

IN THE COURT OF SHRI G.A. BEDGE, S
SUB DIVISIONAL OFFICER, AKOLA.

Rev. Case No. 14/2/66-67

Umari Umarched.

ORDER.

(Passed on this 8th Day of January, 1968)

Sarvashri Dullabhji Govindji and Chaturbhuj Methichand Sanghavi Partners of firm Ramniklal Dullabhji and Bros., Akola respectively has applied for permission to divert the agricultural land measuring an area of 28 acres and 14 Gunthas from Survey No. 2/4 of Village Umarched Talu. Akola for residential building purposes under/section 156 of the Madhya Pradesh Land Revenue Code, 1954.

2. The proposed layout filed by the applicants was referred to the Town Planner, Akola who has first approved the layout proposals with certain modification vide his letter No. TPAK/Conv./AKL/27, dated 6th Jan., 1967. The field Sr. No. 214, measuring areas 4 acres 28 gunthas was purchased by the present applications with 2 others Shri Nagarmal Jankidas Kedia and Vitnaldas Shrikisan Laddha jointly. There wasxx some dispute about of the field and therefore S/Shri Nagarmal Jankidas Kedia and Vithaldas Shrikisan Laddha has objected to the proposed layout. The field Survey No. 2/2 2/4 was got measured through the S.L.R., Akola and the measurement record is placed on ~~xxxx~~ record. The total area of the field Survey No. 2/4 of Umarched arrived as 4 acres and 28 Gunthas as per measurement report of the S.L.R. The area in the shares of the applicants as half share ~~xxxxxxx2~~ comes to 2 acres and 8 Gunthas only. All partners of this field also appeared before the Collector and

and after hearing the matter was again referred to the T.P.O., Akola. The T.P.O., Akola vide his report dated 27th May, 67 to the Collector, Akola (Page 75 of the case) pointed out that some of the overlapping area falls in residential plots in both the parties. Therefore, the alignment of the 30' road proposed in the revised layout substantially changed for want of a common boundary. The T.P.O., Akola vide his letter No.TPAK/CONV/AKL/910, 18th August 67 submitted a joint plan showing the position of proposed roads in S.No.2/4 in co-ordination with layouts already sanctioned in the vicinity. The applicants have filed copies of amended layout as per suggestions of the T.P.O.Akola before me and the same layout was sent to T.P.O.Akola for his opinion. The T.P.O.has finally approved the layout vide letter No.TPAK/CONV/AKL/1188, dated 21st November, 67. The T.P.O.Akola has slightly amended this layout. The applicants have objected this modification and requested me orally to see the spot. The spot was seen by me on 28-11-1967 along with the applicants. It was found on the spot that there is an East-West dhura between S.No.2/4 and 2/2. The proposed road of 30' in the revised layout plan between 2/2 & 2/4 should have been a straight one along with the dhura (boundary line) but according to proposals of the T.P.O.Akola the road is going just straight but it is going to affect the owners of S.No.2/4. To start with the road in the Southern portion of S. No.2/4 has got a width of 30' while in the South-Western corner of the said survey number it is hardly 3' width. Thereafter this road is likely to cover the area mainly from S.No.2/4. Therefore, I have personally contacted the T.P.O., Akola who has explained that the adjoining layout of Shri Shendurnikar was already approved and hence the changes. This position was

explained to the applicants and they are satisfied. They have again filed revised copies of layout plans as per final approval of the T.F.O., Akola.

3. The layout plan was also referred to the M.C. Akola though it is outside the M.C. Area but the opinion of the M.C. Akola on the final layout is not received though a considerable time has been passed away and I presume that the municipal council has got no objection.

4. The area under diversion is out of Municipal limit but is close to the Akola town and hence the premium for 'A' class town @ Rs. 500/- will be charged. Similarly the revised assessment @ 75 paise per 100 Sft. will be charged for diversion of the Agril. land into non-agricultural for residential building purposes. The premium and revised assessment will be charged on the area under plots only.

5. I, therefore, grant permission to divert the Agril. land measuring an area of 2 acres and 8 gunthas from S.No. 2/4 of village Umarkhed into Non-Agril. for building purposes under Sec-156(i) of the M.P.L.R. Code, 1954. The permission granted is for 12 plots covering area of 65,093 Sft.

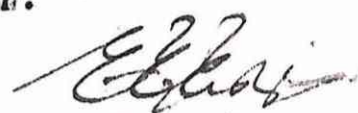
(ii) The premium and revised assessment comes to Rs. 747-15 paise and Rs. 488-25 paise respectively and will be charged accordingly u/s 52 read with section 156(1) of the M.P.L.R. Code.

6. The diversion is also sanctioned subject to the further following conditions u/s 156(3) of the M.P.L.R. Code as

- (i) No plot from approved layout shall be further divided.
- (ii) The plot shall be used for purely residential purposes only.
- (iii) The marginal open spaces shall be regulated as follows:-

1. Front margin : 15'
2. Rear margin : 10'
3. Side margin : 10'

- iv) Total coverage shall not exceed 1/3rd of the plot area.
- v) There shall be not two buildings on any plot and no two structures shall be at a distance less than 20' from each other.
- vi) Roads, lanes, drains and necessary culverts shall be constructed upto the satisfaction of the Collector, Akola without which no plot shall be sold or leased out.
- vii) All structures shall be pucca and no inflammable or kacha material shall be used.
- viii) In all other respects the Gram Panchayat bye-laws shall be followed.
- ix) The tenure holder shall relinquish any part of their land in the layout for roads, lanes, drains and other public purposes to the Gram Panchayat Umri free of charge and shall vest with the Gram Panchayat Umri.
- x) The revised assessment shall be liable to be revised in accordance with the provisions of laws for the time being in force and also on fixation of the approved standard rates.
- xi) Breach of any of the conditions will result in the cancellation of the permission.



(G.R. Bedge)
Sub Divisional Officer,
Akola.

Copy alongwith layout is forwarded to the Chief Officer, Municipal Council, Akola for information.

2. Copy alongwith layout is forwarded to the Sarpanch Gram Panchayat Umri Pr. Akola for information and necessary action.

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(G.R. Bedge)
Sub Divisional Officer,
Akola.

As noted

Akola