THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS ACT

[*Text as on 27th November 2025*]

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16. Amended by Mah. 8 of 1963
17. Amended by Mah. 39 of 1964
18. Amended by Mah. 31 of 1965
19. Amended by Mah. 4 of 1966
20. Amended by Mah. 41 of 1966
21. Amended by Mah. 49 of 1969
22. Amended by Mah. 35 of 1974 (6-7-1974)

1 Section 17 of Bom. 15 of 1957 reads as follows :—

"17. Certain amendments to have retrospective effect.— The amendments made to the said Act by sections 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, and 14 by sub-clause (*a*) of clause (*1*) and clause (*2*) of section 15 of this Act shall be deemed to have been made and to have come into force on the date on which the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bom. XIII of 1956), came into force.".

2 Section 34 of Bom. 38 of 1957 reads as follows :—

"34. Certain amendments to have retrospective effect.— The amendments made to the said Act by sub-section (*2*) of section 2, sections 3, 4, 5, 11, 12, and 13, Sub-section (*1*) of section 14 and sections 18, 20 and 28, shall be deemed to have been made and to have come into force on the date on which the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bom. XIII of 1956), came into force.".

3 Section 21 of Bom. 63 of 1958 reads as follows :—

"21. Certain amendments to have retrospective effect and refund of penalty.— (*1*) The amendments made to the principal Act by sections 3, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18 and 20 of this Act shall be deemed to have been made and to have come into force, on the date on which the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bom. XIII of 1956), came into force.

(*2*) The amount of penalty, if any, paid by a transferee under section 84A of the principal Act, before the coming into force of this Act shall to the extent to which it is in excess of the amount payable under the said section as amended by this Act be refunded.

(*3*) If any transfer in favour of the tenan 84B or 84C of the principal Act, before the

coming into force of this Act and if the tenant pays to the State Government a penalty as prescribed in the said section 84B or 84C, as amended by section 13 or 14 of this Act such transfer shall be revalidated by the Mamlatdar.".

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

23. Amended by Mah. 21 of 1975 (19-9-1975)

24. Amended by Mah. 10 of 1977 (11-3-1977)

25. Amended by Mah. 5 of 1982 (5-2-1982)

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27. Amended by Mah. 10 of 2001 (23-1-2001)

28. Amended by Mah. 25 of 2005 [2] (17-5-2004)

29. Amended by Mah. 5 of 2006 (23-1-2001)

30. Amended by Mah. 24 of 2012 (22-8-2012)

31. Amended by Mah. 1 of 2014 (7-2-2014)

32. Amended by Mah. 10 of 2014 (27-6-2014)

33. Amended by Mah. 1 of 2016 (1-1-2016)

34. Amended by Mah. 20 of 2016 [3] (7-5-2016)

35. Amended by Mah. 56 of 2018 (1-1-2016)

1 Maharashtra Ordinance No. III of 1994 was repealed by Mah. 28 of 1994.

2 Maharashtra Ordinance No. XVI of 2004 was repealed by Mah. 25 of 2005, s. 5.

3 Section 8 of Mah. 20 of 2016 reads as under :—

"8. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Maharashtra Tenancy and Agricultural Lands Act (LXVII of 1948), the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. Act XXI of 1950) and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act (XCIX of 1958), as anything not inconsistent with the provisions of the said Acts, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be after it is made, before each House of the State Legislature.".

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

ACT NO. LXVII OF 1948[1]

[THEMAHARASHTRATENANCYANDAGRICULTURALLANDSACT.]

[This Act received the assent of the Governor General on the 16th December 1948; assent was first published in the *Bombay Government Gazette*, Part IV, on the 28th December 1948.]

An Act to amend the law relating to tenancies of agricultural lands and to make certain other provisions in regard to those lands.

WHEREAS it is necessary to amend the law which governs the relations of landlords and tenants of agricultural lands;

AND WHEREAS on account of the neglect of a landholder or disputes between a landholder and his tenants, the cultivation of his estate has seriously suffered, or for the purpose of improving the economic and social conditions of peasants or ensuring the full and efficient use of land for agriculture, it is expedient to assume management of estates held by landholders and to regulate and impose restrictions on the transfer of agricultural lands, dwelling houses, sites and lands appurtenant thereto belonging to or occupied by agriculturists, agricultural labourers and artisans in the Province of Bombay and to make provisions for certain other purposes hereinafter appearing; It is hereby enacted as follows :—

PRELIMINARY

1. Short title and extent.— (*1*) This Act may be called the [2][Maharashtra Tenancy and Agricultural Lands Act].

(*2*) It extends to the [3][Bombay area of the State of Maharashtra].

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

[4][(*1*) "Agriculture" includes horticulture, the raising of crops, grass or garden produce, [5][the use by an agriculturist of the land held by him or a part thereof for the grazing of his cattle, the use of any land, whether or not and appanage to rice or paddy land, for the purpose of rab manure] but does not include allied pursuits or the cutting of wood only;

(*1A*) "Agricultural labourer" means a person whose principal means of livelihood is manual labour on land;]

(*2*) "Agriculturist" means a person who cultivates land personally;

[6][(*2A*) "allied pursuits" means dairy farming, poultry farming, breeding of livestock, grazing [7][(other than the pasturage of one's own agricultural cattle)] and such other pursuits as may be prescribed;

(*2B*) "appointed day" means the 15th day of June 1955;

(*2C*) "backward area" means any area declared by the State Government to be a backward area being an area in which, in the opinion of the State Government, socially, economically and educationally backward classes of citizens predominate; and includes an area declared to be a Scheduled area under paragraph 6 of the fifth Schedule to the Constitution of India;

(*2D*) "ceiling area" means in relation to land held by a person whether as an owner or tenant or partly as owner and partly as tenant the area of land fixed as ceiling area under section 5 or 7;

2 The Short title "Bombay Tenancy and Agricultural Lands Act, 1948" was amended by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 33, *with effect from* the 1st May 1960.

3 These words were substituted for the words "pre-Reorganisation State of Bombay excluding the transferred territories" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4 Clauses (*1*) and (*1A*) were substituted for the original clause (*1*) by Bom. 13 of 1956, s. 2(*1*).

5 These words were inserted by Bom. 15 of 1957, s. 2(*a*).

6 Clauses (*2A*), (*2B*), (*2C*), (*2D*) and (*2E*) were substituted for the original clause (*2A*) by Bom. 13 of 1956, s. 2(*2*). 7 These words and brackets were inserted by Bom. 15 of 1957, s. 2(*b*).

(*2E*) "Collector" includes an Assistant or Deputy Collector performing the duties and exercising the powers of the Collector under the [1]Bombay Land Revenue Code, 1879 (Bom. V of 1879), or any other officer specially empowered by the State Government to perform the functions of the Collector under this Act];

(*3*) "Co-operative Society" means a society registered under the provisions of the [2]Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), or a society deemed to have been registered under the said Act;

(*4*) "Co-operative Farming Society" means a society registered as such under the [3]Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925);

[4][(*5*) "to cultivate" with its grammatical variations and cognate expressions means to till or husband the land for the purpose of raising or improving agricultural produce, whether by manual labour or by means of cattle or machinery, or to carry on any agricultural operation thereon; and the expression "uncultivated" shall be construed correspondingly.

Explanation.— A person who takes up a contract to cut grass, or to gather the fruits or other produce of trees on any land, shall not on that account only be deemed to cultivate such land;]

[5][(*6*) "to cultivate personally" means to cultivate land on one's own account—

(*i*) by one's own labour

(*ii*) by the labour of any member of one's family, or

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

being land, the entire area of which—

(*a*) is situate within the limits of single village, or

(*b*) is so situated that no piece of land is separated from another by a distance of more than miles, or

(*c*) forms one compact block:

Provided that the restrictions contained in clauses (*a*), (*b*) and (*c*) shall not apply to any land,—

(*i*) which does not exceed twice the ceiling area,

(*ii*) upto twice the ceiling area, if such land exceeds twice the ceiling area.

Explanation I.— A widow or a minor, or a person who is subject to physical or mental disability, or a serving member of the armed forces shall be deemed, to cultivate the land personally if such land is cultivated by servants, or by hired labour, or through tenants.

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

[6][* * *]

[7][(*6A*) "economic holding" means in relation to land held by a person, whether as an owner or tenant, or partly as owner and partly as tenant, the area of land fixed as an economic holding under section 6 or 7;

(*6B*) "fragment" means a fragment as defined in sub-section (*4*) of section 2 of the [8]Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947);]

1 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

2 *See* now the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

3 *See* now the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

4 This clause was substituted for the original by Bom. 13 of 1956, s. 2(*3*).

5 This clause was substituted for the original by Bom. 13 of 1956, s. 2(*4*).

6 Clause (*6AA*) which was inserted by Bom. 38 of 1957, s. 2(*1*) was deleted by Bom. 63 of 1958, s. 2.

7 Clauses (*6A*) and (*6B*) were inserted by Bom. 13 of 1956, s. 2(*5*).

8 The short title of the Act has been amended as "the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act (LXII of 1947)" by Mah. 24 of 2012, Sections 2 and 3, Schedule, entry 29, *w.e.f.* 1st May1960.

[1][(*6C*) "to hold land" as an owner or tenant shall, for the purposes of clause (*2D*) of this section and [2][sections 32(*1B*), 32A], 32B, [3][and 63], means to be lawfully in actual possession of land as an owner or tenant, as the case may be];

(*7*) "Improvement" means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held; and includes,—

(*a*) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(*b*) the construction of works for the drainage of land or for the protection of land form floods or from erosion or other damage from water;

(*c*) the reclaiming, clearing, enclosing, levelling or terracing of land;

(*d*) The erection of buildings on the land, required for the convenient or profitable use of such land for agricultural purposes; and

(*e*) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto as are not y repair; but does not include such

clearances, embankments, levellings, enclosures, temporary wells, water channels and other works as are commonly made by the tenants in the ordinary course of agriculture;

[4][(*7A*) "joint family" means an undivided Hindu family, and in the case of other persons a group or unit the members of which are by custom joint in estate or residence;]

[5][(*8*) "land" means—

(*a*) land which is used for agricultural purposes [6][or which is so used but is left fallow, and incudes the sites of farm buildings] appurtenant to such land; and

(*b*) for the purposes of sections 11, 16, 17, 17A, 17B, 18, 19, 20, 26, 28, 29, 29A, 30, 41, 63, 64, 64A, 84A, 84B and 84C—

(*i*) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;

(*ii*) the sites of structures used by agriculturists for allied pursuits;]

(*9*) "Landholder" means a zamindar, jahagirdar, saranjamdar, inamdar, talukdar, malik or a khot or any person not hereinbefore specified who is a holder of land or who is interested in land, and whom the [7][State] Government has declared on account of the extent and value of the land or his interests therein to be a landholder for the purposes of this Act;

[8][(*9A*) "landless person" means a person who, holding no land for agricultural purposes, whether as an owner or tenant, earns his livelihood principally by manual labour; and intends to take to the profession of agriculture and is capable of cultivating land personally;]

(*10*) "Mamlatdar" includes a Mahalkari and any other officer whom the [9][State] Government may appoint to perform the duties of a Mamlatdar under this Act;

[10][(*10A*) "permanent tenant" means a person—

1 Clause (*6C*) was inserted by Bom. 15 of 1957, s. 2(*c*).

2 These words, figures, letters and brackets were substituted for the word, figures and letter "section 32A" by Mah. 49 of 1969, s. 2, Sch.

3 The word and figures "and 63" were substituted for the figures and word "34 and 35" by Mah. 27 of 1961, s. 48, Second Schedule.

4 Clause (*7A*) was added by Bom. 13 of 1956, s. 2(*6*).

5 This clause was substituted for the original by Bom. 13 of 1956 s. 2(*7*).

6 These word were substituted for the words "and the sites of farm buildings" by Bom. 15 of 1957, s. 2(*d*).

7 The word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

8 Clause (*9A*) was inserted by Bom. 13 of 1956, s. 2(*8*).

9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

10 Clause (*10A*) was added by Bom. 13 of 1956, s. 2(*9*).

(*a*) who immediately before the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bom. XIII of 1956) (hereinafter called "the Amending Act, 1955"),—

(*i*) holds land as mulgenidar or mirasdar; or

(*ii*) by custom, agreement, or the decree or order of a Court holds the land on lease permanently; or

(*b*) the commencement or duration of whose tenancy cannot satisfactorily be proved by reason of antiquity;

and includes a tenant whose name or the name of whose predecessor-in-title has been entered in the record of rights or in any public record or in any other revenue record as a permanent tenant immediately before the commencement of the Amending Act, 1955;]

(*11*) "Person" includes [1][a joint] [2][* *] family;

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

(*13*) "Profits of Agriculture" in respect of any land means the surplus remaining [3][with the holder] after the expenses of cultivation, including the wages of the cultivator working on the land are deducted from the gross produce;

[4][*Explanation.*— If the members of the family of a holder work on the land for the purpose of cultivation hereof, the labour of such members shall be taken into account in estimating the expenses of cultivation referred to in this clause;]

(*14*) "Protected tenant" means person who is recognised to be a protected tenant [5][under section 4A;]

[6][* * *]

(*16*) "Rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

[7][(*16A*)"serving member of the armed forces" means a person in the service of the armed forces of the Union:

Provided that if question arises whether any person is a serving member of the armed forces of the Union, such question shall be decided by the State Government, and its decision shall be final;

(*16B*) "small holder" means an agriculturists cultivating land less in area than an economic holding who earns his livelihood principally by agriculture or by agricultural labour;]

(*17*) "Tenancy" means the relationship of landlord and tenant;

[8][(*18*) "tenant" means a person who holds land on lease and include,—

(*a*) a person who is deemed to be a tenant under section 4;

(*b*) a person who is a protected tenant; and

(*c*) a person who is a permanent tenant; and the word "landlord" shall be construed accordingly;

1 These words were substituted for the words "and undivided" by Bom. 13 of 1956, s. 2(*10*).

2 The word "Hindu" was deleted by Bom. 38 of 1957, s. 2(*2*).

3 These words were substituted for the words "with the cultivator" by Bom. 13 of 1956, s. 2(*11*)(*a*).

4 This *Explanation* was inserted by Bom. 13 of 1956, s. 2(*11*)(*b*).

5 These words, figure and letter were substituted for the words and figures "under section 31" by Bom. 13 of 1956, s. 2(*12*).

6 Clause (*15*) was deleted by Bom. 13 of 1956, s. 2(*13*).

7 Clauses (*16A*) and (*16B*) were inserted by Bom. 13 of 1956, s. 2(*14*).

8 Clause (*18*) was substituted for the original by Bom. 13 of 1956, s. 2(*15*).

(*19*) "Tribunal" means the Agricultural Lands Tribunal constituted under section 67;

[1][(*20*) "village" means a village recognized as such in the revenue accounts;]

[2][(*20A*) "*warkas land*" means land which is used for the purpose of rab manure in connection with rice cultivation and is classified in the revenue record as *warkas*;]

(*21*) Words and expressions used in this Act but not defined shall have the meaning assigned to them in the [3]Bombay Land Revenue Code, 1879 (Bom. V of 1879), and the Transfer of Property Act, 1882 (IV of 1882), as the case may be.

CHAPTER II

GENERAL PROVISIONS REGARDING TENANCIES

3.Application of Chapter V of Transfer of Properties Act.— The provisions of Chapter V of the Transfer of Property Act, 1882 (IV of 1882), shall, in so far as they are, not inconsistent with the provisions of this Act, apply to the tenancies and leases of land to which this Act applies.

4. Persons to be deemed tenants.— [4][(*1*)] A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not—

(*a*) a member of the owner's family, or

(*b*) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family, or

(*c*) a mortgagee in possession.

Explanation [5][*I*].— A person shall not be deemed to be a tenant under this section if such person has been on an application made by the owner of the land as provided under section 2-A of the Bombay Tenancy Act, 1939 (Bom. XXIX of 1939), declared by a competent authority not to be a tenant.

[6][*Explanation II.*— Where any land is cultivated by a widow or a minor or a person who is subject to physical or mental disability or a serving member of the armed forces through a tenant then notwithstanding anything contained in *Explanation I* to clause (*6*) of section 2, such tenant shall be deemed to be a tenant within the meaning of this section.]

[7][(*2*) Notwithstanding anything contained in sub-section (*1*), where any land in the Ratnagiri and Sindhudurg districts is being cultivated by a person (other than the person who according to the Records of Rights, has right to cultivate), for not less than 12 years, such person shall be deemed to be a tenant for the purposes of this section if there is circumstantial evidence that he has been uninterruptedly cultivating the land personally, and [8][the *Sarpanch or Police Patil* or the Chairman of *Vividh Karyakari Sahakari Society*, and the cultivator of the adjoining land state on affidavit that, the said land is in the possession of, and is being cultivated by, such person, uninterruptedly for not less than 12 years.]

Explanation I.— For the purpose of this sub-section, the expression "land" includes the "*warkas* land.".

Explanation II.—For the purpose of this sub-section, the expression "circumstantial evidence" includes extract of voters list, ration card, electricity bill or house assessment receipt from the same village or any receipt in respect of sale of agricultural produce or any document regarding permission of

1 Clause (*20*) was substituted for the original, by Bom. 13 of 1956, s. 2(*16*).

2 Clause (*20A*) was inserted by Bom. 15 of 1957, s. 2(*a*).

3 See now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

4 The existing section 4 was renumbered as sub-section (*1*) thereof by Mah. 10 of 2001, s. 2.

5 The existing *Explanation* was renumbered as *Explanation I* and *Explanation II* was inserted by Bom. 38 of 1957, s. 3.

6 The existing *Explanation* was renumbered as *Explanation I* and *Explanation II* was inserted by Bom. 38 of 1957, s. 3. 7 Sub-section (*2*) was added by Mah. 10 of 2001, s. 2.

8 This portion was substituted for the portion beginning with the words "the *Sarpanch, Police Patil*" and ending with the words "the land is situated" by Mah. 5 of 2006, s. 2.

felling of trees or excavation of minor mineral or any such permission granted with respect to such land.

(*3*) Notwithstanding anything contained in sub-clause (*a*) of clause (*ii*) of sub-section (*1*) of section 32H, the purchase price in such cases shall be 200 times the assessment.]

[1]**[4A. Protected tenants.—** For the purposes of this Act, a person shall be recognized to be a protected tenant, if such person has been deemed to be a protected tenant under sections 3, 3A and 4 of the Bombay Tenancy Act, 1939 (Bom. XXIX of 1939), referred to in Schedule I to this Act.

4B. Tenancy not to be terminated by efflux of time.— No tenancy of any land [2][other than the tenancy of the land duly sanctioned under section 36 or section 36A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966)] shall be terminated merely on the ground that the period fixed by agreement or usage for its duration has expired.]

[3]**[5. Ceiling area.—** (*1*) For the purposes of this Act, the ceiling area of lands shall be,—

(*a*) 48 acres of *jirayat land,*

(*b*) 24 acres of seasonally irrigated land or paddy or rice land, or

(*c*) 12 acres of perennially irrigated land.

(*2*) Where the land held by a person consists of two or more kinds of land specified in sub-section (*1*), the ceiling area of such holding shall be determined on the basis of one acre of perennially irrigated land being equal to two acres of seasonally irrigated land or paddy or rice land, or four acres of *jirayat land.*

[4][*Explanation.*— In calculating the ceiling area, *warkas* land shall be excluded.]

6. Economic holding.— (*1*) For the purposes of this Act, an economic holding shall be,—

(*a*) 16 acres of *jirayat land,* or

(*b*) 8 acres of seasonally irrigated land, or paddy or rice land, or

(*c*) 4 acres of perennially irrigated land.

(*2*) Where the land held by a person consists of two or more kinds of land specified in sub-section (*1*), an economic holding shall be determined on the basis applicable to the ceiling area under sub-section (*2*) of section 5.

[5][*Explanation*.— In calculating an economic holding, *warkas* land shall be excluded.]

6A.Irrigated land.— For the purposes of this Act,—

(*a*) irrigated land, whether perennially or seasonally irrigated, shall not include land irrigated by sources other than canals or *bundharas* within the meaning of [6]the Bombay Irrigation Act, 1879 (Bom. VII of 1879), or any lift irrigation system constructed or maintained by the State Government;

(*b*) seasonally irrigated land shall include alluvial land and land situated in the bed of a river and seasonally flooded by the water of such river.

7. Power of Government to vary ceiling area and economic holding.— Notwithstanding anything contained in sections 5 and 6, it shall be lawful for the State Government, if it is satisfied that it is expedient so to do in the public interest, to vary, by notification in the *Official Gazette*, the acreage of the ceiling area or economic holding, or the basis of determination of such ceiling area or economic holding under sub-section (*2*) of section 5 regard being had to—

(*a*) the situation of the land,

1 Sections 4A and 4B were inserted by Bom. 13 of 1956, s. 3.

2 This portion was inserted by Mah. 35 of 1974, Sch.

3 The sections 5, 6, 6A, 7, 8, 9, 9A, 9B, and 9C were substituted for sections 5, 6, 7, 8 and 9 by Bom. 13 of 1956, s. 4. 4 This *Explanation* was added by Bom. 15 of 1957, s. 3.

5 The *Explanation* was added by Bom. 15 of 1957, s. 4.

6 *See* now the Maharashtra Irrigation Act, 1976 (Mah. XXXVIII of 1976).

(*b*) its productive capacity,

(*c*) the fact that the land is located in a backward area, and

(*d*) any other factors which may be prescribed.

8. Rent and its maximum and minimum.— (*1*) Subject to the provisions of this Act,—

(*a*) but notwithstanding any law, custom, usage, agreement or the decree or order of a court, the rent payable shall be paid annually, and in cash;

(*b*) such rent shall not exceed five times the assessment payable in respect of the land or twenty rupees per acre, whichever is less, and shall not be less than twice such assessment:

Provided that where the amount equal to twice the assessment exceeds the sum of twenty rupees per acre, the rent shall be twice the assessment.

(*2*) For the purpose of this section "assessment" means,—

(*i*) in areas in which a settlement has been made under Chapter VIII-A of the [1]Bombay Land Revenue Code, 1879 (Bom. V of 1879), or in which the assessment has been fixed under section 52 of the said Code, the assessment so settled or fixed;

(*ii*) in areas to which rule 19N of the Land Revenue Rules, 1921 applies, such assessment as may be leviable under that rule;

(*iii*) in areas to which the [2]Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954), applies the assessment fixed under section 7 of that Act;

(*iv*) in area in which the assessment is payable in crop share or produce, such assessment as may be fixed by the State Government in accordance with the principles laid down in rule 19-O of the Land Revenue Rules, (1921).

(*3*) If by custom, usage, agreement or the decree or order of a court, the amount of rent payable is less than the maximum or minimum specified in sub-section (*1*), the amount so payable shall be the rent in respect of the land.

Explanation.— In respect of any land which is partially or wholly exempt from the payment of land revenue, the full amount of assessment leviable in respect of such land shall be deemed to be the assessment in respect thereof for the purpose of sub-section (*1*), as if the land was not exempt from the payment of land revenue either partially or wholly.

9. Rate of rent payable by tenant to his landlord.— (*1*) Subject to the maximum and minimum limits of rent fixed under section 8, the Mamlatdar shall for each village, or group of villages, or for any area in such village or group, within his jurisdiction, fix the rate of rent payable by a tenant for the lease of different classes of land situate in such village or group of villages, or area, as the case may be:

[3][Provided that this sub-section shall not apply to rent payable in accordance with the provisions of sub-section (*3*) of section 8 where it is lower than the rent at the rate fixed by the Mamlatdar under this section.]

(*2*) In arriving at such rate the Mamlatdar shall have regard to the rents prevalent in the locality, the productivity of the lands, the prices of commodities and such other factors as may be prescribed.

(*3*) The rate of rent so fixed shall continue for a period of five rears and shall be liable to be revised by the Mamlatdar thereafter at the end of each successive period of five years:

Provided that the rate of rent so fixed, if not revised at the end of any such period, shall continue until it is so revised.

1 *See* now the Maharashtra Irrigation Act, 1976 (Mah. XXXVIII of 1976).

2 The short title of the Act has been amended as "the Maharashtra Merged Territories and Areas (Jagirs Abolition) Act" (XXXIX of 1954) by Mah. 24 of 2012, sections 2 and 3, Schedule, entry 54, *w.e.f.* 1st May 1960.

3 The proviso was substituted for the original by Bom. 38 of 1957, s. 4.

(*4*) The rent payable by a tenant to his landlord in respect of any land in village, or group of villages, or area, shall be at the rate fixed under sub-section (*1*):

Provided that the Mamlatdar or the Collector subject to the provisions of section 8, may at any time during any such period of five years, on an application made to him in this behalf,—

(*i*) reduce the rent, if he is satisfied that on account of the deterioration of the land by flood, or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for cultivation, or

(*ii*) enhance the rent, if he is satisfied that on account of any improvement made in the land, at the expenses of the landlord, there has been an increase in the agricultural produce thereof.

9A. Quantum of rent payable by tenant to landlord.— (*1*) The rent payable by a tenant shall, subject to the maximum and minimum f rent at the rate fixed under section 9 in

respect of the class of land to which the land held by the tenant belongs [1][or where rent payable under the operation of sub-section (*3*) of section 8 is lower than the rent at the rate fixed under section 9, such lower rent]:

[2][Provided that, where any land held by a tenant is wholly or partially exempt from the payment of land-revenue and the rent payable in respect of such land is at the rate fixed under section 9, then the amount of rent shall be increased by a sum equal to the aggregate of the following amounts, that is to say,—

(*i*) the amount of full assessment leviable in respect of such land,

(*ii*) the amounts of the cesses mentioned in clauses (*b*), (*c*) and (*d*) of sub-section (*1*) of section 10A, levied or leviable in respect of such land under the relevant law,

and the tenant shall be liable to pay rent as so increased:

Provided further that, if the amount of rent as so increased payable by the tenant for any year exceeds the value of one-sixth of the produce of the land in that year, the tenant shall be entitled to deduct from the rent for that year the amount so in excess, and the quantum of rent payable by the tenant to his landlord for that tear shall be deemed to have been reduced to the extent of such deduction].

(*2*) If there is a dispute regarding the class to which any land belongs, either of the parties to the dispute may apply to the Mamlatdar who shall, after making an inquiry, decide the dispute.

9B. Landlord not liable to make contribution towards cost of cultivation.— Notwithstanding any law, usage or agreement or the decree of order of a court in the case of land in respect of which the rent has been fixed under section 9, a landlord shall not be liable to make any contribution towards the cultivation of the land in the possession of his tenant.

9C. Liability of tenant to payment until rent is fixed under preceding sections.— Until the rent is fixed in accordance with the provisions of the preceding sections, a tenant shall, subject to the maximum provided under section 8, be liable to pay to the landlord the rent at the rate at which it was payable immediately before the commencement of the amending Act, 1955; and if such rent was payable in crop share or produce, either partly or wholly, the value of such crop share or produce shall be determined in the prescribed manner.]

10. Refund of rent recovered in contravention of the provisions of the Act and other Penalties.— If any landlord recovers rent from any tenant in contravention of the provisions of sections [3][8, 9, 9A or 9C], he shall forthwith refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Mamlatdar in this behalf and shall also be liable to such penalty as may be prescribed by rules made under this Act.

1 This portion was substituted for the original by Bom. 38 of 1957, s. 5.

2 These provisos were added by Mah. 9 of 1961, s. 2.

3 These figures, letters and words were substituted for the figures and word "6, 7, 8 or 9" by Bom. 13 of 1956, s. 5.

[1]**[10-A. Liability of tenant to pay land revenue and certain other cesses.—** (*1*) Subject to the provisions of sub-section (*2*), every tenant shall be liable to pay in respect of the land held by him as a tenant,—

(*a*) the land revenue in accordance with the provisions of [2]the Bombay Land Revenue Code, 1879 (Bom. V of 1879),

(*b*) the irrigation cess in accordance with the provisions of [3]the Bombay Irrigation Act, 1879 (Bom. VII of 1879), [4][* * *]

(*c*) The cess levied under section 93 of the Bombay local Boards Act, 1923 (Bom. VI of 1923), as amended in Schedule II to this Act, [5][and]

[6][(*d*) the cess levied under section 89-B of the [7]Bombay Village Panchayats Act, 1933 (Bom. VI of 1933).]

(*2*) If the aggregate amount of—

(*i*) the land revenue payable by a tenant under clause (*a*) of sub-section (*1*),

(*ii*) the cess payable by him under [8][clauses (*c*) and (*d*)] of sub-section (*1*), and

(*iii*) the rent payable by him to the landlord under section 9 or 9C, as the case may be,

for any year exceeds the value of one-sixth of the produce of such land in that year, the tenant shall be entitled to deduct from the rent for that year the amount so in excess, and the quantum of rent payable by the tenant to his landlord for that year shall be deemed to have been reduced to the extent of such deduction.

(*3*) Nothing in sub-sections (*1*) and (*2*) shall apply to any land held by—

(*a*) a tenant in a Scheduled area;

(*b*) a tenant who is paying to the landlord the rent [9][* *] under sub-section (*3*) of section 8 [10][until such tenant is deemed to have purchased the land under section 32 or purchases the land under section 32F or 32-O and the purchase price is determined under section 32H];

[11][(*c*) a tenant where such land is wholly or partially exempt from the payment of land revenue.]]

11. Abolition of all cessess, etc.— [12][(*1*)] Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, vero, huk or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

[13][(*2*) Nothing in sub-section (*1*) shall affect the liability of a tenant to pay any of the cesses under section 10A.]

12. [*Enquiries as regards reasonable rent.*] *Deleted by Bom. 13 of 1956, s. 8.*

1 This section was inserted by Bom. 13 of 1956, s. 6.

2 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

3 *See* now the Maharashtra Irrigation Act, 1976 (Mah. XXXVIII of 1976).

4 The word "and" was deleted by Bom. 38 of 1957, s. 6(*1*)(*i*).

5 This word was inserted by Bom. 38 of 1957, s. 6(*1*)(*ii*).

6 Clause (*d*) was inserted by Bom. 38 of 1957, s. 6(*1*)(*iii*).

7 *See* now the Maharashtra Village Panchayats Act, 1958 (III of 1959).

8 This words, brackets and letters were substituted for the word, brackets and letter "clause (*c*)" by Bom. 38 of 1957, s. 6(*2*).

9 The words "agreed upon between him and the landlord" were deleted by Bom. 38 of 1957, s. 6(*3*).

10 This portion was inserted by Bom. 63 of 1958, s. 3.

11 Clause (*c*) was inserted by Mah. 9 of 1961, s. 3.

12 Existing section 11 was renumbered as sub-section (*1*) of that section by Bom.13 of 1956, s. 7.

13 Sub-section (*2*) was inserted by Bom. 13 of 1956, s. 7.

13.Suspensions or remission of rent.— (*1*) Notwithstanding anything contained in section 84A of the [1]Bombay Land Revenue Code, 1879 (Bom. V of 1879), whenever from any cause the payment of the whole land revenue payable to Government [2][* * *] in respect of any land is suspended or remitted, the landlord shall [3][unless the State Government by any general or special order otherwise directs,] suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If in the case of such land the land revenue is partially suspended or remitted, the landlord shall [4][unless the State Government by any general or special order otherwise directs,] suspend or remit the rent payable by the tenant of such land in the same proportion.

(*2*) If no land revenue is payable to Government in respect of such land and if from any cause, the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Collector shall, subject to the

general or special orders of Government, in the manner provided in sub-section (*1*) suspend or remit, as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(*3*) No application for assistance under sections 86 and 87 of the [5]Bombay Land Revenue Code, 1879 (Bom. V of 1879), shall be entertained, no suit shall lie and no decree of a Civil Court shall be executed for recovery by a landlord of any rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(*4*) Notwithstanding anything contained in sections 86 and 87 of the [6]Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Collector shall, in passing an order under sub-section (*2*) of section 87 of the said Code, for rendering assistance to the landlord, allow to the tenant a set-off for the sum, if any, paid by such tenant to the landlord in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (*1*) or sub-section (*2*) of this section or under section 84A of the said Code. The set-off under this sub-section shall be allowed only in respect of the sums paid by such tenant to such landlord during a period of three tears immediately preceding the date of the application made under section 86 of the said Code.

(*5*) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the Mamlatdar for the recovery of the amount and the Mamlatdar may after making an inquiry make an order for the refund [7][and for inflicting such penalty on the landlord as may be prescribed].

[8][**14. Termination of tenancy for default of tenant.—** (*1*) Notwithstanding any law, agreement or usage or the decree or order of a court, the tenancy of any land shall not be terminated—

(*a*) unless the tenant—

(*i*) has failed to pay the rent for any revenue year, before the 31st day of May thereof;

(*ii*) has done any act which is destructive or permanently injurious to the land;

(*iii*) has sub-divided, sub-let or assigned the land in contravention of section 27;

(*iv*) has failed to cultivate it personally; or

(*v*) has used such land for a purpose other than agriculture or allied pursuits; and

(*b*) unless the landlord has given three months' notice in writing informing the tenant of his decision to terminate the tenancy and the ground for such termination, and within that period the tenant has failed to remedy the breach for which the tenancy is liable to be terminated.

1 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

2 The words "by a landlord" were deleted by Bom. 13 of 1956, s. 9(*1*). 3 These words were inserted by Mah. 5 of 1982, s. 2.

4 These words were inserted by Mah. 5 of 1982, s. 2.

5 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966). 6 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966). 7 These words were added by Bom. 13 of 1956, s. 9(*2*).

8 Section 14 was substituted for the original by Bom. 13 of 1956, s. 10.

(*2*) Nothing in sub-section (*1*) shall apply to the tenancy of any land held by a permanent tenant unless by the conditions of such tenancy the tenancy is liable to be terminated on any of the grounds mentioned in the said sub-section.]

[1][**15. Termination of Tenancy by surrender thereof.—** (*1*) A tenant may terminate the tenancy in respect of any land at any time by surrendering his interest therein in favour of the landlords:

Provided that such surrender shall be in writing, and verified before the Mamlatdar in the prescribed manner.

(*2*) Where a tenant surrenders this tenancy, the landlord shall be entitled to retain the land so surrendered for the like purposes, and to the like extent, and in so far as the conditions are applicable subject to the like conditions as are provided in sections 31 and 31A for the termination of tenancies.

[2][(*2A*) The Mamlatdar shall, in respect of the surrender verified under sub-section (*1*), hold an inquiry and decide whether the landlord is entitled under sub-section (*2*) to retain the whole or any portion of the land so surrendered, and specify the extent and particulars in that behalf.]

(*3*) The land, or any portion thereof, which the landlord is not entitled to retain under sub-section (*2*), shall be liable to be disposed of in the manner provided under clause (*c*) of sub-section (*2*) of section 32P.]

16. Bar to eviction from dwelling house.— (*1*) If in any village, a tenant is in occupation of a dwelling house built at the expense of such tenant or his predecessor-in-title on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment) unless—

(*a*) the landlord proves that the dwelling house was not built at the expense of such tenant or this predecessor-in-title, and

(*b*) such tenant makes [3][any three defaults] in the payment of rent, if any, which he has been paying for the use and occupation of such site.

(*2*) The provisions of sub-section (*1*) shall not apply to a dwelling house which is situated on any land used for the purposes of agriculture from which he has been evicted under [4][section 31].

17. Tenant to be given first option of purchasing site on which he has built a dwelling house.— (*1*) If a landlord to whom the site referred to in section 16 belongs intends to sell such site, the tenant at the expense of whom or whose predecessor-in-title, a dwelling house is built thereon shall be given in the manner provided in sub-section (*2*) the first option of purchasing the site at a value determined by the Tribunal.

(*2*) The landlord intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from the date of service of such notice whether he is willing to purchase the site.

(*3*) If within the period of three months so specified the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Tribunal for the determination of the value of the site. On receipt of such application the Tribunal after giving notice to the tenant and after holding and inquiry shall determine the value of the site [5][which shall not exceed 20 times the annual rent thereof]. The Tribunal may, by and order in writing. require the tenant to deposit the amount of value of such site [6][within one year] from the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Tribunal shall on payment of the prescribed fees grant a certificate in the prescribed form to such tenant specifying therein the site so transferred and the name of such tenant.

1 Section 15 was inserted by Bom. 13 of 1956, s. 11.

2 Sub-section (*2A*) was inserted by Bom. 38 of 1957, s. 7.

3 These words were substituted for the words "a default" by Bom. 13 of 1956, s. 12(*1*).

4 This word and figures were substituted for the words, brackets and figured "sub-section (*1*) of section 34" by Bom. 13 of 1956, s. 12(*2*).

5 These words and figures were inserted by Bom. 13 of 1956, s. 13.

6 These words were substituted for the words "within three months" by Bom. 13 of 1956 s. 3.

[1][**17A. Tenant's right to purchase sites referred to in section16.—** (*1*) If a tenant referred to in section 16 intends to purchase the site on which a dwelling house is built, he shall give notice in writing to landlord to that effect.

(*2*) If the landlord refuses, or fails to accept the offer and to execute the sale deed within three months from the date thereof, the tenant may apply to the Tribunal for the determination of the reasonable price of the land which shall not exceed 20 times the annual rent thereof; and thereupon the provisions of the determination and payment of the price and the issue of a certificate of purchase contained in the next succeeding section shall apply thereto.

17B. Tenant to be deemed to have purchased sites referred to in section 16 from specified date.— (*1*) After the commencement of the Amending Act, 1955, the State Government may, by notification in the *Official Gazette,* direct a record of rights relating to the sites and the houses thereon in villages to be made in the manner prescribed.

(*2*) On the completion of such record of rights, the State Government may, by notification in the *Official Gazette*, specify a date on which the tenants referred to in section 16 whose names are entered in such record or their successors-in-title shall be deemed to have purchased the site of such dwelling house free from encumbrances at the price to be fixed by the Tribunal, being a price not exceeding 20 times the annual rent for the site.

(*3*) As soon as may be thereafter, the Tribunal shall publish or cause to be published a notice in such village within its jurisdiction in which all such sites are situate and shall, as far as practicable, issue notice to each such landlord and tenant and to any other person interested in such site to appear before it on the date specified in the notice. The notice published in a village shall be affixed in the *Chavdi* or at such public place as the Tribunal may direct.

(*4*) The Tribunal shall, after giving an opportunity to such landlord, tenant and other person interested to be heard and after holding and inquiry, determine the price of the site.

(*5*) On the determination of the price of the site under sub-section (*4*), the tenant shall deposit the amount of such price with the Tribunal—

(*a*) either in lump sum within one year from such date, or

(*b*) in such instalments not exceeding three with simple interest at the rate of 4 ½ per cent. per annum, and at such intervals during the period not exceeding three years and on or before such dates,

as may be fixed by the Tribunal and the Tribunal shall direct that the amount deposited in lump sum or the amount of the instalments deposited at each interval shall be paid in accordance with the provisions of section 32Q so far as they are applicable.

(*6*) On the deposit of the amount of the price in lump sum or of last instalment of such price, the Tribunal shall, on payment of the prescribed fee, grant a certificate in the prescribed form, to the tenant declaring him to be the purchaser of the site. Such certificate shall be conclusive evidence of the sale.

(*7*) If the tenant fails to pay any instalment on or before the date fixed by the Tribunal under sub-section (*5*), the amount of such instalment and the interest thereon shall be recovered as an arrears of land revenue.

(*8*) If after holding an inquiry under sub-section (*4*), the Tribunal is satisfied that the tenant is not willing to purchase the site, the Tribunal shall issue a certificate to the landlord to that effect. On the

1 Section 17A and 17B were inserted by Bom. 13 of 1956, s. 14.

issue of such certificate the landlord shall be entitled to evict the tenant and dispose of the site in such manner as he may think fit either on payment of such compensation for the value of the structure of such dwelling house as may be determined by the Tribunal, or after allowing the tenant, at his option, to remove the materials of the structure.]

[1][**18. Dwelling houses of agricultural labourers, etc.—** The provisions of sections 16, 17, 17A and 17B shall apply—

(*a*) to the dwelling houses and sites thereof occupied by agricultural labourers and artisans in any village; and

(*b*) to the lands held on lease in any village by persons carrying on and allied pursuit for the purpose of such pursuit.]

19. Tenant's rights to trees planted by him.— If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and the wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for the said trees as may be determined by the Mamlatdar:

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant.

Provided further that the landlord shall during the continuance of the tenancy, be entitled to the rent of the land as if the trees had not been planted.

20. Right to produce of naturally growing trees.— (*1*) A tenant shall during the continuance of his tenancy be entitled to two-thirds of the total produce of trees naturally growing on the land, the landlord being entitled to one-third of the produce of such trees.

(*2*) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce as provided under sub-section (*1*) the tenant or the landlord may apply to the Mamlatdar. Such application shall be made in such form as may be prescribed.

(*3*) On receipt of such application, the Mamlatdar shall, after holding an inquiry, pass such order thereon as he deems fit.

21. [*Sub-letting of land by or on behalf of person in military, naval or air service of the union not to terminate tenancy.*] *Deleted by Bom.13 of 1956, s. 16.*

22. Tenants responsible for maintenance of boundary marks.— Notwithstanding anything contained in section 123 of the [2]Bombay Land Revenue Code, 1879 (Bom. V of 1879), the responsibility for the maintenance and good repair of the boundary marks of the land held by the tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or disrepair of such boundary marks shall be upon the tenant.

23. Repairs of protective bunds.— (*1*) Notwithstanding any agreement, usage or custom to the contrary, if it appears to the [3][State] Government that the construction, maintenance or repairs of any bunds protecting any land held by a tenant is neglected due to a dispute between the landlord and the tenant or for any other reason, it may by an order in writing direct that the construction, Maintenance or repairs shall be carried out by such persons as may be specified in the order and the cost thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

(*2*) The person from whom the costs are recovered under sub-section (*1*) shall be entitled to recover the same or any part thereof from any person who under any agreement, usage or custom is wholly or partially liable to construct, maintain or repair the bunds.

(*3*) Notwithstanding anything contained in sub-section (*1*), it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his costs and the costs so incurred by him shall on application made by him to the Mamlatdar be recoverable by him from the landlord according to his liability under the agreement, usage or custom. The costs of the

1 This section was substituted for the original by Bom. 13 of 1956, s. 15.

2 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

proceedings of the tenant's application shall also be recoverable from the landlord in case the landlord is held wholly or partially liable to pay the cost incurred by the tenant for construction, maintenance or repairs to the bunds.

24. Relief against termination of tenancy certain cases.— Where any tenancy of any land held by any tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceeding for ejectment against such tenant shall lie unless and until the landlord has served on the tenant a notice in writing specifying the act of destruction or injury complained of and the tenant fails within a period of one year from the service of notice to restore the land to the condition in which it was before such destruction or injury.

25. Relief against termination of tenancy for non-payment of rent.— [1][(*1*)] Where any tenancy of any land held by any tenant is terminated for non-payment of rent and the landlord files any proceeding to eject the tenant, the Mamlatdar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceeding, within [2][three months] from the date of order, and if the tenant complies with such order, the Mamlatdar shall, in lieu of making an order for ejectment, pass an order directing that the tenancy had not been terminated, and thereupon the tenant shall hold the land as if the tenancy had not been terminated:

[3][Provided that if the Mamlatdar is satisfied that in consequence of total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Mamlatdar may for reasons to be recorded in writing, direct that the arrears of rent together with costs of the proceeding if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.]

[4][(*2*) Nothing in this section] shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any three years to pay rent [5][and the landlord has given intimation to the tenant to that effect within a period of three months on each default].

[6]**[25A. Tenancy to be in abeyance during usufructuary mortgage in favour of tenant.—** If any land is mortgaged by a landlord by way of a usufructuary mortgage to a tenant cultivating such land, the tenancy of such land shall be in abeyance during the period the mortgage subsists. After the expiry of the said period it shall, notwithstanding any other law for the time being in force, be lawful to the tenant to continue to hold the land on the terms and conditions on which he held in before the mortgage was created.]

26. Receipts for rent.— (*1*) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

[7][(*2*) When any amount of rent is received in respect of any land by a landlord or by a person on behalf of such landlord, the landlord or, as the case may be, the person shall at the time, when such amount is received by him, give a written receipt therefor in such form and in such manner as may be prescribed].

[8]**[27. Sub-division, sub-letting and assignment prohibited.—** (*1*) [9][Save as otherwise provided in section 32F, no sub-division] or sub-letting of the land held by a tenant or assignment of any interest therein shall be valid:

Provided that nothing in this sub-section shall prejudicially affect the rights of a permanent tenant:

1 Section 25 was re-numbered as sub-section (*1*) of the said section by Bom. 33 of 1952, s. 5.

2 These words were substituted for the words "fifteen days" by Bom. 13 of 1956, s. 17(*1*).

3 This proviso was added by Bom. 33 of 1952, s. 5(*1*).

4 These brackets, figures and words were substituted for the words "Provided that nothing in this section" by Bom. 33 of 1952, s. 5(*2*).

5 These words were substituted for the words and figures "within the period specified section 14" by Bom. 13 of 1956, s. 17(*2*).

6 Section 25A was inserted by Bom. 34 of 1951, s. 2.

7 Sub-section (*2*) was substituted for the origi

8 Section 27 was substituted for the original by Bom. 13 of 1956, s. 18.

9 These words, figures and letter were substituted for the words "No sub-division" by Bom. 38 of 1957, s. 8.

Provided further that if the tenant dies,—

(*i*) If he is a member of a joint family, the surviving members of the said family, and

(*ii*) If he is not a member of a joint family, his heirs,

shall be entitled to partition and sub-divide the land leased subject to the following conditions :—

(*a*) each sharer shall hold his share as a separate tenant,

(*b*) the rent payable in respect of the land leased shall be apportioned among the sharers, as the case may be, according to the share allotted to them,

(*c*) the area allotted to each sharer shall not be less than the unit which the State Government may, by general or special order, specify in this behalf having regard to the productive capacity and other circumstances relevant to the full and efficient use of the land for agriculture,

(*d*) if such area is less than the unit referred to in clause (*c*), the sharers shall be entitled to enjoy the income jointly, but the land shall not be divided by metes and bounds,

(*e*) if any question arises regarding the apportionment of the rent payable by the sharers, it shall be decided by the Mamlatdar, whose decision shall be final.

(*2*) Notwithstanding anything contained in sub-section (*1*), it shall be lawful for a tenant,—

(*a*) who is a widow, minor or a person subject to any physical or mental disability, or a serving member of the armed forces, to sub-let such land held by her or him as a tenant; or

(*b*) who is a member of a co-operative farming society and as such member to sub-let, assign, mortgage or to create, a charge on his interest in the land in favour of such society, or in consideration of a loan advanced by any person authorised under section 54 of the 1Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947).

(*3*) Notwithstanding anything contained in sub-section (*1*), it shall also be lawful for a tenant to mortgage or create a charge on his interest in the land in favour of the State Government in Consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883 (XIX of 1883), the Agriculturists' Loans Act, 1884 (XII of 1884), or the Bombay Non-Agriculturists' Loans Act, 1928 (Bom. III of 1928), or in favour of a co-operative society in consideration of a loan advanced to him by such co-operative society, and without prejudice to any other remedy, open to the State Government or the co-operative society, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government or the co-operative society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.]

28. Bar to attachment, seizure or sale by process of Court.— Save as expressly provided in this Act or as provided in the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), or the 2Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947) for the recovery of loans permitted under section 27, any interest in the land held by him as a tenant shall not be liable to be attached, seized or sold in execution of a decree or order of a Civil Court.

3**29. Procedure of taking possession.—** (*1*) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house under any of the provisions of this Act may apply in writing for such possession to the Mamlatdar. The application shall be made in such form as may be prescribed

1 Now, the short title of the Act has been amended as "the Maharashtra Agriculture Debtors Relief Act (XXVIII of 1947)" by Mah. 24 of 2012, sections 2 and 3, Schedule, entry 26, *w.e.f.* 1st May 1960.

2 Now, the short title of the Act has been amended as "the Maharashtra Agriculture Debtors Relief Act (XXVII of 1947)" by Mah. 24 of 2012, sections 2 and 3, Schedule, entry 26, *w.e.f.* 1st May 1960.

3 Section 4 of Bom. 45 of 1951 reads as under:—

"4. Pending applications, appeals, revision applications not to be dismissed if filed within period of two years.—

If at the date when this Act comes into force an application under section 29 of the said Act is pending before the Mamlatdar or the Tribunal, or an appeal or an application for revision arising out of such application is pending before the Collector or the Bombay Revenue Tribunal, as the case may be on such date, such application, appeal or application for revision shall not be dismissed only on the ground that the said application under section 29 of the said Act was not made within the period of limitation, if, it was made within the period prescribed by section 29 of the said Act as amended by this Act.".

1[and within a period of two year from the date on which the right to obtain possession of the land or dwelling house is deemed to have accrued to the tenant, agricultural labourer or artisan, as the case may be].

(*2*) [2][Save as otherwise provided in sub-section (*3A*), no landlord] shall obtain possession of any land or dwelling house held by a tenant except under an order of the Mamlatdar. For obtaining such order he shall make an application in the prescribed

form [3][and within a period of two years from the date on which the right to obtain possession of the land or dwelling house, as the case may be, is deemed to have accrued to him].

(*3*) On receipt of application under sub-section (*1*) or (*2*) the Mamlatdar shall, after holding an inquiry, pass such order thereon as he deems fit:

[4][Provided that where an application under sub-section (*2*) is made by a landlord in pursuance of the right conferred on him under section 31, the Mamlatdar shall first decide, as preliminary issues, whether the conditions specified in clauses (*c*) and (*d*) of section 31A and sub-sections (*2*) and (*3*) of section 31B are satisfied. If the Mamlatdar finds that any of the said conditions is not satisfied, he shall reject the application forthwith.]

[5][(*3A*) where a landlord proceeds for termination of the tenancy under sub-section (*1*) of section 43-1B, then, notwithstanding anything contained in this Act, the application for possession of the land shall be made to the Collector, who shall after holding an inquiry in the prescribed manner, pass such order thereon as he deems fit.]

(*4*) Any person taking possession of any land or dwelling house except in accordance with the provisions of [6][sub-sections (*1*), (*2*) or as the case may be, (*3A*)], shall be liable to forfeiture of crops, if any, grown in the land in addition to payment of costs as may be directed by the Mamlatdar or by the Collector and also to the penalty prescribed in section 81.

[7]**[29A. Provisions of section 29 to apply to sites of used for allied pursuits.—** The provisions of section 29 shall apply to the sites used for allied pursuits as they apply to the sites of dwelling houses of an agricultural labourer or artisan in regard to taking possession of any land or dwelling house under the provisions of this act.]

[8]**[30. Rights and privileges of tenants not to be affected.—** Save as provided in this Act, the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever shall not be limited or abridged.]

CHAPTER III

[9][SPECIAL RIGHTS AND PRIVILEGES OF TENANTS AND PROVISIONS FOR DISTRIBUTION OF LAND FOR PERSONAL CULTIVATION]

[10][(*I*) *Termination of tenancy for personal cultivation and non-agricultural use*.

31. Landlord's right to terminate tenancy for personal cultivation and non-agricultural purpose.— (*1*) Notwithstanding anything contained in sections 14 and 30 but subject to sections 31A to 31D (both inclusive), a [11][landlord (not being a landlord within the meaning of Chapter III-AA) may], after giving notice and making an application for possession as provided in sub-section (*2*), terminate the tenancy of any land (except a permanent tenancy), if the landlord *bona-fide* requires the land for any of the following purposes :—

1 These words were added by Bom. 45 of 1951, s. 2(*i*).
2 These words were substituted for the words "No landlord" by Mah. 39 of 1964, s. 2, Schedule.
3 These words were added by Bom. 45 of 1951, s. 2(*ii*).
4 This proviso was added by Bom. 38 of 1952, s. 9.
5 Sub-section (*3A*) was inserted by Mah. 39 of 1964, s. 2, Sch.
6 These words, brackets, figures and letter were substituted for the words, brackets and figures "sub-section (*1*) or (*2*) as the case may be" by Mah. 39 of 1964.
7 Section 29A was inserted by Bom. 13 of 1956, s. 19.
8 This section was substituted for the original by Bom. 38 of 1957, s. 10.
9 This heading was substituted for the original by Bom. 13 of 1956, s. 21.
10 Sections 31 to 32R were substituted for sections 31 and 32 by Bom. 13 of 1956, s. 22.
11 This portion was substituted for the words "landlord may" by Mah. 39 of 1964, s. 2, Sch.

(*a*) for cultivating personally, or

(*b*) for any non-agricultural purpose.

(*2*) the notice required to be given under sub-section (*1*) shall be in writing, shall state the purpose for which the landlord requires the land and shall be served on the tenant on or before the 31st day of December 1956. A copy of such notice shall, at the same time, be sent to the Mamlatdar. An application for possession under section 29 shall be made to the Mamlatdar on or before the 31st day of March 1957.

(*3*) Where a landlord is a minor, or a widow, or a person subject to mental or physical disability [1][* *] then such notice may be given [2][and an application for possession under section 29 may be made,]—

(*i*) by the minor within one year from the date on which he attains majority;

(*ii*) by the successor-in-title of a widow within one year from the date on which her interest in the land ceases to exist;

(*iii*) within one year from the date on which mental or physical disability ceases to exist; and

[3][* * * *]

[4][Provided that where a person of such category is a member of a joint family, the provisions of this sub-section shall not apply if at least one member of the joint family is outside the categories mentioned in the sub-section unless before the 31st day of March 1958 the share of such person in the joint family has been separated by metes and bounds and the Mamlatdar on inquiry is satisfied that the share of such person in the land is separated, having regard to the area, assessment, classification and value of the land, in the same proportion as the share of that person in the entire joint family property, and not in a large proportion.]

31A. Conditions of termination of tenancy.— The right of a landlord to terminate a tenancy for cultivating the land personally under section 31 shall be subject to the following conditions :—

(*a*) If the landlord at the date on which the notice is given and on the date on which it expires has no other land of his own or has not been cultivating personally any other land, he shall be entitled to take possession of the land leased to the extent of a ceiling area.

(*b*) If the land cultivated by him personally is less than a ceiling area, the landlord shall be entitled to take possession of so much area of the land leased as will be sufficient to make up the area in his possession to the extent of a ceiling area.

(*c*) The income by the cultivation of the land of which he is entitled to take possession is the principal source of income for his maintenance.

[5][(*d*) The land leased stands in the record of rights or in any public record or similar revenue record on the 1st day of January 1952 and thereafter during the period between the said date and the appointed day in the name of the landlord himself, or of any of his ancestors [6][but not of any person from whom title is derived, whether by assignment or Court sale or otherwise], or if the landlord is a member of a joint family, in the name of a member of such family.]

(*e*) If more tenancies than one are held under the same landlord, then the landlord shall be competent to terminate only the tenancy or tenancies which are the shortest in point of duration.

1 The words "or a serving member of the armed forces" were deleted by Mah. 39 of 1964, s. 2, Sch.

2 These words were inserted by Bom. 38 of 1957, s. 11(*1*).

3 Clause (*iv*) was deleted by Mah. 39 of 1964, s. 2, Sch.

4 This proviso was added by Bom. 38 of 1957, s. 11(*2*).

5 Clause (*d*) was substituted for the original by Bom. 15 of 1957, s. 7.

6 This portion was inserted and shall be deemed to have been inserted on the 1st day of August 1956 by Mah. 9 of 1961, s. 4.

31B. No termination of tenancy in contravention of Bom. LXII of 1947 or if tenant is member of co-operative farming society.— In no case a tenancy shall be terminated under section 31—

(*1*) in such manner as will result in leaving with a tenant, after termination, less than half the area of the land leased to him, or

(*2*) in such a manner as will result in a contravention of the provisions of the [1]Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), or in making any part of the land leased a fragment within the meaning of that Act, or

(*3*) if the tenant has become a member of a co-operative farming society and so long as he continues to be such member.

31BB. [*Certain provisions of Act not to apply to landlords on ceasing to be serving members of armed forces.*] *Deleted by Mah. 39 of 1964. s. 3.*

31C. Landlord not entitled to terminate tenancy for personal cultivation of land left with tenant.— The tenancy of any land left with the tenant after the termination of the tenancy under section 31 shall not at any time afterwards be liable to termination again on the ground that the landlord *bona fide* requires that land for personal cultivation.

31D. Apportionment of rent after termination of tenancy for land left with tenant.— If, in consequence of the termination of the tenancy under section 31, any part of the land leased is left with the tenant, the rent shall be apportioned I the prescribed manner in proportion to the area of the land left with the tenant.

(*II*) *purchase of land by tenants.*

32. Tenants deemed to have purchased land on tillers day.—[2][(*1*)] On the first day of April 1957 (hereinafter referred to as "the tillers' day") every tenant shall, [3][subject to the other provisions of this section and the provisions of] the next succeeding sections, be deemed to have purchased from his landlord, free of all encumbrances subsisting thereon on the said day, the land held by him as tenant, if—

(*a*) such tenant is a permanent tenant thereof and cultivates land personally;

(*b*) such tenant is not a permanent tenant but cultivates the land leased personally; and

(*i*) the landlord has not given notice of termination of his tenancy under section 31; or

(*ii*) notice has been given under section 31, but the landlord has not applied to the Mamlatdar on or before the 31st day of March 1957 under section 29 for obtaining possession of the land; [4][or]

[5][(*iii*) the landlord has not terminated his tenancy on any of the grounds specified in section 14, or has so terminated the tenancy but has not applied to the Mamlatdar on or before the 31st day of March 1957 under section 29 for obtaining possession of the lands:]

Provided that if an application made by the landlord under section 29 for obtaining possession of the land has been rejected by the Mamlatdar or by the Collector in appeal or in revision by the [6][Maharashtra Revenue Tribunal] under the provisions of this Act, the tenant shall be deemed to have purchased the land on the date on which the final order of rejection is passed. The date on which the final order of rejection is passed is hereinafter referred to as "the postponed date":

1 Now, the short title of the Act has been amended as "the Maharashtra Prevention of Fragmentation and Consolidation of Holding Act (LXII of 1947)." by Mah. 24 of 2012, sections 2 and 3, Schedule, entry 29, *w.e.f.* 1st May 1960.

2 Section 32 was renumbered as sub-section (*1*) thereof by Bom. 15 of 1957, s. 8.

3 These words were substituted for the words "subject to the provisions of" by Bom. 63 of 1958, s. 5(*1*).

4 This word was added by Bom. 38 of 1957, s. 12(*1*).

5 This sub-clause was inserted by Bom. 38 of 1957, s. 12(*2*).

6 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[1][Provided further than the tenant of a landlord who is entitled to the benefit of the proviso to sub-section (*3*) of section 31 shall be deemed to have purchased the land on the 1st day of April 1958, if no separation of his share has been effected before the date mentioned in that proviso.]

[2][(*1A*) (*a*) Where a tenant, on account of his eviction from the land by the landlord, before the 1st day of April 1957, is not in possession of the land on the said date but has made or makes an application for possession of the land under sub-section period specified in that sub-section,

then if the application is allowed by the Mamlatdar, or as the case may be, in appeal by the Collector or in revision by the 3[Maharashtra Revenue Tribunal], he shall be deemed to have purchased the land on the date on which the final order allowing the application is passed.

(*b*) Where such tenant has not made an application for possession within the period specified in sub-section (*1*) of section 29 or the application made by him is finally rejected under this Act, and the land is held by any other person as tenant on the expiry of the said period or on the date of the final rejection of the application, such other person shall be deemed to have purchased the land on the date of the expiry of the said period or as the case may be, on the date of the final rejection of the application.]

4[(*1B*) Where a tenant who was in possession on the appointedday and who on account of his being dispossessed before the 1st dayof April 1957 otherwise than in the manner and by an order of the Tahsildar as provided in section 29, is not in possession of the landon the said date and the land is in the possession of the landlord orhis successor-in-interest on the 31st day of July 1969 and the landis not put to a non-agricultural use on or before the last mentioneddate, then, the Tahsildar shall, notwithstanding anything contained in the said section 29, either *suo motu* or on the application of thetenant, hold an inquiry and direct that such land shall be taken fromthe possession of the landlord or, as the case may be, his successor-in-interest, and shall be restored to the tenant; and thereafter, theprovisions of this section and sections 32A to 32R (both inclusive)shall, in so far as they may be applicable, apply thereto, subject tothe modification that the tenant shall be deemed to have purchasedthe land on the date on which the land is restored to him:

Provided that, the tenant shall be entitled to restoration of theland under this sub-section only if he undertakes to cultivate theland personally and of so much thereof as together with the otherland held by him as owner or tenant shall not exceed the ceiling area.

Explanation.— In this sub-section, "successor-in-interest" means a person who acquires the interest by testamentary disposition or devolution on death.]

5[(*2*) Where by custom, usage or agreement or order of a Court, any *warkas* land belonging to the landlord is used by the tenant for the purpose of the rab manure in connection with rice cultivation in the land held by him as tenant,—

(*a*) the whole of such *warkas* land, or

(*b*) as the case may be, such part thereof as the Tribunal may determine in cases where such *warkas* land is jointly used by more persons than one for the purpose of ram manure,

shall be included in the land to be deemed to have been purchased by the tenant under sub-section (*1*):

Provided that in cases referred to in clause (*b*) the Tribunal may determine that such *warkas* land shall be jointly held by persons entitled to use the same, if in the opinion of the Tribunal, the partition of such *warkas* land by metes and bounds is neither practicable nor expedient in the interest of such persons.]

6[(*3*) In respect of the land deemed to have been purchased by a tenant under sub-section (*1*),—

1 This proviso was added by Bom. 38 of 1957, s. 12(*3*).

2 Sub-section (*1A*) was inserted by Bom. 63 of 1958, s. 5(*2*).

3 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4 Sub-section (*1B*) was inserted by Mah. 49 of 1969, s. 2, Sch.

5 Sub-section (*2*) was inserted by Bom. 15 of 1957, s. 8.

6 Sub-section (*3*) was inserted by Bom. 63 of 1958, s. 5(*3*).

1[(*a*) the tenant-purchaser shall be liable to pay to the former landlord compensation for the use and occupation of the land, a sum equal to the rent of such land every year, and]

(*b*) the 2[former landlord] shall continue to be liable to pay to the State Government the dues, if any, referred to in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (*1*) of section 10A, where 3[the tenant-purchaser] is not liable to pay such dues under sub-section (*3*) of that section,

until the amount of the purchase price payable by [4][the tenant-purchaser] to the [5][former landlord] is determined under section 32H.]

[6][(*4*) Where any land held by a tenant is wholly or partially, exempt from the payment of land revenue and is deemed to have been purchased by him under sub-section (*1*) or under section 32F, section 32-O or section 33C then—

(*a*) the tenant-purchaser shall in respect of such land, be liable to pay the full land revenue leviable thereon, and

(*b*) the State Government shall, with effect from the date on which the tenant is deemed to have purchased the land, but so long only as the tenure on which the land was held by the landlord continues and is not abolished, pay annually to the former landlord,—

(*i*) where such land is wholly exempt from the payment of land revenue, a cash allowance of an amount equal to the full land revenue leviable on such land; and

(*ii*) in other cases, an amount equal to the difference between the full land revenue leviable on such land and the land revenue payable thereon immediately before the said date.]

32A. Tenants deemed to have purchased upto ceiling area.— A tenant shall be deemed to have purchased land under section 32—

(*1*) in the case of a tenant who does not hold any land as owner but holds land as tenant in excess of the ceiling area, upto the ceiling area;

(*2*) in the case of a tenant who holds land as owner below the ceiling area, such part of the land only as will raise his holding to the extent of the ceiling area.

32B. When tenants not deemed to have purchased lands.— If a tenant holds land partly as owner and partly as tenant but the area of the land held as owner is equal to or exceeds the ceiling area, he shall not be deemed to have purchased the land held by him as a tenant under section 32.

32C. When tenants entitled to choose lands to be purchased.— If a tenant holds land separately from more than one landlord, the tenant shall, subject to the rules made by the State Government in this behalf, be entitled to choose the area and the location of the land to be purchased from each of such landlords:

Provided that, the area so chosen shall not, as far as may be practicable, be other than a survey number or a sub-division of a survey number.

32D. When tenants deemed to have purchased fragments.— [7][(*1*)] If the land held on tenancy is only a fragment, the tenant shall be deemed to have purchased such fragment under section 32 notwithstanding anything contained in the [8]Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947).

1 Clause (*a*) was substituted for the original by Mah. 9 of 1961, s. 6(*a*).

2 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 6(*b*).

3 These words were substituted for the words "the tenant" by Mah. 9 of 1961, s. 6(*b*).

4 These words were substituted for the words "the tenant" by Mah. 9 of 1961, s. 6(*b*).

5 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 6(*b*).

6 Sub-section (*4*) was added by Mah. 8 of 1963, s. 2.

7 Section 32D was renumbered as sub-section (*1*) of that section and sub-section (*2*) was added by Bom. 58 of 1957, s. 13. 8 Now, the short title of the Act has been emended as "the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act. (LXII of 1947)" by Mah. 24 of 2012, sections 2 and 3, Schedule, entry 29, *w.e.f.* 1st May 1960.

[1][(*2*) If the tenancy of the land is attached to a holding or part thereof under section 29A of the [2]Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the tenant shall notwithstanding anything to the contrary contained in that Act, be deemed, in the circumstances set out in section 32, to have purchased the land held on such tenancy.]

32E.Disposal of balance of lands after purchase by tenants.— The balance of any land after the purchase by the tenant under section 32 shall be disposed of in the manner laid down in section 15 as if it were and surrendered by the tenant.

32F. Right of tenant to purchase where landlord is minor, etc.— (*1*) Notwithstanding anything contained in the preceding sections,—

(*a*) where the landlord is a minor, or a widow, or a person subject to any mental or physical disability, [3][* *] the tenant shall have the right to purchase such land under section 32 within one year from the expiry of the period during which such landlord is entitled to terminate the tenancy under section 31 [4][and for enabling the tenant to exercise the right of purchase, the landlord shall send an intimation to the tenant of the fact that he has attained majority, before the expiry of the period during which such landlord is entitled to terminate the tenancy under section 31]:

[5][Provided that where a person of such category is a member of a joint family, the provisions of this sub-section shall not apply if at least one member of the joint family is outside the categories mentioned in this sub-section unless before the 31st day March 1958 the share of such person in the joint family has been separated by metes and bounds and the Mamlatdar on inquiry is satisfied that the share of such person in the land is separated, having regard to the area, assessment, classification and value of the land, in the same proportion as the share of that person in the entire joint family property, and not in a larger proportion.]

(*b*) where the tenant is a minor, or a widow or a person subject to any mental or physical disability or a serving member of the armed forces, then subject to the provisions of clause (*a*), the right to purchase land under section 32 may be exercised—

(*i*) by the minor within one year from the date on which he attains majority;

(*ii*) by the successor-in-title of the widow within one year from the date on which her interest in the land ceases to exist;

(*iii*) within one year from the date on which the mental or physical disability of the tenant ceases to exist;

(*iv*) within one year from the date on which the tenant ceases to be a serving member of the armed forces:

[6][Provided that where a person of such category is a member of a joint family, the provisions of this sub-section shall not apply if at least one member of the joint family is outside the categories mentioned in this sub-section unless before the 31st day of March 1958 the share of such person in the joint family has been separated by metes and bounds and the Mamlatdar on inquiry is satisfied that the share of such person in the land in separated, having regard to the area, assessment, classification and value of the land, in the same proportion as the share of that person in the entire joint family property, and not in a larger proportion.]

[7][(*1A*) A tenant desirous of exercising the right conferred on him under sub-section (*1*) shall give an intimation in that behalf to the landlord and the Tribunal in the prescribed manner within the period specified in that sub-section]:

1 Section 32D was renumbered as sub-section (*1*) of that section and sub-section (*2*) was added by Bom. 58 of 1957, s. 13. 2 Now, the short title of the Act has been amended as "the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act. (LXII of 1947)" by Mah. 24 of 2012, sections 2 and 3, Schedule, entry 29, *w.e.f.* 1st May 1960.

3 The words "or a serving member of the armed forces" were deleted by Mah. 39 of 1964, s. 2, Sch.

4 These words and figures were added by Mah. 49 of 1969, s. 2, Sch.

5 This proviso was added by Bom. 38 of 1957, s. 14(*1*).

6 This proviso was added by Bom. 38 of 1957, s. 14(*1*).

7 This sub-section was inserted by Bom. 38 of 1957, s. 14(*2*).

[1][Provided that, if a tenant holding land from a landlord (who was a minor and has attained majority before the commencement of the Tenancy and Agricultural Lands Laws (Amendment) Act, 1969 (Mah. XLIX of 1969)) has not given intimati section but being in possession of the

land on such commencement is desirous of exercising the right conferred upon him under sub-section (*1*), he may give such intimation within a period of two years from the commencement of that Act.]

(*2*) The provisions of sections 32 to 32E (both inclusive) and sections 32G to 32R (both inclusive) shall, so far as may be applicable, apply to such purchase.

32G. Tribunal to issue notices and determine price of land to be paid by tenants.— (*1*) As soon as may be after the tillers' day the Tribunal shall publish or cause to be published a public notice in the prescribed

form in each village within its jurisdiction calling upon—

(*a*) all tenants who under section 32 are deemed to have purchased the lands,

(*b*) all landlords of such lands, and

(*c*) all other persons interested therein,

to appear before it on the date specified in the notice. The Tribunal shall issue a notice individually to each such tenant, landlord and also, as far as practicable, other persons calling upon each of them to appear before it on the date specified in the public notice.

(*2*) The Tribunal shall record in the prescribed manner the statement of the tenant whether he is or is not willing to purchase the land held by him as tenant.

(*3*) Where any tenant fails to appear or makes a statement that he is not willing to purchase the land, the Tribunal shall by an order in writing declare that such tenant is not willing to purchase the land and that the purchase is ineffective:

Provided that, if such order is passed in default of the appearance of any party, the Tribunal shall communicate such order to the parties and any party on whose default the order was passed may within 60 days from the date on which the order was communicated to him apply for the review of the same.

(*4*) If a tenant is willing to purchase, the Tribunal shall, after giving an opportunity to the tenant and landlord and all other persons interested in such land to be heard and after holding an inquiry, determine the purchase price of such land in accordance with the provisions of section 32H and of sub-section (*3*) of section 63A:

[2][Provided that where the purchase price in accordance with the provisions of section 32H is mutually agreed upon by the landlord and the tenant, the Tribunal after satisfying itself in such manner as may be prescribed that the tenant's consent to the agreement is voluntary may make an order determining the purchase price and providing for its payment in accordance with such agreement.]

(*5*) In the case of a tenant who is deemed to have purchased the land on the postponed date the Tribunal shall, as soon as may be, after such date determine the price of the land.

(*6*) If any land which, by or under the provisions of any of the Land Tenures Abolition Acts referred to in Schedule III to this Act, is regranted to the holder thereof on condition that it was not transferable, such condition shall not be deemed to affect the right of any person holding such land on lease created before the regrant and such person shall as a tenant be deemed to have purchased the land under this section, as if the condition that it was not transferable was not the condition of regrant.

32H. Purchase price and its maxima.—[3][(*1*) Subject to the additions and deductions as provided in sub-sections (*1A*) and (*1B*), the purchase price shall be reckoned as follows, namely :—

(*i*) in the case of a permanent tenant who is cultivating the land personally the purchase price shall be the aggregate of the following amounts, that is to say,—

1 This proviso was added by Mah. 49 of 1969, s. 2, Sch.

2 This proviso was added by Bom. 38 of 1957, s. 15.

3 This portion was substituted for the original sub-section (*1*) except the *Explanations* thereto by Bom. 63 of 1958, s. 6(*1*), Sch.

(*a*) an amount equal to six times the rent of the land;

(*b*) the amount of the arrears of rent, if any, lawfully due on the tillers' day or the postponed date;

(*c*) the amounts, if any, paid by or recovered from the landlord as land revenue and cesses referred to in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (*1*) of section 10A, in the event of the failure on the part of the tenant to pay the same;

(*ii*) in the case of other tenants, the purchase price shall be the aggregate of the following amounts, that is to say,—

(*a*) such amount as the Tribunal may determine not being less than 20 times the assessment and not more than 200 times the assessment;

(*b*) the value of any structures, wells, and embankments constructed and other permanent fixtures made and trees planted by the landlord on the land;

(*c*) the amount of the arrears of rent, if any, lawfully due on the tillers' day or the postponed date;

(*d*) the amounts, if any, paid by or recovered from the landlord as land revenue and other cesses referred to in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (*1*) of section 10A, in the event of the failure on the part of the tenant to pay the same.]

Explanation[1][*1*].— For the purposes of calculating the price under this sub-section, the amount of water rate, if any, levied under section 55 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), and included in such assessment, shall be excluded.

[2][*Explanation 2.*— For the purposes of this sub-section, the expression 'assessment' shall have the meaning assigned to it in section 8.]

[3][(*1A*) Where a tenant to whom sub-sections (*1*) and (*2*) of section 10A do not apply, has, after the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bom. XIII of 1956), paid in respect of the land held by him as tenant land revenue and other cesses referred to in sub-section (*1*) of that section, on account of the failure of the landlord to pay the same, a sum equal to the total amount so paid by the tenant until the date of the determination of the purchase price shall be deducted from the aggregate of the amounts determined under sub-section (*1*).

(*1B*) (*a*) On the amount arrived at in accordance with the provisions of sub-sections (*1*) and (*1A*), there shall be calculated interest as 4 ½ per cent. per annum for the period between the date on which the tenant is deemed to have purchased the land under section 32 and the date of the determination of the purchase price.

(*b*) (*i*) The amount of interest so calculated shall be added to, and

(*ii*) the amount of [4][compensation for use and occupation of the land],if any paid by [5][the tenant-purchaser to the former landlord] and the value of any products of trees planted by [6][such landlord] if such products are removed by [7][that landlord] during the said period shall be deducted from the amount so arrived at.]

(*2*) The State Government may, by general or special order, fix different minima and maxima for the purpose of sub-clause (*a*) of clause (*ii*) of sub-section (*1*) in respect of any kind of land held by tenants in any backward area. In fixing such minima and maxima, the State Government shall have regard to the rent payable for the land and the factors specified in sub-section (*3*) of section 63A.

1 This *Explanation* was numbered as *Explanation1* by Bom. 15 of 1957, s. 9.

2 This *Explanation* was added by Bom. 15 of 1957, s. 9.

3 Sub-sections (*1A*) and (*1B*) were inserted by Bom. 63 of 1958, s. 6(*2*).

4 These words were substituted for the word "rent" by Mah. 9 of 1961, s. 7(*a*).

5 These words were substituted for the words "the tenant to the landlord" by Mah. 9 of 1961, s. 7(*b*).

6 These words were substituted for the words "the landlord" by Mah. 9 of 1961, s. 7(*c*).

7 These words were substituted for the words "the landlord" by Mah. 9 of 1961, s. 7(*c*).

32I. Sub-tenant of permanent tenant to be deemed to have purchased land.— (*1*) Where a permanent tenant has sub-let the land held by him, the sub-tenant shall, to the extent and subject to the conditions specified in sections 32 to 32E (both inclusive), be deemed to have purchased the land on the tiller's day.

(*2*) The purchase price thereof shall be determined in the manner provided in clause (*ii*) of sub-section (*1*) of section 32H.

(*3*) Out of the purchase price payable by such sub-tenant the amount equal to six times the rent shall, in lump sum, be payable to the owner and the balance shall be paid to the permanent tenant.

(*4*) The provisions of sections 32 to 32H (both inclusive) and sections 32J to 32R (both inclusive), in so far as they may be applicable, shall apply to the purchase of the land by such sub-tenant and the payment to be made, to and on behalf, of the permanent tenant.

[1]**32J.** [*Appeal to State Government against decision of Tribunal.*] *Deleted by Mah. 8 of 1963, s. 3.*

32K. Mode of payment of price by [2][tenant-purchaser] [3][and the power of Tribunal to recover purchase price].— (*1*) On the determination of the purchase price [4][payable under section 32H] the [5][tenant-purchaser],—

(*i*) if he is a permanent tenant, shall deposit with the Tribunal the entire amount of the purchase price within one year from such date as may be fixed by the Tribunal:

Provided that, if the Tribunal is satisfied that such [6][tenant-purchaser] has failed to make the payment within the time specified for any reason beyond his control, the Tribunal may extend the period by a period not exceeding one year;

(*ii*) if he is not a permanent tenant, shall deposit with the Tribunal the entire amount of the price—

(*a*) either in lump sum within one year from such date, or

(*b*) in such annual instalments not exceeding twelve with simple interest at the rate of 4 ½ per cent. per annum on or before such dates as may be fixed by the Tribunal; and

The Tribunal shall direct that the amount deposited in lump sum or the amount of instalments deposited shall be paid to the [7][former landlord].

[8][(*1A*) If a tenant-purchaser is unable to deposit with the Tribunal the entire amount of the purchase price in lump sum before the expiry of the period fixed under clause (*ii*) of sub-section (*1*), he may deposit with the Tribunal within three months after the expiry of such period or six months from the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1964 (Mah. XXXI of 1965), whichever is later an amount equal to one-twelfth of the purchase price, and also an amount equal to one year's interest at the rate of 4 ½ per cent. per annum on the balance; and apply to the Tribunal to pay the balance in instalments. On such deposit being made, the Tribunal shall grant the tenant-purchaser such reasonable facility (not exceeding eleven annual instalments) for payment of the balance as it deems fit.

(*1B*) Where a tenant-purchaser,—

1 Section 3 of Mah. 8 of 1963 also provides as under,—
"Provided that any appeal at the commencement of the Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1962 pending before the State Government shall stand transferred to the Collector and shall be disposed of accordingly.".

2 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 8.

3 These words were added by Mah. 31 of 1965, s. 2(*c*).

4 This portion was substituted for the words, figures and letter "under section 32G," by Bom. 63 of 1958, s. 7(*1*). 5 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 8.

6 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 8.

7 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 8.

8 Sub-sections (*1A*) and (*1B*) were inserted by Mah. 31 of 1965, s. 2(*a*).

(*a*) fails to pay the price in lump sum within the period referred to in clause (*ii*) of sub-section (*1*), or

(*b*) is in arrears of four instalments, where the number of instalments fixed is four or more, and all the instalments in any other case, he may during the period of six months from the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1964 (Mah. XXXI of 1965), or from the date of default of the payment of price in lump sum, or of the last instalment, whichever is later appl the default on the ground that he, for

sufficient reasons, was incapable of paying the price in lump sum or the instalments within time; and if the Tribunal after holding such inquiry as it thinks fit, is satisfied with the reasons given, it may allow further time—

(*i*) of one year to the tenant-purchaser to pay the price in lump sum, or

(*ii*) for payment of the arrears, and may, for that purpose, increase the total number of instalments to sixteen.]

(*2*) During any period for which payment of rent is suspended or remitted under section 13, the [1][tenant-purchaser] shall not be bound to pay the purchase price in lump sum or the amount of any instalments fixed under this section or any interest thereon, if any.

[2][(*3*) If a tenant-purchaser fails to pay the entire amount of the purchase price within the period fixed under the provisions of this section or is in arrears of four instalments where the number of instalments fixed is four or more, and all the instalments in any other case, the amount of the purchase price remaining unpaid and the amount of interest thereon at the rate of 4 ½ per cent. per annum, if any, shall be recoverable by the Tribunal as an arrear of land revenue.]

32L. [*Purchase price recoverable as arrears of land revenue.*] *Repealed by Mah. XXXI of 1965, s. 3.*

32M. Purchase to be ineffective on [3][tenant purchaser's] failure to pay purchase price [4][* * *].— (*1*)On the deposit of the price in lump sum or of the last instalment of such price, the Tribunal shall issue a certificate of purchase in the prescribed form, to the [5][tenant-purchaser] in respect of the land. Such certificate shall be conclusive evidence of purchase.[6][In the event of failure of recovery of purchase price as arrears of land revenue under sub-section (*3*) of section 32K, the purchase shall] be ineffective and the land shall be at the disposal of the [7][Tribunal] under section 32P and any amount deposited by such [8][tenant-purchaser] towards the price of the land shall be refunded to him.

[9][(*2*) Where the purchaser of any land has become ineffective for default of payment in time of the price in lump sum or in instalments, but the tenant-purchaser has nevertheless continued in possession at the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1964 (Mah. XXXI of 1965), then the purchase of the land shall not be deemed to be ineffective, until the Tribunal fails to recover the amount of the purchase price under sub-section (*3*) of section 32K.]

[10]**[32MM. Certain purchases not to become ineffective.—** Where the purchase of any land has become ineffective under sub-section (*1*) of section 32M for default of payment in time of the price in lump sum, but the tenant-purchaser has nevertheless continued in possession at the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1960 (Mah. IX of 1961), then the purchase of the land shall, notwithstanding the provisions of section 32M, not be deemed to be ineffective, and the tenant-purchaser may, within a period of six months from such commencement apply to the Tribunal to condone the default on the ground referred to in sub-section (*2*) of section 32M; and if the Tribunal after holding such inquiry as it thinks fit, is satisfied of the sufficiency of the reason given

1 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 8.

2 Sub-sections (*3*) were inserted by Mah. 31 of 1965, s. 2(*b*).

3 These words were substituted for the word "tenants" by Mah. 9 of 1961, s. 10(*c*).

4 The words "in lump sum or in instalments within given period" were deleted by Mah. 31 of 1965, s. 4(*c*). 5 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 10(*a*)(*i*).

6 These words were substituted by Mah. 31 of 1965, s. 4.

7 This word was substituted for the word "Collector" by Mah. 9 of 1961, s. 10 (*a*)(*iii*).

8 There words were substituted for the word "tenant" by Mah. 9 of 1961, s. 10(*a*)(*i*).

9 Sub-section (*2*) was substituted by Mah. 31 of 1965, s. 4(*b*).

10 Section 32MM was inserted by Mah. 9 of 1961, s. 11.

by the tenant-purchaser, it may allow a further period of one year to pay the price in lump sum, and thereupon the provisions of section 32M shall apply as they apply on deposit of the price in lump sum, or as the case may be, on failure to pay it; but the Tribunal shall not allow any further time for paying the price.]

32N. Landlord's right to recover rent when purchase becomes ineffective.— [1][(*1*) Where any purchase of land becomes ineffective, the former landlord shall be entitled to recover from his former tenant compensation for use and occupation of the equal to the rent thereof and any such compensation due may be recovered from the former tenant as an arrear of land revenue, and paid to the former landlord. The amount so recoverable shall be deducted from the amount, if any, to be refunded to the former tenant.]

(*2*) If within three months from the date on which the purchase of any land has become ineffective the [2][former landlord] fails to refund [3][former tenant] the amount paid after deducting any [4][compensation referred to in sub-section (*1*)] due to him, it shall be recovered from him as an arrear of land revenue and paid to the [5][former tenant].

32-O. Right of tenant whose tenancy is created after tiller's day to purchase land.— (*1*) In respect of any tenancy created after the tillers' day [6][by a landlord (not being a serving member of the armed forces)] notwithstanding any agreement or usage to the contrary, a tenant cultivating personally shall be entitled within one year from the commencement of such tenancy to purchase from the landlord the land held by him or such part thereof as will raise the holding of the tenant to the ceilingarea.

[7][* * * *]

[8][(*1A*) A tenant desirous of exercising the right conferred on him under sub-section (*1*) [9][* *] shall give an intimation in that behalf to the landlord and the Tribunal in the prescribed manner within the period specified in that sub-section.]

(*2*) The provision of section 32 to 32N (both inclusive) and of sections 32P, 32Q, and 32R in so far as they may be applicable shall apply to the purchase of the land by a tenant under sub-section (*1*) [10][* *].

32P. Power of [11][Tribunal] to resume and dispose of land not purchased by tenants.— (*1*) Where the purchase of any land by tenant under section 32 becomes ineffective under section 32G or 32M or where a tenant fails to exercise the right to purchase the land held him within the specified period under section 32F, [12][32-O, 33C or 43-ID], the [13][Tribunal] May *suo motu* or on an application made on this behalf [14][* * *] [15][and in cases other than those in which the purchase has becomes ineffective by reasons of section 32G or 32M, after holding a formal inquiry] direct that the land shall be disposed of in the manner provided in sub-section (*2*).

(*2*) Such direction shall provide—

(*a*) that [16][* * * * *] the [17][former tenant] be summarily evicted;

1 Sub-section (*1*) was substituted for the original by Mah. 9 of 1961, s. 12(*a*).
2 There words were substituted for the word "landlord" by Mah. 9 of 1961, s. 12(*b*).
3 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 12(*b*).
4 This portion was substituted for the "rent" by Mah. 9 of 1961, s. 12(*c*).
5 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 12(*b*).
6 These words and brackets were inserted by Mah. 9 of 1961, s. 13(*a*).
7 Sub-section "1(*AA*)" was deleted by Mah. 39 of 1964, s. 2, Sch.
8 This sub-section was inserted by Bom. 38 of 1957, s. 16.
9 The word, brackets, figures and letters "or (*1AA*)" were deleted by Mah. 39 of 1964, s. 2, Sch.
10 The word, brackets, figures and letters "or (*1AA*)" were deleted by Mah. 39 of 1964, s. 2, Sch.
11 This word was substituted for the word "Collector" by Mah. 9 of 1961, s. 14(*a*).
12 The figures, letters and words were substituted for the word, figures and letter "or 32O" by Mah. 39 of 1964, s. 2, Sch. 13 This word was substituted for the word "Collector" by Mah. 9 of 1961, s. 14(*a*).
14 The words "and after holding a formal inquiry" were deleted by Mah. 8 of 1963, s. 4(*a*).
15 This portion was inserted by Mah. 9 of 1961, s. 14(*b*).
16 The words "the tenancy in respect of the land shall be terminated and" were deleted by Mah. 9 of 1961, s. 14(*c*). 17 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 14(*ca*).

(*b*) that the land shall, subject to the provisions of section 15, be surrendered to the [1][former landlord];

(*c*) that if the entire land or any portion thereof cannot be surrendered in accordance with the provisions of section 15, the entire land or such portion thereof, as the case may be, notwithstanding

that it is a fragment, shall be disposed of by sale to any person in the following order of priority (hereinafter called "the priority list") :—

(*i*) a co-operative farming society, the members of which are agricultural labourers, landless persons or small holders or a combination of such persons;

(*ii*) agricultural labourers;

(*iii*) landless persons;

(*iv*) small holders;

(*v*) a co-operative farming society of agriculturists (other than small holders) who hold either as owner or tenant or partly as owner and partly as tenant, land less in area than an economic holding and who are artisans;

(*vi*) an agriculturist (other than a small holder) who holds either as owner or tenant or partly as owner and partly as tenant, land less in area than an economic holding and who is an artisans;

(*vii*) any other co-operative farming society;

(*viii*) any agriculturist who holds either as owner or tenant or partly as owner and partly as tenant land larger in area than an economic holding but less in area than the ceiling area;

(*ix*) any person, not being an agriculturist, who intends to take to the profession of agriculture:

2[Provided that, the State Government may, by notification in the *Official Gazette,* give, in relation to such local areas as it may specify, such priority in the above order as it thinks fit to any class or persons who, by reason of the acquisition of their land for any development project approved for the purpose by the State Government, have been displaced, and require to be re-settled.]

(*3*) Where any land is to be surrendered in favour of the 3[former landlord] under sub-section (*2*), the 4[former landlord] shall not be entitled to the possession thereof until any amount refundable to the 5[former tenant] is refunded to him or recovered from the 6[former landlord]; and until such refund or recovery is made, the 7[former tenant] shall continue to hold the land on the same terms on which it was held by him previously.

(*4*) Where any land or portion thereof cannot be surrendered in favour of the landlord and where such land or portion is offered for the sale under sub-section (*2*), but no person comes forward to purchase such land or portion, as the case may be, shall vest in the State Government and the 8[Tribunal] shall determine the price of such land or portion in accordance with the provisions of section 63A and the amount of the price so determined shall, subject to the provisions of section 32Q, be paid to the owner thereof.

(*5*) Where any land is sold under sub-section (*2*), the 9[Tribunal] shall determine the price of the land in accordance with the provisions of section 63A and the price so determined shall be payable by annual instalments not exceeding six with simple interest at the rate of 4½ per cent. per annum as the

1 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 14(*d*). 2 This proviso was added by Bom. 15 of 1957, s. 10.

3 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 14(*e*). 4 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 14(*e*).

5 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 14(*e*). 6 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 14(*e*).

7 These words were substituted for the word "tenant" by Mah. 9 of 1961, s. 14(*e*).

8 This word was substituted for the word "Collector" by Mah. 9 of 1961, s. 14(*a*).

9 This word was substituted for the word "Collector" by Mah. 9 of 1961, s. 14(*a*).

1[Tribunal] may determine and the price of the land recovered from the purchaser shall, subject to the provisions of section 32Q, be paid to the owner thereof.

[2][(*6*) On the deposit of the last instalment of the purchase price, the Tribunal shall issue a certificate of purchase in the prescribed form to the purchaser in respect of the land. Such certificate shall be conclusive evidence of purchase. If the purchaser is at any time in arrears of two instalments, then unless the [3][Tribunal] after holding such inquiry as it thinks fit is satisfied with the reasons given and allows a further period not exceeding one year to pay the arrears, the purchase shall be ineffective and the amount deposited by such purchaser shall be refunded to him.]

32Q. Amount of purchase price to be applied towards satisfaction of debts.— (*1*) During an inquiry held under section 32G the Tribunal shall determine any encumbrances lawfully subsisting on the land on the tiller's.

(*2*) (*a*) If total amount of the encumbrances is less than the purchase price so determined,—

(*i*) where the purchase price is paid in lump sum it shall be deducted from the purchase price and the balance paid to the [4][former landlord];

(*ii*) where the purchase price is made payable in instalments, the Tribunal shall deduct such amount from such instalments towards the payment of the encumbrances:

Provided that where under any agreement, award, the decree or order of a court, or any law, the amount of the encumbrances is recoverable in instalments, the Tribunal shall deduct such amount as it deems reasonable from the instalments so payable.

(*b*) If the total amount of the encumbrances is more than the amount so determined, the purchase price in lump sum or the instalments, as the case may be, shall be distributed in the order of priority. If any person has a right to receive maintenance or alimony from the profits of the land, the Tribunal shall also make deductions for payment out of the purchase price.

(*3*) If such question involves any question of law regarding the validity of the [5][encumbrance or the claim] of the holder of the encumbrance or any question regarding the amount due in respect of the encumbrance, then notwithstanding anything contained in section 85A, the Tribunal shall in the manner prescribed refer the question for decision to the Judge of the Presidency Small Causes Court, or the Civil Judge within the territorial limits of whose jurisdiction the land is situate. On receipt of such reference the Judge concerned shall, after giving notice to the parties concerned, try the questions referred to and record findings thereon and send the same to the Tribunal. The Tribunal shall then give the decision in accordance with the said findings.

(*4*) Nothing in this section shall affect the rights of holder of any such encumbrances to proceed to enforce against the [6][former landlord] his right in any other manner or any other law for the time being in force.

32R. Purchaser to be evicted if he fails to cultivate personally.— If any time after the purchase of the land under any of the foregoing provisions, the purchaser fails to cultivate the land personally, he shall, unless the Collector condones such failure for sufficient reasons, be evicted and the land shall be disposed of in accordance with the provisions of section 84C.]

33. Right of [7][* * *] tenants to exchange land.— (*1*) Notwithstanding anything contained in this Act or any other law or any agreement or usage, the [8][* * *] tenants holding lands [9][* * *] as such

1 This word was substituted for the word "Collector" by Mah. 9 of 1961, s. 14(*a*).

2 Sub-section (*6*) was inserted by Mah. 8 of 1963, s. 4(*b*).

3 This word was substituted for the word "Collector" by Mah. 9 of 1961, s. 14(*a*).

4 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 15(*a*).

5 These words were substituted for the words "encumbrance, the claim" by Bom. 38 of 1957, s. 17. 6 These words were substituted for the word "landlord" by Mah. 9 of 1961, s. 15(*b*).

7 The word "protected" was deleted by Bom. 13 of 1956, s. 23(*ii*).

8 The word "protected" was deleted by Bom. 13 of 1956, s. 23(*ii*).

9 The words "in the same village" were deleted by Bom. 13 of 1956, s. 23(*i*).

[1][* * *] tenants may agree and may make an application to the Mamlatdar in the prescribed form for the exchange of their tenancies in respect of the lands held by them as [2][* * *] tenants.

(*2*) On receipt of the application, the Mamlatdar after giving notice to the landlords concerned and after making an inquiry may sanction the exchange on such terms and conditions as may be prescribed and may issue certificates in the prescribed form to the applicants.

(*3*) The certificates so issued shall be conclusive of the fact of such exchange against the landlords and all persons interested in the lands exchanged.

(*4*) Each of the two [3][* * *] tenants shall on exchange hold the land on the same terms and conditions on which it was held by the original tenant immediately before the exchange subject to such modifications as may have been sanctioned by the Mamlatdar.

[4][(*II-A*) *Termination of tenancy by landlords, and purchase by tenants, of lands to which section 88C applies.*

33A. Definitions.— For the purposes of sections 33B and 33C,—

(*i*) "certificated landlord" means a person who holds a certificate issued to him under sub-section (*4*) of section 88C [5][but does not include a landlord within the meaning of Chapter III-AA holding a similar certificate]; and

(*ii*) "excluded tenant" means a tenant of land to which sections 32 to 32R (both inclusive) do not apply by virtue of sub-section (*1*) of section 88C.

33B. Special right of certificated landlord to terminate tenancy for personal cultivation.— (*1*) Notwithstanding anything contained in section 31, 31A or 31B a certificated landlord may, after giving notice and making an application for possession as provided in sub-section (*3*), terminate the tenancy of an excluded tenant, if the landlord *bona fide* requires such land for cultivating it personally.

(*2*) The notice may be given and an application made by a certificated landlord under sub-section (*3*), notwithstanding that in respect of the same tenancy an application of the landlord made in accordance with sub-section (*2*) of section 31—

(*i*) is pending before the Mamladar or in appeal before the Collector, or in revision before the Maharashtra Revenue Tribunal, on the date of the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1960 (Mah. IX of 1961) (hereinafter referred to in this section as 'the commencement date'), or

(*ii*) has been rejected by any authority before the commencement date.

(*3*) The notice required to be given under sub-section (*1*) shall be in writing, and shall be served on the tenant—

(*a*) before the first day of January 1962, but

(*b*) if an application under section 88C is undisposed of and pending on that date then within three months of his receiving such certificate,

and a copy of the notice shall, at the same time, be sent to the Mamlatdar. An application for possession of the land shall be made thereafter under section 29 to the Mamlatdar before the 1st day of April 1962, in the case falling under (*a*) and within three months of his receiving the certificate in the case falling under (*b*).

(*4*) Where the certificated landlord belongs to any of the following categories, namely :—

(*a*) a minor,

(*b*) a widow,

1 The word "protected" was deleted by Bom. 13 of 1956, s. 23(*ii*).

2 The word "protected" was deleted by Bom. 13 of 1956, s. 23(*ii*).

3 The word "protected" was deleted by Bom. 13 of 1956, s. 23(*ii*).

4 These heading and sections 33A to 33C were inserted by Mah. 9 of 1961, s. 16. 5 This portion was inserted by Mah. 39 of 1964, s. 2, Sch.

[1][* * *]

(*d*) a person subject to any physical or mental disability,

Then, if he has not given notice and not made an application as required by sub-sections (*1*) and (*3*), such notice may be given and such application made—

(*A*) by the landlord within one year from the date on which he,—

(*i*) in the case of category (*a*), attains majority;

[2][* * *]

(*iii*) in the case of category (*d*), ceases to be subject to such physical or mental disability; and

(*B*) in the case of a widow, by the successor-in-title within one year from the date on which widow's interest in the land ceases:

Provided that, where a person belonging to any category is a member of a joint family, the provisions of this sub-section shall not apply if any one member of the joint family does not belong to any of the categories mentioned in this sub-section, unless the share of such person in the joint family has been separated by metes and bounds before the 31st day of March 1958 and the Mamlatdar on inquiry is satisfied that the share of such person in the land is separated, (having regard to the area, assessment, classification and value of the land) in the same proportion as the share of that person in the entire joint family property, and not in a larger proportion.

(*5*) The right of a certificated landlord to terminate a tenancy under this section shall be subject to the following conditions, that is to say,—

(*a*) If any land is left over from a tenancy in respect of which other land has already been resumed by the landlord or his predecessor-in-title, on the ground that that other land was required for cultivating it personally under section 31 (or under any earlier law relating to tenancies then in force), the tenancy in respect of any land so left over shall not be liable to be terminated under sub-section (*1*).

(*b*) The landlord shall be entitled to terminate a tenancy and take possession of the land leased but to the extent only of so much thereof as would result in both the landlord and the tenant holding thereafter in the total an equal area for personal cultivation—the area resumed or the area left with the tenancy being a fragment, notwithstanding, and notwithstanding anything contained in section 31 of the [3]Bombay Prevention of Fragmentation an Consolidation of Holdings Act, 1947 (Bom. LXII of 1947).

(*c*) The land leased stands in the Record of Rights (or in any public record or similar revenue record) on the 1st day of January 1952 and thereafter until the commencement date in the name of the landlord himself, or any of his ancestors (but not of any person from whom title is derived by assignment or Court sale or otherwise), or if the landlord is a member of a joint family, in the name of a member of such family.

(*6*) The tenancy of any land left with the tenant after the termination of the tenancy under this section shall not at any time afterwards be liable to termination again on the ground that the landlord *bona-fide* requires that land for personal cultivation.

(*7*) If, in consequence of the termination of the tenancy under this section, any part of the land leased is left with the tenant, the rent shall be apportioned in the prescribed manner in proportion to the area of the land so left with the tenant.

33C. Tenants of lands mentioned in section 88C to be deemed to have purchased land and other incidental provisions.— (*1*) Notwithstanding anything contained in sub-section (*1*) of section 88C, every excluded tenant holding land from a certificated landlord shall, except as otherwise provided

1 Clause (*c*) was deleted by Mah. 39 of 1964, s. 2, Sch.

2 Item (*ii*) was deleted by Mah. 39 of 1964, s.

3 Now, the short title of the Act has been amended as "the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act (LXII of 1947)" by Mah. 24 of 2012, sections 2 and 3, Schedule, entry 29, *w.e.f.* 1st May 1960.

in sub-section (*3*), be deemed to have purchased from the landlord, on the first day of April 1962, free from all encumbrances subsisting thereon on the said day, the land held by him as tenant, if such land is cultivated by him personally, and

(*i*) the landlord has not given notice of termination of tenancy in accordance with sub-section (*3*) of section 33B, or

(*ii*) the landlord has given such notice, but has not made an application thereafter under section 29 for possession as required by the said sub-section (*3*), or

(*iii*) the landlord, not belonging to any of the categories specified in sub-section (*4*) of section 33B, has not terminated the tenancy on any of the grounds specified in section 14, or has so terminated the tenancy but has not applied to the Mamlatdar on or before the 31st day of March 1962 under section 29 for possession of the land:

Provided that, where the landlord has made such application for possession, the tenant shall, on the date on which the application is finally decided, be deemed to have purchased the land which he is entitled to retain in possession after such decision.

(*2*) (*a*) Where a tenant, on account of his eviction from the land by the landlord before the 1st day of April 1962, is not in possession of the land on the said date, but has made or makes an application for possession of the land under sub-section (*1*) of section 29 within the period specified in that sub-section, then if the application is allowed by the Mamlatdar, or as the case may be, in appeal by the Collector or in revision by the Maharashtra Revenue Tribunal, he shall be deemed to have purchased the land on the date on which the final order allowing the application is passed.

(*b*) Where such tenant has not made an application for possession within the period specified in sub-section (*1*) of section 29 or any application made by him is finally rejected under this Act, and the land is held by any other person as tenant on the expiry of the said period or on the date of the final rejection of the application, such other person shall be deemed to have purchased the land on the date of the expiry of the said period or, as the case may be, on the date of the final rejection of the application.

(*3*) Where the certificated landlord, belonging to any of the categories specified in sub-section (*4*) of section 33B, has not given notice of termination of the tenancy of an excluded tenant in accordance with sub-section (*3*) of that section, or has given such notice but has not made an application thereafter under section 29 for possession as required by the said sub-section (*3*), such excluded tenant shall have the right to purchase the land held by him as tenant within one year from the expiry of the period specified in sub-section (*4*) of section 33B:

Provided that, where the tenancy is terminated and application for possession is made in accordance with the provisions of sub-section (*4*) of section 33B, the tenant shall, within one year from the date on which such application is finally decided be entitled to purchase the land which he is entitled to retain in possession after such decision.

(*4*) An excluded tenant desirous of exercising the right conferred on him under sub-section (*3*) shall accordingly inform the landlord and the Tribunal in the prescribed manner within the period of one year during which he is entitled to exercise such right under sub-section (*3*).

(*5*) The provisions of sections 32 to 32R (both inclusive) shall, so far as may be applicable, apply to the purchase of land by an excluded tenant under this section.]

1[(*III*) *Restriction upon holding land in excess of ceiling area.*

34. [*Maximum land that can be held by a person.*] *Deleted by Mah. 27 of 1961, s. 48, Second Schedule*.

[2][34A. **Holders of land to furnish particulars of land to Mamlatdar.—** Every person holding land in the charge of more than one village Accountant whether as owner or tenant or partly as owner and partly as tenant on the 31st day of March 1957, shall within the prescribed period furnish in the

1 This portion was substituted for sections 34 to 36 by Bom. 13 of 1956, s. 24. 2 This section was inserted by Bom. 38 of 1957, s. 19.

prescribed manner true particulars of all the land so held by him to each of the Mamlatdars within whose jurisdiction any piece of such land is situate.]

35.[*Provision of section 34 to apply to land, coming into possession of person on gift, etc.*] *Deleted by Mah. 27 of 1961, s. 48, Second Schedule.*

[1][35A.**Determination of excess land cases.—** (*1*) Where the Mamlatdar, *suo motu* or on an application made to him in this behalf, has reason to believe that the total area of land held by any person, whether as owner or tenant or partly as owner and partly as tenant, has exceeded the ceilings area or the area permitted to be held under sub-section (*2*) of section 34, whether on account of—

(*i*) the restoration of any land to the possession of such person under sub-section (*2*) of section 84B, or

(*ii*) the retention of any land with such person by virtue of the transfer of the land to such person not being declared to be invalid by the Mamlatdar under the proviso to sub-section (*1*) of section 84B or the proviso to sub-section (*2*) of section 84C, or by virtue of an order under the proviso to sub-section (*4*) of section 84C,

he shall, after holding an enquiry and after giving an opportunity to such person of being heard, determine whether the total area of land held by such person exceeds the ceiling area or the area permitted under sub-section (*2*) of section 34 and, if so, the extent and particulars of such excess land.

(*2*) The excess land determined under sub-section (*1*) shall be at the disposal of the Tribunal under section 32P.]

36. Fragment in excess of economic holding or ceiling area may be permitted to remain with holder.— If, as a result of any redistribution or transfer of land under the provisions of this Act, any area in excess of the economic holding or ceiling area which a person is entitled to hold under this Act is left over as a fragment, the Collector may, [2][* * * * *] permit such fragment to remain with either of the holders of the land, having regard to the efficient use thereof for agricultural purposes.]

37.Landlord to restore possession if he fails to cultivate within one year.— (*1*) If after the landlord takes possession of the land after the termination of the tenancy [3][under section 31], [4][33B or section 34 of this Act as it stood immediately before the commencement of the Amending Act, 1956] he fails to use it for any of the purposes specified in the notice given under [5][section 31], [6][33 B or section 34 of this Act as it stood immediately before the commencement of the Amending Act, 1956] within one year from the date on which he took possession or ceases to use it at any time for any of the aforesaid purposes within twelve years from the date on which he took such possession, the landlord shall forthwith restore possession of the land to the tenant whose tenancy was terminated by him, unless he has obtained from the tenant his refusal in writing to accept the tenancy on the same terms and conditions or has offered in writing to give possession of the land to the tenant on the same terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof.

(*2*) After the tenant has recovered possession under sub-section (*1*) he shall, subject to the provisions of this Act, hold such land on the same terms and conditions on which he held it at the time his tenancy was terminated.

(*3*) If the landlord has failed to restore possession of the land to the tenant as provided in sub-section (*1*) he shall be liable to pay such compensation to the tenant as may be determined by the Mamlatdar for the loss suffered by the tenant on account of eviction.

1 Section 35A was inserted by Mah. 9 of 1961, s. 18.

2 The words and figures "notwithstanding the restrictions imposed under sections 34 and 35" were deleted by Mah. 27 of 1961, s. 48, Second Schedule.

3 These words and figures were substituted for the words and figures "under section 34" by Bom. 13 of 1956, s. 25(*1*). 4 This portion was inserted by Mah. 9 of 1961, s. 19.

5 These words and figures were substituted for the words, brackets and figures "sub-section (*1*) of section 34" by Bom. 13 of 1956, s. 25(*2*).

6 This portion was inserted by Mah. 9 of 1961, s. 19.

1[(*4*) The provisions of this section shall not apply to a landlord who becomes a serving member of the armed forces; and on that account, fails to use the land, or ceases to use it, for any of the purposes specified in the notice referred to in sub-section (*1*) and within the period specified in that sub-section.]

38. [*Circumstance in which landlord shall be deemed to cultivate personally.*] *Deleted by Bom. 13 of 1956, s. 26.*

39. **Application for recovery of possession by tenant.—** If at any time the tenant makes an application to the Mamlatdar and satisfies him that the landlord has failed to comply within a reasonable time with the provisions of section 37, the tenant shall be entitled on a direction by the Mamlatdar to obtain immediate possession of the land and to such compensation as may be awarded by the Mamlatdar for any loss caused to the tenant by eviction and by failure on the part of the landlord to restore or give possession of the land to him as required by section 37.

2**[40.Continuance of tenancy on death of tenant.—** (*1*) Where a tenant (other than a permanent tenant) dies, the landlord shall be deemed to have continued the tenancy on the same terms and conditions on which such tenant was holding it at the time of his death, to such heir or heirs of the deceased tenant as may be willing to continue the tenancy.

(*2*) Where the tenancy is inherited by heirs other than the widow of the deceased tenant, such widow shall have a charge for maintenance on the profits of such land.]

41. Compensation for improvement made by 3**[* * *] tenant.—** (*1*) A 4[* *] tenant who has made an improvement on the land held by him shall, if his tenancy is terminated under the provisions of this Act, be entitled to compensation for such improvement. For determining the amount of the compensation the tenant shall apply to the Mamlatdar in the prescribed form.

(*2*) The compensation to which a tenant shall be entitled under sub-section (*1*) shall be the estimated value of such improvement at the time of the termination of his tenancy. In estimating such value regard shall be paid to—

(*a*) the amount by which the value of the land is increased by the improvement;

(*b*) the present condition of the improvement and the probable duration of its effects;

(*c*) the labour and capital provided or spent by the tenant for the making of the improvement; and

(*d*) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement 5[including permanent fixtures].

42. 6**[* *] Tenant's right to erect farm-house.—** A 7[* *] tenant shall be entitled to erect a farm-house on the land held by him as a 8[* *] tenant.

9**[43.Restriction on transfers of land purchased or sold under this Act.—** (*1*) No land purchased by a tenant under section 32, 32F, 10[32-I, 32-O, 11[33-C or 43-ID]] or sold to any person under section 32P or 64 shall be transferred by sale, gift, exchange, mortgage, lease or assignment 12[* * *] without the

1 This sub-section was inserted by Mah. 39 of 1964, s. 2, Sch.

2 This section was substituted for the original by Bom. 13 of 1956, s. 27.

3 The word "protected" was deleted by Bom. 13 of 1956, s. 28.

4 The word "protected" was deleted by Bom. 13 of 1956, s. 28.

5 These words were inserted by Bom. 13 of 1956, s. 28.

6 The word "protected" was deleted by Bom. 13 of 1956, s. 28.

7 The word "protected" was deleted by Bom. 13 of 1956, s. 28.

8 The word "protected" was deleted by Bom. 13 of 1956, s. 28.

9 This section was substituted for the original by Bom. 13 of 1956, s. 29.

10 This portion was substituted for "32I or 32O" by Mah. 9 of 1961, s. 20(*i*).

11 This portion was substituted for the word, figures and letter "or 33C" by Mah. 39 of 1964, s. 2, Sch.

12 The words "or partitioned" were deemed always to have been deleted by Mah. 5 of 1982, s. *3*(*1*)(*a*). Sub-section (*2*) of section 3 of Mah. 5 of 1982 reads as follows :—

"(*2*) Notwithstanding the amendment of section 43 of the Bombay Tenancy Act made by sub-section (*1*) of this section, where any orders have been made, by the Collector or any officer exercising the powers of the Collector under the said section 43, declaring partition of any land as invalid and the person concerned has been evicted by the Collector or such officer from such land, before the commencement of this Act, then such orders shall not be affected by the amendment aforesaid, but shall continue to be in operation as before.".

previous sanction of the Collector. 1[Such sanction shall be given by the Collector in such circumstances, and subject to such conditions, as may be prescribed by the State Government:

Provided that, no such sanction shall be necessary where the land is to be mortgaged in favour of Government or a society registered or deemed to be registered under the 2Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), for raising a loan for effecting any improvement of such land]:

3[Provided further that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(*a*) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government;

(*b*) the purchaser shall be an agriculturist;

(*c*) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961); and

(*d*) the provisions of the 4Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947) shall not be violated.]

(*2*) Any transfer 5[* * *] of land in contravention of sub-section (*1*) shall be invalid.]

6[CHAPTER III-AA

SPECIAL PROVISIONS FOR TERMINATION OF TENANCY BY LAND LORDS WHO ARE OR HAVE BEENSERVING MEMBERS OF THE ARMED FORCES; AND FOR PURCHASE OF THEIR LANDS BY TENANTS

43-1A. Definition.—In this Chapter, unless the context requires otherwise, "landlord" means a landlord (including a certificated landlord within the meaning of section 33A) who is, or has ceased to be, a serving member of the armed forces; and in relation to the land of a landlord who is dead, includes his widow, son, son's son, unmarried daughter, father or mother.

43-1B. Right of landlord to terminate the tenancy.— (*1*) Notwithstanding anything contained in the foregoing provisions of this Act, but subject to the provisions of this section, it shall be lawful to a landlord at any time after the commencement of the Tenancy and Agricultural Lands Laws (Amendment) Act, 1964 (Mah. XXXIX of 1964), to terminate the tenancy of any land and obtain possession thereof, but—

(*a*) of so much of such land as will be sufficient to make up the total land in his actual possession equal to the ceiling area ; and

(*b*) where the landlord is a member of joint family, only to the extent of his share in the land (not exceeding the ceiling area) held by the joint family, provided that, the Mamlatdar on inquiry is satisfied that such share has (regard being had to the area, assessment, classification and value of land), been separated by metes and bounds in the same proportion as his share in the entire joint family property and not in a larger proportion.

(*2*) No tenancy of any land shall be terminated under sub-section (*1*), unless a notice in writing is given to the tenant, and an application for possession under sub-section (*3-A*) of section 29 is made to the Collector:

Provided that in the case of a landlord who has ceased to be a serving member of the armed forces, such notice shall be given and application made within two years from the date of such cesser; and if he

1 This portion was added by Mah. 9 of 1961, s. 20(*ii*).

2 *See* now the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

3 This proviso was added by Mah. 1 of 2014, s. 2.

4 The short title of the Act has been amended as "the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act" by Mah. 24 of 2012, Sec. 2 and 3, Schedule, entry 29, *w.e.f.* 1st May 1960.

5 The words "or partition" were deemed always to have been deleted by Mah. 5 of1982, s. 3(*1*)(*b*).

6 Chapter III-AA was inserted by Mah. 39 of 1964, s. 2, Sch.

dies before the expiry of these two years without giving such notice or making such application, then within two years from the date of his death.

(*3*) Nothing in this Chapter shall—

(*a*) apply to a tenancy of land created (after obtaining possession thereof under the provisions of this Chapter) by a landlord who has ceased to be a serving member of the armed forces; but the provisions of section 32-O shall apply to such tenancy as they apply in relation to a tenancy created after the tiller's day;

(*b*) entitle a landlord who has ceased to be a serving 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, to terminate the tenancy of his land under this section.

(*4*) Nothing in the 1Bombay Prevention of Fragmentation andConsolidation of Holdings Act, 1947 (Bom. LXII of 1947), shall affect the termination of anytenancy under this Chapter.

43-1C. Transfer of pending proceedings to Collector and State Government.— All proceedings for recovery or restoration of possession of land filed under section 31 or 33B by a landlord pending immediately before the commencement of the Tenancy and Agricultural Lands Laws (Amendment) Act, 1964 (Mah. XXXIX of 1964), before a Mamlatdar shall, (subject to any rules made as respects such transfer or any matter incidental thereto) on such commencement, stand transferred to the Collector, and all such proceedings pending in appeal before the Collector or in revision before the Maharashtra Revenue Tribunal shall likewise stand transferred to the state Government; and such proceedings shall be deemed to have been instituted for restoration of the land before the Collector under section 43-1B, or as the case may be, pending in revision before the State Government under section 73A and be disposed of accordingly.

43-1D. Right of tenant to purchase land from landlord.— (*1*) Notwithstanding anything contained in the foregoing provisions of this Act, or any law, agreement, custom or usage to the contrary, but subject to the provisions of this section, a tenant holding land from a landlord shall, subject to the provisions of section 32A, been titled to purchase from the landlord—

(*a*) where the landlord fails to make an application as required by section 43-lB, the entire land so held by him, and

(*b*) in any other case, such part of the land held by the tenant as is left with him after the termination of tenancy under section 43-lB.

(*2*) The right to purchase land under sub-section (*1*) shall be exercised within one year from the date on which possession of the land is obtained by the landlord in pursuance of the provisions of section 43-lB; or as the case may be, after the expiry of the period referred to in the proviso to the sub-section (*2*) of section 43-lB; and intimation of exercise of the right shall be sent to the landlord and the Tribunal in the prescribed manner within the period aforesaid.

(*3*) The provisions of sections 32 to 32E (both inclusive) and sections 32G to 32N (both inclusive) and sections 32P, 32Q and 32R shall apply to the purchase of the land by a tenant under sub-section (*1*) as those provisions apply in relation to the purchase of land under section 32.

43-1E. Saving.— Nothing in this Chapter shall apply in relation to land, which before the commencement of the Tenancy and Agricultural Lands Laws (Amendment) Act, 1964 (Mah. XXXIX of 1964), is purchased by any tenant under the provisions of Chapter III.]

2[CHAPTER III-A

SPECIAL PROVISIONS FOR LANDS HELD ON LEASE BY INDUSTRIAL OR COMMERCIAL UNDERTAKINGS AND BY CERTAIN PERSONS FOR THE CULTIVATION OF SUGARCANE AND OTHER NOTIFIED AGRICULTURAL PRODUCE

1 The short title of the Act has been amended as "The Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act" by Mah. 24 of 2012, sec. 2 and 3, Schedule, Entry 29, *w.e.f.* 1st May 1960.

2 Chapter III-A and III-B were inserted by Bom. 13 of 1956, s. 30.

43A. Some of the provisions not to apply to leases of land obtained by industrial or commercial undertakings, certain co-operative societies or for cultivation of sugarcane or fruits or flowers.— (*1*) The provisions of sections 4B, 8, 9, 9A, 9B, 9C, 10, 10A, 14, 16, 17, 17A, 17B, 18, 27, 31 to 31D (both inclusive), 32 to 32R, (both inclusive) 1[33A, 33B, 33C,] 2[* * *] 43, 63, 63A, 64 and 65, shall not apply to—

(*a*) 3[land leased to or held by], any industrial or commercial undertaking (other than a Co-operative Society) which in the opinion of the State Government *bona fide* carries on any industrial or commercial operations and which is approved by the State Government;

(*b*) leases of land granted to any bodies or persons other than those mentioned in clause (*a*) for the cultivation of sugarcane or the growing of fruits or flowers or for the breeding of livestock;

(*c*) to lands held or leased by such co-operative societies as are approved in the prescribed manner by the State Government which have for their objects the improvement of the economic and social conditions of peasants or ensuring the full and efficient use of land for agriculture and allied pursuits.

(*2*) The State Government may by notification in the *Official Gazette* in this behalf direct that the provisions of the said sections shall not apply to a lease of land obtained by any person for growing any other class of agricultural produce to which it is satisfied that it will not be expedient in the public interest to apply the said provisions. Before the issue of such notification, the State Government shall direct an inquiry to be made by an officer authorised in this behalf by the State Government and shall give all persons who are likely to be affected by such notification, an opportunity to submit their objections.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), it shall be lawful for the State Government to direct, by notification in the *Official Gazette* that the leases 4[or lands, as the case may be,] to which the provisions of sub-sections (*1*) and (*2*) apply, shall be subject to such conditions as may be specified in the notification, in respect of—

(*a*) the duration of the lease;

(*b*) the improvements to be made on the land and the formation of co-operative farming societies for that purpose and financial assistance to such societies;

(*c*) the payment of land revenue, irrigation cess, local-fund cess and any other charges payable to the State Government or any local authority; or

(*d*) any other matter referred to in sections mentioned in sub-section (*1*).

43B. Reasonable rent of land to which section 43A Applies.— Notwithstanding any agreement, usage, decree or order of a court or any other authority, in the case of any land to which section 43A applies, the rent payable shall be reasonable rent as determined under the following clauses :—

(*1*) A landlord or a tenant of such land may make an application in writing to the Mamlatdar for the determination of the reasonable rent in respect of such land.

(*2*) On receipt of such application, the Mamlatdar shall give notice thereof to the other party to the lease and after holding an inquiry shall determine the reasonable rent.

(*3*) In determining the reasonable rent regard shall be had to the following factors :—

(*a*) profits of agriculture of similar lands in the locality,

(*b*) prices in the locality of the particular crop for the growing of which the land is leased,

(*c*) the improvements made in the land by the lessee or the landlord,

(*d*) the assessment payable in respect of land,

1 These figures and letters were inserted by Mah. 9 of 1961, s. 21.

2 The figures "34, 35" were deleted by Mah. 27 of 1961, s. 48, Second Schedule.

3 These words were substituted for the words "leases of land granted to, or for the benefit of" by Bom. 38 of 1957, s. 20(*1*).

4 These words were inserted by Bom. 38 of 1957, s. 20(*2*).

(*e*) the profits realised by the lessee on account of the lease of the land,

(*f*) profits earned by an industrial or commercial undertaking by the manufacture or sale of articles made out of the produce of the land leased,

(*g*) such other factors as may be prescribed.

(*4*) The reasonable rent determined by the Mamlatdar under clause (*2*) shall, with effect from 1[the date specified by the Mamlatdar] in that behalf, be deemed to be the rent fixed under the lease in lieu of the rent, if any, agreed between the parties.

CHAPTER III-B

SPECIAL PROVISIONS IN RESPECT OF AREAS WITHIN THE LIMITS OF A MUNICIPALITY OR A CANTONMENT

43-C. Certain provisions not to apply to municipal or cantonment areas.—2[Nothing in sections 31] to 32R (both inclusive) 3[,33A, 33B, 33C] and 43 shall apply to lands in the areas within the limits of—

(*a*) Greater Bombay,

(*b*) a municipal corporation constituted under Corporations Act, 1949 (Bom. LIX of 1949),

4the Bombay Provincial Municipal

(*c*) a municipal borough constituted under the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925),

(*d*) a municipal district constituted under the Bombay District Municipal Act, 1901 (Bom. III of 1901),

(*e*) a cantonment, or

(*f*) any area included in a Town Planning Scheme under the 5Bombay Town Planning Act, 1954 (Bom. XXVIII of 1955):

Provided that, if any person has acquired any right as a tenant under this Act on or after the 28th December 1948, the said right shall not be deemed to have been affected by the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1952 (Bom. XXXIII of 1952), or 6[* *] by the Amending Act, 1955, notwithstanding the fact that either of the said Acts has been made applicable to the area in which such land is situate.

7**43-D.** [*Termination of tenancy.*] *Deleted by Mah. 10 of 1977, s. 3.*

CHAPTER IV

MANAGEMENT OF ESTATES HELD BY LAND HOLDERS

44. Powers to assume management of land-holder's estate.— Notwithstanding any law for the time being in force, usage or custom or the terms of contract or grant, when the [8][State] Government is

1 These words were substituted for the words "the date of the order of the Collector made" by Bom. 38 of 1957, s. 21. 2 These words and figures were substituted for the words and figures "Nothing in section 32" by Mah. 10 of 1977, s. 2(*1*). 3 These figures and letters were inserted by Mah. 9 of 1961, s. 22.

4 The short title of the Act has been amended as "Maharashtra Municipal Corporations Act" by Mah. 23 of 2012, s. 4. 5 *See* now the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966).

6 The brackets, words, figures and letter "(save as expressly provided in section 43D)," were deleted by Mah. 10 of 1977, s. 2(*2*).

7 Section 6 of Mah. 10 of 1977 reads as follows :—

"**6. Savings.—** Notwithstanding the deletion of section 43D of the Bombay Tenancy Act and of section 61 of the Vidarbha Tenancy Act, where proceedings for termination of tenancies are pending before the appropriate authority under any such Act and the landlord has taken possession of the land on or before the date of introduction of the Maharashtra Tenancy Laws, and the Maharashtra Regional and Town Planning (Amendment) Bill, 1976 (L. A. No. XXXIX of 1976), in the Maharashtra Legislative Assembly, then such proceedings shall be continued and disposed of by such authority, as if, this Act had not been passed, in all other cases, notwithstanding any judgment, decree or order of any court, tribunal or authority, such pending proceedings shall abate, and the tenant shall continue to hold the land in accordance with the provisions of the Bombay Tenancy Act, or as the case may be, the Vidarbha Tenancy Act.".

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

satisfied that on account of the neglect of a land holder or disputes between him and his tenants, the cultivation of his estate has seriously suffered, or when it appear to the [1][State] Government that it is necessary [2][for the said purpose or for the purpose of] ensuring the full and efficient use of land for agriculture to assume management of any landholder's estate, notification announcing such intention shall be published in the *Official Gazette*, and the Collector shall cause notice of the substance of such notification to be given at convenient places in the locality where the estate is situated. Such notification shall be conclusive.

45. Vesting of estate in management.—[3][(*1*)] On the publication of the notification under section 44, the estate in respect of which the notification has been published shall, so long as the management continues, vest in the [4][State] Government. Such management shall be deemed to commence from the date on which the notification is published and the [5][State] Government shall appoint a Manager to be in charge of such estate.

[6][(*2*) Notwithstanding the vesting of the estate in the State Government under sub-section (*1*), the tenant holding the lands on lease comprised in the estate shall, save as otherwise provided in this Chapter, continue to have the same right and shall be subject to the same obligations, as they have or are subject under the preceding Chapter in respect of the lands held by them on lease.]

46. Effect of declaration of management.— On the publication of the notification under section 44, the following consequences shall ensue :—

(*1*) All proceedings then pending in any Civil Court in respect to the debts and liabilities enforceable against the estate shall be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended;

(*2*) So long as the management continues no fresh proceedings, processes, executions or attachments shall be instituted in or issued, enforced or executed by any Civil Court in respect of such debts and liabilities;

(*3*) So long as the management continues the holder of the estate shall be incompetent—

(*a*) to enter into any contract involving the estate in pecuniary liability,

(*b*) to mortgage, charge, lease or alienate the property under management or any part thereof, or

(*c*) to grant valid receipts for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this section shall be deemed to preclude the Manager from letting and the holder from taking the whole or a part of such estate on such terms consistent with this Act as may be agreed upon between the parties;

(*4*) So long as the management continues, no person other than the Manager shall be competent to mortgage, charge, lease or alienate such estate or any part thereof.

47. Manager's powers.— (*1*) The Manager shall during the management of the estate have all the powers which the holder thereof might as such have exercised and shall receive and recover all rents and profits due in respect of the property under management.

(*2*) For the purposes of recovering such rents and profits the Manager shall have, in addition to any powers possessed by the holder, all the powers possessed by the Collector under the law for the time being in force for securing and recovering land revenue due to Government.

48. Manager to pay costs of management, etc.— (*1*) From the sums received or recovered under section 47, the Manager shall pay,—

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These words were substituted for the words "for the purpose of improving the economic and social conditions of peasants or" by Bom. 33 of 1952, s. 11.

3 Section 45 was renumbered as sub-section (*1*) of the said section by Bom. 33 of 1952, s. 12.

4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

6 Sub-section (*2*) was added by Bom. 33 of 1952, s. 12.

(*i*) the costs of management including the costs of necessary repairs;

(*ii*) the Government revenue and all debts and liabilities for the time being due or incurred to the 1[Government] in respect of the property under management;

(*iii*) the rent, if any, due to any superior holder in respect of the said estate;

(*iv*) such periodical allowance as the Collector may from time to time fix for the maintenance and other expenses of the holder and of such members of his family as the Collector directs;

(*v*) the costs of such improvements of the said estate as he thinks necessary and as approved by the Collector.

(*2*) The residue shall be retained by the Manager for the liquidation in the manner hereinafter provided, of the debts and liabilities other than those mentioned in sub-section (*1*) and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the Manager under this Act. The balance, if any, shall be paid to the holder.

49. Notice to claimants.— On the publication of the order of management, the Manager shall publish in the *Official Gazette* a notice calling upon all persons having claims against the estate under management to notify the same in writing to such Manager within two months from the date of the publication. He shall also cause copies of such notice to be exhibited at such several places as he thinks fit.

50. Claim to contain full particulars.— (*1*) Every such claimant shall, along with his claim, present full particulars thereof.

(*2*) Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

(*3*) If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

(*4*) If any document in possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

51. Claim not duly notified to be barred.— Every such claim other than the claim of the 1[Government]not informed to the Manager within the time and in the manner required by such notice

shall, except as provided hereinafter, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that when proof is made to the Manager that the claimant was unable to comply with the provisions of section 49, the Manager may receive such claim within the further period of two months from the expiration of the original period of two months.

52. Determination of debts and liabilities.— The Manager shall inquire into the history and merits of every claim received under preceding section and shall in accordance with the rules to be made under this Act determine the amount of the debts and liabilities, if any, justly due to the several claimants.

53. Power to rank debts and fix interest.— If such amount cannot be paid at once, the Manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest, if any, to be paid thereon, respectively from the date of the final decision thereon, to the date of the payment and discharge thereof.

54. Scheme for liquidation.— When the total amount of the debts and liabilities including those due and incurred to the 2[Government] has been finally determined, the Manager shall prepare and submit to the Collector a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the

1 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950. 2 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

55. Provisions of scheme.—Every liquidation scheme shall further provide for the continuance of the payments to be made by the Manager and for the repayment of money, if any, which the Manager proposes to borrow from Government under this Act and may provide for the improvement of the estate under management either from the said income or with the aid of the funds raised as aforesaid or partly in one of such ways and partly in the other.

56. Effects of sanctioning scheme.— When the Collector sanctions the liquidation-scheme, he shall notify the fact of such sanction at such place and in such manner as the 1[State] Government may from time to time by rule direct; and thereupon—

(*i*) all proceedings, processes, executions and attachments stayed or suspended under section 46 shall be forever barred;

(*ii*) every debt or liability due or owning to any person which was provable before the Manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount, if any, finally awarded to him under the preceding sections in respect of such debt or liability.

57. Power to remove mortgagee in possession.— (*1*) If the estate under management or any part thereof be in the possession of a mortgagee or conditional vendee, the Manager, at any time after the liquidation scheme has been sanctioned as aforesaid, may by an order in writing require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue year.

(*2*) If such incumbrancer refuses or neglects to obey such order, the Manager may without resorting to a Civil Court enter upon the property and summarily evict therefrom the said incumbrancer or any other person obstructing or resisting on his behalf.

(*3*) Nothing in this section shall be held to affect the right of any incumbrancer to receive under the liquidation scheme the amount, if any, awarded to him under this Act.

58. Power to sell or lease.—Subject to the rules made under this Act, the Manager after the liquidation scheme has been sanctioned as aforesaid, shall have power to sell or grant on lease all or any part of the estate under the management:

Provided that the estate or any part thereof shall not be sold or leased for a period exceeding ten years without the previous permission of the Collector:

Provided further that the Collector shall not give such permission unless he is satisfied that such sale or lease is necessary for the benefit of the estate [2][or unless such sale is in favour of [3][a tenant under section32, 32F, 32I or 32-O].] The decision of the Collector shall be final.

59. Manager's receipt a discharge.—The Manager's receipts for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom or from being concerned to see to the application thereof.

60. Holder of estate dying.—(*1*) If the holder of the estate dies after the publication of the order of management, the management shall continue and proceed in all respects as if the holder were still living.

(*2*) Any person succeeding to the whole or any part of the estate under management shall, while such management continues, be subject in respect of such estate to the disabilities imposed under this Act.

(*3*) No Civil Court shall, during the continuance of the management, issue any attachment or other process against any portion of the estate under management for or in respect of any debt or liability incurred by any such person either before or after his said succession.

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These words and figures were inserted by Bom. 33 of 1952, s. 13.

3 These words, figures and letters were substituted for the words and figures "a protected tenant under section 32" by Bom. 13 of 1956, s. 31.

61. Termination of management.— The [1][State] Government, when it is of opinion that it is not necessary to continue the management of the estate, by order published in the *Official Gazette*, direct that the said management shall be terminated. On the termination of the said management, the estate shall be delivered into the possession of the holder, or, if he is dead, of any person entitled to the said estate together with any balances which may be due to the credit of the said holder. All acts done or purporting to be done by the Manager during the continuance of the management of the estate shall be binding on the holder or to any person to whom the possession of the estate has been delivered.

62. Manager deemed to be public servant.—The Manager appointed under this Chapter shall be deemed to be a public servant under section 21 of the Indian Penal Code (XLV of 1860).

CHAPTER V

RESTRICTIONS ON TRANSFERS OF AGRICULTURAL LANDS,MANAGEMENT OF UNCULTIVATED LANDS AND ACQUISITION OF ESTATES AND LANDS

63. Transfers to non-agriculturists barred.— (*1*) Save as provided in this Act,—

(*a*) no sale (including sales in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift, exchange or lease of any land or interest therein, or

(*b*) no mortgage of any land or interest therein, in which the possession of the mortgaged property is delivered to the mortgagee,

shall be valid in favour of a person who is not an agriculturist [2][or who being an agriculturist [3][will, after such sale, gift, exchange, lease or mortgage, hold land exceeding two-thirds of the ceiling area determined under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961)] or who is not an agricultural labourer]:

Provided that the Collector or an officer authorised by the [4][State] Government in this behalf may grant permission for such sale, gift, exchange, lease or mortgage, on such conditions as may be prescribed.

[5][*Explanation*.— For the purpose of this sub-section, the expression "agriculturist" shall include any person and his heirs whose land has been acquired for a public purpose and who as a result of such acquisition has been rendered landless from the date of such acquisition.]

[6][(*1A*) Where any condition subject to which permission to transfer was granted is contravened, then the land in respect of which such permission was granted shall be liable to be forfeited in accordance with the provisions of section 84CC.

(*1B*) Where permission is granted to any transfer of land under sub-section (*1*) any subsequent transfer of such land shall also be subject to the provisions of sub-section (*1*).]

[7][(*1C*) Nothing in sub-section (*1*) shall apply to the land situated within the limits of a Municipal Corporation or a Municipal Council, or within the jurisdiction of a Special Planning Authority or a New Town Development Authority appointed or constituted under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force, and also to any land allocated to residential, commercial, industrial or any other non-agricultural use in the draft or final Regional plan or Town Planning Scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force:

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These words were inserted by Bom. 13 of 1956, s. 32(*1*).

3 These words, brackets and figures were substituted for the words "cultivate personally land not less than the ceiling area whether as an owner or tenant or partly as owner and partly as tenant" by Mah. 27 of 1961, s. 48, Second Schedule. 4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5 This Explanation was substituted by. Mah. 10 of 2014, s. 2.

6 Sub-sections (*1A*) and (*1B*) were inserted by Mah. 8 of 1963, s. 5.

7 Sub-section (*1C*) was inserted by Mah. 1 of 2016, s. 2.

Provided that, any transfer of land in favour of a person who is not an agriculturist for any non-agricultural use such as residential, commercial, industrial or any other non-agricultural use, shall be subject to the condition that such land shall be put to such non-agricultural use within a period of five years from the date of transfer, and due entry of such condition shall be made in the Record of Rights of such land:

Provided further that, in respect of land transferred for any non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value shall be calculated as per the Annual Statement of Rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time:

Provided also that, if the transferee, including subsequent transferee, if any, fails to put the land to non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, within a period of five years or, where non-utilization charges as aforesaid have been paid, within the total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting transferee, and the land so resumed by the Collector shall vest in the Government free from all encumbrances, and shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such original land holder before its transfer for such non-agricultural use and at the same price at which it had been transferred by the original land holder for such non-agricultural use:

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be; and in both the cases, the defaulting transferee shall only be entitled to compensation equal to the price at which such land had been purchased by him and the Collector shall remit such compensation to the defaulting transferee within a period of ninety days from the date of receipt of payment under the said auction:

Provided also that, if a person who is not an agriculturist fails to utilize the said land for the non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, fully or partly, and wants to sell the same subsequently before the expiry of the total specified period of ten years, he may, subject to the payment of non-utilization charges specified in the second proviso, be permitted by the Collector to do so for any non-agricultural use permissible in the draft or final Development plan or Regional plan or Town Planning Scheme, as the case may be, for the remaining period out of the specified period of ten years, from the date of first transfer of the said land for such non-agricultural use, subject to the condition that the transferee shall have to deposit transfer charges at the rate of twenty-five per cent, of the market value of such land as per current Annual Statement of Rates.]

(*2*) Nothing in this section shall be deemed to prohibit the sale, gift, exchange or lease of a dwelling house or the site thereof or any land appurtenant to it in favour of an agricultural labourer or an artisan [1][or a person carrying on any allied pursuit].

[2][(*3*) Nothing in this section shall apply or be deemed to have applied to a mortgage of any land or interest therein effected in favour of a co-operative society as security for the loan advanced by such society [3][or any transfer declared to be a mortgage by a court under section 24 of the [4]Bombay Agricultural Debtor's Relief Act, 1947 (Bom. XXVIII of 1947).]]

[5][(*4*) Nothing in section 63A shall apply to any sale made under sub-section (*1*).]

1 These words were inserted by Bom. 13 of 1956, s. 32(*2*).

2 This sub-section was added by Bom. 12 of 1951, s. 6.

3 These words and figures were inserted by Bom. 13 of 1956, s. 32(*3*).

4 Now, the short title of the Act, has been amended as "the Maharashtra Agricultural Debtor's Relief Act (XLIII of 1947)" by Mah. 24 of 2012, Sections 2 and 3, Schedule, entry 26, *w.e.f.* 1st May 1960.

5 This sub-section was added by Bom. 13 of 1956, s. 32(*4*).

[1]**[63-IA. Transfer to non-agriculturist for *bona-fide* industrial use.—** (*1*) Notwithstanding anything contained in section 63, it shall be lawful for a person to sell land, without permission of the Collector, to any person who is or is not an agriculturist and who intends to convert the same to a *bona fide* industrial use [2][or for Integrated Township Projects, as the case may be,] where such land is located within,—

[3][(*i*) the agricultural zone of a draft or final regional plan or draft or final town planning scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force, and plans or schemes and the development control regulations or rules framed under such Act or any of such laws for the time being in force permit industrial use of land; or]

(*ii*) the area where no such plan or scheme as aforesaid exists [4][or];

[5][(*iii*) the area taken over by a private developer for development [6][of an Integrated township project]:

[7][[8][Provided that, where such purchase of land is for *bona fide* industrial use, it shall be subject to the condition that such land shall be put to *bona fide* industrial use within a period of five years from the date of purchase:

Provided further that, after the expiry of the aforesaid period of five years, an extension of time not exceeding further five years may be granted by the Collector on payment of non-utilization charges at the rate of two per cent. of the market value of such land per annum, where such market value is calculated as per the Annual Statement or Rates published under the [9][Maharashtra] Stamp (Determination of True Market Value of Property) Rules, 1995, as applicable on the date of grant of such extension of time:

Provided also that, if the purchaser fails to put the land to *bona fide* industrial use within a period of five years or, where non-utilization charges as aforesaid have been paid, within a total period of ten years, then the Collector shall resume such land after giving one month's notice to the said defaulting purchaser, and the land so resumed by the Collect ent, free from all encumbrances, and

shall first be offered to the original land holder by way of grant, on the same tenure on which it was initially held by such land holder before its sale for such *bona fide* industrial use and at the same price at which it had been sold by the original land holder for such *bona fide* industrial use:

Provided also that, if the original land holder fails to accept the offer to purchase the said land within a period of ninety days from the date of receipt of such offer from the Collector or having accepted such offer, fails to deposit with the Collector the required amount within a further period of ninety days, such land shall be auctioned for any use consistent with and permissible under the Development plan or Regional plan or Town Planning Scheme, as the case may be, if any, sanctioned under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force; and in both the cases, the defaulting purchaser shall only be entitled to compensation equal to the price at which such land had been purchased by him, and the Collector shall remit such compensation to the defaulting purchaser within a period of ninety days from the date of receipt of payment under the said auction:]

Provided also that, the purchaser who fails to put the land to *bona-fide* industrial use within five years from the date of the purchase, and is on the date of coming into force of the Maharashtra Tenancy and Agricultural Lands Laws (Amendment) Act, 2004 (Mah. XXV of 2005),holding such land without having been put to the *bona-fide* industrial use, shall be permitted to put such land to the *bona-fide*

1 This section was inserted by Mah. 28 of 1994, s. 2.

2 These words were substituted for the words "or for special township projects, as the case may be," by Mah. 1 of 2016, s. 3(*I*)(*a*).

3 Clause (*i*) was substituted by Mah. 1 of 2016, s. 3(*I*)(*b*).

4 This word was added by Mah. 25 of 2005, s. 2(*a*)(*ii*).

5 Clause (*iii*) was inserted by Mah. 25 of 2005, s. 2(*a*)(*iii*).

6 These words were substituted for the words "of a special township project" by Mah. 1 of 2016, s. 3(*I*)(*c*).

7 These provisos were substituted by Mah. 25 of 2005, s. 2(*a*)(*iv*).

8 These provisos were substituted by Mah. 1 of 2016, s. 3(*I*)(*d*).

9 This word was substituted for the word 'Bombay' by Mah. LVI of 2018, s. 2(*1*).

industrial use within the remaining period from the total period of fifteen years, subject to the condition that,—

(*a*) In the land purchased under sub-section (*1*) was held by the seller as the Occupant Class-II, such purchaser land holder shall pay an additional amount equal to 48 per cent. of the price for which it was originally purchased and three times of an annual assessment of non-agricultural tax payable under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) as a non-utilisation tax per year;

(*b*) if the land purchased under sub-section (*1*) was held by the seller as the Occupant Class-I, such purchaser land holder shall pay an amount equal to three times of an annual-assessment of the non-agricultural tax payable under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) as a non-utilisation tax per year:

Provided also that, the provisions of this sub-section shall not apply to the areas notified as the Eco-sensitive zone by the Government of India:]

Provided also that, where the land being sold is owned by a person belonging to the Scheduled Tribe, such sale of land shall be subject to the provisions of sections 36 and 36A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah. XIV of 1975).]

(*2*) If, the land being purchased under sub-section (*1*) is held by Occupant-Class II, the purchaser shall pay to the Collector, an amount equal to 1[two per cent. of the purchase price, in case the purchase of land is *bona-fide* industrial use and fifty per cent. of the purchase if the purchase of land is 2[for Integrated township project] within 3[ninety days] of the execution of the sale deed irrespective of the tenure of such land. This payment shall be in lieu of any *nazarana* or such other charges which may otherwise be payable by such Occupant-Class II by or under the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966). In addition, the purchaser non-agricultural assessment as may be

levied by the Collector under sections 67 and115 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966):

4[Provided that, if such purchaser fails to deposit such amount within 5[ninety days] then such purchaser shall pay to the Government an amount equal to seventy five per cent. of the purchase price or the market value of the land as per the Annual Statement of Rates of that year, whichever is higher.]

6[*Explanation*.— While computing the period of ninety days, the period, if any, spent in ascertaining from the office of the Collector the amount to be paid under this sub-section, the Head of account in which it is to be paid or issuing a Challan for that purpose shall be excluded.]

(*3*) The person purchasing the land under sub-section (*1*) for conversion thereof for a *bona fide* industrial use, 7[or for Integrated Township Project, as the case may be, shall] give intimation of the date, on which the change of user of the land commenced, within thirty days from such date, to the Collector.

(*4*) If the person fails to inform the Collector within the period specified in sub-section (*3*), he shall be liable to pay in addition to the non-agricultural assessment which may be leviable by or under the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) such penalty not exceeding twenty times the amount of non-agricultural assessment as the Collector may, subject to the rules, if any, made by the State Government in this behalf, direct.

8[(*5*) if the person purchasing the land under sub-section (*1*) for conversion thereof for a *bona fide* industrial use, fails to utilize the said land for *bona fide* industrial use, fully or partly, and wants to sell the same before the expiry of the total specified period of ten years, he may, subject to the payment

1 These words were substituted for the words "two per cent. of the purchase price" by Mah. 25 of 2005, s. 2(*b*). 2 These words were substituted for the words "for special township project" by Mah. 1 of 2016, s. 3(*ii*)(*a*).

3 These words were substituted for the words "one month" by Mah. 56 of 2018, s. 2(*a*).

4 This proviso was added by Mah. 1 of 2016, s. 3(*II*)(*b*).

5 These words were substituted for the words "one month" by Mah. 56 of 2018, s. 2(*a*).

6 This *explanation* was added by Mah. 56 of 2018, s. 2(*b*).

7 These words were substituted for the words "or for special township project, as the case may be," by Mah. 1 of 2016, s. 3(*III*).

8 Sub-section (*5*) was added by Mah. 1 of 2016, s. 3(*IV*).

of non-utilization charges specified in the second proviso to sub-section (*1*), be permitted by the Collector to do so for the remaining period out of the specified period of ten years from the date of original purchase, subject to the following conditions, namely :—

(*i*) where the said land is to be sold for *bona fide* industrial use, the transferor shall have to deposit with the Collector the transfer charges at the rate of twenty-five per cent. of the market value of such land as per the current Annual Statement of Rates;

(*ii*) where the said land is to be sold for any non-agricultural purpose other than the *bona fide* industrial use, which is consistent with the draft or final Development plan or Regional plan or Town Planning Scheme, if any, made under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force, the transferor shall have to deposit with Collector conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates and in case of Occupant Class-II land, and additional amount equal to forty-eight per cent. of the price at which such land was originally purchased, in lieu of the *nazarana.*]

Explanation.— For the purposes of this section,—

(*a*) the expression "*bona fide* industrial use" means the activity of manufacture, preservation of processing of goods, or any handicraft, or industrial business or enterprise, carried on by any person, 1[or the activity of tourism within the areas notified by the State Government as the tourist place or hill station,] and shall include construction of industrial buildings used for the manufacturing process or purpose, or 2[power projects and ancillary industrial usage like research and development unit pertaining to *bona fide* industrial use, godown, canteen, office building of the industry concerned], or providing housing accommodation stry concerned, or establishment of an

industrial estate including a co-operative industrial estate, service industry, cottage industry, *gramodyog* units or *gramodyog vasahats*.

3[(*aa*) "Integrated Township Project" means the Integrated Township Project or projects under the Regulations framed for Development of Integrated Township by the Government under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any other law for the time being in force.]

(*b*) "Scheduled Tribes" means such tribes or tribal communities orparts of, or groups within, such tribes or tribal communities as aredeemed to be Scheduled Tribes in relation to the State of Maharashtraunder article 342 of the Constitution of India and persons, who belongto the tribes or tribal communities, or parts of, or groups within, tribesor tribal communities specified in Part IX of the Schedule to the Ordermade under the said article 342, but who are not resident in the localities specified in that order who nevertheless need the protectionof this section (and it is hereby declared that they do need suchprotection) shall, for the purposes of this section, be treated in the same manner as members of the Scheduled Tribes.]

4[(*6*) if a person purchasing the land under sub-section (*1*) for conversion thereof for a *bona-fide* industrial use, fails to utilize the said land for *bona-fide* industrial purpose, fully or partly, and intends to utilize the same, before the expiry of the total specified period of ten years, for any alternative non-agricultural purpose other than the *bona-fide* industrial use, which is consistent with the draft or final Development plan or Regional Plan, if any, made under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) so as to put such land to the intended alternative use within the remaining period out of the specified period of ten years from the date of original purchase, he may be permitted by the Collector to do so subject to payment of,—

(*i*) non-utilization charges specified in second proviso to sub-section (*1*);

1 These words were inserted by Mah. 25 of 2005, s. (*2*)(*d*)(*I*).

2 These words were substituted for the words "power projects and ancillary industrial usage like research and development, godown, canteen, office building of the industry concerned" by Mah. 1 of 2016, s. 3(*V*)(*i*).

3 Clause (*aa*) was substituted by Mah. 1 of 2016, s. 3(*V*)(*ii*).

4 This sub-section was added by Mah. 56 of 2018, s. 3.

(*ii*) conversion charges equal to fifty per cent. of the market value of such land as per the current Annual Statement of Rates published under the Maharashtra Stamp (Determination of True Market Value of Property Rules, 1995; and

(*iii*) in case of Occupant-Class II lands, an additional amount equal to forty eight per cent. of the price at which such land was originally purchased, in lieu of the *nazrana* payable to the Government.]

1**[63A. Reasonable price of land for the purpose of its sale and purchase.—** (*1*) Except as otherwise expressly provided in this Act, the price of any land sold or purchased under the provisions of this Act shall consist of the following amounts, namely :—

(*a*) an amount not being less than 20 times the assessment leviedor leviable in respect of the land and not being more than 200 timessuch assessment excluding, however, for the purpose of calculation,the amount of water rate, if any, levied under section 55 of theBombay Land Revenue Code, 1879 (Bom. V of 1879) and included in such assessment;

(*b*) the value of any structures, wells and embankments,constructed, permanent fixtures made and trees planted on the land.

(*2*) Where under the provisions of this Act any land is sold orpurchased by mutual agreement, such agreement shall be registeredbefore the Mamlatdar, and the price of the land shall, subject to thelimits specified in sub-section (*1*), be such as may be mutually agreedupon by the parties. In the case of disagreement between the parties,the price shall be determined by the Tribunal having regard to the factors mentioned in this section.

(*3*) Where in the case of a sale or purchase of any land under thisAct, the Tribunal or the Mamlatdar has to fix the price of such landunder this Act, the Tribunal or the Mamlatdar, as the case may be,shall, subject to the quantum specified in sub-section (*1*), fix the pricehaving regard to the following factors, namely :—

(*a*) the rental values of lands used for similar purposes in the locality;

(*b*) the structures and wells constructed and permanent fixtures made and trees planted, on the land by the landlord or tenant;

(*c*) the profits of agriculture of similar lands in the locality;

(*d*) the prices of crops and commodities in the locality;

(*e*) the improvements made in the land by the landlord or the tenant;

(*f*) the assessment payable in respect of the land; and

(*g*) such other factors as may be prescribed.]

2[*Explanation*.— For the purpose of this section the expression'assessment' shall have the meaning assigned to it in section 8.]

3**[64. Sale of agricultural land to particular person.—** (*1*) Where a landlord intends to sell any land, he shall applyto the Tribunal for determining the reasonable price thereof. TheTribunal shall thereupon determine the reasonable price of the landin accordance with the provisions of section 63A. The Tribunal shallalso direct that the price shall be payable either in lump sum, or inannual instalments not exceeding six carrying simple interest at 4½per cent. per annum:

Provided that, in the case of sale of the land in favour of a permanenttenant when he is in possession thereof, the price shall be at six timesthe annual rent.

(*2*) After the Tribunal has determined the reasonable price, thelandlord shall simultaneously in the prescribed manner make an offer—

(*a*) in the case of agricultural land—

1 These section was inserted by Bom. 13 of 1956, s. 33.

2 This *Explanation* was added by Bom. 15 of 1957, s. 12.

3 This section was substituted for the original by Bom. 13 of 1956, s. 34.

(*i*) to the tenant in actual possession thereof, notwithstandingthe fact that such land is a fragment; and

(*ii*) to all persons and bodies mentioned in the priority list ;

(*b*) in the case of a dwelling house, or a site of a dwelling houseor land appurtenant to such house when such dwelling house, siteor land is not used or is not necessary to carry on agricultural operations in the adjoining lands—

(*i*) to the tenant thereof;

(*ii*) to the person residing in the village who is not in possessionof any dwelling house:

Provided that if there are more than one such person the offershall be made to such person or persons and in such order ofpriority as the Collector may determine in this behalf havingregard to the needs of the following persons, namely :—

(*i*) an agricultural labourer,

(*ii*) a artisan,

(*iii*) a person carrying on an allied pursuit,

(*iv*) any other person in the village.

(*3*) The persons to whom such offers are made shall intimate to thelandlord within one month from the date of receipt of the offer whetherthey are willing to purchase the land at the price fixed by the Tribunal.

(*4*) (*a*) If only one person intimates to the landlord undersub-section (*3*) his willingness to accept the offer made to him by thelandlord under sub-section (*2*), the landlord shall call upon such personby a notice in writing in the prescribed form to pay him the amount ofthe reasonable price determined by the Tribunal or to deposit the samewith the Tribunal within one month or such further period as the landlord may consider reasonable from the date of receipt of the noticeby such person.

(*b*) If more than one person intimate to the landlord under sub-section (*3*) their willingness to accept the offers made to them by thelandlord under sub-section (*2*), the landlord shall call upon by a noticein writing in the prescribed form the person having the highest priorityin the order of priority given in sub-section (*2*) to pay him the amountof the reasonable price determined by the Tribunal or to deposit the same with the Tribunal within one month or such further period asthe landlord may consider reasonable from the date of receipt of thenotice by such person.

(*5*) If the person to whom a notice is given by the landlord undersub-section (*4*) fails to pay the amount of the reasonable price to thelandlord or to deposit the same with the Tribunal within the period referred to in sub-section (*4*) such person shall be deemed to be notwilling to purchase the land and the landlord shall call upon in themanner provided in sub-section (*4*) the person who stands next highestin the order of priority and who has intimated his willingness to thelandlord under sub-section (*3*).

(*6*) If any dispute arises under this section regarding—

(*a*) the offer made by the landlord under sub-section (*2*), or

(*b*) the notice given by the landlord under sub-section (*4*) or (*5*), or

(*c*) the payment or deposit of the reasonable price, or

(*d*) the execution of the sale-deed,

such dispute shall be decided by the Tribunal.

(*7*) (*a*) Notwithstanding anything contained in the foregoingprovisions of this section, a landlord may after obtaining the previouspermission of the Tribunal as provided in the next succeeding clause (*b*)sell any land notwithstanding the fact that such land is a fragment tothe tenant in actual possession thereof at a price mutually agreed uponbetween him and the tenant subject to the provisions of section 63A.

(*b*) The landlord shall make an application in writing to the Tribunalfor permission to sell the land at such price. On receipt of the application,the Tribunal shall grant the permission if, on holding an inquiry, it issatisfied that the price has been agreed to voluntarily by the tenant.

(*8*) Any sale made in contravention of this section shall be invalid.

(*9*) If a tenant refuses or fails to purchase the land or a dwellinghouse offered to him under this section and the land or the dwellinghouse, as the case may be, is sold to any other person under this section,the landlord shall be entitled to evict such tenant and put the purchaserin possession.]

[1][**64A. Exemption to sales by or in favour of co-operative societies.—**Nothing in sections 63 and 64 shall apply to sales effectedby or in favour of a co-operative society under the [2]Bombay Co-operativeSocieties Act, 1925 (Bom. VII of 1925).]

65. Assumption of management of lands which remained uncultivated.— (*1*) If it appears to the [3][State] Government that for any two consecutive years, any land has remained uncultivated [4][or the full and efficient use of the land has not been made for the purpose of agriculture, through the default of the holder or any other cause whatsoever not beyond his control] the [5][State] Government may after making such inquiry as it thinks fit, declare that the management of such land shall be assumed. The declaration so made shall be conclusive.

(*2*) On the assumption of the management, such land shall vest in the [6][State] Government during the continuance of the management and the provisions of Chapter IV shall *mutatis mutandis* apply to the said land:

[7][Provided that the Manager may in suitable cases give such land on lease at rent even equal to the amount of its assessment:

Provided further that, if the Management of the land has beenassumed under sub-section (*1*) on account of the default of the tenant,such tenant shall cease to have any right or privilege under Chapter II or III, as the case may be, in respect of such land, with effect fromthe date on and from which such management has been assumed.]

66. Acquisition of estate or land under management or interest therein.— (*1*) If at any time it appears to the [8][State] Government that any estate or land, the management of which has been assumed under the provisions of this Act or the interest of any other person in such estate or land should in the public interest, be compulsorily acquired, it shall be lawful for the [9][State] Government to publish a notification to that effect in the *Official Gazette*. The notification so published shall be conclusive that the estate, land or interest is needed to be acquired in public interest.

(*2*) On the publication of the notification, the Collector shall causepublicity to be given to it at convenient places in the locality and alsogive notices to the holder of the estate, land or interest and to allpersons known or believed to be interested therein.

(*3*) The Collector shall then make an inquiry in the prescribedmanner to determine the value of the estate, land or interest whichhas been acquired. For the said purpose the Collector shall have thesame powers as are vested in courts, in respect of the following mattersunder the Code of Civil Procedure, 1908 (V of1908), in trying a suit :—

(*a*) proof of facts by affidavits;

1 This section was inserted by Bom. 12 of 1951, s. 7.

2 *See* now the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 These words were substituted for the words "through default of either the landlord or tenant or any other cause whatsoever" by Bom. 13 of 1956, s. 35(*1*).

5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 These provisos were substituted for the proviso by Bom. 13 of 1956, s. 35(*2*).

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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

(*c*) compelling the production of documents.

(*4*) In determining the value the Collector shall take intoconsideration—

(*a*) the assessment payable in respect of the estate or land;

(*b*) the profits of agriculture and cultivation of the estate or landand of similar estates and lands in the locality;

(*c*) the price of crops and commodities in the locality;

(*d*) exemption from assessment and other privileges enjoyed bythe holder and other persons interested in respect of the land, estateand interest;

(*e*) any other matter which may be prescribed.

(*5*) After determining the value of the estate, land or interest theCollector shall make an award which shall contain—

(*a*) the particulars of the estate, land or interest,

(*b*) the compensation which in his opinion should be allowed forthe land,

(*c*) the apportionment of the compensation among all personsknown, or believed to be interested.

(*6*) Such award shall be filed in the Collector's office and shall, exceptas hereinafter provided, be final and conclusive evidence as betweenthe Collector and persons interested whether they have respectivelyappeared before the Collector or not of all the particulars including areaand value of the estate, land or interest and the apportionment ofcompensation.

(*7*) When the Collector has made an award, the estate, land or interest therein shall vest in [1][Government] free from all incumbrances.

[CHAPTER V-A

CONSTRUCTION OF WATER COURSE THROUGH LAND OF ANOTHER]

Deleted by Mah. 41 of 1966, s. 334 (*Schedule K*).

CHAPTER VI

[2][PROCEDURE AND JURISDICTION OF TRIBUNAL,MAMLATDAR AND COLLECTOR;APPEALS AND REVISION]

[3]**[67. Tribunal.—** (*1*) For the purposes of this Act, there shall be a Tribunal,called the Agricultural Lands Tribunal for each taluka or mahal or forsuch area as the State Government may think fit:

[4][Provided that it shall be lawful for the State Government, bynotification in the *Official Gazette*, from time to time to alter the locallimits of the jurisdiction of the Tribunal or to abolish the Tribunal soconstituted or reconstitute the Tribunal for such area as may bespecified in the

1 This word was substituted for the word "Crown" by Adaptation of Laws Order, 1950.

2 This heading was substituted for the heading "Procedure and Jurisdiction of Tribunal and Mamlatdars and Appeals" by Mah. 39 of 1964, s. 2, Schedule.

3 Section 67 was substituted for the original by Bom. 63 of 1958, s. 8.

4 This proviso was added by Mah. 8 of 1963, s. 6. Section 10 of Mah. 8 of 1963 reads as under :—

"10. Validation of things done and action taken.— The amendments made to the principal Act by section 6 shall be deemed to have been made and to have come into force on the 11th day of July 1958; and notwithstanding the Judgement, decree or order of any Court or Tribunal, anything done or any action taken in the exercise or purported exercise of any powers or duties conferred or imposed under section 67 as amended by this Act, (including the abolition and reconstitution of Tribunals effected, or the alteration of local limits of jurisdiction of Tribunals, and any transfer of proceedings made) shall be deemed to have been validly and effectually done or taken under section 67 of the principal Act as amended by this Act, and accordingly, no suit or legal proceedings shall be entertained or continued in any Court or Tribunal on the ground only that the provisions of the said section as amended by this Act were not in force on the date when such things was done or action taken.".

notification; and in any case, to arrange for transfer ofproceeding pending before any Tribunal on the date of such alterationor reconstitution.]

(*2*) The State Government may appoint an officer not below the rankof a Mamlatdar to be the Tribunal and to exercise the powers andperform the duties and functions of the Tribunal under this Act intaluka or mahal or any other area referred to in sub-section (*1*):

Provided that the State Government may for any area constitute aTribunal consisting of not less than three members of whom—

(*a*) at least one shall be a person who is holding or has held a judicial office not lower in rank than that of a civil judge under the Bombay Civil Courts Act, 1869 (Bom. XIV of 1869), or who is qualified to practise as a lawyer in the State of [1][Maharashtra], and

(*b*) one shall be appointed to be the President of the Tribunal;

and the Tribunal so constituted shall exercise the powers and performthe duties and functions of the Tribunal under this Act.

Explanation.— In this section 'lawyer' means any person entitled to appear and plead for another in Court in the [2][Bombay area of the State of Maharashtra] and includes an advocate, a vakil and an attorney of the [3][High Court of Maharashtra].]

68. Duties of the Tribunal.— It shall be the duty of the Tribunal—

(*a*) to determine the value of the site of a dwelling house undersection 17;

[4][(*b*) to determine the purchase price of land under section 32G,63A or 64;

(*c*) to decide any dispute under sections 32 to 32R (both inclusive);]

[5][(*cc*) to dispose of land under section 32P;]

(*d*) to perform such other functions in carrying out the provisions of this Act, as may be prescribed or as may be directed by the [6][State] Government.

69. Powers of the Tribunal.— (*1*) The Tribunal shall have the same powers in makinginquiries under this Act as are vested in Courts in respect of thefollowing matters under the Code of Civil Procedure, 1908 (V of 1908), in trying asuit, namely :—

(*a*) proof of facts by affidavits;

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

(*c*) compelling the production of documents.

(*2*) The Tribunal shall have also such other powers as may beprescribed. The Tribunal shall have powers to award costs.

(*3*) The orders of the Tribunal shall be given effect to in the mannerprovided in section 73.

70. Duties of the Mamlatdar.— For the purposes of this Act, the following shall be the duties and functions to be performed by the Mamlatdar :—

(*a*) to decide whether a person is an agriculturist;

1 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation Laws (State and Concurrent Subjects) Order, 1960.

2 These words were substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories," by the Maharashtra Adaptation Laws (State and Concurrent subject) order, 1960.

3 These words were substituted for words "High Court of Bombay" by the Maharashtra Adaptation Laws (State and Concurrent subject) order, 1960.

4 These clauses were substituted for the original by Bom. 13 of 1956, s. 38.

5 Clause (*cc*) was inserted by Mah. 9 of 1961, s. 23.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*b*) to decide whether a [1][person is, or was at any time in the past, a tenant] or a protected tenant [2][or a permanent tenant;]

[3][(*c*) to determine the rates of rent under section 9;

(*d*) to decide dispute regarding class of land under section 9A;]

(*f*) to determine the amount of compensation under section 10 for the contravention of sections [4][8, 9, 9A and 9C];

[5][* *]

(*h*) to determine the amount to be refunded to a tenant under section 13(*5*);

(*i*) to determine the amount of compensation for trees to which a tenant is entitled under section 19;

(*j*) to determine any dispute regarding the right to produce of trees naturally growing under section 20;

(*k*) to determine the costs of repairing protective bunds under section 23;

[6][(*kk*) to hold an inquiry and restore possession of land under sub-section (*1B*) of section 32;]

(*l*) to sanction exchange of tenancies under section 33;

(*m*) to determine the amount of compensation payable to [7][* *] tenant for any improvement under section 41;

[8][(*ma*) to determine what is reasonable rent under section 43B;

(*mb*) to issue a certificate under section 84A, and to decide under section 84B or 84C whether a transfer or acquisition of land is invalid and to dispose of land as provided in section 84C;

(*mc*) to decide reference under section 85A;

(*md*) to decide any dispute under section 88 C;

[9][* * *]

(*n*) to take measures for putting the tenant or landlord or the agricultural labourer or artisan [10][or person carrying on as allied pursuit] into the possession of the land or dwelling house under this Act; [11][* *]

[12][* *]

(*o*) to decide such other matters as may be referred to him by orunder this Act.

71. Commencement of proceedings.— Save as expressly provided by or under this Act, all inquiries andother proceedings before the Mamlatdar or Tribunal shall be commencedby an application which shall contain the following particulars :—

(*a*) the name, age, profession and place of residence of theapplicant and the opponent;

1 These words were deemed always to have been substituted for the words "person is a tenant" by Mah. 49 of 1969, s. 2. Sch.
2 These words were inserted by Bom. 13 of 1956, s. 39(*i*).
3 These clauses were substituted for the original clauses (*c*), (*d*) and (*e*) by Bom. 13 of 1956, s. 39(*2*).
4 These figures, letters and words were substituted for the figures and word "6 to 9" by Bom. 13 of 1956, s. 39(*3*). 5 Clause (*g*) was deleted by Bom. 13 of 1956, s. 39(*4*).
6 Clause (*kk*) was inserted by Mah. 49 of 1969, s. 2, Sch.
7 The word "protected" was deleted by Bom. 13 of 1956, s. 39(*5*).
8 These clauses were inserted by 13 of 1956, s. 39(*6*).
9 Clause (*me*) was deleted by Mah. 9 of 1961, s. 24.
10 These words were inserted by Bom. 13 of 1956, s. 39(*7*).
11 The word "and" was deleted by Bom. 13 of 1956, s. 39(*7*).
12 Clause (*na*) was deleted by Mah. 41 of 1966, s. 334 (Schedule K).

(*b*) a short description and situation of the property of whichpossession is sought, or the amount of the claim, as the case may be;

(*c*) the circumstances out of which the cause of action arose;

(*d*) a list of the applicant's documents, if any, and of his witnesses,and whether such witnesses are to be summoned to attend orwhether the applicant will produce them on the day of the hearing;

(*e*) such other particulars as may be prescribed.

72. Procedure.— In all inquires and proceedings commenced on the presentation of applications under section 71 the Mamlatdar or the Tribunal shall exercise the same powers as the Manmlatdar's court under the Mamlatdar's Courts Act, 1906 (Bom. II of 1906), and shall [1][save as provided in section 29] follow the provisions of the said Act, as if the Mamlatdar or the Tribunal were a Mamlatdar's Court under the said Act and the application presented was a plaint presented under section 7 of the said Act. In regard to matters which are not provided for in the said Act, the Mamlatdar or the Tribunal shall follow the procedure as may be prescribed by the [2][State] Government. Every decision of the Mamlatdar or the Tribunal shall be recorded in the form of an order which shall state reasons for such decision.

[3][**72AA. Distribution of business amongst Mamlatdars.—** Where in any taluka or mahal, in addition to the Mamlatdar appointed under section 12 of the Bombay Land Revenue Code, 1879 (Bom.V of1879) or as the case may be, in addition to the Mahalkari appointed under section 13 of the said Code one or more officers are appointed by the State Government to perform the duties of a Mamlatdar under this

Act in such taluka or mahal, each such officer shall dispose of such inquires or proceedings commenced under section 71 as the Mamlatdar or as the case may be, the Mahalkari, subject to the control of the Collector, may by general or special order, refer to him.]

[4][72A. Power of Collector to transfer proceedings.—] The Collector may, after due notice to the parties, by orderin writing transfer any proceeding under this Act pending before aMamlatdar in his district from such Mamlatdar to any otherMamlatdar in his district and the Mamlatdar to whom the proceedingis so transferred shall thereupon exercise jurisdiction under this Actin such proceeding:

Provided that any order issued to village officers under sub-section(*2*) of section 73 shall be issued by the Mamlatdar to whom such villageofficers are subordinate.]

[5][72B. Application for possession of land made to different Mamlatdars to be heard by designated Mamlatdar.—] (*1*) If in the course of the hearing of an application forpossession of any land made by a landlord under section 29, theMamlatdar of one area finds that the landlord had made a similar application to the Mamlatdar of another area for possession of otherland held by him in that area, then the Mamlatdar shall refer the caseto the Collector if the other land is in the same district, and to the Divisional Officer if the other land is in another district, and to theState Government if the other land is in another division.

(*2*) On receipt of the reference the Collector or the Divisional Officer or the State Government, as the case may be, shall—

(*a*) call for the proceedings of the other application from theMamlatdar concerned;

(*b*) having regard, among other matters to the extent of the landof which possession is sought under the different applications,transfer all the applications and proceedings to one of the Mamlatdars for hearing and disposal; and

(*c*) give an intimation of the transfer to the Mamlatdars, thelandlord and the tenants concerned.

(*3*) The Mamlatdar to whom the applications are so transferred shallexercise jurisdiction in respect thereof under this Act:

1 These words and figures were inserted by Bom. 45 of 1951, s. 3.

2 This word substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 3 Section 72AA was inserted by Bom. 63 of 1958, s. 9.

4 This section was inserted by Bom. 12 of 1951, s. 8.

5 Sections 72B and 72C were inserted by Bom. 38 of 1957, s. 22.

Provided that any order to be issued to village officers undersub-section (*2*) of section 73 shall be issued by or through theMamlatdar to whom such village officers are subordinate.

72C. Designated Tribunal to conduct proceedings in respect of land held by the same tenant in different areas.— (*1*) If in the course of a proceeding under section 32G inrespect of any tenant, the Tribunal finds that such tenant holds as atenant other land outside its jurisdiction, then the Tribunal shall referthe case in the prescribed manner to the Collector if the other land isin the same district, and to the Divisional Officer, if the other land isin another district and to the State Government if the other land is inanother division.

(*2*) On receipt of the reference, the Collector or the DivisionalOfficer or the State Government, as the case may be, shall—

(*a*) call for the details of such land in the prescribed form fromthe Tribunal within whose jurisdiction the land is situate;

(*b*) taking into consideration the extent of land held by the tenantas tenant situate within the jurisdiction of different Tribunals, directthat the proceeding under sections 32G, 32H, 32I, 32K, 32L, 32M,32N and 32Q, in respect of all the lands held by the tenant as tenantshall be conducted and disposed of by the Tribunal designated forthe purpose, and transfer the case accordingly; and

(*c*) give an intimation of the transfer to the Tribunal, the landlordsand the tenant concerned.

(*3*) The Tribunal designated under sub-section (*2*) shall exercisejurisdiction under this Act in respect of all the said lands:

Provided that any order to be issued to village officers undersub-section (*2*) of section 73 shall be issued by or through theMamlatdar to whom such village officers are subordinate.]

73. Execution of order for payment of money or for restoring possession.— (*1*) Any sum the payment of which has been directed by anorder of the Mamlatdar or the Tribunal including an order awardingcosts shall be recoverable from the person ordered to pay the same asan arrear of land revenue.

(*2*) An order of the Mamlatdar or the Tribunal awarding possessionor restoring the possession or use of any land shall be executed in themanner provided in section 21 of the Mamlatdars' Courts Act, 1906 (Bom. II of 1906),as if it was the decision of the Mamlatdar under the said Act:

[1][Provided that such order shall not be executed till the expiry of the period of appeal [2][or, as the case may be, of application for revision as provided] in section 79.]

[3][(*3*) An order or decision of the Mamlatdar in execution proceedings conducted under sub-section (*2*), subject to appeal (if any) to the Collector, shall be final.]

[4]**[73A. Powers to Collector in inquiries under sub-section (*3A*) of section 29; provision as respects revision and execution of orders.—** (*1*) For the purposes of an inquiry under sub-section (*3A*) of section 29 the Collector shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908 (V of 1908), in trying a suit, namely :—

(*a*) proof of facts by affidavits,

(*b*) summoning and enforcing attendance of any person andexamining him on oath, and

(*c*) compelling the production of documents.

(*2*) The order of the Collector under sub-section (*3A*) of section 29shall, subject to revision under sub-section (*3*), be final.

(*3*) The State Government may, *suo motu* or on an application fromany person interested in the land, call for the record of any such inquiryfor the purpose of satisfying itself as to the legality or propriety of theorder passed by the Collector and pass such order thereon as it deems fit:

1 This proviso was added by Bom. 38 of 1957, s. 23.

2 These words were inserted by Mah. 9 of 1961, s. 25(*a*).

3 Sub-section (*3*) was inserted by Mah. 9 of 1961, s. 25(*b*).

4 This section was inserted by Mah. 39 of 1964, s. 2, Sch.

Provided that no such order shall be modified, annulled or reversed,unless an opportunity has been given to the interested parties to appearand to be heard.

(*4*) Every such order of the Collector or of the State Government inrevision awarding possession of any land shall be executed in themanner provided for the execution of the orders of the Mamlatdar or Tribunal under section 73.]

74. Appeals.— (*1*) An appeal against the orders of the Mamlatdar and theTribunal may be filed to the Collector in the following cases :—

(*a*) an order under section 4,

[1][* *]

[2][* *]

(*d*) an order under section 9,

[3][(*da*) an order under section 9A;]

(*e*) an order under section 10,

[4][* *]

(*g*) an order under section 13,

[5][(*ga*) an order under section 15,]

(*h*) an order under section 17,

(*i*) an order under section 19,

(*j*) an order under section 20,

(*k*) an order under section 23,

(*l*) an order under section 25,

(*m*) an order under section 29,

[6][(*m-1*) an order under sub-section (*1B*) of section 32,]

[7][* *]

[8][(*ma*) an order under sub-section (*2*) of section 32,]

[9][(*mb*) an order under section 31, 32F, 32G or 32P,]

[10][(*n*) an order under section 32K, 32M [11][,32MM] or 32Q,]

[12][(*na*) an order under section 33B,]

(*o*) an order under section 33,

[13][(*oo*) an order under sub-section (*5*) of section 34,]

(*p*) an order under section 37,

(*q*) an order under section 39,

1 Clause (*b*) was deleted by Bom. 38 of 1957, s. 24(*1*).
2 Clause (*c*) was deleted by Bom. 13 of 1956, s. 40(*1*).
3 This clause was inserted by Bom. 13 of 1956, s. 40(*2*).
4 Clause (*f*) was deleted by Bom. 13 of 1956, s. 40(*3*).
5 This clause was inserted by Bom. 38 of 1957, s. 24(*2*)
6 Clause (*m-1*) was inserted by Mah. 49 of 1969, s. 2, Sch.
7 Clause (*mm*) was deleted by Bom. 13 of 1956, s. 40(*4*).
8 This clause was inserted by Bom. l5 of 1957, s. 13.
9 Clause (*mb*) was inserted by Mah. 9 of 1961, s. 26(*1*).
10 This clause was substituted for the original by Bom. 13 of 1956, s. 40(*5*).
11 These figures and letters were inserted by Mah. 9 of 1961, s. 26(*ii*).
12 Clause (*na*) was inserted by Mah. 9 of 1961, s. 26(*iii*).
13 This clause was inserted by Bom. 38 of 1957, s. 24(*3*).

(*r*) an order under section 41, [1][* *]

[2][(*rr*) an order made pursuant to a notification issued under sub-section (*3*) of section 43A;]

[3][(*ra*) an order under section 43B;]

(*s*) an order under section 64,

[4][[5][* *]

(*u*) an order made under section 84A, 84B or 84C;

(*v*) an order under section 85A;

(*w*) an order under section 88C.]

(*2*) Save as otherwise provided in this Act, the provisions of ChapterXIII of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), shall apply to appealsto the Collector under this Act, as if the

Collector were the immediatesuperior of the Mamlatdar or the Tribunal. The Collector in appeal shall have power to award costs.

[6][74A. Powers of Collector to transfer and withdraw appeals.—** The Collector may, after due notice to the parties, by order in writing,—

(*a*) transfer any appeal pending before him or before anyAssistant or Deputy Collector subordinate to him to any Assistantor Deputy Collector specified in such order, performing the dutiesand exercising the powers of a Collector and upon such transfer theAssistant Collector or the Deputy Collector, as the case may be, shallhave power to hear and decide the appeal as if it was originally filedto him; or

(*b*) withdraw any appeal pending before any Assistant or DeputyCollector and himself hear and decide the same.]

75. Appeal against award of Collector.— (*1*) An appeal against the award of the Collector made under section 66 may be filed to the [7][Maharashtra Revenue Tribunal], notwithstanding anything contained in the [8]Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939).

(*2*) In deciding appeals under sub-section (*1*), the [9][Maharashtra Revenue Tribunal] shall exercise all the powers which a court has and [10][subject to the regulations framed by such Tribunal under the [11]Bombay Revenue Tribunal Act, 1939 (Bom. II of 1939),] 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 of1908).

76. Revision.—(*1*) Notwithstanding anything contained in the [12]Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), an application for revision may be made to the [13][Maharashtra Revenue Tribunal] constituted under the said Act against any order of the Collector on the following grounds only:—

(*a*) that the order of the Collector was contrary to law;

1 The word "and" was deleted by Bom. 13 of 1956, s. 40(*6*).
2 Clause (*rr*) was inserted by Bom. 63 of 1958, s. 10.
3 This clause was inserted by Bom. 13 of 1956, s. 40(*7*).
4 These clauses were added by Bom. 13 of 1956, s. 40(*8*).
5 Clause (*t*) was deleted by Mah. 41 of 1966, s. 334 (Schedule K).
6 Section 74A was substituted for the original by Bom. 33 of 1952, s. 15.
7 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
8 Now refer the Maharashtra Land Revenue Code, 1966 (Man. XLI of 1966).
9 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
10 This portion was inserted by Bom. 13 of 1956, s. 41.
11 Now refer the Maharashtra Land Revenue Code, 1966 (Man. XLI of 1966).
12 Now refer the Maharashtra Land Revenue Code, 1966 (Man. XLI of 1966).
13 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(*b*) that the Collector failed to determine some material issue oflaw; or

(*c*) that there was a substantial defect in following the procedureprovided by this Act, which has resulted in the miscarriage of justice.

(*2*) In deciding applications under this section the [1][Maharashtra Revenue Tribunal] shall follow the procedure which may be prescribed by rules made under this Act after consultation with the [2][Maharashtra Revenue Tribunal].

[3][76A.Revisional powers of Collector.—**Where no appeal has been filed within the period provided for it, the Collector may, *suo motu* or on a reference made in this behalf by the Divisional Officer or the State Government, at any time,—

(*a*) call for the record of any inquiry or the proceedings of anyMamlatdar or Tribunal for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of such Mamlatdar or Tribunal, as thecase may be, and

(*b*) pass such order thereon as he deems fit:

Provided that [4][no such record shall be called for after the expiry of one year from the date of such order and] no order of such Mamlatdar or Tribunal shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.]

77. Court-fees.—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of1870), every application or appeal made under this Act to the Mamlatdar, Tribunal, Collector or [5][Maharashtra Revenue Tribunal] shall bear a court-fee stamp of such value as may be prescribed.

78. Orders in appeal or revision.— (*1*) The Collector in appeal and the [6][Maharashtra Revenue Tribunal] in appeal under section 75 and in revision under section 76 may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(*2*) The orders of the Collector in appeal or of the [7][Maharashtra Revenue Tribunal] in appeal or revision shall be executed in the manner provided for the execution of the orders of the Mamlatdar and Tribunal under section 73.

79. Limitation.—Every appeal or application for revision under this Act shallbe filed within a period of sixty days from the date of the order of theMamlatdar, Tribunal or Collector, as the case may be. The provisionsof sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of1908), shall apply to the filling of such appeal or application for revision:

[8][Provided that, an appeal against an order passed by the Mamlatdar under section 31 or 32F or an order passed by the Tribunal under section 32G before the date of the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1960 (Mah.IX of1961), may be filed within a period of six months from the date of such commencement.]

80. Inquiries and proceedings to be judicial proceedings.—All inquiries and proceedings before the Mamlatdar, the Tribunal, the Collector and the [9][Maharashtra Revenue Tribunal] shall be deemed to

1 These words were substituted for the words “Bombay Revenue Tribunal” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 These words were substituted for the words “Bombay Revenue Tribunal” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 Section 76A was inserted by Bom. 38 of 1957, s. 25.

4 These words were inserted by Bom. 63 of 1958, s. 11.

5 These words were substituted for the words “Bombay Revenue Tribunal” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

6 These words were substituted for the words “Bombay Revenue Tribunal” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

7 These words were substituted for the words “Bombay Revenue Tribunal” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

8 This proviso was added by Mah. 9 of 1961, s. 27.

9 These words were substituted for the words “Bombay Revenue Tribunal” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

80A. [*Pleaders etc., excluded from appearance.*] *Deleted by Mah.8 of 1963, s. 7.*

CHAPTER VII

OFFENCES AND PENALTIES

81. offences and Penalties.— (*1*) Whoever contravenes any provision of any of the sections, sub-sections, or clauses mentioned in the first column of the followingTable shall, on conviction for

each such offence, be punishable with finewhich may extend to the amount mentioned in that behalf in the thirdcolumn of the said table.

Explanation.— The entries in the second column of the said tableheaded “subject” are not intended as the definitions of offencesdescribed in the sections, sub-sections and clauses mentioned in thefirst column, or even as abstracts of those sections, sub-sections andclauses, but are inserted merely as references to the subjects of thesections, sub-sections and clauses, the numbers of which are given inthe

first column.

TABLE

Section, sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)
		Rs.
[1]*	*	*
[2]*	*	*
[3]*	*	*
Section 11	Levy of cess, rate, vero, huk, tax or service which has been abolished.	1,000
Section 26(*2*)	Failure to give written receipt for the amount of rent received.	100
Section 29	Taking possession of land or dwelling house contrary to section 29.	1,000
[4][Section 34A	Failure to furnish particulars of lands or furnishing false particulars.	25]
[5]*	*	*

(*2*) An offence for the contravention of the provisions of [6][section 11 or sub-section (*2*) of section 26 or section 29] shall be cognizable.

1 Entries relating to sections 5, 8(*3*) and 9(*3*) were deleted by Bom. 13 of 1956, s. 42(*1*)(*a*).

2 Entries relating to sections 5, 8(*3*) and 9(*3*) were deleted by Bom. 13 of 1956, s. 42(*1*)(*a*).

3 Entries relating to sections 5, 8(*3*) and 9(*3*) were deleted by Bom. 13 of 1956, s. 42(*1*)(*a*).

4 This entry was inserted by Bom. 38 of 1957, s. 26.

5 Entry relating to section 66A was deleted by Mah. 41 of 1966, s. 334 (Schedule K).

6 This portion was substituted for the words and figures “section 9 or 11” by Bom. 13 of 1958, s. 42(*2*).

CHAPTER VIII

MISCELLANEOUS

82. Rules.— (*1*) The [1][State] Government may make rules for carrying out the purposes of this Act.

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

[2][(*a*) the other pursuits to be prescribed under clause (*2A*) of section 2;

(*b*) the other factors to be prescribed under section 7 and section 9;

(*bb*) the manner in which the value of crop share or produce shallbe determined under section 9C;]

(*c*) the penalty to be recovered under section 10 [3][or to be inflicted under sub-section (*5*) of section 13];

[4][(*d*) the manner of verifying the surrender of a tenancy under section 15;]

(*e*) the fees to be paid for the grant of a certificate and the form of such certificate under sub-section (*3*) of section 17;

[5][(*ee*) the manner of making record of rights relating to sites and houses thereon under sub-section (*1*), and the fee to be paid and the form of certificate, under sub-section (*6*) of section 17B;]

(*f*) the manner and the

form in which a receipt is to be given bythe landlord under section 26;

[6][(*g*) the manner of apportionment of rent under section 31D;

(*ga*) the rules subject to which a tenant shall be entitled to choosethe area and location under section 32C;

[7][(*gaa*) the manner of giving intimation under sub-section (*1A*) ofsection 32F and sub-section (*1A*) of section 32O;]

(*gb*) the form of public notice under sub-section (*1*), and themanner of recording statement under sub-section (*2*), of section 32G;

(*gc*) the form of certificate to be issued under sub-section (*1*) ofsection 32M;

(*gd*) the manner of referring a question for decision under sub-section (*3*) of section 32Q;]

(*h*) the term and conditions for exchange of lands and the formof certificate to be issued under section 33;

[8][(*hh*) the period within which and the manner in which particularsof land are to be furnished to Mamlatdars under section 34A;]

[9][(*ha*) other factors to be taken into consideration for determiningreasonable rent under section 43B;]

(*i*) the manner of determining debts and liabilities under section 52;

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 2 These clauses were substituted for the original clauses (*a*) and (*b*) by Bom. 13 of 1956, s. 43(*1*). 3 These words, brackets and figures were inserted by Bom. 13 of 1956, s. 43(*2*).

4 These clause was substituted for the original by Bom. 13 of 1956, s. 43(*3*).

5 These clause was inserted by Bom. 13 of 1956, s. 43(*4*).

6 These clause were inserted by Bom. 13 of 1956, s. 43(*5*).

7 These clause was inserted by Bom. 38 of 1957, s. 27(*1*).

8 This clause was inserted by Bom. 38 of 1957, s. 27(*2*).

9 This clause was inserted by Bom. 13 of 1956, s. 43(*6*).

(*j*) the manner of notifying liquidation scheme sanctioned under section 56;

[1][(*k-1*) the rules subject to which the Collector may impose penalty under sub-section (*4*) of section 63-IA];

(*k*) the conditions subject to which permission to acquire land or interests therein may be granted under section 63;

[2][(*ka*) other factors to be taken into consideration for determining reasonable price under section 63A;

(*kb*) the manner in which an offer shall be made and the

form in which notice shall be given

under section 64;]

(*l*) the manner of making inquiry to determine the value of the estate, land or interest acquired and any other matter to be taken into consideration in determining the value under section 66;

[3][* * *]

(*m*) the other functions of the Tribunal under section 68;

(*n*) the other powers of the Tribunal under section 69;

(*o*) the other procedure to be followed by the Mamlatdar and Tribunal under section 72;

(*p*) the value of the court-fee stamp payable on an application to the Mamlatdar or Tribunal or on an application or appeal to the Collector or [4][Maharashtra Revenue Tribunal] under section 77;

[5][(*pp*) the manner of disposal of land under sub-section (*3*) of section 84B;]

[6][(*pa*) the manner of grant of land under section 84C;]

form in which an application under section 88C shall be made and the form of certificate to be issued under that section;]

(*q*) any other matter which is or may be prescribed under this Act.

(*3*) Rules made under this section shall be subject to the conditionof previous publication in the

[8][(*4*) All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately

83. Delegation of powers [9][and duties].— The [10][State] Government may, subject to such officers not below the rank of an Assistant or Deputy Collector, all or any of the [11][powers conferred or duties imposed] on it by the Act.

1 This clause (*k-1*) is inserted by Mah. 28 of 1994, s. 3.
2 These clauses were inserted by Bom. 13 of 1956, s. 43(*7*).
3 Clause (*la*) was deleted by Mah. 41 of 1966, s. 334 (Schedule K).
4 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
5 This clause was inserted by Bom. 38 of 1957, s. 27(*3*).
6 This clause was inserted by Bom. 13 of 1956, s. 43(*9*).
7 This clause was inserted by Bom. 38 of 1957, s. 27(*4*).
8 Sub-section (*4*) was inserted by Mah. 9 of 1961, s. 28.
9 These words were added by Mah. 9 of 1961, s. 29(*b*).
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 These words were substituted for the words "powers conferred" and shall be deemed to have been substituted on the 31st October 1949 by Mah. 9 of 1961, s. 29(*a*).

[1]**[83-A. Restrictions on acquiring land by transfer which is invalid.—** (*1*) No person shall acquire land by transfer, where such transfer or acquisition is invalid under any of the provisions of this Act.

(*2*) Any person who acquires land in contravention of sub-section(*1*) shall, in the event of the transfer or acquisition being decided to beor declared invalid, be liable to the consequences in section 84 or 84C,as the case may be.]

84. Summary eviction.—Any person unauthorisedly occupying or wrongfully inpossession of any land—

(*a*) the transfer [2][or acquisition] of which either by the act of parties or by the operation of law is invalid under the provisions of this Act,

(*b*) the management of which has been assumed under the saidprovisions, or

(*c*) to the use and occupation of which he is not entitled underthe said provisions and the said provisions do not provide for theeviction of such persons,

may be summarily evicted by the Collector.

[3]**[84A. Validation of transfers made before appointed day.—** (*1*) A transfer of any land in contravention of section 63 or 64 as it stood before the commencement of the Amending Act, 1955, made after the 28th day of December 1948 (when the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), came into force) and before the 15th day of June 1955 shall not be declared to be invalid merely on the ground that such transfer was made in contravention of the said sections if the transferee pays to the State Government a penalty equal to [4][one per cent.] of the consideration or Rs. 100, whichever is less:

Provided that, if such transfer is made by the landlord in favour of the tenant in actual possession, the penalty leviable in respect thereof shall be one rupee:

Provided further that if any such transfer is made by the landlord in favour of any person other than the tenant in actual possession, and such transfer is made either after the unlawful eviction of such tenant, or results in the eviction of the tenant i ch transfer shall not be deemed to be

validated [5][unless such tenant has failed to apply for the possession of the land under sub-section (*1*) of section 29 within two years from the date of his eviction from the land.]

(*2*) On payment of such penalty, the Mamlatdar shall issue acertificate to the transferee that such transfer is not invalid.

[6][(*3*) Where the transferee fails to pay the penalty referred to in sub-section (*1*), within such period as may be prescribed, the transfer shall be declared by the Mamlatdar to be invalid and thereupon the provisions of sub-sections (*3*) to (*5*) of section 84C shall apply.]

84B. Certain transfers made between appointed day and commencement of Amending Act, 1955, invalid.— (*1*) Where in respect of a transfer or acquisition of any landmade on or after the 15th day of June 1955 and before thecommencement of the Amending Act, 1955, the Mamlatdar, *suo motu* or on the application of any person interested in such land, has reasonto believe that such transfer or acquisition—

(*a*) was in contravention of section 63 or 64 as it stood before thecommencement of the Amending Act, 1955, or

(*b*) is inconsistent with any of the provisions of this Act asamended by the Amending Act, 1955,

the Mamlatdar shall issue a notice in the prescribed form to thetransferor, the transferee or the person acquiring such land, as the casemay be, to show cause as to why the transfer or acquisition should

1 Section 83-A was inserted by Mah. 9 of 1961, s. 30.

2 These words were inserted by Bom. 13 of 1956, s. 44.

3 These sections were inserted by Bom. 13 of 1956, s. 45.

4 This words were substituted for the words "five per cent." by Bom. 63 of 1958, s. 12. 5 These words were added by Bom. 15 of 1957, s. 14(*1*).

6 This sub-section was added by Bom. 15 of 1957, s. 14(*2*).

notbe declared to be invalid and shall hold an inquiry and decide whetherthe transfer or acquisition is or is not invalid:

[1][Provided that, where the transfer or acquisition was in favour of the tenant in possession of the land and the area of the land so transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed the ceiling area, such transfer or acquisition shall not be declared to be invalid if the tenant pays to the State Government a penalty of one rupee within such period not exceeding three months as the Mamlatdar may fix.]

(*2*) If after holding such inquiry the Mamlatdar declares thetransfer or acquisition to be invalid, he shall direct that the land shallbe restored to the person from whom it was acquired, and that theamount of consideration paid, if any, shall be recovered as an arrearof land revenue from the transferor and paid to the transferee anduntil the amount is so fully paid, the said amount shall be a chargeon the land.

[2][(*3*) If the person to whom the land is directed to be restored refuses to take possession of the land, the Mamlatdar shall, subject to the provisions of section 63A, dispose of the land by sale in the prescribed manner in the following order of priority :—

(*i*) the tenant in actual possession of the land if he is not the transferee,

(*ii*) the persons or bodies in the order given in the priority list.

(*4*) The amount of price realised under sub-section (*3*) shall, subject to the payment of any encumbrances subsisting on the land, be paid to the [3][transferor].

(*5*) If the transferee refuses to accept the amount paid to him under sub-section (*2*) [4][or the transferor refuses to accept the amount paid to him under sub-section (*4*) the amount shall be forfeited to the State Government].]

84C. Disposal of land, transfer or acquisition of which is invalid.— (*1*) Where in respect of the transfer or acquisition of any land mad ment of the Amending Act, 1955, the

Mamlatdar *suo motu* or on the application of any person interested in such land has reason to believe that such transfer or acquisition is or becomes invalid under any of the provisions of this Act, the Mamlatdar shall issue a notice and hold an inquiry as provided for in section 84B and decide whether the transfer or acquisition is or is not invalid.

(*2*) If after holding such inquiry, the Mamlatdar comes to a conclusion, that the transfer or acquisition of land is invalid, he shall make an order declaring the transfer or acquisition to be invalid:

5[Provided that, where the transfer of land was made by the landlord to the tenant of the land and area of the land so transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed the ceiling area, the Mamlatdar shall not declare such transfer to be invalid—

(*i*) if the amount received by the landlord as the price of the land is equal to or less than the reasonable price determined under section 63A and the transferee pays to the State Government a penalty of one rupee within such period not exceeding three months as the Mamlatdar may fix;

(*ii*) if the amount received by the landlord as the price of the land is in excess of the reasonable price determined under section 63A and the transferor as well as the transferee pays to the State Government each a penalty equal to one-tenth of the reasonable price within such period as the Mamlatdar may fix.]

(*3*) On the declaration made by the Mamlatdar under sub-section (*2*),—

(*a*) the land shall be deemed to vest in the State Government, free from all encumbrances lawfully subsisting thereon on the date of such vesting, and shall be disposed of in the manner provided in sub-section (*4*); the encumbrances shall be paid out of the occupancy price in the manner provided in section 32Q for the payment of encumbrances out of the purchase price of the

1 This proviso was substituted for the original by Mah. 9 of 1961, s. 31.

2 These sub-sections were inserted by Bom. 38 of 1957, s. 28.

3 This word was substituted for the word "transferee" by Bom. 63 of 1958, s. 13(*2*).

4 This portion was substituted for the word, brackets and figures "or (*4*)" by Bom. 63 of 1958, s. 13(*3*).

5 This proviso was substituted for the original by Mah. 9 of 1961, s. 32(*1*).

sale of land but the right of the holder of such encumbrances to proceed against the person liable, for the enforcement of his right in any other manner, shall not be affected;

(*b*) the amount which was received by the transferor as the price of the land shall be deemed to have been forfeited to the State Government and it shall be recoverable as an arrear of land revenue; and

(*c*) the Mamlatdar shall, in accordance with the provisions of section 63A determine the reasonable price of the land.

(*4*) After determining the reasonable price, the Mamlatdar shall grant the land on new and impartible tenure and on payment of occupancy price equal to the reasonable price determined under sub-section (*3*) in the prescribed manner in the following order of priority :—

(*i*) the tenant in actual possession of the land;

(*ii*) the persons or bodies in the order given in the priority list:

1[2[Provided that, where the transfer of land was made by the landlord to the tenant of the land and the area of the land so transferred together with the area of the land, if any, cultivated personally by the tenant did not exceed the ceiling area then]—

(*i*) 3[if the amount] received by the transferor as the price of the land is equal to or less than the reasonable price, the amount forfeited under sub-section (*3*) shall be returned to the transferor and the land restored to the transferee on payment of a penalty of rupee one in each case; and

(*ii*) 4[if the amount] received by the transferor as the price of the land is in excess of the reasonable price, the Mamlatdar shall grant the land to the transferee on new and impartible tenure and on payment of occupancy pric easonable price and out of the amount

forfeited under sub-section (*3*), the transferor shall be paid back an amount equal to nine-tenths of the reasonable price.]

(*5*) The amount of the occupancy price realised under sub-section (*4*) shall, subject to the payment as aforesaid of any encumbrances subsisting on the land, be credited to the State Government:

Provided that where the acquisition of any excess land was on account of a gift or bequest, the amount of the occupancy price realised under sub-section (*4*) in respect of such land shall subject to the payment of any encumbrances subsisting thereon, be paid to the donee or legatee in whose possession the land had passed on account of such acquisition.

5[(*6*) Notwithstanding anything contained in sub-sections (*1*) to (*5*), the transfer or acquisition of any land shall not be declared invalid by the Mamlatdar, if,—

(*i*) the proceedings under sub-section (*1*), in respect of transfer or acquisition of such land are initiated after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (Mah. XX of 2016) (hereinafter in this sub-section referred to as "the commencement date"), or had been initiated before the commencement date, but no order under sub-section (*2*) had been made on or before the commencement date; and

(*ii*) the area of such land including other land, if any, held by the transferee, who is an agriculturist, is not in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961); and

(*iii*) the land so transferred or acquired,—

1 This proviso was added by Bom. 38 of 1957, s. 29.

2 This portion was substituted for the words "Provided that in the case of a transfer by the landlord to the tenant of the land" by Mah. 9 of 1961, s. 32(*2*)(*a*).

3 These words were substituted for the words, "where the amount" by Mah. 9 of 1961, s. 32(*2*)(*b*).

4 These words were substituted for the words, "where the amount" by Mah. 9 of 1961, s. 32(*2*)(*b*).

5 Sub-section (*6*) was added by Mah. 20 of 2016, s. 2.

(*a*) is being used only for the agricultural purposes and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such lands as per the Annual Statement of Rates; or

(*b*) is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

Explanation.— For the purposes of this sub-section, the term "Annual Statement of Rates" means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clause (*a*) or (*b*), as the case may be, of this clause.]

Explanation.— For the purposes of this section "new and impartible tenure" means the tenure of occupancy which is non-transferable and non-partible without the previous sanction of the Collector.]

1**[84CC. Disposal of land, transfer or acquisition of which is invalid for breach of conditions.—** (*1*) Where the Collector *suo motu* or on an application made to him in this behalf has reason to believe that there has been a breach of any of the conditions subject to which permission to transfer land was granted under section 63, he shall issue a notice and hold an inquiry and after giving an opportunity of being heard to the person in whose favour such transfer was made, decide whether there has been any breach of condition of transfer and on his holding in the affirmative, make an order declaring the transfer to be invalid, unless he holds that the breach was occasioned for reasons beyond the control of such person.

(*2*) On making an order under sub-section (*1*), the land shall stand forfeited and transferred to, and shall vest without further assurance in, the State Government.

(*3*) The land vesting in the State Government under sub-section (*2*) shall be disposed of by the Collector to persons or bodies in the order given in sub-section (*2*) of section 32P or in such other manner as the State Government may, by general or special order, direct; and the encumbrances lawfully subsisting thereon on the date of the vesting shall be paid out of the occupancy price in the manner provided in section 32Q for the payment of encumbrances out of the purchase price of the sale of land, but the right of the holder of such encumbrances to proceed against the person liable, for enforcement of his right in any other manner shall not be affected.]

2[(*4*) Notwithstanding anything contained in sub-sections (*1*) to (*3*), the transfer of land shall not be declared invalid by the Collector, where the transferee fulfills the requirements under sub-section (*1*) of section 63, if,—

(*i*) the proceedings under sub-section (*1*) are initiated after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (Max. XX of 2016) (hereinafter in this sub-section referred to as "the commencement date") or such proceedings had been initiated prior to the commencement date, but no order under the said sub-section (*1*) had been made on or before such commencement date, for breach of any conditions, subject to which permission to transfer such land was granted under section 63; and

(*ii*) (*a*) the land so transferred is being used for agricultural purposes only and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates; or

(*b*) the land so transferred is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

Explanation.— For the purposes of this sub-section, the term "Annual Statement of Rates" means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard,

1 Section 84CC was inserted by Mah. 8 of 1963, s. 8.

2 Sub-section (*4*) was added by Mah. 20 of 2016, s 3.

prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (*a*) or (*b*), as the case may be, of this clause.]

1**[84D. Temporary leases of land liable to be disposed of under section 32P or 84C.— (***1*) Where any land has become liable to be disposed of under section 32P or 84C, and the 2[Tribunal] or, as the case may be, the Mamlatdar considers that such disposal is likely to take time and that with a view to preventing the land remaining uncultivated it is necessary to take such a step, 3[the Tribunal or the Mamlatdar may lease the land] for cultivation to any agriculturist who has under personal cultivation land less than the ceiling area, subject to the following conditions :—

(*i*) the lease shall be for a period of one year;

(*ii*) the lessee shall pay rent at the rate fixed by the Mamlatdar and applicable to the land under section 9;

(*iii*) the lessee shall be liable to pay the land revenue and the other cesses specified in sub-section (*1*) of section 10A and payable in respect of the land;

(*iv*) if the lessee fails to vacate the land on the expiry of the term of the lease, he shall be liable to be summarily evicted by the Mamlatdar.

(*2*) The person holding land on lease under sub-section (*1*) shall not be deemed to be a tenant within the meaning of this Act.

(*3*) The amount of rent realised under sub-section (*1*), shall be—

(*a*) paid to the owner of the land where the land is liable to be disposed of under section 32P, and

(*b*) forfeited to Government, where the land is liable to be disposed of under section 84C.]

85. Bar of jurisdiction.— (*1*) No Civil Court shall have jurisdiction to settle, decide or deal with any question [4][(including a question , whether a person is or was at any time in the past a tenant and whether any such tenant is or should be deemed to have purchased from his landlord the land held by him)] which is by or under this Act required to be settled, decided or dealt with by the Mamlatdar or Tribunal, a Manager, the Collector or the [5][Maharashtra Revenue Tribunal] in appeal or revision or the [6][State] Government in exercise of their powers of control.

(*2*) No order of the Mamlatdar, the Tribunal, the Collector or the [7][Maharashtra Revenue Tribunal] or the [8][State] Government made under this Act shall be questioned in any Civil or Criminal Court.

Explanation.— For the purposes of this section a Civil Court shall include a Mamlatdar's Court constituted under the Mamlatdars' Courts Act, 1906 (Bom. II of 1906).

[9]**[85A. Suits involving issues required to be decided under this Act.—** (*1*) If any suit instituted in any Civil Court involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as the "competent authority") the Civil Court shall stay the suit and refer such issues to such competent authority for determination.

(*2*) On receipt of such reference from the Civil Court, the competent authority shall deal with and decide such issues in accordance with the provisions of this Act and shall communicate its decision to

1 This section was inserted by Bom. 38 of 1957, s. 30

2 This word was substituted for the word "Collector" by Mah. 9 of 1961, s. 33(*a*).

3 These words were substituted for the words "he may lease the land" by Mah. 9 of 1961, s. 33(*b*).

4 These brackets and words were deemed always to have been inserted by Mah. 49 of 1969, s. 2, Sch.

5 These words were substituted for the words "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 These words were substituted for the words, "Bombay Revenue Tribunal" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

9 This section was inserted by Bom. 13 of 1956, s. 46.

the Civil Court and such court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

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

86. Control.— In all matters connected with this Act, the [1][State] Government shall have the same authority and control over the Mamlatdars and the Collectors acting under this Act as they have and exercise over them in the general and revenue administration.

87. Indemnity.— No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

[2]**[87A. Saving in respect of Provisions of Land Tenures Abolition Acts.—** Nothing in this Act shall affect the provisions of any of the Land Tenures Abolition Acts, specified in Schedule III to this Act, in so far as such provisions relate to the conferment of right of an occupant in favour of any inferior holder or tenant in respect of any land held by him.]

[3]**[88. Exemption to Government lands and certain other lands.—**[4][(*1*)] [5][Save as otherwise provided in sub-section (*2*), nothing in the foregoing provisions of this Act] shall apply—

(*a*) to lands belonging to or held on lease from, the Government;

(*b*) to any area which the State Government may, from time to time, by notification in the *Official Gazette*, specify as being reserved for non-agricultural or industrial development;

(*c*) to an estate or land taken [6][* * * * *] under the management of the Court of Wards [7][or of a Government Officer appointed in his official capacity as a guardian under the Guardians and Wards Act, 1890 (VIII of 1890)] [8][* * * * *].

[9](*d*) to an estate or land taken under management by the State Government under Chapter IV or section 65 except as provided in the said Chapter IV or section 65, as the case may be, and in sections 66, 80A, 82, 83, 84, 85, 86 and 87]:

[10][Provided that from the date on which the land is released from management, all the foregoing provisions of this Act shall apply thereto; but subject to the modification that in the case of a tenancy, not being a permanent tenancy, which on that date subsists in the land—

(*a*) the landlord shall be entitled to terminate the tenancy under section 31 (or under section 33B in the case of a certified landlord) within one year from such date; and

(*b*) within one year from the expiry of the period during which the landlord or certificated landlord is entitled to terminate the tenancy as aforesaid, the tenant shall have the right to purchase the land under section 32 (or under section 33C in the case of an excluded tenant); and

(*c*) the provisions of sections 31 to 31D, both inclusive (or sections 33A and 33B in the case of a certificate landlord) and sections 32 to 32R (both inclusive) (or sections 33A and 33C in the case of an excluded tenant) shall, so far as may be applicable, apply to the termination of a tenancy or the right to purchase the land, as aforesaid:

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 This section was inserted by Bom. 13 of 1956, s. 47.

3 These sections were substituted for the original section 88 by Bom. 13 of 1956, s. 48.

4 Section 88 was renumbered as sub-section (*1*) of that section by Mah. 9 of 1961, s. 34.

5 These words, brackets and figure were substituted for the words "Nothing in the foregoing provisions of this Act," by Mah. 9 of 1961, s. 34(*1*)(*i*).

6 The words and figures "under management by the State Government under Chapter IV or section 65 or" were deleted by Bom. 15 of 1957, s. 15(*1*)(*a*).

7 These words and figures were inserted by Bom. 15 of 1957, s. 15(*1*)(*b*).

8 The portion beginning with "or to the lands taken under management temporarily" and ending with "rightful holders" was deleted by Mah. 9 of 1961, s. 34(*1*)(*ii*).

9 This clause was inserted by Bom. 15 of 1957, s. 15(*2*).

10 This proviso was substituted for the original by Mah. 9 of 1961, s. 34(*1*)(*iii*).

Provided further that,—

(*a*) in the case of a permanent tenancy the permanent tenant shall be entitled to purchase the land held by him on permanent tenancy,—

(*i*) within one year from the date on which the estate or land is released from management, or

(*ii*) where such estate or land was released from management after the tiller's day but before the commencement of the Bombay Tenancy and Agricultural lands (Amendment) Act, 1960 (Mah. IX of 1861), within one year from such commencement, and

(*b*) where such permanent tenant is desirous of exercising the right conferred on him under this proviso, he shall accordingly inform the landlord and Tribunal in the prescribed manner within the said period of one year and the provisions of sections 32 to 32-R shall, so far as may be applicable, apply to the right of the permanent tenant to purchase the land.]

[1][*Explanation*.— For the purposes of [2][clause (*a*) of subsection (*1*)] of this section land held as inam or watan for service useful to Government and assigned as remuneration to the person actually performing such service for the time being under section 23 of the [3]Bombay Hereditary Offices Act, 1874 (Bom. II of 1874), or any other law for the time being in force, shall be deemed to be land belonging to Government.]

[4][(*2*) If any land held on lease from Government or any part thereof,—

(*i*) is held at the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1960 (Mah. IX of 1961), by a person under a sub-lease from the lessee and is cultivated personally by such person, or

(*ii*) is sub-let after the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1960 (Mah. IX of 1961), by the lessee to any person for cultivation,

and such sub-letting of the land or part thereof is authorised in accordance with the terms of the lease then all the provisions of this Act except sections 32 to 32-R (both inclusive) and section 43 shall, notwithstanding anything contained in such lease, apply to the land, or as the case may be, the part thereof, held under such sub-lease, as if the person holding it under such sub-lease were a tenant within the meaning of section 4 of this Act and the lessee were the landlord:

Provided that in the case of a sub-lease subsisting on the date of the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1960 (Mah. IX of 1961), the lessee shall be entitled to terminate the sub-lease under section 31 within one year from such date and the provisions of sections 31 to 31-D (both inclusive) shall so far as may be applicable, apply to the termination of the sub-lease.

Explanation.— In sub-section (*2*) of this section, references to a lessee include a reference to a person to whom the entire interest in the land held on lease or in any part thereof has been transferred or assigned.]

[5]**[88AI. Special provisions in respect of tenants of certain lands in villages specified in Schedule IV.—** Where any land being land situate in any of the villages specified in Schedule IV was not included within the limits of the former municipalities of Malad, Kandivali, Borivali and Mulund immediately before the first day of February 1957, and a tenant of the land would have been deemed to have purchased the land under section 32 but for the Government Notification in the Revenue Department, No. TNC. 5157/32/ 90-M, dated the 29th March 1957, issued under clause (*b*) of section 88 in respect of the said villages, such tenant shall, notwithstanding the said notification, be deemed to have purchased the land under section 32 on the relevant date specified in that section and the provisions of sections 32 to 32R and section 43 shall apply to such purchase accordingly.]

1 This *Explanation* was added by Bom. 63 of 1958, s. 15.

2 This portion was substituted for "clause (*a*)" by Mah. 9 of 1961, s. 34(*1*)(*iv*).

3 Short title of the Act has been amended as "the Maharashtra Hereditary Offices Act (III of 1874)" by Mah. 24 of 2012, section 2 and 3, Schedule, entry 4, *w.e.f.* 1st May 1960.

4 Sub-section (*2*) was inserted by Mah. 9 of 1961, s. 34(*2*).

5 Section 88AI was inserted by Bom. 63 of 1958, s. 16.

88A. Provisions of Act not to apply to land transferred to or by Bhoodan Samiti.— Nothing in the foregoing provision shall apply to lands transferred to, or by, a Bhoodan Samiti recognized by the State Government in this behalf.

88B. Exemption from certain provisions to lands of local authorities, universities and trusts.— [1][(*1*)] Nothing in the foregoing provisions except sections 3, 4B, 8, 9, 9A, 9B, 9C, 10, 10A, 11, 13 and 27 and the provisions of Chapters VI and VIII in so far as the provisions of the said Chapters are applicable to any of the matters referred to in the sections mentioned above, shall apply—

(*a*) to lands held or leased by a local authority, or University established by law in the [2][Bombay area of the State of Maharashtra]; and

(*b*) to lands which are the property of a trust for an educational purpose, [3][a hospital, Panjarapole, Gaushala] or an institution for public religious worship:

Provided that—

(*i*) such trust is or is deemed to be registered under the [4]Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), and

(*ii*) the entire income of or the purposes of such trust;

[5][(*c*) to lands assigned or donated by any person before the 1st day of August 1956 for the purpose of rendering any of the following services useful to the community, namely :—

maintenance of water works, lighting or filling of water troughs for cattle;]

[6][(*d*) to lands taken under management temporarily by the Civil, Revenue or Criminal Courts by themselves, or through receivers appointed by them, till the decision of the title of the rightful holders:

Provided that, from the date on which the land referred to in clause (*d*) is released from management, all the foregoing provisions of this Act shall apply thereto; but subject to the modifications that in the case of a tenancy, not being a permanent tenancy, which on that date subsists in the land—

(*i*) the landlord shall be entitled to terminate the tenancy under section 31 (or under section 33B in the case of a certificated landlord) within one year from such date; and

(*ii*) within one year from the expiry of the period during which the landlord or certificated landlord is entitled to terminate the tenancy as aforesaid, the tenant shall have the right to purchase the land under section 32 (or under section 33-C in the case of an excluded tenant), and

(*iii*) the provisions of sections 31 to 31-D, both inclusive, (or sections 33-A and 33-B in the case of a certificated landlord) and sections 32 to 32-R, both inclusive, (or sections 33-A and 33-C in the case of an excluded tenant) shall, so far as may be applicable, apply to the termination of a tenancy or the right to purchase the land, as aforesaid:

Provided further that,—

(*a*) in the case of a permanent tenancy the permanent tenant shall be entitled to purchase the land held by him on permanent tenancy—

(*i*) within one year from the date on which the estate or land is released from management, or

1 Section 88B was renumbered as sub-section (*1*) of that section and sub-section (*2*) was inserted by Bom. 38 of 1957, s. 31.

2 These words were substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 These words were substituted for the word "hospital" by Bom. 15 of 1957, s. 16.

4 Short title of the Act has been amended as "the Maharashtra Public Trusts Act (XXIX of 1950)" by Mah. 24 of 2012, Sections 2 and 3, Schedule, entry 43, *w.e.f.* 1st May 1960.

5 Clause (*c*) was added by Bom. 63 of 1958, s. 17.

6 Clause (*d*) was inserted by Mah. 9 of 1961, s. 35.

(*ii*) where such estate or land was released from management after the tiller's day but before the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1960 (Mah. IX of 1961), within one year from such commencement, and

(*b*) where such permanent tenant is desirous of exercising the right conferred on him under this proviso, he shall accordingly inform the landlord and Tribunal in the prescribed manner within the said period of one year and the provisions of sections 32 to 32-R shall, so far as may be applicable, apply to the right of the permanent tenant to purchase the land.]

[1][(*2*) For the purposes of this section, a certificate granted by the Collector, after holding an inquiry, that the conditions in the proviso to sub-section (*1*) are satisfied by any trust shall be conclusive evidence in that behalf.]

88C. Exemption from certain provisions to lands leased by persons with the annual income not exceeding Rs. 1,500.— (*1*) [2][Save as otherwise provided by sections 33-A, 33-B and 33-C, nothing in sections] 32 to 32-R (both inclusive) shall apply to lands leased by any person if such land does not exceed

an economic holding and the total annual income of such person including the rent of such land does not exceed Rs. 1,500:

Provided that the provisions of this sub-section shall not apply to any person who holds such land as a permanent tenant or who has leased such land on permanent tenancy to any other person.

[3][(*2*) Every person eligible to the exemption provided in sub-section (*1*) shall make an application in the prescribed form to the Mamlatdar within whose jurisdiction all or most of the pieces of land leased by him are situate within the prescribed period for a certificate that he is entitled to such exemption.

(*3*) On receipt of such application, the Mamlatdar shall, after giving notice to the tenant or tenants of the land, hold inquiry and decide whether the land leased by such person is exempt under sub-section (*1*) from the provisions of sections 32 to 32-R.

(*4*) If the Mamlatdar decides that the land is so exempt, he shall issue a certificate in the prescribed form to such person.

(*5*) The decision of the Mamlatdar under sub-section (*3*) subject to appeal to the Collector, shall be final].

[4]**[88CC. Provisions of Act not to apply in relation to certain leases**.— Notwithstanding anything contained in this Act, a person who does not belong to a Scheduled Tribe shall, after the commencement of the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 (Mah. XXXV of 1974), not have the right to purchase under this Act the land duly leased to him with the previous sanction of the Collector under the provisions of section 36 or section 36A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).]

[5]**[88CA. Sections 32 to 32R not to apply to certain service lands.—** Nothing in sections 32 to 32R (both inclusive), [6][33A, 33B and 33C] shall apply to land held as inam or watan for service useful to Government but not assigned as remuneration to the person actually performing such service for the time being under section 23 of the [7][Bombay Hereditary Offices Act, 1874 (Bom. III of 1874), or any other law for the time being in force.]

[8]**[88CB. Sections 32 to 32R not to apply to *Saranjams*.—** Nothing in sections 32 to 32R (both inclusive) shall apply, or shall be deemed ever to have applied, to any land held as *saranjam* on the date

1 Section 88B was renumbered as sub-section (*1*) of that Section and sub-section (*2*) was inserted by Bom. 38 of 1957, s. 31.

2 This portion was substituted for the words "Nothing in sections" by Mah. 9 of 1961, s. 36.

3 These sub-sections were substituted for the original sub-section (*2*) by Bom. 38 of 1957, s. 32 4 Section 88CC was inserted by Mah. 35 of 1974, Sch.

5 Section 88CA was inserted by Bom. 63 of 1958, s. 18.

6 This portion was inserted by Mah. 9 of 1961, s. 37.

7 Short title of the Act has been amended as "the Maharashtra Hereditary Offices Act (III of 1874)" by Mah. 24 of 2012, Sections 2 and 3, Schedule, entry 4, *w.e.f.* 1st May 1960.

8 Section 88CB was inserted by Mah. 36 of 1962, s. 2.

of the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1962 (Mah. XXXVI of 1962).]

[1]**[88D**. **Power of Government to withdraw exemption.—** (*1*) Notwithstanding anything contained in sections 88, 88A, 88B and 88C, if the State Government is satisfied—

(*i*) in the case of an area referred to in clause (*b*) of section 88, that the chances of non-agricultural or industrial development are remote, or that after the eviction of tenants from any land in such area, the land has not been used for a non-agricultural or industrial purpose,

(*ii*) that the lands transferred by a Bhoodan Samiti are not cultivated personally by the transferee or are alienated by them,

(*iii*) in the case of lands referred to in clause (*b*) of section 88B, that the trust is unable to look after the property or has mismanaged it or that there are disputes between the trust and the tenants, and

(*iv*) in the case of lands referred to in section 88C, that the annual income of the person has exceeded Rs. 1,500 or that the total holding of such person exceeds an economic holding,

the State Government may, by order published in the prescribed manner, direct that with effect from such date as may be specified in the order such land or area, as the case may be, shall cease to be exempted from all or any of the provisions of this Act from which it was exempted under any of the sections aforesaid, and any certificate granted under section 88B or 88C, as the case may be, shall stand revoked.

(*2*) Where any such land or area ceases to be so exempted then in the case of a tenancy subsisting on the date specified in the order issued under sub-section (*1*), the landlord shall be entitled to terminate such tenancy under section 31 within one year from such date and the tenant, unless his tenancy is so terminated, shall have a right to purchase the land within one year from the expiry of the period during which such landlord is entitled to terminate the tenancy. The provisions of sections 31 to 31D (both inclusive) and sections 32 to 32R (both inclusive) shall, so far as may be applicable, apply to such termination of tenancy and to the right of the tenant to purchase the land.]

89. Repeal.— (*1*) The enactment specified in [2][Schedule I] is hereby repealed to the extent mentioned in the fourth column thereof.

(*2*) But nothing in this Act or any repeal effected thereby—

(*a*) shall affect the amendments made in section 59 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), or sections 6 and 9 of the Khoti Settlement Act, 1880 (Bom. I of 1880);

(*b*) shall, save as expressly provided in this Act, affect or be deemed to affect,—

(*i*) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*ii*) any legal proceeding or remedy in respect of any such right, title, interest, obligation or liability or anything done or suffered before the commencement of this Act,

and any such proceedings shall be continued and disposed of, as if this Act was not passed.

(*3*) Notwithstanding anything contained in sub-section (*2*), all proceedings for the recovery or restoration of the possession of the land under section 7 of the Act so repealed, pending at the date of the commencement of this Act before the Mamlatdar or in appeal before the Collector, shall, notwithstanding anything contained in this section, be deemed to have been instituted and pending before the Mamlatdar or in appeal before the Collector, as the case may be, under this Act and shall be disposed of in accordance with the provisions of this Act.

(*4*) Any appointment, notification, notice, order, rule or form made or issued under the Bombay Tenancy Act, 1939 (Bom. XXIX of 1939), shall continue to be in force and deemed to have been made

1 This section was substituted for the original by Bom. 38 of 1957, s. 33.

2 This word and figure were substituted for the words “the Schedule” by Bom. 13 of 1956, s. 49.

form is not inconsistent with the provisions of this Act, or rules made thereunder and shall continue to be in force, unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Act.

[1][**89A. Removal of doubt.—** It is hereby declared that sections 3, 3A and 4 of the Bombay Tenancy Act, 1939 (Bom. XXIX of 1939) as set out in Schedule I to this Act as modified from time to time by an order made under the Extra Provincial Jurisdiction Act, 1947 (Bom. XLVII of 1947), or by or under any other legislative power (including any modifications made in those sections by the [2]Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), and the Bombay Merged Areas, Enclaves and Specified Areas (Amendment of Laws) Act, 1950 (Bom. XXII of 1950)), in relation to the areas comprised in the merged States as defined in the second mentioned Bombay Act, or in the enclaves as defined in the last mentioned Bombay Act, shall always be deemed to be extended to and to be in force in, those areas on the dates on which this Act was extended to and brought into force respectively in those areas; and accordingly,—

(*a*) all tenants falling under the said section 3, 3A or 4 as so modified, shall at all relevant dates be deemed always to be protected tenants under the respective sections, notwithstanding that their rights as such protected tenants are not recorded in the Record of Rights as required by the said section 3A aforesaid;

(*b*) all proceedings for recovery or restoration of possession of land filed under section 34 of the Act as it stood immediately before the 1st day of August, 1956 (being the date on which the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bom. XIII of 1956) (hereinafter referred to as "the said Act of 1955") came into force) and pending on the commencement of the Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1962 (Mah. VIII of 1963) before the Mamlatdar or in appeal before the Collector, or any Tribunal or Court shall, notwithstanding any judgment, decree or order of a Court be deemed to have been instituted under section 31 as it stands substituted by the said Act of 1955 and shall be disposed of accordingly.]

[3][**90. Enactments amended.—** The enactments specified in Schedule II shall be amended to the extent mentioned in the fourth column thereof.]

1 Section 89A was inserted by Mah. 8 of 1963, s. 9.

2 The short title of the Act, has been amended as "the Maharashtra Merged States (Laws) Act (VI of 1950)" by Mah. 24 of 2012, Section 2 and 3, Schedule, entry 41, *w.e.f.* 1st May 1960.

3 This section was inserted by Bom. 13 of 1956, s. 50.

[1][SCHEDULE I]

Enactment repealed

(*See* section 89.)

Year	No.	Short title	Extent of repeal
(1)	(2)	(3)	(4)
1939	XXIX	The Bombay Tenancy Act, 1939.	The whole except sections 3, 3-A and 4 as modified in the following manner,
		namely :—	
			3. Protected tenants.— A tenant shall be deemed to be aprotected tenant in respect of any land if—
			(*a*) he has held such land continuously for a period of not less than six years immediately preceding either—
			(*i*) the first day of January 1938, or

(*ii*) the first day of January 1945; and

(*b*) he has cultivated such land personally during the aforesaid period.

Explanation I.— If the person who held such land on the first day of January, 1938 or the first day of January, 1945, as the case may be, came to hold the same by inheritance or succession from another person or if he has held such land as a tenantand is an heir to such other person,the period during which such other person held such land as a tenant shall be included in calculating the period of six years under this section.

Explanation II.— If the person who held such land on the first day of January, 1938 or the first day of January, 1945, as the case may be, held as a tenant at any time within six years before the said date from the same landlord in the same village any other land which he cultivated personally, the period during which he held such other land shall be included in calculating the period of six years under this section.

Explanation III.— Where any land is held by two or more persons jointly

1 The Schedule was numbered by Bom. 13 of 1956, s. 51.

Year	No.	Short title	Extent of repeal
(1)	(2)	(3)	(4)

as tenants, all such persons shall, if any one of them cultivated and continues to cultivate such land personally and if the other conditionsspecified in this section are fulfilled,be deemed to be protected tenants inrespect of such land.

3A. Tenants on expiry of one year from coming into force of Bom. XXVI of 1946 to be deemed protected tenants.— Every tenant shall, from the eighth day of November, 47 be deemed to be a protected tenant

for the purposes of this Act and his rights as such protected tenant shall be recorded in the Record of Rights, unless his landlord has prior to the aforesaid date made an application to the Mamlatdar for a declaration that the tenant is not a protected tenant.

Explanation.— A person shall not be deemed to be a protected tenant if such person has been on an application made by the owner of the land as provided in section 3A of the Bombay Tenancy Act, 1939 (Bom. XXIX of 1939), declaredby a competent authority not to be a protected tenant.

4. Tenants evicted after 1st April 1937 to be deemed protected tenants.— (*1*) Every tenant shall be deemed to be a protected tenant for the purposes of this Act, if he—

(*a*) held any land and cultivated it personally continuously for a period of not less than six years immediatelypreceding the first day of April 1937and was evicted from such land on orafter such date otherwise than by order of competent authority on any of the grounds specified in section 14 ofthis Act, or

(*b*) held any land and cultivated it personally continuously for a period of not less than six years immediatelypreceding the first day of April, 1944and was evicted from such land on orafter such date otherwise than byorder of a

Year	No.	Short title	Extent of repeal
(1)	(2)	(3)	(4)

competent authority onany of the grounds specified in section 14 of this Act:

Provided that any tenant who had been evicted from the land in consequenceof his failure to tender the rentreferred to in section 9 of the BombaySmall Holders Relief Act,

1938 (Bom. VIII of 1938), as provided therein shall not be deemed to be a protected tenant for the purposes of this Act unless he had paid to the landlord such rent in cases falling under clause (*a*) within four months from the date on which this section came into force in the area in which the land is situated and in cases falling under clause (*b*) within six months from the eighth day of November 1946.

(*2*) A person who is deemed to be a protected tenant under sub-section (*1*) shall, if he had intimated in writing to the landlord in cases falling under clause (*a*) of sub-section (*1*) within one year after the coming into force of this section in the area in which the land is situated and in cases filling under clause (*b*) of sub-section (*1*) within one year after the eighth day of November 1946, that he is willing to hold the land on the same terms and conditions on which he held it at the time when he was evicted, be entitled to recover possession of the land—

(*a*) in cases falling under clause (*a*) of sub-section (*1*)—

(*i*) if the land has been leased out by the landlord for a period expiring after the 31st day of May immediately following the date of the coming into force of the section in the area in which the land is situated, from the date on which such lease expires; and

(*ii*) in other cases, from the 1st day of June immediately following the date of the coming into force of this

Year	No.	Short title	Extent of repeal
(1)	(2)	(3)	(4)

section in the area in which the land is situated;

(*b*) in cases falling under clause (*b*) of sub-section (*1*)—

) if the land has been leased out by the

landlord for a period expiring after 31st day of May 1947 from the date on which such lease expires; and

(*ii*) in other cases from the 1st day of June 1947,

and on so recovering possession, he shall, subject to the provisions of this Act, hold the land on the said terms and conditions.

(*3*) The provisions of this section shall not apply in cases where the landlord is using the land for any of the purposes mentioned in sub-section (*1*) of section 34 of this Act.

[1][SCHEDULE II

(*See* sections 10A and 90)

Year No.	Short title	Extent of Amendment	
(1)	(2)	(3)	(4)
1879	V	The Bombay Land Revenue Code, 1879.	[2][(*1A*) In section 80, for the words "through non-payment by the occupant of the land revenue due on account thereof, it shall be lawful for any person interested to pay on behalf of such occupant" the words "through non-payment of the land revenue due on account thereof by the person primarily liable for payment of it, it shall be lawful for any person interested to pay on behalf of such person" shall be substituted.]

(*1*) After section 84, the following section shall be inserted, namely :—

"84-IA Sections 83 and 84 not to apply to certain tenancies.— The provisions of sections 83 and 84 shall cease to apply to tenancies to which the provisions of the [3]Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), apply.".

(*2*) In section 86, for the proviso, the following shall be substituted, namely :—

"Provided that such application shall be made before the expiry of the year immediately succeeding the revenue year or the year of the tenancy in which the said rent or land revenue became payable.".

(*3*) In section 136 to sub-section (1), the following proviso shall be added, namely :—

"Provided that in the case of any land in the possession of a tenant, if such tenant is liable to pay land revenue in respect of such land under the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), such tenant shall be primarily liable for the payment of land revenue in respect of such land.".

1 These Schedules were inserted by Bom. 13 of 1956, s. 51.

2 This entry was inserted by Bom. 63 of 1958, s. 19.

3 The short title of the Act has been amended as "the Maharashtra Tenancy and Agricultural Lands Act (LXVII of 1948)" by Mah. 24 of 2012, Sections 2 and 3, Schedule, entry 33, *w.e.f.* 1st May 1960.

Year No.	Short title	Extent of Amendment	
(1)	(2)	(3)	(4)
1879	VII	The Bombay Irrigation Act, 1879.	In section 56D, for the proviso to sub-section (*1*), the following shall be substituted, ly :—

			"Provided that in the case of any land in the possession of a tenant, if such tenant is liable to pay the irrigation cess in respect of such land under the provisions of the [1]Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. XVII of 1948), such tenant shall be primarily liable to pay the irrigation cess, in respect of such land.".
1923	VI	The Bombay Local Boards Act, 1923.	To section 96, the following proviso shall be added, namely :—
			"Provided that in the case of any land in the possession of a tenant, if such tenant is liable to pay the cess in respect of such land under the provisions of the [2]Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), such tenant shall be primarily liable for the payment of the cess in respect of such land.".
1925	VII	The Bombay Co-operative Societies Act, 1925.	In section 24AA,—

(*1*) in clause (*i*),—

(*a*) after the words "owns any land" the words "or has interest in any land as a tenant" shall be inserted;

(*b*) for the words "on the land owned by him and specified therein" the words "on such land or interest, specified in the declaration" shall be substituted;

(*2*) after clause (*ii*), the following clause shall be inserted, namely :—

"(*iia*) any person who has borrowed a loan from a society of which he is a member before the date of the coming into force of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bom. XIII of 1956) and has any interest in land as a tenant, shall, as soon as possible, make a declaration in the form, and to the effect referred to in clause (*i*) and no such person shall unless and until he has made such

1 The short title of the Act has been amended as "the Maharashtra Tenancy and Agricultural Lands Act (LXVII of 1948)" by Mah. 24 of 2012, Sections 2 and 3, Schedule, Entry 33, *w.e.f.* 1st May 1960.

2 The short title of the Act has been amended as "the Maharashtra Tenancy and Agricultural Lands Act (LXVII of 1948)" by Mah. 24 of 2012, Sections 2 and 3, Schedule, Entry 33, *w.e.f.* 1st May 1960.

Year No.	Short title	Extent of Amendment	
(1)	(2)	(3)	(4)
			declaration be entitled to exercise any right as a member of the society;";
			(*3*) in clauses (*iii*), (*iv*), (*vi*) and (*vii*) for the word, brackets and figures "or (*ii*)" wherever they occur the brackets, figures, letter and word ",(*ii*) or (*iia*)" shall be substituted;
			(*4*) in clause (*iv*), after the words "of the land

” the words “or interest therein” shall be inserted;

(*5*) in clause (*vi*), after the words “on the land” the words “or interest” shall be inserted;

(*6*) in clause (*vii*), after the words “on land” the words “or interest” shall be inserted.

SCHEDULE III

(*See* section 32G(*6*) and 87A.)

List of Land Tenures Abolition Acts.

1. The Bombay Bhagdari and Narwadari Tenures Abolition Act,1949 (Bom. XXXII of 1949).
2. The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of1949).
3. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXIIof 1949).
4. The Panch-Mahals Mehwassi Tenure Abolition Act, 1949 (Bom.LXIII of 1949).
5. The Bombay Khoti Abolition Act, 1949 (Bom. VI of 1950).
6. The Bombay Paragana and Kulkarni Watans (Abolition) Act,1950 (Bom. LX of 1950).
7. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom.LXII of 1950).
8. The Salsette Estates (Land Revenue Exemption Abolition) Act,1951 (Bom. XLVII of 1951).
9. The Bombay Land Tenures Abolition (Amendment) Act, 1953(Bom. XXXVIII of 1953).
10. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLIIof 1953).
11. The Bombay Merged Territories (Ankadia Tenure Abolition)Act, 1953 (Bom. XLIII of 1953).
12. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953(Bom. XLIV of 1953).
13. The Bombay Merged Territories (Baroda Mulgiras TenureAbolition) Act, 1953 (Bom. XLV of 1953).
14. The Bombay Merged Territories (Baroda Watan Abolition) Act,1953 (Bom. XLVI of 1953).
15. The Bombay Merged Territories Matadari Tenure AbolitionAct, 1953 (Bom. XLVIII of 1953).
16. The Bombay Service Inams (Useful to Community) AbolitionAct, 1953 (Bom. LXX of 1953).
17. The Bombay Merged Territories (Janjira and Bhor) KhotiTenure Abolition Act, 1953 (Bom. LXXI of 1953).
18. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953(Bom. I of 1954).
19. The Bombay Merged Territories and Areas (Jagirs Abolition)Act, 1953 (Bom. XXXIX of 1954).
20. The Bombay Bhil Naik Inams Abolition Act, 1955 (Bom. XXIof 1955).
21. The Bombay Merged Territories Miscellaneous AlienationsAbolition Act, 1955 (Bom. XXII of 1955)].

[1][SCHEDULE IV

(*See* section 88AI.)

Villages in the Borivali Taluka of the Bombay Suburban District.

Villages.	Villages.
1. Borivali.	11. Valnai.
2. Kaneri.	12. Kunar.
3. Magathane.	13. Chinchavali.
4. Shimpoli.	14. Pahadi.

5. Eksar.
6. Poisar.
7. Kandivali.
8. Akurli.
9. Wadhanwan.
10. Malad.
15. Mulund.
16. Goregaon.
17. Nahur.
18. Aarey.
19. Dindoshi.
20. Mandapeshwar.]

1 Schedule IV was inserted by Bom. 63 of 1958, s. 20.