(32)

IN THE COURT OF SHRI A.CHANDRA I.A.S. S.D.O. DIVISIONAL OFFICER
BULDANA.

Rev.Case No.NAP/34/Buldana/B/
1976-77.

Applicant :- Bhaskar Onkar Deshpande of Buldana.

O R D E R

(Passed on this the 30th day of July 1977)

This case has been started on the application of Baaskar Onkar Deshpande presented by him on 17-5-77. The applicant has applied for conversion of agricultural land measuring 4 Acres 29 gunthas i.e.206449 Sq.ft. from Survey No.101 of Buldana Tq.Chikhli Distt. Buldana. The Survey No.101 measuring 14 Acres 28 gunthas belongs to Bhaskar Onkar Deshpande, as would be seen from the copy of Record of Right. Out of the above said land, the applicant has already converted land measuring 6-00 Acres for Non-Agril.use. The permission for conversion of the said land for Non-Agril.use was granted to the applicant vide Rev.Case No.4/B/69-69. Now the applicant desires to convert land measuring 4 Acres 29 gs. from the remaining land.

2. The necessary enquires into the application were made. The proclamation was issued to invite objections to the proposed conversion and the same was duly published vide reports of publication on record but no objections were received till the date notified. The opinions from the various authorities viz. Assistant Director Town planning, Akola, Chief Officer, Municipal Council Buldana were called. The reports received from them are on record. The layout of the residential houses on the land, the permission for conversion of which has been applied for, has been duly approved by the Asstt.Director Town Planning Akola vide it's letter No.NRA.Conversion/Buldana/2835 dt.10-6-77.

3. The suit land is not under acquisition or is notified to be acquired for any Government or public purpose since this office is not having land acquisition proposals concerning this land nor the Municipal Council Buldana or the Asstt. Director Town planning Akola have objected to the conversion of the suit land on these grounds. Similarly no objections were received on the conversion of the suit land in responce to the

proclamation issued in this respect.

4. The suit land is not reserved for any specific purpose in the regional development plan or in the town development plan as would be seen from the reports of the Municipal Council Buldana and the Asstt.Director Town Planning Akola and the concerned authorities have no objection to the land being used for the residential purpose.

5. As would be seen from the copy of the Record of Right no easement and other rights ~~are~~ existing in the suit land.

6. The applicant has agreed to abide by the conditions subject to which the non-agricultural permission would be granted to him.

7. Now therefore in exercise of the powers delegated to me under section 44 of the Maharashtra Land Revenue Code 1966 the applicant is hereby granted permission to use an area measuring 4 Acres 29 gunthas ~~ix~~ i.e. ~~206449~~ 206449 Sq.Feet marked as A.B.C.D. in the layout plan from Survey No.101 of Buldana Tq.Chikhli Distt.Buldana for the non-agricultural purpose of residential use, subject to the following conditions.

8. The grant of permission is subject to the provisions of the Maharashtra Land Revenue Code and the rules made thereunder.

i) that the grantee shall develop the land strictly in accordance with the sanctioned ~~p~~ layout plan within a period of one year from the date of this order by constructing roads, drains etc. to the satisfaction of the Sub-Divisional Officer, Buldana and the Municipal Council Buldana by measuring and demarcating the plots by Survey Department and until the land is so developed no plots therein shall be disposed by him in any manner.

ii) that if the plot is sold or otherwise disposed by the applicant grantee it shall be the duty of the granted to sell or otherwise dispose of that plot subject to the conditions mentioned in this order and Sanad and to make a ~~p~~ specific mention about this in the deeds tobe executed by him.

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iii) that the grantee shall use the land only for the purpose for which the land is permitted tobe used i.e.for construction of residential houses only and shall not use it or any part of the land or building thereon for any other purpose without obtaining previous written permission to that effect from the Sub-Divisional Officer, Buldana. For this purpose the use of the building shall decide the use of the land.

iv) that the grantee shall not sub-divide the plot as approved in this order without the sub-division previously approved from the authority granting this permission.

v) that the construction work on the building on the plots in the ~~xx~~ layout shall be subject to the conditions as mentioned by the Asstt.Director Town Planning Akola as detailed below.

a) The marginal spaces as mentioned below shall be kept open while undertaking construction work on the plots.

For the plots measuring 3000 to 5000 Sq.ft. area.

Front margin ...	(From roads)	4.6 Mtrs. (15 feet)
Side margins.	(each both sides)	2.3.Mtrs. (7½ feet)
Rear Margins ..	4	3.0 Mtrs. (10 feet)

For the plots measuring 5000 Sq.ft.& above.

Front Margin ..	(From roads)	4.6 Mtrs. (15 feet)
Side margins ..	(each both sides)	3.0 Mtrs. (~~2½ feet~~10Ft)
Rear Margins ..	4- ...	4.6 Mtrs. (15 feet)

b) The built up area of eachplot shall not exceed 1/3rd of the total area of each plot, and only three storeys (ground and two upper floors) shall be permitted tobe built over the plot.

c) There shall be only one building in each plot and the distance between the two buildings shall not be less than 20 feet

d) The grantee shall construct roads, lanes and cess-pools and shall not or otherwise dispose of the plots without ~~xxx~~ constructing the same.

e) that the grantee shall relinquish to the Municipal Council Buldana the land reserved in the layout for roads, lanes, drains, open space and culverts for public purposes in accordance with the ~~xxxxxx~~ provisions of the Code. In view of this the land suit layout under the above item has not been charged with Non-agricultural assessment.

f) that the grantee shall construct the buildings on the plots of a pucca construction and no easily combustable materials shall be used in their constructions.

g) that the grantee shall be bound to obtain the requisite building permission from the Municipal Council Buldana before starting construction of the proposed building on the plots in th layout.

h) In ~~xxx~~ case any change in the approved layout is required at the demarcating of plots on the suit site the fresh layout according to the demarcation of the site will have tobe prepared by the grantee and will have tobe duly approved before hand from this office.

i) The grantBe shall get the demarcation of layout on the site first. If there is any change in the layout while demarcat i he should get the revised layout as per demarcation approved fro

this office and from the Asstt.Director Town Planning Akola. The grantee shall then develop the plots in the area measuring 20,6449 Sq.ft. for residential use only. ~~The land reserved~~ The land reserved in the area under conversion as open space should be reqlinquished to the Municipal Council Buldana.

vi) that the grantee shall get the building plan approved from the Municipal Council,Buldana and shall prepare the same strictly in-accordance with the provisions contained in Schedule II and III appended to the Maharashtra Land Revenue Code(~~Manner of~~ Conversion of use of land and N.A.Assessment) Rules 1969, and shall construct the building according to the approved plan.

vii) that the grantee shall commence the Non-Agricultural use of the suit land within the period of one year from the date of the order. Unless the period is extended from time to time failing which the permission shall be deemed to have been ~~xxxx~~ cancelled.

viii) that the grantee shall communicate the date of Non-Agricultural use of the suit land to the Tahsildar,Chikhli through the Talathi within one month failing which he shall be liable tobe dealt with under rule 6 of the Maharashtra Land Revenue (Conversion of use of land and N.A.Assessment) Rules 1969.

ix) that the grantee shall pay the non-agricultural assessment under section 113 of the Maharashtra Land Revenue Code as per plot-wise shcedule of assessment enclosed herewith. The grantees shall pay the said non-agricultural assessment from the date of commencement of the use of the land for the purpose for which the permission is granted. In the event of any change in the use of the land the Non-Agricultural assessment shall be liable tobe levied at the different rates irrespective of the fact th t the guarantee period of the non-agricultural assessment levied is yet to expire. I fix the provisional Non-Agricultural assessment on individual plots @ Rs.0-06 paisa per Sq.metres The Schedule of Non-Agricultural assessment is enclosed herewith.

x) that the non-agricultural assessment shall be guaranted for a period of ten years after which it shall be liable tobe revision at the revised rates if any.

xi) that the area and non-agricultural assessment mentioned in the order and in the Sanad shall be liable tobe altered in accordance with the ~~xxxxx xxxx~~ actual area found on measuring the land by the Survey Deptt.

xii) that the grantee shall commence the Non-Agricultural use of the land within a period of one year from the date of the order and shall construct a substantial building on the land.

xiii) that the grantee shall not make any additions or alterations to the building already constructed as per snactioned plan without the previous permission and without getting the plan thereof approved by the Sub-Divisional Officer ~~and~~ Buldana and the Municipal Council,Buldana and the Asstt.Director Town planning Akola.

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xiv) that the grantee shall be bound to execute a Sanad in the form as provided in Schedule V as amended to the Maharashtra Land Revenue Conversion of use of land and Non-Agricultural Assessment) Rules 1969 embodying all the Conditions of this order within a period of one month from the date of commencement of the Non-Agricultural use of the land.

xv) If the grantee contravens any of the conditions mentioned in this order and those in the Sanad the competent authority may without prejudice to any other penalty to which he may be liable under the provisions of the Code continue the said land i.e. plot in the occupation of the applicant on payment of such fine and assessment as he may direct. It shall also be a lawful for the Sub-Divisional Officer, Buldana to direct the removal of alteration of any building or structure errected or used contrary to the provisions of this grant within such time as is specified in that behalf and on such removal or alterations not being carried out within the specific time he may cause the same tobe carried out within and recover the cost of the carrying out of the same from the grantee as an arrears of Land Revenue.

xvi) The grant of this perrission is subject to the provisions of any other laws for the time being inforce and that may be applicable to the relavent other facts of the case.

(A.Chandra)
Sub-Divisional Officer,
Buldana.

Copy forwarded to :-

1) Tahsildar, Chikhli.
2) Chief Officer, Municipal Council, Buldana.
3) Talathi Buldana through the Revenue Inspector, Buldana for information and further necessary action.

(A.Chandra)
Sub-Divisional Officer,
Buldana.

P.T.O.

Rev. Case No.-NAP/34/Kalda[illegible]
1976-77.

SCHEDULE (F. NON-AGRICULTURAL ASSESSMENT.

Plot No.	Area in Sq. Feet.	Area in Sq.Metres.	Non-Agril. assessment 20-06 paisa per Sq.mtr.
1	3006	279-26	16-75
2	3412	317-39	19-00
3	3412	317-03	19-00
4	3412	317-03	19-00
& 7	3412	317-03	19-00
8	3412	317-03	19-00
9	3412	317-03	19-00
10	3250	301-93	18-15
11	3557	330-45	19-85
12	3125	290-32	17-40
13	3042	282-61	17-30
14	3156	290-32	17-40
15	3557	330-45	19-85
16	3861	358-70	21-55
17	3012	279-87	16-80
18	3042	282-61	14-00
19	3012	279-87	16-80
20	4173	387-68	23-30
21	3009	279-64	16-80
22	3081	286-23	17-15
23	3081	286-23	17-15
24	3081	286-23	17-15
25	3081	286-23	17-15
&26	3081	286-23	17-15
30	3081	286-23	17-15
31	3081	286-23	17-15
32	3081	286-23	17-15
33	3353	311-50	18-70
34	3540	328-16	20-30
35	3540	328-16	20-30
36	3540	328-16	20-30
39	5382	498-19	29-90
40	5382	498-19	29-90
41	5382	498-19	29-90
Total:-			616-40

The grantee shall pay the Non-Agril. cess yearly as per above schedule of Non-Agril. assessment.

(A. Chandra)
Sub-Divisional Officer, Kalimpur.