THE MAHARASHTRA AGRICULTURAL LANDS (CEILING ON HOLDINGS) ACT, 1961

[*Text as on 6th June 2024*]

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16. Amended by Mah. 2 of 1976[9]
17. Amended by Mah. 26 of 1976

1 The principal Act shall be deemed always to have been amended by the provisions of Mah. 13 of 1962 (*vide* s. 9 of Mah. 13 of 1962).

2 The amendments made by Mah. 32 of 1965 shall be deemed to have come into force on the date on which the principal Act came into force (*vide* s. 5 of Mah. 32 of 1965).

3 Mah. Ord. V of 1968 was repealed by Mah. 33 of 1968.

4 Mah. Ord. X of 1969 was repealed by Mah. 37 of 1969, s. 3.

5 Mah. Ord. IX of 1969 was repealed by Mah. 38 of 1969, s. 3.

6 Mah. Ord. IV of 1972 was repealed by Mah. 13 of 1972, s. 3.

7 Mah. Ord. XII of 1973 was repealed by Mah. 50 of 1973, s. 5.

8 Section 2 of Mah. 21 of 1975 reads as under :–

"2. Declaration for giving effect to policy of State towards securing principles specified in clause (*b*) and (*c*) of article 39 of the Constitution.— In pursuance of article 31-C of the Constitution of India, it is hereby declared that the provisions of this Act are enacted for giving effect to the policy of the State towards securing the principles specified in clause (*b*) and clause (*c*) of article 39 of the Constitution of India; and in particular, but without prejudice to the generality of the foregoing declaration, for providing that the ownership and control of the agricultural resources of the community are so distributed as best to subserve the common good, and also that the operation of the agricultural economic system does not result in the concentration of wealth and means of agricultural production to the common detriment."

9 Provisions of sections 2(*c*), 3, 4(*b*), (*c*) and (*d*), 8(*a*), 10, 11(*b*) and 12 to 17 (both inclusive) were deemed to have come into force on the 22nd day of September, 1975. Provisions of sections 2(*a*) and (*b*), 5, 7 and 8(*b*) were deemed to have come into force on the 2nd day of October 1975 and the remaining provisions of this Act came into force on the 3rd January 1976. [*See* Mah. 2 of 1976, s. 1 (*2*)].

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

18. Amended by Mah. 57 of 1976 (12-1-1977)[1]
19. Amended by Mah. 60 of 1977
20. Amended by Mah. 13 of 1988
21. Amended by Mah. 16 of 1990[2]

22. Amended by Mah. 17 of 1990
23. Amended by Mah. 17 of 2003 (20-5-2003)[3]
24. Amended by Mah. 8 of 2006[4] (17-2-2006)
25. Amended by Mah. 1 of 2012 (2-2-2012)
26. Amended by Mah. 19 of 2018 (20-2-2018)
27. Amended by Mah. 71 of 2018 (15-12-2018)
28. Amended by Mah. 19 of 2019 (23-7-2019)
29. Amended by Mah. 6 of 2024 (19-1-2024)

1 Section 5 of Mah. 57 of 1976 reads as follows :–

"5. Validation of revisional jurisdiction exercised by the Collector under section 45A of Mah. XXVII of 1961.— Notwithstanding anything contained in any judgement, decree or order of any Court or Tribunal, anything done or any action taken or any order passed by the Collector (including any revisional jurisdiction exercised or proceedings taken by him in any case) before the date of commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment and Validation) Act, 1976 (Mah. LVII of 1976), in the exercise or purported exercise of the powers conferred on him by sub-section (*2*) of section 45-A of the principal Act shall not be deemed to be illegal or invalid or ever to have been illegal or invalid merely on the ground that the Collector was not empowered to do such thing or to take such action or to pass such order, or that such things, action or order was purported to have been done, taken or passed as the case may be, under sub-section (*2*) of the said section 45-A of the Act before amendment, and not under the said section (*2*) as amended by this Act, or that the Collector had otherwise no jurisdiction to revise the proceedings of any Tribunal; and accordingly, anything done or action taken or order passed by the Collector in all such cases shall be deemed to have been legally and validly done, taken or passed, as the case may be, under the said sub-section (*2*) as amended by this Act; and no suit or other legal proceedings shall lie or be continued in any Court or before any Tribunal against the Collector, in respect of any such thing, action or order."

2 Section 3 of Mah. 16 of 1990 reads as follows :–

"3. Validation of proceeding or orders initiated or passed by the State Government and of acts or things done in pursuance thereof.— Notwithstanding anything contained in the principal Act or in any judgment, decree or order of any Court or Tribunal any proceeding initiated or any order passed by the State Government in any such proceeding under sub-section (*2*) of section 45 of the principal Act, as amended by the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1976 (Mah. XXVI of 1976), during the period commencing on the date of coming into force of the said amendment Act and ending on the date of commencement of this Act shall not be deemed to be invalid and shall be deemed to have been validly initiated or passed under sub-section (*2*) of section 45 of the principal Act, as amended by this Act, as if provisions of sub-section (*2*) of section 45 as so amended by this Act had been in force at all material times when such proceeding was initiated or order passed, and accordingly all acts and things done in pursuance of any order so passed shall be valid and effective and no such proceeding, order, acts or things initiated, passed, done or taken shall be called in question in any Court merely on the ground that the State Government had no power to initiate such proceeding or pass such order."

3 Mah. 17 of 2003 was brought into force on 20-5-2003 *vide* G. N., R. & F. D., No. ICH-3498/ CR-23/Part F/L-7, dated 8-5-2003.

4 Mah. Ord. 3 of 2006 was repealed by Mah. 8 of 2006, s. 3.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

MAHARASHTRA ACT No. XXVII OF 1961[1]

[THE MAHARASHTRA AGRICULTURAL LANDS (CEILING ON HOLDINGS) ACT,1961.]

[This Act received the assent of the President on the 7th June 1961 ; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 16th June, 1961.]

An Act to impose a maximum limit (or ceiling) on the holding of agricultural land in the State of Maharashtra; to provide for the acquisition and distribution of land held in excess of such ceiling; [2][to provide that the lands taken over from undertaking and the integrity of which is maintained in compact blocks for ensuring the full and efficient use of the land for agriculture and its efficient management through corporations (including a company) owned or controlled by the State, be granted to such corporations or company;] and for matters connected with the purposes aforesaid.

WHEREAS, for securing the distribution of agricultural land as best to subserve the common good, it is expedient in the public interest to im ceiling) on the holding of agricultural

land in the State of Maharashtra; to provide for the acquisition of land held in excess of the ceiling, and for the distribution thereof to landless and other persons; [3][also to provide that the lands taken over from undertaking and the integrity of which is maintained in compact blocks for ensuring the full and efficient use of the land for agriculture and its efficient management through corporations (including a company) owned or controlled by the State, be granted to such corporations or company;] and for matters connected with the purposes aforesaid; it is hereby enacted in the Twelfth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (*1*) This Act may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.

(*2*) It extends to the whole of the State of Maharashtra.

(*3*) It shall come into force on such [4]date as the State Government may, by notification in the *OfficialGazette*, appoint.

2. Definitions.— In this Act, unless the context otherwise requires—

(*1*) "agriculture" includes—

(*a*) horticulture,

(*b*) the raising of crops, grass or garden produce or singhare (*trapa bispinosa*),

(*c*) the use by an agriculturist of land held by him, or part thereof, for grazing,

(*d*) the use of any land, whether or not an appanage to rice or paddy land, for the purpose of *rab-manure*,

(*e*) dairy farming,

(*f*) poultry farming,

(*g*) breeding of live-stock,

but, does not include the cutting of wood only;

1 For Statement of Objects and Reasons of the L.A. Bill No. I of 1961, *see Maharashtra Government Gazette*, 1961, Extraordinary No.1, Part V, dated 3rd January 1961, pages 105-107; for Report of the Joint Committee, *seeibid*., Part V, pages 151-277.

2 These words were inserted by Mah. 27 of 1970, s. 2.

3 These words were inserted by Mah. 27of 1970, s. 3.

4 26th day of January 1962, *vide* G. N., R. D., No. ICH. 1062-M (Spl.), dated 16th January 1962.

[1][* * * *

(*3*) "agriculturist" means a person who cultivates land personally;

[2][(*3A*) "Amending Act, 1972" means the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Mah. XXI of 1975);]

(*4*) "appointed day" means the day on which this Act comes into force;

(*5*) "class of land" means land falling under any one of the following categories, that is to say,—

[3][(*a*) land with an assured supply of water for irrigation and capable of yielding at least two crops in a year, that is to say,—

(*i*) land irrigated seasonally as well as perennially by flow irrigation from any source constructed or maintained by the State Government or by any *Zilla Parishad* or from any other natural source of water ; or

(*ii*) land irrigated perennially by a Government owned and managed lift from any source constructed or maintained by the State Government or by any *Zilla Parishad* or from any other natural source of water ;

(*b*) land (other than land falling in clause (*c*)) which has no assured perennial supply of water for irrigation, but has an assured supply of water for only one crop in a year, that is to say, land irrigated—

(*i*) seasonally by flow irrigation from any source constructed or maintained by the State Government or by any *Zilla Parishad* or from any other natural source of water ; or

(*ii*) perennially by a lift (other than a lift referred to in item (*ii*) of clause (*a*)) from any source constructed or maintained by the State Government or by any *Zilla Parishad* or from any other natural source of water ; or

(*iii*) perennially from a privately-owned well situated on land within the irrigable command of any irrigation project, or in the bed of a river, stream or natural collection of water or drainage channel (being a river, stream, natural collection of water or drainage channel which is a perennial source of water) ;

(*c*) land irrigated seasonally by flow irrigation from any source constructed or maintained by the State Government or by any *Zilla Parishad* or from any other natural source of water with unassured water supply, that is, where supply is given under water sanctions, which are temporary, or where such sanctions are regulated on the basis of availability of water in the storage ;

(*d*) dry crop land, that is to say, land other than land falling under sub-clause (*a*), (*b*), or (*c*) of this clause situated in the Bombay Suburban District and Districts of Thana, Kolaba, Ratnagiri and Bhandara and in the Brahmapuri, Gadchiroli and Sironcha Talukas of the Chandrapur District and which is under paddy cultivation for a continuous period of three years immediately preceding the commencement date ;

(*e*) dry crop land, that is to say, land other than land falling under sub-clause (*a*), (*b*), (*c*) or (*d*) of this clause.

Explanation.— For the purposes of this clause,—

(*1*) land situated within the irrigable command of an irrigation project, means all lands which are irrigated or are capable of being irrigated from such project ;

(*2*) land which is irrigated from any source of irrigation specified in sub-clause (*a*), (*b*) or (*c*) and which was used for horticulture (other than the land used for growing of coconut,

1 Clause (*2*) was deleted by Mah. 21 of 1975, s. 3 (*1*).

2 Sub-clause (*3A*) was inserted by Mah. 21 of 1975, s. 3 (*2*).

3 Sub-clauses (*a*) to (*e*) were substituted for sub-clauses (*a*) to (*d*) by Mah. 47 of 1975, s. 2.

arecanut, bananas, guava or for vineyards) on or before the 26th day of September, 1970 shall be deemed to be land falling under sub-clause (*e*) until the 4th day of August, 1979;

(*3*) land which is irrigated from any source of irrigation specified in sub-clause (*b*) shall not be deemed to be land falling under the said sub-clause (*b*) if the irrigation is provided by a private lift irrigation work operated by diesel or electric power or operated by both methods and constructed after the 15th day of August 1972.]

1[(*5A*) "Code" means the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) ;]

(*6*) "Collector" includes an Additional Collector, and an Assistant or Deputy Collector exercising the powers or discharging the duties of a Collector under the 2[Code], and also any other officer not below the rank of an Assistant or Deputy Collector, especially empowered by the State Government to exercise the powers and perform the functions of is Act ;

[3][(*6A*) "commencement date" means the 2nd day of October 1975 ;]

(*7*) "Commissioner" includes an Additional Commissioner ;

(*8*) "to cultivate" with its grammatical variations and cognate expressions, means to till or husband land for the purpose of raising or improving agricultural produce, whether by manual labour or with the use of cattle or by machinery, or to carry on any agricultural operation thereon ;

Explanation.— A person, who enters into a contract to cut grass on any land, shall not on that account only be taken to cultivate such land;

(*9*) "to cultivate personally" means to cultivate land on a person's own account,—

(*i*) by his own labour, or

(*ii*) by the labour of any member of his family, or

(*iii*) by hired labour, or by servants on wages, payable in cash or kind (but not in crop share) under the personal supervision of himself or any member of his family;

Explanation I.— A person under disability shall be deemed to cultivate personally, if he cultivates through his servants, or by hired labour ;

Explanation II.— In the case of joint family, land shall be deemed to be cultivated personally, if it is so cultivated by any member of such family ;

(*10*) "exempted land" means land exempted from the provisions of this Act under section 47 ;

(*11*) "family" includes, a Hindu undivided family, and in the case of other persons, a group or unit the members of which by custom or usage, are joint in estate or possession or residence ;

[4][(*11A*) "family unit" means a family unit as explained in section 4 ;]

(*12*) "farming society" means a society registered or deemed to be registered as such, under any law for the time being in force relating to the registration of co-operative societies ;

(*13*) "fragment" has the meaning assigned to it in section 2 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947);

(*14*) "to hold land", with its grammatical variations and cognate expressions, means to be lawfully in actual possession of land as owner or as tenant ; and "holding" shall be construed accordingly ;

(*15*) "joint farming society" means a joint farming society (registered or deemed to be registered as such, under any law for the time being in force relating to the registration of co-operative societies) the members of which cultivate jointly the land held by the members or by the society ;

1 Clause (*5A*) was inserted by Mah. 21 of 1975, s. 3(*4*).

2 This word was substituted for the words "relevant Code" by Mah. 21 of 1975, s. 3(*5*). 3 Clause (*6A*) was substituted by Mah. 2 of 1976, s. 2(*a*).

4 Clause (*11A*) was inserted by Mah. 21 of 1975, s. 3(*7*).

(*16*) "land" means land which is used, or capable of being used, for purposes of agriculture, [1][and includes—

(*a*) the sites of farm buildings on, or appurtenant to such land;

(*b*) land on which grass grows naturally ;

(*c*) trees and standing crops on such land ;

(*d*) canals, channels, wells, pipes or reservoirs or other works constructed or maintained on such land of the supply or storage of water for the purpose of agriculture ;

(*e*) drainage-works, embankments, *bandharas* or any other works appurtenant to such land,

or constructed or maintained thereon for the purposes of agriculture; and all structures and permanent fixtures on such land;]

[2][(*17*) "landless person" means a person who does not hold any land or who holds land for the purpose of agriculture not in excess of one hectare of dry crop land (or irrigated land proportionately converted in the manner provided in section 5) and earns his livelihood principally by manual labour on agricultural land in either case;]

[3] * * * * * *

(*19*) "Maharashtra Revenue Tribunal" means the Maharashtra Revenue Tribunal constituted under the [4]Bombay Revenue Tribunal Act, 1957 (Bom. XXXI of 1958) ;

[5] * * * * * *

(*21*) "owner", in relation to any land, includes the person holding the land as occupant, [6][or superior holder as defined in the Code], or as lessee of Government, a mortgagee-in-possession, and a person holding land for his maintenance;

(*22*) "person" includes a family ;

(*23*) "person under disability" means—

(*a*) a widow, or

(*b*) a minor, or

(*c*) a woman, who is unmarried, or who if married is divorced or judicially separated from her husband, or whose husband is a person who is a serving member of the Armed Forces or falls under item (*d*), or

(*d*) a person who by reason of some mental or physical disability is incapable of cultivating land either by personal labour or under supervision, and includes a serving member of the Armed Forces;

(*24*) "prescribed" means prescribed by rules made under this Act;

[7] * * * * * *

(*26*) "relevant tenancy law" means—

(*a*) in relation to the Vidarbha region of the State of Maharashtra, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (Bom. XCIX of 1958);

1 This portion was deemed always to have been substituted for the portion beginning with "and includes" and ending with "grass grows naturally" by Mah. 32 of 1963, s. 2.
2 Clause (*17*) was substituted by Mah. 21 of 1975, s. 3(*8*).
3 Clause (*18*) was deleted by Mah. 21 of 1975, s. 3(*9*).
4 Now see Maharashtra Land Revenue code, 1966 (Mah. XLI of 1966).
5 Clause (*20*) was deleted by Mah. 2 of 1976, s. 2(*b*).
6 These words were substituted for the words "superior holder, tenure holder or land holder as defined in the relevant Code" by Mah. 21 of 1975, s. 3(*11*).
7 Clause (*25*) was deleted by Mah. 21 of 1975, s. 3(*12*).

(*b*) in relation to the Hyderabad area of the State, the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. Act. XXI of 1950); and

(*c*) in relation to the rest of the State, the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948);

(*27*) "Schedule" means a Schedule appended to this Act;

(*28*) "serving member of the Armed Forces" means a person in the service of the Armed Forces of the Union; Provided that, if a question arises whether or not any person is a serving member of the Armed Forces of the Union the question shall be decided by the State Government, and its decision thereon shall be final ;

[1] * * * * * *

(*30*) "tenant" means a person who holds land on lease, and includes a person who is deemed to be a tenant under the relevant tenancy law; and "landlord" means a person from whom land is held on lease by a tenant, and includes a person who is deemed to be a landlord under the relevant tenancy law;

[2] * * * * * *

[3][(*31*) "Tribunal" means the Surplus Lands Determination Tribunal or; as the case may be, the Land Distribution Tribunal constituted under section 2A;]

(*32*) words and expressions used in this Act, but not defined, shall have the meanings assigned to them [4][in the Code.]

[5]**[2A. Constitution and reconstitution of Tribunals.—** (*1*) The State Government may, by notification in the *Official Gazette*, from time to time, constitute as many Tribunals as may be necessary for such area or areas and for such purpose or purposes of this Act or for such provision or provisions thereof as may be specified in the notification.

(*2*) Where a Tribunal is constituted or reconstituted for the purpose of determining surplus land under the provisions of this Act, the Tribunal shall be called the Surplus Lands Determination Tribunal. Where a Tribunal is constituted or reconstituted for the purpose of distributing surplus land under this Act, it shall be called the Lands Distribution Tribunal.

(*3*) Each Tribunal shall consist of not less than three members of whom one shall be a person who holds or has held a civil post under the State not below the rank of a Tahsildar and such person shall be the Chairman of the Tribunal.

(*4*) The State Government may, from time to time, likewise reconstitute any Tribunal constituted under sub-section (*1*), or may at any time abolish such Tribunal. The State Government may also at any time by order in writing discontinue or remove any member from the Tribunal without assigning any reason.

(*5*) The quorum to constitute a meeting of the Tribunal and the procedure to be followed by it shall be such as may be prescribed :

[6][Provided that, where within half an hour of the time fixed for the meeting of the Tribunal there is no quorum as may be so prescribed, and if the Chairman alone is present, he shall be deemed to be the necessary quorum to constitute the meeting of the Tribunal. He shall proceed further with the meeting, and record his decision in the proceedings as a decision of the Tribunal.]

1 Clauses (*29*) and (*31*) were deleted by Mah. 21 of 1975, s. 3(*12*).

2 Clauses (*29*) and (*31*) were deleted by Mah. 21 of 1975, s. 3(*12*).

3 Clause (*31*) was inserted by Mah. 2 of 1976, s. 2(*c*).

4 These words were substituted for the words "in the relevant Code" by Mah. 21 of 1975, s. 3 (*13*).

5 Section 2A was inserted by Mah. 2 of 1976, s. 3.

6 This proviso was added by Mah. 60 of 1977, s. 2(*1*).

(*6*) [1][Save as otherwise provided in sub-section (*5*), all decisions of a Tribunal] shall be by a majority opinion of the members present; and where the opinion is equally divided, the decision of the Chairman shall be the decision of the Tribunal :

Provided that, where the Chairman differs from the majority opinion on the ground that the decision is inconsistent with the provisions of this Act or any rules made thereunder or with evidence recorded in the proceedings, he shall make a reference to the Collector pointing out the inconsistencies for which he differs from the majority opinion. He shall also forward proceedings of the case to the Collector. On

receipt of the reference, the Collector shall himself hear and dispose of the proceedings as expenditiously as possible.

(*7*) No act or proceedings of any such Tribunal shall be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution or reconstitution thereof.

(*8*) There shall be paid to the members of the Tribunal other than Chairman such travelling allowances, daily allowance and other allowances for attending the sittings of the Tribunal as are admissible to officers of Class I, and the terms and conditions of appointment of members including their term of office shall be such as the State Government may, from time to time, by order determine.
The Chairman shall be entitled to such allowances as the State Government may by order determine.

(*9*) Notwithstanding anything contained in this section or any rules or orders, made thereunder, a member of the State Legislature while holding the office of member of the Tribunal shall not be entitled to receive any remuneration or allowance other than travelling allowances, daily allowance, or such other allowance which is paid to the holder of such office for the purpose of meeting the personal expenditure incurred in attending the siting of the Tribunal or in performing any other functions of the Tribunal.]

[2][CHAPTER II

LOWERING OF CEILING ON HOLDINGS

3. Prohibition on holding land in excess of ceiling area; and area in excess of ceiling to be surplus lands.— (*1*) Subject to the provisions of this Chapter and Chapter III, no person or family unit shall, after the commencement date, hold land in excess of the ceiling area, as determined in the manner hereinafter provided.

Explanation.— A person or family unit may hold exempted land to any extent.

(*2*) All land held by a person, or as the case may be, a family unit whether in this State or any other part of India in excess of the ceiling area, shall, notwithstanding anything contained in any law for the time being in force or usage, be deemed to be surplus land, and shall be dealt with in the manner hereinafter provided for surplus land.

In determining surplus land from the holding of a person, or as the case may be, of a family unit, the fact that the person or any member of the family unit has died (on or after commencement date or any date subsequent to the date on which the holding exceeds the ceiling area, but before the declaration of surplus land is made in respect of that holding) shall be ignored; and accordingly, the surplus land shall be determined as if that person, or as the case may be, the member of a family unit had not died.

1 These words were substituted for the words "All decisions of a Tribunal" by Mah. 60 of 1977, s. 2(*2*).

2 Chapters II and III were substituted by Mah. 21 of 1975, s. 4, read with Mah. 47 of 1975, s. 3. Section 5 of Mah. 21 of 1975 reads as under :–

"5. Savings.— Notwithstanding the substitution of the Chapters II and III by section 4 of the Act all proceedings pending immediately before the commencement date in any court or tribunal or before any authority for the purpose of determining the ceiling area in respect of any holdings and the surplus land in such holdings in pursuance of the provisions in the original Chapters II and III shall be continued and disposed of by or under the principal Act, as if that Act had not been amended by the Amending Act, 1972; and the amount of compensation for such surplus land acquired by the State Government under sub-section (*4*), or as the case may be, sub-section (*5*), of section 21 shall be at the rate provided in the principal Act, as unamended by this Act. After the ceiling area is determined and the area delimited as surplus land is declared finally under section 21 of the principal Act, then, subject as aforesaid, the provisions of the principal Act as amended by this Act shall apply to such holding and land declared as surplus land."

Explanation.— In calculating the ceiling area to be held in this State, and determining the surplus land, the area of land in any other part of India (being land which a person or family unit is entitled to hold in such other part of India under any law relating to ceiling on land) shall be taken into consideration. Only land held in this State may be declared as surplus.

(*3*) Where any land—

(*a*) is held by a family of whi

(*b*) is held in or operated by a co-operative society of which a person is a member,

(*c*) is held by a person jointly with others,

(*d*) is held by a person as a partner in a firm,

and the holding of such person or of a family unit of which such person is a member [including the extent of share of such person, if any, in the land answering to any of the descriptions in clauses (*a*), (*b*), (*c*) or (*d*) above] exceeds the ceiling area on or before the commencement date or on any date thereafter (hereinafter referred to as the relevant date), then for the purpose of determining the ceiling area and the surplus land in respect of that holding, the share of such person in the land aforesaid shall be calculated in the following manner :—

(*i*) in the land held by a family of which the person is a member, the share of each member of the family shall be determined so that each member who is entitled to a share on partition, shall be taken to be holding separately land to the extent of his share, as if the land had been so divided and separately held on the relevant date ;

(*ii*) in the land held in or operated by a co-operative society or held jointly with others or held by a firm, the share of the person shall be taken to be the extent of land such person would hold in proportion of his share in the co-operative society, or his share in the joint holding or his share as partner in the firm, as if the land had been so divided and separately held on the relevant date.

(*4*) No land shall be taken into consideration more than once in calculating the ceiling area for the holding of any person, or as the case may be, of family unit.

4. Land held by family unit.— (*1*) All land held by each member of a family unit, whether jointly or separately, shall for the purposes of determining the ceiling area of the family unit, be deemed to be held by the family unit.

[1]* * *

[2]* * *

Explanation.— A "family unit" means,—

(*a*) a person and his spouse (or more than one spouse) and their minor sons and minor unmarried daughters, if any; or

(*b*) where any spouse is dead, the surviving spouse or spouses, and the minor sons and minor unmarried daughters; or

(*c*) where the spouses are dead, the minor sons and minor unmarried daughters of such deceased spouses.

(*2*) For the purposes of this section, all declarations of dissolution of marriage made by a Court after the 26th day of September, 1970, and all dissolutions of marriage by custom, or duly made, pronounced or declared on or after that date shall, for the purposes of determining the ceiling area to be held by a family unit, be ignored; and accordingly, the land held by each spouse shall be taken into consideration for that purpose, as if no dissolution had taken place. But, if a proceeding for dissolution of marriage has commenced before any Court before the aforesaid date, then the dissolution of

1 This proviso was deleted by Mah. 47 of 1975, s. 3 (*1*) (*a*).

2 The definition of "Transfer" was deleted by Mah. 47 of 1975, s. 3 (*1*) (*a*).

marriage shall have full effect (whether the marriage is dissolved before or after that date), and shall be taken into consideration in determining the ceiling area of family unit.

5. Ceiling area.— (*1*) In each of the districts and talukas specified in column 1 of the First Schedule, for each class of land described in columns 2, 3, 4, 5 and 6 thereof, the ceiling area shall be the area mentioned under each such class of land against such district or taluka.

(*2*) If a person, or a family unit, holds land of only one class, the ceiling area for his or its holding shall be the ceiling area for that class of land.

(*3*) Where a person or a family unit holds different classes of land, then, for calculating whether the holding is equal to or in excess of the ceiling area, that total area of the holding shall be calculated in the following manner :—

The area of each class of land falling under sub-clauses (*a*), (*b*) or (*c*) of clause (*5*) of section 2 shall be converted into dry crop land falling under sub-clause (*d*) or as the case may be, sub-clause (*e*) of clause (*5*) of the section on the basis of the proportion which the ceiling area for the class of land to be converted, bears to the ceiling area for dry crop land, aforesaid. Where a person or family unit holds dry crop land falling under sub-clauses (*d*) and (*e*) of clause (*5*), then the conversion shall be made into land falling under sub-clause (*e*). If the area in terms of dry crop land so arrived at, together with the area of such dry crop land, if any, in his or its holding, is equal to the ceiling area for drycrop land falling under sub-clause (*d*), or as the case may be, sub-clause (*e*), aforesaid, the holding shall be deemed to be equal to the ceiling area. If it exceeds the ceiling area, the holding shall be deemed to be in excess of the ceiling area.]

[1][**6. Lands held in excess of ceiling area deemed to be within ceiling area in certain circumstances.—** Where a family unit, consists of members which exceed five in number, the family unit shall be entitled to hold land exceeding the ceiling area to the extent of one-fifth of the ceiling area for each member in excess of five, so however that the total holding shall not exceed twice the ceiling area, and in such case, in relation to the holding of such family unit, such area shall be deemed to be the ceiling area.]

7. Persons holding both exempted land and other land.— Where a person or family unit holds both exempted land and other land (that is, land which is not exempted land) then,—

(*a*) if the area of exempted land is less than the ceiling area, he or it shall be entitled to hold so much only of other land as together with the area of exempted land, equals the ceiling area; and in such case, in relation to the holding of that person, or as the case may be, family unit, such area shall be deemed to be the ceiling area;

(*b*) in any other case, he or it shall not be entitled to hold any land which is not exempted land.

CHAPTER III

RESTRICTIONS ON TRANSFERS AND ACQUISITIONS OF LAND AND CONSEQUENCES OF CONTRAVENTIONS

8. Restriction on transfer, etc.— Where a person, or as the case may be, a family unit holds land in excess of the ceiling area on or after the commencement date, such person, or as the case may be, any member of the family unit shall not, on and after that date, transfer any land, until the land in excess of the ceiling area is determined under this Act.

Explanation.— In this section, "transfer" means transfer, whether by way of sale, gift, mortgage with possession, exchange, lease, assignment of land for maintenance, surrender of a tenancy or resumption of land by a landlord or any other disposition, whether by act of parties made *inter vivos* or by decree or order of a court, tribunal or authority (except where such decree or order is passed in a proceeding which is instituted in such court, tribunal or before such authority before the 26th day of September 1970), but does not include transfer by way of sale or otherwise of land for the recovery of

1 This section was substituted by Mah. 47 of 1975, s. 3 (*1*) (*b*).

land revenue or for sums recoverable as arrears of land revenue, or acquisition of land for a public purpose under any law for the time being in force.

9. Restriction on acquisition of land in excess of ceiling area.— No person or a member of a family unit shall at any time, on or after the commencement date, acquire by transfer any land if he, or as

the case may be, the family unit already holds land in excess of the ceiling area or land which together with any other land already held by such person, or as the case may be, the family unit, will exceed in the total the ceiling area.

Explanation.— In this section, transfer has the same meaning as in section 8.

10. Consequences of certain transfers and acquisitions of land.— (*1*) If —

(*a*) any person or a member of a family unit, after the 26th day of September 1970 but before the commencement date, transfers any land in anticipation of or in order to avoid or defeat the object of the Amending Act, 1972, or

(*b*) any land is transferred in contravention of section 8,

then in calculating the ceiling area which that person, or as the case may be, the family unit, is entitled to hold, the land so transferred shall be taken into consideration, and the land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area for that holding, notwithstanding that the land remaining with him or with the family unit may not in fact be in excess of the ceiling area.

If by reason of such transfer, the holding of a person, or as the case may be, of the family unit is less than the area so calculated to be in excess of the ceiling area, then all the land of the person, or as the case may be, the family unit shall be deemed to be surplus land; and out of the land so transferred and in possession of the transferee [unless such land is liable to forfeiture under the provisions of sub-section (*3*)], land to the extent of such deficiency shall, subject to rules made in that behalf, also be deemed to be surplus land, notwithstanding that the holding of the transferee may not in fact be in excess of the ceiling area.

Explanation.— For the purposes of clause (*a*) 'transfer' has the same meaning as in section 8.

All transfers made after the 26th day of September 1970 but before the commencement date, shall be deemed (unless the contrary is proved) to have been made in anticipation of or in order to avoid or defeat the object of the Amendment Act, 1972.

1[*Explanation*.— For the purposes of this sub-section, a transfer shall not be regarded as made on or before 26th September 1970 if the document evidenceing the transfer is not registered on or before that date or where it is registered after that date, it is not presented for registration on or before the said date.]

(*2*) If any land is possessed on or after the commencement date by a person, or as the case may be, a family unit in excess of the ceiling area, or if as a result of acquisition (by testamentary disposition or devolution on death or by operation of law) of any land on or after that date, the total area of land held by any person, or as the case may be, a family unit, exceeds the ceiling area, the land so in excess shall be surplus land.

(*3*) Where land is acquired in willful contravention of section 9, then as a penalty therefor, the right, title and interest of the person, or as the case may be, the family unit or any member thereof in the land so acquired or obtained shall, subject to the provisions of Chapter IV, be forfeited, and shall vest without any further assurance in the State Government :

2[Provided that, where such land is burdened with an encumbrance, the Collector may, after holding such inquiry as he thinks fit and after hearing the holder and the person in whose favour the encumbrance is made by him, direct that the right, title and interest of the holder in some other land of the holder equal in extent to the land acquired in wilful contravention of section 9, shall be forfeited to Government.]

1 This *Explanation* was added by Mah. 47 of 1975, s. 3 (*2*) (*a*). 2 The proviso was added by Mah. 47 of 1975, s. 3 (*2*) (*b*).

11. Restriction on partition.— Where any land held by a family is partitioned after the 26th day of September 1970, the partition so made s contrary is proved) to have been made

in anticipation of or in order to avoid or defeat the object of the Amending Act, 1972, and shall accordingly be ignored, and any land covered by such partition shall, for the purposes of this Act, be deemed to be the land held by the family; and the extent of share of each person in the land held by the family shall be taken into consideration for calculating the ceiling area in accordance with the provisions of section 3.

Explanation.— For the purposes of this section, 'partition' means any division of land by act of parties made *intervivos*, and includes also partition made by a decree or order of a court, tribunal or authority.

11-A. Ceiling area where land is converted into another class.— If any land held by a person, or as the case may be, a family unit, is converted after the commencement date into any class of land described in sub-clause (*a*), (*b*) or (*c*) of clause (*5*) of section 2, and thereby, the holding of the person or as the case may be, of the family unit exceeds the ceiling area, the land so in excess shall be deemed to be surplus land with effect from the date of conversion (such date being a date to be notified in the *Official Gazette* by the State Government in respect of any area); and accordingly the foregoing provisions of this Chapter shall apply to the holding.]

CHAPTER IV

SURPLUS LAND

[1]**[12. Submission of returns.—**[2][If any person or family unit] ——

(*1*) (*a*) has at any time [3][after the 26th day of September 1970 but before the commencement date] held, or

(*b*) on or after the [4][commencement date] acquires, hold or comes into possession of, any land (including any exempted land), in excess of the ceiling area, or

(*2*) [5]* * * * * *

(*b*) whose land is converted into another class of land in the circumstances described in [6][section 11-A],

[7][(*c*) thereby causing his or its holding to exceed the ceiling area,]

then,—

(*i*) in the case under sub-clause (*a*) of clause (*1*), within [8][one month] from [9][commencement date], and

(*ii*) in the case under sub-clause (*b*) of clause (*1*), within [10][one month] from the date of taking possession of any land in excess of the ceiling area, and

[11]* * * * * *

(*iv*) in the case under sub-clause (*b*) of clause (*2*), within three months from the date of such conversion [12][(being the date notified under section 11-A)],

1 Section 12 was substituted for the original by Mah. 13 of 1962, s. 2.

2 These words were substituted for the words "If any person" by Mah. 21 of 1975, s. 6(*1*).

3 These words, figures and letters were substituted for the words, figures and letters "after the 4th day of August 1959 but before the appointed day" by Mah. 21 of 1975, s. 6(*2*)(*a*).

4 These words were substituted for the words "appointed day" by Mah. 21 of 1975, 6(*2*)(*b*).

5 Sub-clause (*a*) was deleted by Mah. 21 of 1975, s. 6 (*3*)(*b*).

6 This word, figures and letters were substituted for the word, figures "section 11" by Mah. 21 of 1975, s. 6(*3*)(*b*). 7 These words were substituted for the words "thereby causing his holding to exceed the ceiling area" by Mah. 21 of 1975, s. 6(*3*) read with Mah. 47 of 1975, s. 4(*2*).

8 These words were substituted for the words "six months" by Mah. 2 of 1976, s.4(*a*).

9 These words were substituted for the words "appointed day" by Mah. 21 of 1975, s. 6(*4*).

10 These words were substituted for the words "three months" by Mah. 2 of 1976, s. 4(*b*).

11 Clause (*iii*) was deleted by Mah. 21 of 1975, s. 6(*5*).

12 These brackets, words, figures and letters were substituted for the brackets and words "(such date being a date so notified in the *Official Gazette* by the State Government in respect of any area)" by Mah. 21 of 1975, s. 6 (*6*).

[1][he or any member of the family units shall furnish] to each of the Collectors within whose jurisdiction any land in [2][his holding or the holding of the family unit] is situate a return, in the form prescribed, containing the particulars of all land held by him [3][or by the family unit. Where a person or a member of a family unit holds a share in the land held by a family, the return shall also contain information regarding the total number of members of the family, the extent of land falling to the share of each of the members who are entitled to share on partition, the names of members of each family unit notionally carved out of such family, and names of other members of each family unit, and the names of other members of the family. He shall also state the extent of his share, if any, in the lands held in or operated by a co-operative society, or in a joint holding or in a firm; and the land held by him in any other part of India, if any] :

Provided that, in the case of a minor or lunatic, the return may be furnished by his guardian, and in the case of any other person under disability, by his authorised agent :

[4][Provided further that, where any person, or a member of a family unit, who is required to furnish a return dies, then, such return shall be furnished by his heir, or as the case may be, any other member of the family unit].

[5]**[12A. Power of State Government to extend time for filing return.—** Notwithstanding anything contained in section 12, the State Government may by an order in the *Official Gazette* extend the time limit of furnishing the return provided under any of the provisions of that section by such further period as may be specified in the order, and any extension of time for furnishing the return made by any order under the provisions of this Act before the commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1975 (Mah. II of 1976), shall be deemed to have been duly made under this section as if this section was in force when such order was made.]

13. Failure to submit return.— (*1*) [6][Where a person or member of a family unit required] by section 12 to furnish a return,—

(*a*) fails without reasonable cause so to do, within the time specified in that section, or

(*b*) furnishes a return which he knows, or has reason to believe, to be false, he shall be liable to pay a penalty which may extend in the former case to one hundred rupees, and in the latter case to five hundred rupees.

(*2*) Where the Collector has reason to believe that a person [7][or a member of a family unit] required by section 12 to furnish a return has, without reasonable cause, failed so to do, or has submitted a return which he knows or has reason to believe to be false, the Collector shall issue a notice calling upon [8][such person or member] to show cause within the fifteen days of the service thereof, why the penalty provided by sub-section (*1*) should not be imposed upon him. If the Collector, on considering the reply or other cause shown, is satisfied that [9][the person or member] has without reasonable cause failed to submit the return within time, or has submitted a return which he knew or had reason to believe to be false, he may impose the penalty provided in the last preceeding sub-section and require him to submit a true and correct return complete in all particulars, within a period of one month from the date of the order.

(*3*) If [10][the person or member] fails to comply with the order within the time so granted by the Collector, then as a penalty for failure to furnish a return or a true and correct return complete in all particulars, the right, title and interest in the land held by him [11][or as the case may be, by the family

1 These words were substituted for the words "he shall furnish" by Mah. 21 of 1975, s. 6 (*7*). 2 These words were substituted for the words "his holding" by Mah. 21 of 1975, s. 6 (*8*).

3 These words were inserted by Mah. 21 of 1975, s. 6(*9*).

4 This proviso was added by Mah. 21 of 1975, s. 6(*10*).

5 Section 12A was inserted by Mah. 2 of 1976, s. 5.

6 These words were substituted for the words "Where a person required" by Mah. 21 of 1975, s. 7(*1*). 7 These words were inserted by Mah. 21 of 1975, s. 7 (*2*)(*a*).

8 These words were substituted for the words "such person" by Mah. 21 of 1975, s. 7(*2*)(*b*). 9 These words were substituted for the words s. 7(*2*)(*c*).

10 These words were substituted for the words "the person" by Mah. 21 of 1975, s. 7(*3*)(*a*).
11 These words were inserted by Mah. 21 of 1975, s. 7 (*3*)(*b*).

unit] in excess of the ceiling area shall, subject to the provision of this Chapter, be forfeited to the State Government and shall thereupon vest without further assurance in that Government.

14. Power of Collector to hold enquiry.— (*1*) As soon as may be after the expiry of the period referred to in section 12 or the further period referred to in sub-section (*2*) of section 13, the Collector shall, 1[either *suo motu* whether or not a return had been filed or] on the basis of the returns submitted to him under either of those sections, and such record as he may consider it necessary to refer to, hold an enquiry in respect of every person 2[or family unit] holding land in excess of the ceiling area, and shall, subject to the provisions of this Chapter, determine the surplus land held by such person 3[or family unit].

4[(*2*) Where a person or family unit holds land in two or more talukas of the same district, the enquiry shall be held by such officer or authority exercising the powers of the Collector whom the Collector-in-charge of the district may by order in writing designate.]

(*3*) Where a person 5[or family unit] holds land in two more districts of the same division, the enquiry shall be held by the Collector whom the Commissioner may, by order in writing, designate.

(*4*) Where a person 6[or family unit] holds lands in different divisions, the enquiry shall be held by the Collector whom the State Government may, by order in writing, designate.

7[(*4A*) Where a person holding land in an industrial undertaking, the enquiry may be held by the Collector whom the State Government may, by order in writing, designate].

(*5*) The Collector so designated, shall for the purposes of the enquiry, be competent to exercise jurisdiction under this Act in respect of such person 8[or family unit] and the lands held by him 9[or it].

15. Division of survey numbers of sub-divisions thereof in determining area of surplus land.— (*1*) Where, in delimiting the actual area of surplus land, a survey number or a sub-division of a survey number, is required to be divided, then —

(*a*) if the portion of such survey number or sub-division to be included in the surplus land, is a fragment, the whole of such survey number or sub-division shall be excluded from the surplus land,

(*b*) if the portion of such survey number or sub-division to be excluded from the surplus land, is a fragment, the whole of such survey number or sub-division shall be included in the surplus land,

(*c*) if on dividing such survey number or sub-division into two parts, each part is a fragment, the whole of such survey number or sub-division shall be included in the surplus land, and

(*d*) in any other case, the survey number or sub-division may be divided.

(*2*) Where any survey number, or sub-division of a survey number, is excluded under clause (*a*) of sub-section (*1*), 10[the person or family unit holding it] shall be entitled to hold it, notwithstanding

1 These words were inserted by Mah. 21 of 1975, s. 8(*1*)(*a*).
2 These words were inserted by Mah. 21 of 1975, s. 8(*1*)(*b*).
3 These words were inserted by Mah. 21 of 1975, s. 8(*1*)(*b*).
4 Sub-section (*2*) was substituted by Mah. 2 of 1976, s. 7.
5 These words were inserted by Mah. 21 of 1975, s. 8(*2*).
6 These words were inserted by Mah. 21 of 1975, s. 8(*2*).
7 Sub-section (*4A*) was inserted by Mah. 13 of 1962, s. 3.
8 The words were inserted by Mah. 21 of 1975, s. 8(*3*)(*a*).
9 These words were inserted by Mah. 21 of 1975, s. 8(*3*)(*b*).
10 These words were substituted for the words "the person holding it" by Mah. 21 of 1975, s. 9(*1*).

that [1][his or its holding] exceeds the ceiling area ; and accordingly, the holding so retained shall be deemed to be the ceiling area.

16. Selection of land for retention in ceiling area.—[2][(*1*) Where a person or a family unit holds land in excess of the ceiling area and the whole or part of such land—

(*a*) is subject to an encumbrance, or

(*b*) answers to the description of clause (*bb*) of section 18,

then, subject to the provisions of sub-section (*1*) of section 10 and section 15, such person or the family unit shall retain such land (whether that land is held as owner or as tenant) up to the extent of the ceiling area.]

(*2*) Subject to the provisions of sub-section (*1*), a person [3][or family unit] shall be entitled to select the lands he [4][or it] wishes to retain with himself [5][or itself], up to the ceiling area.

[6][(*3*) In the case of a family unit, where land is held by each spouse separately, then each spouse shall subject to the provisions of sub-section (*2*), be entitled to select land the spouse wishes to retain with himself or herself, so however that the lands to be retained bear the same proportion in which the lands are held by each spouse before the declaration.]

17. Notice to persons affected by enquiry under section 14.— (*1*) For holding an enquiry under section 14, Collector shall cause public notice, in the prescribed form, to be given at convenient places in the village or villages in which the land comprised in the holding is situate, specifying in the notice the land in respect of which enquiry is to be held to ascertain the surplus land (if any) held by the person [7][or family unit], and calling upon all persons interested in the land to submit to the Collector their objections within a period of [8][fifteen days] from the date of publication of the notice. [9][Where a public notice has been given as provided in this sub-section, then the holder and all persons who are interested in the land shall be deemed to have been duly informed of the contents of such notice. If in the course of any proceedings a question arises whether a person was duly informed of the contents of the notice given in pursuance of this sub-section, the publication of the notice in the manner provided in this sub-section shall, notwithstanding anything contained in sub-section (*2*), be conclusive proof that he was so informed of the contents of such notice.]

(*2*) The Collector shall serve notices to the same effect on the holder, and all other persons who are known or believed to be interested in the land, calling upon them to appear before him personally or through an agent on a date and at a time and place (such date not being earlier than fifteen days after the issue of notice), to be stated in the notice.

(*3*) The notices under sub-section (*2*) may also call upon the holder—

(*a*) to state any objections or suggestions to the particulars given in the notice;

(*b*) to show cause, where necessary, why,—

[10][(*i*) any land transferred in contravention of the provisions of section 8, or any land transferred during the period specified in clause (*a*) of sub-section (*1*) of section 10, or any land partitioned in contravention of the provisions of section 11, should not be taken into consideration in calculating the ceiling area, as provided in sub-section (*1*) of section 10 or section 11,

1 These words were substituted for the words “his holding” by Mah. 21 of 1975, s. 9(*2*). 2 Sub-section (*1*) was substituted by Mah. 21 of 1975, s.10(*1*).

3 These words were inserted by Mah. 21 of 1975, s. 10(*2*)(*a*).

4 These words were inserted by Mah. 21 of 1975, s. 10 (*2*)(*b*).

5 These words were inserted by Mah. 21 of 1975, s. 10 (*2*)(*b*).

6 Sub-section (*3*) was added by Mah. 21 of 1975, s. 10 (*2*) (*c*).

7 These words were inserted by Mah. 21 of 1975, s. 11(*1*).

8 These words were substituted for the words "one month" by Mah. 2 of 1976, s. 8(*a*). 9 This portion was inserted by Mah. 2 of 1976, s. 8 (*b*).

10 Sub-clauses (*i*) and (*ii*) were substituted by Mah. 21 of 1975, s. 11(*2*) (*a*).

(*ii*) any land acquired in willful contravention of section 9 should not be forfeited, as provided by sub-section (*3*) of section 10],

(*iii*) any land held in excess of the ceiling area should not be forfeited to the State Government as provided by sub-section (*3*) of section 13,

(*iv*) any land referred to in sub-section (*2*) of section 10 or in section 1[11A], held by him should not be deemed to be surplus land as provided in that subsection or in section 2[11A] ;

(*c*) to state the land to be retained by the holder under section 16; and to furnish to the Collector in the prescribed form, the prescribed particulars of the land so to be retained.

3[*Explanation*.— Subject to the provisions of this Act and of the Amendment Act, 1972, in this section and in the following provisions of this Act, the expression holder, unless the context requires otherwise, includes a family unit.]

18. Collector to consider certain matters.— On the day fixed for hearing under section 14, or any other day or days to which the inquiry is adjourned, the Collector shall, after hearing the holder and other persons interested and who are present and any evidence adduced, consider the following matters, that is to say,—

(*a*) what is the total area of land which was held 4[by the holder on the 26th day of September, 1970] ?

5[(*b*) whether any land transferred between the period from the 26th day of September 1970 and the commencement date, or any land partitioned after the 26th day of September 1970, should be considered or ignored in calculating the ceiling area as provided by sub-section (*1*) of section 10 or section 11;

(*bb*) whether the holder has any share in the land held by a family or held or operated by any co-operative society or held jointly with others or held as a partner in a firm; and the extent of such share;]

(*c*) What is the total area of land held 6[by the holder on the commencement date]?

(*d*) whether any transfer or partition of land is made by the 7[holder] in contravention of 8[section 8 or 11] and if so, whether the land so transferred or partitioned 9[should be considered or ignored] in calculating the ceiling area under the provisions of sub-section (*1*) of section 10[10 or section 11] ?

(*e*) whether any land has been acquired or possessed on or after 11[commencement date] by transfer or by partition ?

(*f*) whether any land has been acquired on or after the 12[commencement date] by testamentary disposition, devolution on death or by operation of law ?

(*g*) what is the total area of land held at the time of the enquiry, and what is the area of land which 13[the holder] is entitled to hold ?

1 These figures were substituted for the figures "11" by Mah. 21 of 1975, s. 11(*2*)(*b*).

2 These figures were substituted for the figures "11" by Mah. 21 of 1975, s. 11(*2*)(*b*).

3 This *Explanation* was added by Mah. 21 of 1975, s. 11(*3*).

4 These words, figures and letters were substituted for the words, figures and letters, "by the person on the 4th day of August 1959" by Mah. 21 of 1975, s. 12(*1*).

5 These clauses were substituted for clause (*b*) by Mah. 21 of 1975, s.12(*2*).

6 These words were substituted for the words "by the person on the appointed day" by Mah. 21 of 1975, s. 12(*3*). 7 This word was substituted for the word "person" by Mah. 21 of 1975, s. 12(*4*)(*a*).

8 These words and figures were substituted for the word and figure "section 8" by Mah. 21 of 1975, s. 12(*4*)(*b*). 9 These words were substituted for the words "should be considered" by Mah. 21 of 1975, s. 12(*4*)(*c*).
10 These figures and words were substituted for the figures "10" by Mah. 21 of 1975, s. 12(*4*)(*d*).
11 These words were substituted for the words "appointed day" by Mah. 21 of 1975, s. 12(*5*).
12 These words were substituted for the words "appointed day" by Mah. 21 of 1975, s. 12(*5*).
13 These words were substituted for the words "the person" by Mah. 21 of 1975, s.12(*6*).

(*h*) whether any land is held by 1[the holder] as tenant, and if so, whether his landlord has a subsisting right of resumption of the land for personal cultivation, under the relevant tenancy law applicable thereto ?

(*i*) whether any land held by 2[the holder] is to be forfeited to Government under sub-section (*3*) of section 10, or of section 13, or should be deemed to be surplus land under any of the provisions of this Act ?

(*j*) whether the proposed retention of land by 3[the holder] is in conformity with the provisions of section 16 ?

(*k*) which particular lands out of the total land held by 4[the holder] should be entitled as delimited as surplus land ?

(*l*) any other matter which, in the opinion of the Collector, is necessary to be considered for the purpose of calculating the ceiling area, and delimiting any surplus land.

5**[19. Power of Collector to restore land to landlord in certain cases.—** Where during an enquiry into holding of any person, or as the case may be, family unit under this Chapter, it appears that—

(*a*) the whole or any part of the surplus land, delimited under the foregoing provisions, is held by that person or family unit or is deemed to be held by that person or family unit from a landlord; and

(*b*) the landlord has a right of resumption for personal cultivation in respect of that land (or part thereof) under the relevant tenancy law applicable to such land, the Collector shall (unless that right is subject to proceedings instituted before the 26th day of September 1970 before any court, tribunal or other authority and pending at the time of such inquiry), notwithstanding anything contained in that tenancy law (but without prejudice to any right to resume land which is not delimited as surplus land), restore possession to the landlord of so much only of the surplus land, as he is entitled to resume, and which together with any other land held by him, or as the case may be, the family unit shall not exceed the ceiling area under this Act. The balance, if any, shall be declared as surplus land.]

20. Manner of considering claim of landlord to land under section 19.— (*1*) For the purpose of deciding the extent of land which should be restored to the possession of the landlord under section 19, the Collector shall issue a notice calling upon the landlord,—

(*a*) to state his claim for restoration of possession of such surplus land for the purpose of that section ;

(*b*) to show cause why the balance of such land should not be deemed to be surplus land.

(*2*) Such notice shall requires the landlord to appear personally or by agent before the Collector on the date, and at the time and place therein mentioned (such date not being earlier than fifteen days after the issue of the notice.)

(*3*) On the date fixed under sub-section (*2*) , or on any other day or days to which the inquiry is adjourned, the Collector shall, after hearing the landlord or his agent and any other person interested in the surplus land and who are present, and after considering any evidence adduced, ascertain—

(*a*) whether the landlord is entitled to restoration of the possession of the whole or any part of such surplus land, and if so, the are ch land; and

(*b*) whether the balance of any such land shall be surplus land, and if so, the extent and particulars of such land.

1 These words were substituted for the words "the person" by Mah. 21 of 1975, s.12(*6*). 2 These words were substituted for the words "the person" by Mah. 21 of 1975, s.12(*6*). 3 These words were substituted for the words "the person" by Mah. 21 of 1975, s.12(*6*).

4 These words were substituted for the word "him" by Mah. 21 of 1975, s. 12(*7*). 5 Section 19 was substituted by Mah. 21 of 1975, s.13.

21. Collector to make declaration regarding surplus land, etc., and consequences thereof.— (*1*) As soon as may be after the Collector has considered the matters referred to in section 18 and the questions, if any, under sub-section (*3*) of section 20, he shall make a declaration stating therein his decision on—

(*a*) the total area of land which the person 1[or family unit] is entitled to hold as the ceiling area;

(*b*) the total area 2* * * * of land which is in excess of the ceiling area ;

(*c*) the name of the 3[landlord] to whom possession of land is to be restored under section 19, and area and particulars of such land;

(*d*) the area, description and full particulars of the land which is delimited as surplus land ;

(*e*) the area and 4[particulars of land out of surplus land, in respect of which the right, title and interest of person 5[or family unit] holding it] is to be forfeited to the State Government.

6[The Collector shall announce his declaration in the presence of the holder and other persons interested who are present at the time of such declaration.]

(*2*) After a declaration under sub-section (*1*) is made 7[the Collector shall prepare a statement in the prescribed form giving details of the area], description and full particulars of the land which is delimited as surplus land, 8[and also of the land therefrom, the right, title and interest in which is] to be forfeited to the State Government. 9[The Collector shall affix a copy of the statement at the village *chawdi* or any other prominent place at the village and shall also dispatch a copy of the statement to the person or to the member of the family unit interested in the land delimited as surplus. On the date of the announcement of the declaration mentioned in the preceding sub-section], 10[the right, title and interest in the land which] is liable to forfeiture shall stand forfeited to and vest in the State Government. 11[On and after the date of announcement of the declaration,] no sale, gift, mortgage, exchange, lease or any other disposition (including any transfer in execution of a decree or order of a court, tribunal or authority) shall be made of the land which is delimited as surplus land. If any such disposition or transfer is made, it shall be invalid, and of no effect.

12[*Explanation*.— Declaration of any land as surplus shall not be deemed to be invalid merely on the ground that the statement giving details of the land is not affixed as aforesaid or has not been dispatched to the person or member of the family unit as provided in sub-section (*2*)] :

Provided that, if —

(*a*) any right of resumption under the relevant tenancy law in respect of ; or

(*b*) possession of, or right to possession of,

any land delimited as surplus, is subject to proceedings under any other law in any court or tribunal, or before any authority, then so much only of the land as the holder of the surplus land in such proceedings is finally held—

1 These words were inserted by Mah. 21 of 1975, s. 14(*1*).

2 The words "and particulars" were deleted by Mah. 13 of 1962., s .4 (*1*)(*a*).

3 The word was substituted for the word "person" by Mah. 21 of 1975, s.14 (*1*)(*b*).

4 These words were substituted for the words "particulars of land which" by Mah. 13 of 1962, s. 4(*1*)(*d*).

5 These words were inserted by Mah. 21 of 1975,s. 14(*1*).

6 These words were inserted by Mah. 2 of 1976, s. 10(*1*).

7 These words were substituted for the words "the Collector shall, in the prescribed form, notify in the *Official Gazette*, the area" by Mah. 2 of 1976, s. 10(*2*)(*a*).

8 These words were substituted for the words Mah. 13 of 1962, s. 4 (*2*)(*a*).

9 These words were substituted for the words "On the date of the publication of such notification" by Mah. 2 of 1976, s. 10 (*2*)(*b*).

10 These words were substituted for the words "the land which" by Mah. 13 of 1962, s. 4 (*2*)(*b*).

11 These words were substituted for the words "On and after that date" by Mah. 2 of 1976, s. 10(*2*)(*c*).

12 This *Explanation* was inserted by Mah. 2 of 1976, s.10(*2*)(*d*).

(*i*) not to be entitled to retain, or

(*ii*) not to be in possession of, or not to be entitled to possess,

may be transferred in pursuance of such proceedings.

1[*Explanation*.— For the purpose of this proviso, the proceedings means proceedings for acquisition of land for a public purpose or for the sale of land for realisation of land revenue or sums recoverable as arrears of land revenue, and any other proceedings instituted before the 26th September 1970 and pending on the commencement date in any court, or tribunal or before any authority.]

(*3*) The declaration made under this section, 2[subject to the decision of the Maharashtra Revenue Tribunal in appeal under section 33, or of the State Government in revision under sub-section (*2*) of section 45], shall be final and conclusive, and shall not be questioned in any suit or proceeding in any court.

(*4*) 3[As soon as may be after the announcement of the declaration referred to in sub-section (*2*), the Collector,] shall take, in the prescribed manner, possession of the land which is delimited as surplus 4[and, in the case of land which the landlord is entitled to resume, restore possession of the land to the 5[landlord named] in the declaration]. The surplus land shall, with effect from the date on which the possession thereof is taken as aforesaid be deemed to be acquired by the State Government for the purposes of the Act and shall accordingly vest without further assurance and free from all encumbrances in the State Government :

Provided that, in the case of surplus land referred to in the proviso to sub-section (*2*), the Collector shall, after the proceedings are finally decided, take possession of so much only of the land which the holder of the surplus land is in such proceedings finally held,

(*i*) to be entitled to retain, or

(*ii*) to be in possession of, or to be entitled to possess;

and with effect from the date of taking over possession, the land shall vest in the State Government as aforesaid.

6[*Explanation*.— For the purposes of this proviso, "proceedings" has the meaning assigned to it in the *Explanation* to the proviso to sub-section (*2*) of this section].

7[(*5*) Where possession of any land delimited as surplus is handed over by the holder in pursuance of an undertaking given by him in any court, and the appeal filed by the holder against the declaration of that land as surplus has been subsequently withdrawn or dismissed, the land, notwithstanding anything contained in sub-section (*4*), shall with effect from the date on which the possession thereof is taken by the Collector, be deemed to be duly acquired by the State Government for the purposes of the Act, and shall accordingly be deemed to have been validly and effectually vested without further assurance and free from all encumbrances in the State Government from the date of taking over possession thereof].

8**[21-A. Damages for use and occupation of surplus land.—** (*1*) A person or as the case may be, a family unit which possesses of or after the commencement date any land in excess of the ceiling area shall be liable to pay to the State Government for the period from the year following the year in

1 This *Explanation* was added by Mah. 21 of 1975, s.14(*2*).

2 These words were substituted for the portion beginning with the words "subject to any appeal" and ending with words "in appeal" by Mah. 32 of 1965, s. 2.

3 These words were substituted for the portion beginning with the words "As soon as may be" and ending with words "part thereof the Collector" by Mah. 2 of 1976, s. 10(*3*).

4 These words were inserted by Mah. 9 of 1963, s. 3(*b*).

5 These words were substituted for the words "persons named" by Mah. 21 of 1975, s. 14(*3*)(*a*).

6 This *Explanation* was added, by Mah. 21 of

7 Sub-section (*5*) was added by Mah. 27 of 1970, s. 4.

8 Section 21-A was inserted by Mah. 21 of 1975, s. 15.

which the excess area so held is declared surplus till the possession of surplus land is taken under section 21, such compensation for the use and occupation of such land as the Collector may fix in the prescribed manner.

(*2*) Where an enquiry is pending on or after the commencement date for determining the surplus land under this Act as unamended by the Amending Act, 1972, the holder shall be liable to pay to the State Government for the period from the commencement date or the date on which the excess area is declared surplus under section 21, whichever is later, till the date of possession of surplus land is actually taken under that section, compensation for use and occupation of such surplus land as the Collector may fix in the prescribed manner.]

CHAPTER V

COMPENSATION

22. Payment of compensation.— Compensation for any land, acquired by the State Government for the purposes of this Act, shall be paid to extent, and in the manner, hereinafter provided.

23. Quantum of compensation.—1[In each of the districts and talukas specified in column 1 of the First Schedule, for each class of land described in columns 2, 3, 4, 5 and 6 of that Schedule, the amount of compensation for surplus land acquired by the State Government under section 21 shall consist of,—

(*a*) in case of dry crop land falling under column 5 or 6 the price calculated at the price per hectare specified in column 7 of that Schedule, or]

(*b*) in the case of land falling under 2[columns 2, 3 and 4] of that Schedule, the price calculated at the price 3[per hectare] of dry crop land increased by one hundred, by fifty and by twenty-five per cent; respectively.

4[*Explanation*.— In the case of land referred to in clause (*a*), the price shall not in any case exceed one thousand rupees per hectare, and in the case of land referred to in clause (*b*), the price shall not in any case exceed five thousand rupees per hectare] :

Provided that in the case of land which is not cultivated for a continuous period of three years immediately before the 5[commencement date], the price shall be twenty-five per cent. of the price calculated under clause (*a*) or (*b*), as the case may be :

Provided further but subject to the previous proviso,—

(*i*) in the case of land held 6[by a *Bhumidhari* who is an occupant Class II falling under clause (*b*) of sub-section (*3*) of section 29 of the Code,] the price calculated under clause (*a*) or (*b*), as the case may be, shall be reduced by an amount equal to three times the revenue for the time being assessed thereon;

(*ii*) in the case of land which is impartible and non-transferable, the price shall be two-thirds of the price calculated under clause (*a*) or (*b*), as the case may be;

(*iii*) in the case of land held on lease from Government, the price shall be ten per cent. of the price calculated under clause (*a*) or (*b*), as the case may be; 7[and;

(*c*) the value of any trees, works, structures or fixtures; and]

1 This portion was substituted by Mah. 21 of 1975, s. 16 (*1*).

2 These words and figures were substituted for the words and figures "columns 4, 5 or 6" by Mah. 21 of 1975, s.16 (*2*). 3 These words were substituted for the words "per acre" byMah. 21 of 1975, s. 16(*2*).

4 This *Explanation* was added by Mah. 21 of 1975, s. 16 (*2A*), read with Mah. 47 of 1975, s. 5.

5 These words were substituted for the words "appointed day" by Mah. 21 of 1975., s. 16(*3*).

6 This portion was substituted for the words "by a tenure holder as a *Bhumidhari*" by Mah. 47 of 1975, s. 16(*4*). 7 Clause (*c*) was deemed always to have been substituted by Mah. 32 of 1963, s. 3(*a*).

1* * * *

(*e*) seven times the difference between the full land revenue leviable on alienated or *inam* land, and the land revenue payable thereon; and

[2][(*f*) the cost of cultivation of the standing crop on such land, or if an agreement is reached, or arrangement is arrived at with the holder of the land for the disposal or harvesting of crop whether before or after the vesting of the land under section 21, any sum so agreed upon, or arrangement so arrived at.]

ExplanationI.–Where the settlement of the land has not been done in any part of the State, then the assessment shall be [3][such as is fixed under section 68 of the Code or under section 7 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).]

ExplanationII.–For the purposes of clause (*c*), the value of a well shall be the difference between the value of the land which is irrigated by such well as irrigated land, and the value thereof as unirrigated land.

24. Collector to give notice calling upon interested persons to submit claims to compensation.— (*1*) After possession of surplus land is taken over under sub-section (*4*) of section 21, the Collector shall cause public notice to be given in the village where the surplus land specified in the declaration is situate, requiring all claims to compensation from all persons interested in such land to be made to him.

(*2*) Such notice shall require the holder of the land and other persons interested therein (including persons who have any encumbrance lawfully subsisting on the land), to appear personally or by agent, before the Collector on the date and at the time and place therein mentioned (such date not being earlier than fifteen days after the date of publication of the notice), and to state the nature and the extent of their interest in the land [4][the value of any trees, works, structures or fixtures] and the amount and particulars of their claim to compensation therefor. Every such statement shall be made in writing, and shall be signed by the person interested, or his agent.

25. Determination of compensation and apportionment thereof.— (*1*) On the day fixed under section 24, or any other day to which the enquiry is adjourned, the Collector shall enquire into all claims made for compensation and shall make an award determining,—

(*a*) the amount of compensation payable in accordance with the provisions of section 23,

(*b*) subject to the provisions of sub-sections (*2*) and (*3*), the apportionment of the compensation among the persons known or believed to be interested in the land in respect of whom or of whose claims, he has information, whether or not they have appeared before him.

(*2*) (*a*), In the case of land held by a tenant, compensation therefor shall be apportioned between the tenant and landlord as follows :—

[5][(*i*) where the tenancy is not terminable on the expiration of the period for which it was granted or by reason of usage, under the relevant tenancy law, compensation equal to three times the assessment leviable on the land shall be payable to the tenant, and the balance to the landlord ;

(*ii*) in any other case, the compensation payable to the tenant shall—

A. where the unexpired period of the lease does not exceed five years, be an amount equal to six times the assessment leviable on the land;

B. where the unexpired period of the lease exceeds five years but does not exceed ten years, be an amount equal to nine times the assessment leviable on the land;

1 Clause (*d*) was deemed always to have been deleted by Mah. 32 of 1963, s. 3(*b*).

2 Clause (*f*) was deemed always to have been substituted for the original by Mah. 25 of 1963, s. 3.

3 This portion was substituted for the portion beginning with “such as is fixed” and ending with “1954” by Mah. 21 of 1975, s. 16(*5*).

4 These words were deemed always to have been substituted for the words “the value of any structure, wells, embankments therein and permanent fixture made and trees planted thereon” by Mah. 32 of 1963, s. 4.

5 This portion was substituted for sub-clauses (*i*) and (*ii*) by Mah. 9 of 1963, s. 4.

C. where the unexpired period of the lease exceeds ten years but does not exceed twenty years, be an amount equal to twelve times the assessment leviable on the land;

D. where the unexpired period of the lease exceeds twenty years, be an amount equal to fifteen times the assessment leviable on the land; and the balance shall in each case be payable to the landlord.]

[1][*Explanation*.— In considering the apportionment of compensation between landlord and tenant, the compensation referred to in clause (*f*) of section 23 and the value of structures, wells and embankments constructed and permanent fixture made by the tenant shall be disregarded.]

(*b*) Subject to the provisions of sub-section (*3*) encumbrances for which the landlord is liable, shall be paid out of the amount of compensation payable to the landlord; and those for which the tenant is liable shall be paid out of the amount of compensation payable to the tenant.

(*3*) The apportionment of compensation amongst persons claiming encumbrances shall be determined in the following manner, that is to say—

(*a*) if the total value of encumbrances of the land is less than the amount of compensation payable in respect of that land, the value of the encumbrances shall be paid to the holders thereof in full;

(*b*) if the total value of encumbrances on the land exceeds the amount of compensation payable in respect of the land, the amount of compensation shall be distributed amongst the holders of encumbrances in the order of priority.

(*4*) No award allowing compensation shall be made,—

(*a*) if the compensation exceeds twenty-five thousand rupees but does not exceed fifty thousand rupees, without the previous approval of the Commissioner, and ;

(*b*) if the compensation exceeds, fifty thousand rupees, without the previous approval of the State Government.

(*5*) The award of the Collector, subject to an appeal to the Maharashtra Revenue Tribunal under section 33, and the decision of that Tribunal in appeal, shall be final and conclusive, and shall not be questioned in any suit or proceeding in any court.

26. Mode of payment of amount of compensation.— (*1*) The amount of compensation may, subject to the provisions of sub-section (*3*), be payable in transferable bonds carrying interest at three per cent. per annum.

(*2*) The bonds shall be—

(*a*) of the following denominations, namely :—

Rs. 50; Rs. 100; Rs. 200; Rs. 500; Rs. 1,000; Rs. 5,000 and Rs. 10,000; and

(*b*) of two-classes-one being repayable during a period of twenty years from the date of issue by equated annual installment of principal and interest, and the other being redeemable at par at the end of a period of twenty years from the date of issue. It shall be at the option of the person receiving compensation to choose payment [2][in one or other class of bonds, or partly in one class and partly in another].

(*3*) Where the amount of compensation or any part thereof, cannot be paid in the aforesaid denomination, it may be paid in cash.

1 This *Explanation* was deemed always to have been inserted by Mah. 25 of 1963, s. 4.

2 These words were substituted for the words "in one of such class of bonds" by Mah. 9 of 1963, s. 5.

CHAPTER VI

DISTRIBUTION OF SURPLUS LAND

[1][**27. Distribution of surplus land.—** (*1*) Subject to any rules made in this behalf, land (other than grazing land or tank land or land notified by the State Government as not capable or being disposed of for cultivation) which is acquired by and vests in the State Government under section 21 shall, subject to the provisions of the Code, be granted by the Collector or any other officer authorised in this behalf by the State Government in the order of priority set out in sub-sections (*2*), (*3*), (*4*), and (*5*).

(*2*) Where the surplus land belonged to a holder, who at any time before the commencement date, by resuming land from his tenant for personal cultivation under any tenancy law, has rendered that tenant landless, the surplus land shall first be offered to that tenant.

(*3*) Where any part of the holding of a person which consist of one or more compact blocks is declared as surplus land under this Act, then such surplus land—

(*a*) shall first be offered to the landlord who had leased the land to the such person and such landlord has not exercised his right of resumption under the relevant tenancy law or under section 19; and

(*b*) then to a person, who being previously employed on the compact block as an agricultural labourer or as technical or other staff engaged on or in relation to the agricultural produce raised or grown thereon, has been rendered unemployed as a result of the land of such block being declared surplus land.

(*4*) Thereafter fifty per cent. of the surplus land (excluding lands referred to in sub-sections (*2*) and (*3*) shall be reserved for distribution to landless persons belonging to the Scheduled Castes, Scheduled Tribes (whether residing in the Scheduled area or not) and landless persons belonging to such nomadic tribes, *vimtukta Jatis* and backward classes as may be notified by the State Government from time to time, and land so reserved shall be granted to such persons in accordance with the rules made in this behalf. Such rules may provide for fixing priorities.

(*5*) Thereafter, all surplus land (including surplus land which has not been granted under sub-sections (*2*) and (*3*) shall be offered in the following order of priority, that is to say,—

(*i*) a person from whom any land has been resumed by his landlord for personal cultivation under any tenancy law, and who in consequence thereof has been rendered landless, provided that such person is a resident of the village in which the surplus land for distribution is situate or within eight kilometers thereof;

[2][(*ia*) A non-Tribal-transferee whose land (being land of a Tribal transferor transferred to the non-Tribal-transferee) has been restored to the Tribal-transferor under the provisions of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah. XIV of 1975), and who holds no other land who earns his livelihood principally by manual labour on agricultural land.

Explanation.— For the purposes of this clause, the expressions "non-Tribal-transferee" and "Tribal-transferor" shall have the meanings respectively assigned to them in the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah. XIV of 1975);]

(*ii*) a person who had leased his land to any undertaking referred to in section 28 provided that, such person is a resident of the taluka in which the surplus land for distribution is situate, the net annual income of such person from all sources does not exceed four thousand rupees, and such person has not been granted any land under section 28-IAA;

(*iii*) serving members of the armed forces, and ex-servicemen, or where any such person dies before any land being granted to him by Government under this Act or any law of the time being in force or any executive orders, then his dependants;

(*iv*) landless persons :

1 Section 27 was substituted by Mah. 21 of 1975, s.17, read with Mah. 47 of 1975, s. 6. 2 Clause (*ia*) was added by Mah. 60 of 1977, s. 3.

Provided that, if there are persons having the same order of priority, then the person who is a resident within eight kilometers of the outer limit of the village in which the surplus land for distribution is situated should be preferred :

[1][Provided further that, where the surplus land was previously held by a joint farming or a farming society, it shall first be offered to the person whom the society undertakes to take as its member and such person becomes the member of the society.]

(*6*) Where the Collector, or the authorised officer, has to select under sub-sections (*2*), (*3*) and (*5*), one or more grantees from persons having the same order of priority, the selection shall be made by him by drawing lots :

Provided that, if among such persons having the same order of priority, there are serving members of the armed forces or ex-servicemen or their dependents, they should be preferred, so that, where their number is equal to or less than the number of grantees to be selected, all of them shall be selected as grantees; and where their number is more than the number of grantees to be selected, the selection shall be made by drawing lots from amongst them.

(*7*) While granting land under this section, the Collector or the authorised officer shall ensure that as far as possible the total land held by the person after granting does not exceed one hectare of land falling under sub-clause (*a*) of clause (*5*) of section 2 or one and half hectares of land falling under sub-clause (*b*) of that clause or two hectares of land falling under sub-clause (*c*) or (*d*) of that clause, or three hectares of land falling under sub-clause (*e*) of that clause.

(*8*) Where land used for the purposes of horticulture vests in the State Government under section 21, it shall be granted on the condition that land shall continue to be used for that purpose even after the grant.

(*9*) Where land which vests in the State Government under section 21 is grazing land or tank land or land notified under sub-section (*1*), the State Government may dispose it of in such manner as it thinks fit.

(*10*) The occupancy price payable in respect of surplus land granted as aforesaid shall be equal to the amount of compensation calculated under clause (*a*) or clause (*b*), and clauses (*c*) and (*f*) of section 23 for that land, irrespective of the actual amount of compensation awarded therefor; and may be paid by the grantee in annual instalments not exceeding fifteen,–the first instalment being payable at any time within two years from the date of taking possession of the land, with option to pay any or all instalments before the due date. Where the occupancy price is paid in instalments, simple interest at the rate of three per cent. per annum shall be payable on the amount of the occupancy price remaining unpaid :

Provided that, when the compensation for the surplus land includes the cost of cultivation of the standing crop on such land, and if, when the land is granted there is no crop on the land, the occupancy price payable under this sub-section by the grantee of such land shall be reduced by an amount equal to the cost of cultivation of the standing crop.

Explanation.— For the purposes of this section—

(*a*) a serving member of the armed forces means a serving member of the armed forces of the Union;

(*b*) an ex-serviceman means a former member of the armed forces of the Union (not being a person who has ceased to be a member of the armed forces as a result of his being duly dismissed or discharged after a court martial or on account of bad character or as a result of desertion, or who has not been attested);

(*c*) a dependant in relation to any such serving member or ex-servicemen means his widow, son, son's son, unmarried daughter, father or mother-in that order, whose gross annual income for

1 These proviso was added by Mah. 47 of 1975, s. 6.

the year immediately preceding the month in which surplus land is granted under this section does not exceed [1][Rs.12,000];

(*d*) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within such castes, races or tribes, as are deemed to be Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India;

(*e*) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India].

[2]**[27A. Power of Collector to grant land for public purposes, etc.—** Notwithstanding anything contained in section 27,—

(*1*) the Collector may, with the previous approval of the State Government, grant or make available any surplus land for any public purpose only if any Government land is not suitable or any other land is not found suitable for acquisition, for such public purpose, under the Land Acquisition Act, 1894 (1 of 1894);

(*2*) where any surplus land belonging to any industrial undertaking vests in the State Government on or after the commencement date, the State Government may, if it considers necessary in the interest of efficient use of the land for agriculture and its efficient management, direct that the said land shall be disposed of in the manner provided for in section 28-1AA].

28. Special provision in respect of land taken over from industrial undertaking to ensure efficient cultivation and continued supply of raw material.—[3][(*1*) Where any land held by an industrial undertaking is acquired by, and vests in, the State Government under section 21, such land being land which was being used for the purpose of producing raw material for the manufacture of any goods, articles, or commodities by the undertakings, the State Government shall take care to ensure that the acquisition of land does not affect adversely the production of raw material].

(*2*) Notwithstanding anything contained in section 27 , but subject to any rules made in this behalf for the purpose of [4][ensuring] the full and efficient use of the land for agriculture and its efficient management, the State Government,—

(*a*) may, if it is in the opinion of that Government necessary for the purpose aforesaid (such opinion being formed after considering the representation of persons interested therein) maintain the integrity of the area so acquired, in one or more compact blocks, and

(*b*) may, subject to such terms and conditions [5] * * * grant the land or any part thereof to a joint farming society (or a member thereof) consisting as far as possible, of—

(*i*) persons who had previously leased such land to the undertaking,

(*ii*) agricultural labour (if any) employed by the undertaking on such land,

(*iii*) technical or other staff engaged by the undertaking on such land or in relation to the production or supply of any raw material,

(*iv*) adjoining landholders who are small holders,

(*v*) landless persons :

Provided that, the State Government may,—

1 These letters and figures were substituted for the letters and figures "Rs. 4,500" by Mah.13 of 1988, s. 2.

2 Section 27A was inserted by Mah. 21 of 1975, s. 18.

3 Sub-section (*1*) was deemed to have been substituted from 1st October, 1969 by Mah. 50 of 1973., s. 2 (*1*).

4 This word was deemed to have been substituted for the portion beginning with the words "so ensuring" and ending with the words "and generally for" from 1st October 1969 by Mah. 50 of 1973, s. 2 (*2*)(*a*).

5 The brackets and words "(including in particular, conditions which are calculated to ensure the full and continued supply of raw material to the undertaking at a fair price)" were deemed to have been deleted from 1st October 1969 by Mah. 50 of 1973, s. 2 (*2*)(*b*).

(*a*) for such period as is necessary for the setting up of joint farming societies as aforesaid being not more than three years in the first instance (extensible to a further period not exceeding two years) from the date of taking possession of the land, direct that the land acquired, or any part thereof, shall be cultivated [1][by one or more farms run or managed by the State, or by one or more corporations (including a company) owned or controlled by the State];

[2]* * * * * * * *

[3]* * * * * * * *

(*3*) The State Government may provide that,—

(*a*) for the breach of any term or conditions referred to in clause (*b*) of sub-section (*2*), or

[4]* * * * * * * *

[5]* * * * * * * *

(*d*) for any other reason it is undesirable in the interest of the full and efficient cultivation of the land, that the joint farming society should continue to cultivate the land,

the grant shall, after giving three month's notice of termination thereof and after giving the other party reasonable opportunity of showing cause, be terminated, and the land resumed. Thereafter, the State Government may make such other arrangement as it thinks fit for the proper cultivation of the land and maintenance of the production [6][of raw material].

28-1A. [Interim arrangement for grant of land, pending setting of joint farming societies in accordance with scheme.] Deleted by Mah. 27 of 1970, s. 7[7]

[8]**[28-1AA. Power of State Government to grant land to State Corporations.—** (*1*) The State Government may, by notification in the *Official Gazette*, not later than ninety days from the commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1970 (Mah. XXVII of 1970), grant the surplus land taken over from the industrial undertakings and referred to in section 28 and which is being cultivated by one or more corporations, (including a company) owned and controlled by the State to such corporation or corporations, as the case may be, subject to such terms and conditions, including in particular, the condition of maintaining the integrity of the surplus land, in one or more compact blocks [9]* *. On the grant of such surplus land to one or more corporations as aforesaid the provisions of section 28 so far as they provide for setting up of joint farming societies shall not apply in relation to such surplus land.

(*2*) The State Government may provide that,—

(*a*) for the breach of any term of condition referred to in sub-section (*1*), or

1 This portion was substituted for the words "through one or more farms run or managed by the State" by Mah. 13 of 1962, s. 6.

2 Clause (*b*) was deleted by Mah. 27 of 1970, s. 6 (*1*).

3 The *Explanation* was deemed to have been deleted from 1st October 1969 by Mah. 50 of 1973, s. 2(*2*)(*c*).

4 Clause (*b*) was deleted by Mah. 27 of 1970., s. 6 (*2*).

5 Clause (*c*) was deemed to have been deleted from 1st October 1969 by Mah. 50 of 1973, s. 2(*3*)(*a*).

6 These word were deemed to have been substituted for the words "and supply of raw material to the undertaking" from 1st October 1969 by Mah. 50 of 1973, s. 2(*3*).

7 Section 7 of Mah. 27 of 1970 reads as follows :—
"7. Section 28-1A of the principal Act shall be deleted :
"Provided that, such deletion shall not affect, the period for setting up of joint farming societies provided in sub-section (*1*) of that section."

8 Section 28-1AA was inserted by Mah. 27 of 1970, s. 8.

9 The words "and conditions which are calculated to ensure the full and continued supply of raw material to the undertaking at a fair price" were deemed to have been deleted from 20th May 1970 by Mah. 50 of 1973, s. 3(*1*).

(*b*) if it considers after such inquiry as it thinks fit, that the production [1][of raw material] is not maintained at the level or in the manner which, with proper and efficient management it ought to be maintained, or

[2][(*b-1*) it is considered necessary by the State Government for any public purpose to take away all or part of the land presently vested in the Corporation (including a company), or]

(*c*) for any other reason it is undesirable in the interest of the full and efficient cultivation of the land, that the corporation (including a company) should continue to cultivate the land,

the grant shall, after giving three month's notice of termination thereof and after giving the corporation reasonable opportunity of showing cause, be terminated, and the land resumed. Thereafter, the State Government may itself take steps by running or managing one or more farms for the proper cultivation of the land [3][and maintenance of the [4][production of raw material or may dispose of the land in the manner as provided in sub-sections (*3*) and (*3A*)].

[5]* * * * * * *

[6][(*3*) The State Government may, subject to the provisions of sub-section (*4*), after ascertaining the views of the persons interested in the land referred to in sub-section (*1*), also grant such land to a person who had previously leased his land to the undertaking, who (not being a public trust), requires that land for his personal cultivation, to the extent of the ceiling area as stipulated in the Act, or the actual area of the land leased by such person to the undertaking, whichever is less, subject to such other terms and conditions as may be specified in this behalf :

Provided that, a person, who was required to file return under section 12 or 12A of the Act in respect of the lands held by him as on the 19th September 1975, and whose land was declared surplus under the provisions of this Act, shall not be entitled to such grant :

Provided further that, a person, who has applied for grant of such land after 90 days from the commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2001 (Mah. XVII of 2003), shall not be eligible for grant of such land :]

[7][Provided also that, a person who had not applied for grant of such land within the period of 90 days from the date of commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2001 (Mah. XVIII of 2003), or who has applied for grant of such land after the said period, shall be eligible for grant of such land if he applies for grant of such land within a period of 90 days from the date of commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2006 (Mah. VIII of 2006).]

[8][Provided also that, a person who had not applied for grant of such land within the period of 90 days from the date of commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2001 (Mah. XVII of 2003), or who has applied for grant of such land after the said period, shall be eligible for grant of such land if he applies for grant of such land within a period of 90 days from the date of commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2011 (Mah. I of 2012).

[9][(*3-1A*) Notwithstanding anything contained in this section and section 29,—

(*a*) if the lands leased by a person to the industrial undertaking were Class-I occupancy lands then the lands granted to such person or his legal heirs under sub-section (*3*) on Class-II

1 These words were deemed to have been substituted for the words "and supply of raw material to the undertaking" from 20th May 1970 by Mah. 50 of 1973, s. 3(*2*)(*a*).

2 Clause (*b-1*) was inserted by Mah. 17 of 2003, s. 2 (*a*)(*i*).

3 These words were deemed to have been substituted for the words "and maintenance of the production and supply of raw material to the undertaking at a fair price" from 20th May 1970 by Mah. 50 of 1973, s. 3(*2*)(*b*).

4 These words, brackets, figures and letter were substituted for the words "production of raw material" by Mah. 17 of 2003, s. 2 (*a*)(*ii*).

5 The *Explanation* was deemed to have been deleted from 20th May 1970 by Mah. 50 of 1973, s. 3 (*2*)(*c*).

6 Sub-section (*3*) was substituted by Mah. 17 of 2003, s. 2 (*b*).

7 This proviso was added by Mah. 8 of 2006, s. 2.

8 This proviso was added by Mah. 1 of 2012, s. 2.

9 Sub-section (*3-1A*) was inserted by Mah. 6 of 2024, s. 2 (*1*).

occupancy shall be deemed to have been granted on Class-I occupancy, without charging any premium therefor ;

(*b*) if the lands leased by a person to the industrial undertaking were Class-II occupancy lands, then the lands granted to such person or his legal heirs under sub-section (*3*) on Class-II occupancy may be converted into Class-I occupancy, if the relevant Act applicable to such lands or rules framed thereunder provides for such conversion, as per the provisions of the said Acts and rules.]

[1][(*3A*) Notwithstanding anything contained in sub-section (*3*), the State Government may dispose of the lands vested in the Maharashtra State Farming Corporation Limited, for a public purpose to the Government or Semi-Government Institution or Municipal Corporation, Municipal Council, *Nagar Panchayat* or *Village Panchayat* at the rates fixed by the State Government on such terms and conditions as may be specified by it, by special or general order issued in this behalf.

Explanation.— For the purposes of this sub-section, the expression "dispose of the lands for the public purpose" means disposal of land for,—

(*a*) educational, medical, public health, social welfare or cultural purposes; or any other purpose mentioned in the Development Plan under section 22 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966); or any other public purpose included in sub-section (*1*) of section 2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), situated within the vicinity of five kilometers from,—

(*i*) the municipal area of a Council or *Nagar Panchayat* as defined in clause (*24*) of section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965);

(*ii*) the larger urban area specified under sub-section (*2*) of section 3 of the Maharashtra Municipal Corporations Act (LIX of 1949); or

(*iii*) the boundary of *gaothan* or village site as defined in clause (*10*) of section 2 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966); and

(*b*) for rehabilitation of the project affected persons of a public project notified by the Government for this purpose.]

(*4*) The [2]* * * particulars of land to be granted under sub-section (*3*) shall be such as the State Government may, having due regard to the need to maintain the integrity of the farm in one or more compact blocks, by order in writing, specify.

[3] * * * * * * * *

[4] * * * * * * * *

[5]**28-1B.** [Supply of raw material and regulation of fair price]. [6]Deleted from 1st October 1969 by Mah. 50 of 1973, s. 4(*1*).

28-A. [Special provision in respect of certain holdings to ensure their integrity, etc.] Deleted by Mah. 21 of 1975, s. 22.

29. Restriction on transfer or division of land granted under section 28.— (*1*) Without the previous sanction of the Collector, no land granted under section 27 or granted to a joint farming society under section 28, shall be —

1 Sub-section (*3A*) was substituted by Mah. 6 of 2024, s. 2 (*2*).

2 The words "area and" were deleted by Mah. 17 of 2003, s. 2 (*d*).

3 The words "the area so specified shall be final and conclusive and shall not be varied subsequently" were deleted by Mah. 50 of 1973, s. 3(*4*).

4 Sub-section 5 was deleted by Mah. 50 of 1973, s. 2(*c*).

5 For consequences of the deletion of section 28-1B and Third Schedule *see* section 4 of Mah. 50 of 1973.

6 For consequences of the deletion of section 28-1B and Third Schedule *see* section 4 of Mah. 50 of 1973.

(*a*) transferred, whether by way of sale (including sale in execution of a decree of a civil court or of an award or order of any competent authority) or by way of gift, mortgage, exchange, lease or otherwise; or

(*b*) divided whether by partition or otherwise, and whether by a decree or order of a civil court or any other competent authority,

such sanction shall not be given otherwise than in such circumstances, and on such conditions [1][including condition regarding payment of premium or *nazarana* to the State Government], as may be prescribed :

[2][Provided that, no such sanction shall be necessary where land is to be leased by a serving member of the armed forces or where the land is to be mortgaged as provided in sub-section (*4*) of section 36 of the Code for raising a loan for effecting any improvement of such land.]

(*2*) If sanction is given by the Collector to any transfer or division under sub-section (*1*) subsequent transfer or division of land shall also be subject to the provisions of sub-section (*1*).

(*3*) Any transfer or division of land, and any acquisition thereof, in contravention of sub-section (*1*) or sub-section (*2*) shall be invalid; and as a penalty therefor, any right, title and interest of the transferor and transferee in or in relation to such land shall, after giving him an opportunity to show cause, be forfeited by the Collector and shall without further assurance vest in the State Government :

[3][Provided that, after the commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2018 (Mah. LXXI of 2018), no such land shall be forfeited by the Collector for contravention of the provisions of sub-section (*1*) of sub-section (*2*), as the case may be, if the transferor, transferee or any other person interested in such land makes the payment of [4][an amount of seventy five per cent., of the market value of such land ascertained as per the current Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995.]:

[5]* * *

[6][(*4*) On payment of the amount referred to in the first proviso to sub-section (*3*),—

(*i*) no further proceedings for violation of the provisions of sub-section (*1*) or sub-section (*2*) shall be initiated ;

(*ii*) where the proceedings are already initiated before the date of commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2018 (Mah. LXXI of 2018), such proceedings shall abate and the Collector shall make an order to that effect.]

[7]**[29A.Conversion of Occupancy of land granted under section 27.—** Notwithstanding anything contained in section 29, the Collector may convert lands granted under section 27 on Class-II occupancy into Class-I occupancy,—

(*i*) after lapse of ten years from the date of grant of such land; and

1 These words were inserted by Mah. 21 of 1975, s. 23 (*a*).

2 This proviso was substituted by Mah. 21 of 1975, s. 23 (*b*).

3 These Provisos were added by Mah. 71 of 2018, s. 2 (*i*).

4 This portion was substituted for the words "such amount, as the State Government may, by order published in the *Official Gazette*, specify"by Mah. 6 of 2024, s. 3 (*i*).

5 This proviso was deleted by Mah. 6 of 2024, s. 3 (*ii*).

6 Sub-section (*4*) was added by Mah. 71 of 2018, s. 2 (*ii*).

7 Section 29A was inserted by Mah. 6 of 2024, s. 4.

(*ii*) if there is no breach of any of the conditions for grant of such land; or if there is a breach of any of such conditions, then after regularization of such breach,

on payment of such conversion premium and after following such procedure and subject to such other terms and conditions as may be prescribed.]

CHAPTER VII

PROCEDURE AND APPEAL

30. Powers of Collector in making inquiries.— In making inquiries under this Act, the Collector shall have the same powers as are vested in courts under the Code of Civil Procedure, 1908 (V of 1908) in trying a suit, in respect of the following matters, namely :—

(*a*) proof of facts by affidavit ;

(*b*) summoning and enforcing the attendance of any person, and examining him on oath; and

(*c*) compelling the production of documents.

[1][If a holder dies during the course of any inquiry under this Act, then the Collector shall cause the legal representative of the deceased holder to be brought on record, and the Collector shall then proceed with the inquiry.]

31.Manner of recording decisions of Collector.— Every decision of the Collector shall be recorded in the form of an order, which shall state reasons for such decision.

32. Service of notice.— (*1*) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed by, or by order of, the Collector.

(*2*) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(*3*) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the Collector and also in some conspicuous part of the land in respect of which inquiry is to be held:

Provided that, if the Collector shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and service of it may be proved by the production of the addressee's receipt.

33.Appeals.— (*1*) An appeal against an order or award of the Collector shall lie to the Maharashtra Revenue Tribunal in the following cases :—

(*1*) an order under sub-sections (*2*) and (*3*) of section 13 [2][not being an order under which a true and correct return complete in all particulars is required to be furnished];

(*2*) a declaration [3][or any part thereof] under section 21;

[4][(*2a*) an order under section 21-A;]

(*3*) an award under section 25;

(*4*) an order refusing sanction to transfer or divide land under section 29;

(*5*) an order of forfeiture under sub-section (*3*) of section 29;

(*6*) an amendment of declaration or award under section 37; and

1 This portion was added, by Mah. 21 of 1975, s. 24.

2 This portion was added by Mah. 21 of 1975, s. 25(*1*)(*a*).

3 These words were inserted by Mah. 9 of 1963, s. 8.

4 Clause (*2a*) was inserted by Mah. 21 of 1975, s. 25(*1*)(*b*).

(*7*) an order of summary eviction under section 40.

[1][(*1A*) Any respondent, though he may not have appealed from any part of the decision, order, declaration or award, may not only support the decision, order, declaration or award, as the case may be, on any of the grounds decided against him but take cross-objection to the decision, order, declaration or award which he could have taken by way of an appeal :

Provided that, he has filed the objection in the Maharashtra Revenue Tribunal within [2][thirty days] from the date of service on him of notice of the day fixed for hearing the appeal, or such further time as the Tribunal may see fit to allow and thereupon, the provisions of Order 41, rule 22 of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), shall apply in relation to the cross-objection as they apply in relation to the cross-objection under that rule.]

(*2*) Every petition of appeal under sub-section (*1*), shall be accompanied by a [3]* * * copy of the decision, order, declaration or award, as the case may be, against which the appeal is made.

(*3*) In deciding such appeal the Maharashtra Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows, in deciding appeals from the decree or order of an original court, under the Code of Civil Procedure, 1908 (V of 1908).

34.Power of Maharashtra Revenue Tribunal to confirm etc., order, etc.— The Maharashtra Revenue Tribunal, in deciding an appeal under section 33, may confirm, modify or rescind the decision, order, declaration or award or the amended declaration or award, as the case may be.

35.Limitation for appeals.— Every appeal under this Act shall be filed within a period of [4][fifteen days from the date of the decision, order, declaration or award of the Collector. The provisions of sections 4, 5, 12 and 14 of the [5]Indian Limitation Act, 1908 (IX of 1908), shall] apply to the filing of such appeal.

36.Court-fee.— Notwithstanding anything contained in the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959) every appeal made under this Act to the Maharashtra Revenue Tribunal shall bear court-fee stamp,—

(*i*) in the case of a declaration of the Collector under section 21 or an amended declaration under section 37, of twenty-five rupees;

(*ii*) in the case of an award of the Collector under section 25 or an amended award under section 37, of an amount equal to five per cent. of the difference between the amount of compensation awarded to the appellant and that claimed by him in his appeal, or rupees fifteen, whichever is more; and

(*iii*) in any other case, of five rupees.

CHAPTER VIII

MISCELLANEOUS

37. Power of Collector to correct clerical, etc., mistakes in declaration or award.— Any clerical or arithmetical mistake in the declaration made under section 21, or in an award made under section 25, or error arising therein from accidental slips or omissions, may [6]* * * * be corrected by the Collector, either of his own motion or on the application of a person interested in the declaration or award, and the declaration or award as corrected, shall be deemed to have been amended accordingly:

1 Sub-section (*1A*) was inserted by Mah. 21 of 1975, s. 25 (*2*).

2 These words were substituted for the words "ninety days" by Mah. 2 of 1976, s. 11(*a*).

3 The word "certified" was deleted by Mah. 2 of 1976, s. 11(*b*).

4 These words were substituted for the words "sixty days" by Mah. 2 of 1976, s. 12.

5 *See* now the Limitation Act, 1963 (36 of 1963).

6 The portion beginning with "at any time" and ending with "or as the case may be, the award" was deleted by Mah. 21 of 1975, s. 26(*a*).

[1][Provided that, no declaration or award shall be corrected unless an opportunity is given to the person whose interest may be affected as a result of such correction to be heard.]

38. Sums recoverable as arrears of land revenue.— Any sum, whether by way of occupancy price, rent, fine, overpayment of compensation [2][compensation payable under section 21A] or, otherwise payable by any person to the State Government by or under the provisions of this Act, shall if not paid by such person, be recoverable as an arrear of land revenue.

39.Mode of putting person in possession of land.— (*1*) Any order of the Collector, or any other officer authorised under section 27 aw ng the possession or use of any land,

shall be executed by the Mamlatdar or the Tahsildar within whose jurisdiction the land is situate in the manner provided in section 21 of the Mamlatdar's Court Act, 1906 (Bom. II of 1906), as if it were the decision of the Mamlatdar under that Act.

(*2*) An order of the Maharashtra Revenue Tribunal in appeal [3][or of the State Government in revision] shall be executed in the manner provided for the execution of the order of the Collector under sub-section (*1*).

40.Summary eviction.— Any person, unauthorisedly occupying or wrongfully in possession of, any land—

(*a*) which vests in the State Government under this Act, or

(*b*) to the use and occupation of which he is not entitled under the provisions of this Act, may be summarily evicted by the Collector after such inquiry as he deems fit.

[4]* * *

41.Bar of jurisdiction.— No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the [5][Commissioner, Collector], [6][Tribunal], the officer authorised under section 27, the Maharashtra Revenue Tribunal or the State Government.

Explanation.— For the purpose of this section a civil court shall include a Mamlatdar's Court constituted under the Mamlatdar's Court Act, 1906 (Bom. II of 1906).

42.Inquiries and proceedings to be judicial proceedings.— All inquiries and proceedings before the Collector, [7][the Tribunal] and the Maharashtra Revenue Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

43.Officers to be public servants.— The officers functioning by or under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

[8]**[43A.Particulars to be furnished where land is held in jurisdiction of more than one village accountant.—** (*1*) Every person holding land, whether as owner or tenant or partly as owner and partly as tenant, on the 26th day of September 1970, or on any date thereafter, in the jurisdiction of more than one village accountant, shall from time to time within the prescribed period, furnish in the prescribed manner, true and correct particulars of all the land so held by him to each of the Tahsildars within whose jurisdiction any such land is situate. The person shall also furnish such particulars of land held by him, if any, in any other part of India to any Tahsildar.

1 This proviso was added by Mah. 21 of 1975, s. 26(*b*).

2 These words were inserted by Mah. 21 of 1975, s. 27.

3 The words were inserted by Mah. 32 of 1965, s. 3.

4 Section 40A was deleted by Mah. 6 of 2024, s. 5.

5 These words were substituted for the word "Collector" by Mah. 21 of 1975, s. 28. 6 This word was inserted by Mah. 2 of 1976, s. 14.

7 These words were inserted by Mah. 2 of 1976, s.15.

8 Section 43A was inserted by Mah. 21 of 1973, s. 29.

(*2*) Where, a Tahsildar has reason to believe that a person has, without reasonable cause, failed to furnish particulars of land held by him within the prescribed period, or has furnished particulars which he knows or has reason to believe to be false, the Tahsildar shall issue a notice calling upon such person to show cause within fifteen days of the service thereof, why the penalty provided by sub-section (*3*) should not be imposed upon him. If the Tahsildar, on considering the reply or other cause shown, is satisfied that the person has, without reasonable cause, failed to furnish the particulars within time, or has furnished particulars which he knew or had reason to believe to be false, he may impose penalty provided in sub-section (*3*) and require him to submit true and correct particulars within a period of one month from the date of the order.

(*3*) Where a person fails to furnish the particulars within the period prescribed under sub-section (*1*) or the period referred to in sub-section (*2*) or furnishes particulars which he knows or has reason to believe to be false, he shall be liable to pay penalty of twenty-five rupees.]

44.Protection of action taken under this Act.— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done, or purported to be done, by or under this Act.

[1]**[44A.Tribunal to exercise powers and perform duties of Collector in certain areas for certain purposes of Act to the exclusion of Collector.—** Where a Tribunal has been constituted or re-constituted under section 2A for any area or areas or for any purpose or purposes of this Act or for any provision or provisions thereof then, notwithstanding anything contained in this Act, the Tribunal alone, to the exclusion of the Collector, shall exercise all the powers and perform all the duties of the Collector under any of the provisions of this Act (except the provisions of sub-section (*6*) of section 2A) [2][or sub-section (*2*) of section 45A] or any rules thereunder in relation to such area or areas or in relation to such purpose or purposes or in relation to such provision or provisions, and reference in any such provision of this Act or the rules to the Collector shall be deemed to be a reference to the Tribunal, and those provisions shall be construed accordingly.

44B.Pleaders etc. excluded from appearance.— Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Authorised Officer, the Tribunal, the Collector, the Commissioner, the State Government or the Maharashtra Revenue Tribunal :

Provided that, where a party is a minor or lunatic, his guardian may appear, and in the case of any other person under disability, his authorised agent may appear.

Explanation.— For the purposes of this section, the expression "pleader" includes an advocate, attorney, vakil or any other legal practitioner.]

45.Control.— (*1*) In all matters connected with this Act, the State Government shall have the same authority and control over the officers authorised under section 27, the Collectors and the Commissioners acting under this Act, as they do in the general and revenue administration.

[3][(*2*) The State Government may, *suo motu* or on an application made to it by the aggrieved person, at any time, call for the record of any inquiry or proceedings under sections 17 to 21 (both inclusive) [4]* * * for the purpose of satisfying itself as to the legality or propriety of any inquiry or proceedings (or any part thereof) under those sections [5]* * * and may pass such order thereon as it deems fit, after giving the party a reasonable opportunity of being heard] :

Provided that, nothing in this sub-section shall entitle the State Government to call for the record of any inquiry or proceedings of a declaration or part thereof under section 21 in relation to any land, unless an appeal against any such declaration or part thereof has not been filed within the period

1 Sections 44A and 44B were inserted by Mah. 2 of 1976, s. 16.

2 These words shall be deemed always to have been inserted by Mah. 57 of 1976, s. 3.

3 Sub-sections (*2*) and (*3*) were substituted for the original sub-section (*2*) by Mah. 32 of 1965, s. 4. 4 The words "or under section 27" were deleted by Mah. 21 of 1975, s. 30.

5 The words "or of any order passed under section 27" were deleted by Mah. 21 of 1975, s. 30.

provided for it [1]* * * * and a period of three years from the date of such declaration or part thereof has not elapsed.

[2][Provided further that, no order shall be passed under this section so as to affect any land which is already declared surplus and distributed according to the provisions of this Act :

Provided also that the revisional jurisdiction under this section shall be exercised only where it is alleged that the land declared surplus is less than the actual land which could be declared surplus.]

(*3*) The State Government may, subject to such restrictions and conditions as it may impose by notification in the *Official Gazette*, delegate to the Commission the power conferred on it by sub-section

(*2*) [3][of this section or under any other provisions of this Act except the power to make rules under section 46 or to make an order under section 49].

[4]**[45A. Power of revision of Commissioner in inquiries and proceedings under section 27.—** (*1*) Subject to the provisions of this section, the Commissioner may *suo motu* or on an application made to him by an aggrieved person or on a reference made in this behalf by the State Government, at any time —

(*a*) call for the record of any inquiry or proceedings under [5][section 25 (except in cases where an appeal has been filed), or as the case may be, section 27] for the purpose of satisfying himself as to the legality or propriety of any inquiry of proceedings (or any part thereof), and

(*b*) pass such order thereon as he deems fit after giving the parties concerned a reasonable opportunity of being heard :

Provided that, except in the case of a reference from the State Government, no such record shall be called for after the expiry of a period of one year [6][from the date the award of compensation is made by the Collector under section 25, or as the case may be, the grant of land is made by the Collector under section 27].

[7][(*2*) Where the inquiry of proceedings referred to in sub-section (*1*) is held by an officer, or by a Tribunal of which the Chairman is an officer, below the rank of an Assistant or Deputy Collector, the powers of the Commissioner under sub-section (*1*) may be exercised by the Collector to whom such officer is subordinate.]

(*3*) Where any order is passed by the Collector under sub-section (*2*) , the same may, in the manner and subject to the conditions laid down in sub-section (*1*), be revised by the Commissioner].

46.Power to make rules.— (*1*) The State Government may, subject to the condition of previous publication, by notification in the *Official Gazette*, make rules for carrying into effect the purposes of this Act.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for —

(*a*) the form of return and particulars to be given therein under section 12;

form containing particulars to be furnished under clause (*c*) of sub-section (*3*) of section 17;

(*c*) rules to be made for granting land vesting in Government under section 27;

(*d*) rules to be made for the purposes of section 28;

1 The words, brackets and figures "the possession of such land has not been taken under sub-section (*4*) of section 21" shall be deemed always to have been deleted by Mah. 16 of 1990, s. 2.

2 These provisos were added by Mah. 17 of 1990, s. 2.

3 These words and figures were inserted by Mah. 2 of 1976, s. 17.

4 Section 45A was inserted by Mah. 21 of 1975, s. 31.

5 This was substituted for the word and figures "section 27" by Mah. 60 of 1977, s. 5(*1*).

6 These words and figures were substituted for the words and figures "from the date the grant of land is made by Collector under section 27," by Mah. 60 of 1977, s. 5(*2*).

7 Sub-section (*2*) shall always be deemed to have been substituted by Mah.57 of 1976, s. 4.

(*e*) the circumstances under which and the conditions subject to which sanction may be given under section 29;

[1][(*e-1*) conversion premium for conversion of Class-II occupancy lands into Class-I occupancy under section 29A and procedure and other terms and conditions therefor;]

[2] * * * * * *

(*g*) generally , for the guidance of officers in all matters connected with enforcement of this Act.

(*3*) All rules made under this section shall be laid before each House of the State Legislature as soon as may be after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following, and publish in the *Official Gazette*.

[3]**[47.Exempted lands.—** (*1*) The following lands shall be exempted from the provisions of this Act, that is to say,—

(*a*) land held by Government (including the Central Government, or any other State Government) or land held by a corporation (including a company) owned or controlled by a State or the Union;

(*b*) land belonging to, or held on lease from or by, a local authority, or a University established by law in the State of Maharashtra, or agricultural college or school or any institution doing research in agriculture approved by the State Government;

(*c*) land held by such regimental farms as may be approved by the State Government in the manner prescribed;

(*d*) lands leased by the Land Development Bank or the Central Co-operative Bank or a Primary Co-operative Society before the 4th day of August 1959 ;

[4][(*e*) land held by a bank or a co-operative society as security for recovery of its dues.

Explanation.— For the purposes of clause (*e*),—

(*1*) "bank" means,—

(*i*) a banking company as defined in the Banking Regulation Act, 1949 (10 of 1949);

(*ii*) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(*iii*) a Subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);

(*iv*) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);

(*v*) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 (10 of 1949);

(*vi*) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 (10 of 1963);

(*vii*) an Agro-Industries Corporation;

(*viii*) the Agriculture Finance Corporation Limited, a company incorporated under the Companies Act, 1956 (I of 1956);

1 Clause (*e-1*) was inserted by Mah. 6 of 2024, s. 6.

2 Clause (*f*) was deleted by Mah. 21 of 1975, s. 32.

3 Section 47 was substituted for the original by Mah. 21 of 1975, s. 33. 4 Clause (*e*) was added by Mah. 47 of 1975, s. 8 (*1*).

(*2*) "Co-operative society" means a co-operative society registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), and includes a co-operative land development bank.]

(*2*) Subject to any rules made in this behalf, the State Government may, after such inquiry as it deems fit, by an order in the *Official Gazette*, exempt from the provisions of this Act, any of the following lands on such terms and conditions including the extent of area to be exempted as may be specified in the order, namely :—

(*a*) land held before the 26th day of September 1970 by a public trust [1][or a wakf] the major portion of the income of such land being appropriated for the purpose of education or medical relief or both or where the major portion of the income is not so appropriated but an undertaking in the prescribed

form is given within six months of the commencement date (or within such further period as the State Government may allow in that behalf) to the Collector, that the major portion of the income of such land will, within a period of two years from the date of publication of the order granting exemption be appropriated for those purposes ;

(*b*) and held before the 26th day of September 1970, by any person for stud farm or [2][by any public trust or wakf for] *panjarpol* or *gaushala*; [3] * * *

[4][(*bb*) land held before the 26th day of September 1970, by a public limited company, a public trust or a wakf for the purpose of breeding of cattle or sheep :

Provided that, nothing in this clause shall apply to land used for raising of garden produce or crops (other than grass or fodder crop) any time during a continuous period of three years before 26th day of September 1970, or to land which is not being used with the object of improvement of indigenous or local breed of cattle or sheep. The decision of the State Government on the question whether or not any lands falls within this proviso shall be final and conclusive and shall not be called in question in any civil court ;

[5][(*c*) land which is held, or to be acquired in any manner, by an industrial undertaking or a public trust or a firm or a company for a *bona fide* industrial or other non-agricultural use, including an integrated township project declared under section 18 or 44, as the case may be, of the Maharashtra Regional and Town Planning act, 1966 (Mah. XXXVII of 1966). In considering whether such land is so held or to be acquired, the State Government shall have regard to the following considerations, that is to say,—

(*i*) the extent and location of the land, if any, already held by the undertaking or a public trust or a firm or a company (including any land which it may already hold for industrial or non-agricultural use) ;

(*ii*) the extent of land held by the person from whom it is to be acquired.]

(*3*) No land shall continue to be exempt,—

(*a*) under the provisions of sub-section (*1*) after it ceases to answer to any of the descriptions as specified in that sub-section ;

(*b*) under the provisions of sub-section (*2*), after it ceases to answer to any of the descriptions as specified in that sub-section, or if there is any breach of the condition subject to which exemption was granted in respect of that land;

1 These words were inserted by Mah. 47 of 1975, s. 8(*2*)(*a*).

2 These words were inserted by Mah. 47 of 1975, s. 8(*2*)(*b*)(*i*).

3 The words, "or for the purpose of dairy farming, or breeding of cattle, sheep or pigs" were deleted by Mah. 47 of 1975, s. 8(*2*)(*b*)(*ii*).

4 Clause (*bb*) was inserted by Mah. 47 of 1975, s. 8(*2*)(*c*).

5 This clause was substituted by Mah. 19 of 2019, s. 2.

and upon so ceasing to be exempted land, the provisions of this Act shall apply to such land as they apply in relation to other land, but with the modifications that the return to be submitted under section 12 shall be submitted within three months, from the date on which the land ceases to be exempted.

(*4*) If any question arises as to whether there is a breach of any condition imposed in any case under sub-section (*2*), the State Government shall decide the same after giving an opportunity to the party interested of being heard, and the decision of the State Government shall be final.

(*5*) No land, which immediately before the commencement date was exempted land, shall subject to the provisions of sub-sections (*1*) and (*2*), continue to be exempted land after such commencement date, and, upon such land ceasing to continue to be exempted land, the provisions of sub-section (*3*) shall *mutatis mutandis* apply but with the modification that the return to be submitted under section 12 shall be submitted within [1][three months] from the commencement date.

[2][48. **Enactments amended.—** With effect from the commencement of the Amending Act, 1972, the enactment specified in the Second Schedule shall be and are hereby amended in the manner and to the extent specified in the fourth column thereof].

49. Power to remove difficulties.— If any difficulty arises, in giving effect to the provisions of this Act [3][as amended by the Amending Act, 1972] (and in particular to the ascertainment of the ceiling area, and the ascertainment and distribution of any surplus land), the State Government may, by order published in the *Official Gazette*, make such provisions, give such directions, or do anything, which appears to it to be necessary for the purpose of removing the difficulty.

1 These words were substituted for the words "six months" by Mah. 2 of 1976, s. 18. 2 Section 48 was substituted by Mah. 21 of 1975, s. 34.

3 These words and figures were inserted by Mah. 21 of 1975, s. 35.

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The first Schedule was substituted by Mah. 21 of 1975, s. 36.

for dry crop lands not falling under column, 3.

for dry crop lands not falling under column, 3.

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	Brahmapuri, Gadchiroli and Sironcha Talukas of the Chandrapur District	
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1[FIRST SCHEDULE

(*See* sections 5 and 23)

	Districts and Talukas	Ceiling Area			
		For lands falling under sub-clause (*a*) of clause (*5*) of section 2	For lands falling under sub-clause (*b*) under sub-clause (*c*) under sub-clause (*d*) under sub-clause (*e*) dry crop land of clause (*5*) of section 2	For lands falling of clause (*5*) of section 2	For lands falli of clause (*5*) section 2 s
	1	2 3	4	5	6
		Hectares-Ares Hectares-Ares	Hectares-Ares	Hectares-Ares	
		Hectares-Ares	Hectares-Ares	No. of times the assessment per hectare	
1.	Bombay Suburban 7 28.43	10 92.65 (18 Acres)	14 56.86 14 56.86 (27 Acres)	21 85.29[2] (36 Acres)	150 (36 Acres)
2.	Thana .. .. Do. ..	Do. .. Do. ..	Do. ..	Do.[3] ..	150
3.	Kolaba .. .. Do. ..	Do. .. Do. ..	Do. ..	Do.[4] ..	150

4 for dry crop lands not falling under column, 3.

5 for dry crop lands not falling under column, 3.

6 for dry crop lands not falling under column, 3.

7 for dry crop lands not falling under column, 3.

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Chandrapur excluding Brahmapuri, .. Gadchiroli and Sironchi Talukas there of

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FIRST SCHEDULE *contd.*

	Districts and Talukas	Ceiling Area			
		For lands falling under sub-clause (*a*) of clause (*5*) of section 2	For lands falling under sub-clause (*b*) of clause (*5*) of section 2	For lands falling under sub-clause (*c*) of clause (*5*) of section 2	Price per hectare for dry crop land under sub-clause (*d*) of clause (*5*) of section 2	For lands falling under sub-clause (*e*) of clause (*5*) of section 2
	1	2 3	4	5	6
		Hectares-Ares Hectares-Ares	Hectares-Ares	Hectares-Ares No. of times the assessment per hectare	
13.	Sangli	7 28.43 (18 Acres)	10 92.65 (27 Acres)	14 56.86 (36 Acres)	….	…. (54 A
14.	Kolhapur	.. .. Do. .. Do. .. Do. .. ….	..	Do. ..	150	
15.	Sholapur	.. .. Do. .. Do. .. Do. .. ….	..	Do. ..	200	
16.	Aurangabad	.. .. Do. .. Do. .. Do. .. ….	..	Do. ..	200	
17.	Parbhani	.. .. Do. .. Do. .. Do. .. ….	..	Do. ..	200	

[1][SECOND SCHEDULE

ENACTMENTS AMENDED

(*See* section 48)

Year	No.	Short title	Extent of amendment
1	2	3	4
1948	LXVII	[2]The Bombay Tenancy and Agricultural Lands Act, 1948.	In section 63 , in sub-section (*1*),— (*a*) for the words “exceeding two thirds” of the ceiling area” the words “exceeding the ceiling area” shall be substituted; (*b*) after the figures “1961” the words and figures “as amended by the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Mah. XXI of 1975)” shall be inserted; (*c*) To the proviso, the following shall be added, namely :– “Such permission shall not be granted, where land is being sold to a person who is not an agriculturist for agricultural purposes, if the annual income of such person from other sources is Rs. 12,000 or more”.
1950	XIX	The Hyderabad Tenancy and Agricultural Lands Act, 1950	In section 47 , in sub-section (*1*),— (*a*) for the words “exceeding two thirds” of the ceiling area” the words “exceeding the ceiling area” shall be

substituted;

(*b*) after the figures "1961" the words and figures "as amended by the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Mah. XXI of 1975)" shall be inserted;

(*c*) to the proviso, the following shall be added, namely :–

"Such permission shall not be granted, where land is being sold to a person who is not an agriculturist for agricultural purposes, if the annual income of such person from other sources is Rs. 12,000 or more."

1 The Second Schedule was substituted by Mah. 21 of 1975, s.37.

2 The short title of this Act was amended as "the Maharashtra Tenency and Agricultural Lands Act" by Mah. 24 of 2012, Sch., *w.e.f.* 1-5-1960.

SECOND SCHEDULE *contd*.

Year	No.	Short title	Extent of amendment
1	2	3	4
1958	XCIX	[1]The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	In section 89, in sub-section (*1*),— (*a*) for the words "exceeding two thirds" of the ceiling area" the words "exceeding the ceiling area" shall be substituted; (*b*) after the figures "1961" the words and figures "as amended by the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Mah. XXI of 1975)" shall be inserted; (*c*) to the proviso, the following shall be added, namely :– "Such permission shall not be granted, where land is being sold to a person who is not an agriculturist for agricultural purposes, if the annual income of such person from other sources is Rs. 12,000 or more."]

THIRD SCHEDULE

[Deleted from 1st Ocober 1969 by Mah. 50 of 1973, s. 4 (1)]

1 The short title of this Act was amended as “the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act” by Mah. 24 of 2012, Sch. *w.e.f.* 1-5-1960.