rent on which the premises were let on 1st Oct 1982

B) - If the premises was given on let on rent in part or whole for the first time for one reason and again in part or whole for some other reason.

C) - If was let on free of cost (rent free) or very nominal rate and some additional things.



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D). In the case of dispute between the tenant and Land Land.

2) In the case of Dispute between the tenant and Landlord the Standard Rent shall be fixed according to provision of this Act.

3) i) On the application of tenant - A court may decide and fix the standard rent if it thinks fit according to the provision of the act and act. tenant to pay or tendered a sum in the court for the payment of the rent.

ii) If the tenant did not comply with the order of the court his application will be reject.

4) In a pending suit for recovery of possession, rent. - A court may fix the standard rent and permitted increase in any case if it thinks fit, pending for recovery of possession.



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Conditions on which court may fix the standard rent & permitted increase

i) In any of the case of sub sec-1 section 8,

ii) on the application by the tenant

iii) or in any pending suit for the recovery of Rent/possession

No Application shall lie in certain cases. Section 9.

- Notwithstanding anything herein. No court shall fix the standard rent if it is ~~the~~ already fixed by an competent court on the merits of the case without any fraud or collusion or error apparent on the fact or question of law or in terms of tenancy or change.

Conditions on which application may allow

1) Fraud

2) Change in amenities

1) Changes in terms of tenancy



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5) error of law6) Standard Rent Not fixed on merits7) collusion etc.# Conclusive Comments

The Maharashtra Rent Control Act 1999 provides for the detail provision regarding fixation of rent and permitted increase.

No Application shall entertain by any court if the Standard Rent is already fixed by the competent court on the merits of the case.

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07

a)

object of the ceiling Act

(a)

- The main objects of the ceiling Act are as follows:

i) To Impose Maximum limit (ceiling) on the Agriculture land of the State of Maharashtra.

ii) Acquisition and distribution of land in excess of ceiling limit

iii) To achieve the goal of Directive principles of the State policy and preamble of the Indian Constitution.

iv) To determine the various classes of land.

#1) Conclusion

(03)

The ceiling act was passed with the main object to impose maximum limit or ceiling limit on the agriculture land and acquisition and distribution of such surplus land in the State of Maharashtra.

(02)



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6

Surplus land (Sec 21)

- # Introduction
- # Meaning
- # Surplus land u/s 21
- # Conclusive Comment

Introduction

Sec 21 of the land ceiling act deals with the provision of surplus land. And the collector have the power to hold enquiry in such matter.

Land in excess of ceiling limit.

Meaning of Surplus land

"Land in excess of ceiling limit is known as surplus land."

In general sense we can say that surplus land is a land which a landlord own in excess to the maximum limit under this act.



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Power of collector in reference to surplus land.

i) Collector has the power to hold inquiry.

ii) Collector has the power to restoration.

iii) Collector has the power of Acquisition and distribution of surplus land.

iv) Power to settle dispute and enter into survey land.

Surplus land provision 4/5 21.

- Surplus land is land held by a family unit is excess of the ceiling limit.

- The state govt may acquire such surplus land and distribute it on the basis of priority. 4/5 27.

Conclusive comments -

Sec 21 deals with the provision of surplus land.

Q3-

2cmd Reward —

#	Meaning of Land Record
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#	provision with reference to record of Rights S 147 to 160 Role of talathi
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ii) ~~Exemption~~ from the provision

ii) Award of Rights

iii) Register for mutation and dispute

iv) furnishing information for record of Rights

v) ~~penalty for not providing information~~

- vi Acquisition of rights be stored.

vii) Assessment of Maps

#	Conclusion
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Introduction

Port ~~X~~ Sect 147 to 160
Reals with the provision of
the record of Land Rights
under Maharashtra Land Revenue
Code, 1966.

Record of Rights
are Rights of a person
on a land.



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Meaning of land record -

"Land record mean Record of the Rights of the person over a land in a village and include all the records in relation to land.

Role of Talathi under this Act

- Talathi - A person who keeps the record of rights.

i) Exemption from the provision of this Act

State govt may exempt any or all land under the Review of this Act.

ii) Records of rights
records of rights include

i) Name of the person and holding land area.

ii) Locality limit of the land

iii) Record of lands



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iv) Record of survey no and sub-division.

iii) Register for mutation and dispute -

Talathi is liable to keep a register in respect to mutation and dispute regarding boundary and boundary work.

vi) furnishing the information -

All the villagers are liable to furnish all the information as required by the talathi to enter into the record of rights.

vii) Penalty -

person who did not provide information shall be liable for punishment under this act.



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v) Acquisition of Rights be stored. —

Talathi shall keep records of all the rights which are acquired by a person in recent time by any way as provided in this Code.

v) Assessment of maps —

Talathi shall assess the cost of the maps.

vi) Conclusion

Chapter X sec 147 to 160 deals with the provision of ~~the~~ Record of Right or Rights of person over a land.

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04

Powers and duties of Survey officer

- # Introduction
- # Survey officer functions
- # power of the Survey officer 4/5 14
- # duties of the Survey officer 4/5 8
- # Conclusion.

Introduction—

Section 14 and 8 of the Land Revenue Act deals with the various provision regarding powers and duties of Survey officer in respect to this code.

Survey officer for the purpose of this Act perform various function and duties. This Act also provides for various powers of the Survey officer.

Functions of Survey officer—

- i) The Survey the land
- ii) Assessment of Land Revenue
- iii) Fixation of boundary and boundary maps.
- iv) To hold inquiry.



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Survey officer S.8. —

→ For the purpose of this act
Survey officer means an officer
appointed by the state government
and include

- i) Land Inspector
- ii) Land record officer's
- iii) deputy land record officer's
- iv) Commissioner of record of
rights.
- v) Revenue officer
- vi) any other officer as the state
govt. may appoint

Duties of the Survey
officer. —

- i) Assessment of Land Revenue
- ii) Fixation of boundary and
boundary marks.
- iii) Settlement of Dispute regarding
boundaries, survey numbers and
Sub-Division.
- iv) Inspection of Survey land.



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v) Assessment of ceiling areavi) Settling various Disputes by holding inquiriesvii) Maintaining Records of Rightsviii) Impose penaltiesix) Surveying the land records etc.## Powers of the Survey officer
4/5 14i) Power to hold inquiry —

Survey officer has the power to hold inquiry in any matter of dispute.

ii) Power to enter into Survey land

Survey officer has the power to enter into the survey land for the purpose of this act.

iii) Power of Collector —

State Govt. if thinks fit grant the power of collector to the



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Survey officer.

Power to impose penalty -

Survey officers have the power to impose penalty under this act.

Power of Talathi -

Survey officer has all the power of Talathi for the purpose of this act.

Power of the Govt. -

State govt. may for the purpose of this act grant power of the Govt. to the Survey officer.

Conclusion -

Sec 9 & 17 of the act deals with the provision regarding powers & duties of the Survey officer. There are very least duties which are imposed on Survey officer.

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65-

Tiller's Day

Introduction

Tiller's day Sec 32

Tenant Deemed to purchase land of Tiller's Day S. 32(A)

Claimant purchase S. 32

i) widow

ii) Minor

iii) disabled person

Conclusion

Introduction

Sec 32 of the Bombay Tenancy and Agriculture Land Act 1948 Deals with the provision of Tiller's Day.

If after the expiry of period the landlord resumption of the land on 31 March 1957 then the tenant Deemed to purchase the land of Tiller's Day

Tiller's Day - 1 April 1957

After which a tenant is Deemed to purchase the land.



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Meaning of Filler's Day.

When the land lord did not
not Apply for the Resumption
of licensed land before 31st March
1957 but the tenants who hold
licensed land shall be deemed
to purchase that land on
Filler's Day i.e. 1 April 1957

object of this section 32

- To bring equality
- To provide land to landless people
- To control the ceiling limit.

Tenant deemed to purchase land on Filler's Day.

Tenant is deemed to purchase land on Filler's Day if

- 1) he is a permanent tenant and cultivating personally.
- 2) he is not a permanent tenant but cultivation personally and landlord.