

CD NO 269/2012
H3

In the Court of Shri D.G. Niwane,
Sub Divisional Officer, Amravati.

Revenue case No:- NAP-34/Benoda-13/1978-79.

Narayan Balaji Karpe,
resident of Benoda,
talua Amravati C/o
Ramrao U. Wankhede,
near Datta Mandir,
Amravati Applicant.

O R D E R
(Passed on this 5th day of September, 1980)



This case has been started on the application presented by the applicant-Narayan Balaji Karpe resident of Benoda, talua Amravati for conversion of agricultural land measuring 3 acres out of S. No. 2 of village Benoda talua Amravati for non-agricultural purposes i.e residential use u/s 44 of the Maharashtra Land Revenue Code, 1966. The applicant is the tenureholder of the suit land. The applicant has filed the layout plan, copy of Record of Rights and Tipan utara of the suit land. The layout plan proposed by the applicant was forwarded to the Assistant Director of Town Planning, Amravati for his opinion. The same was returned on 29-1-1979 for certain compliance. Revised layout plans were obtained from the applicant and again sent to the Assistant Director of Town Planning, Amravati. These layout plans were also returned by him with query on 30-5-1979. The applicant was again asked to submit revised layout plans and according he submitted the same. The same were sent to the A.D.T.P, Amravati for opinion in the matter. The A.D.T.P has communicated his favourable opinion under his letter No TPVA/CONV/Benoda/1987, dated 2-8-1979 subject to certain conditions. The applicant remained absent on 12-8-80 and hence

the application was rejected holding that the applicant is not prepared to pay the conversion tax and the case was filed. The applicant presented an application for restoration of the case to the file on 3-9-1980 and after hearing him the case has been restored to the file. The applicant's statement has been recorded. He is willing to pay the assessment and conversion tax as fixed and also to abide by the conditions that may be imposed on him.

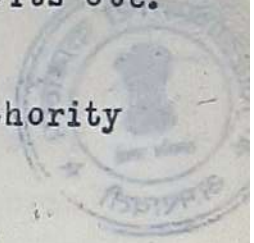
2. In the light of the observations and recommendations made by the Assistant Director of Town Planning, Amravati, I hereby grant necessary permission to the applicant to convert land measuring 3 acres out of S.No 2 of Benoda, taluq Amravati as per approved layout plan for non-agricultural purpose i.e for residential use subject to the following conditions, u/s 44 of the Maharashtra Land Revenue Code, 1966.

- 1) The transaction shall not be for speculative purpose.
- 2) The plots in the layout shall not be further sub divided.
- 3) The plots in the layout except the plot reserved for public open space shall be used for ~~and~~ residential purpose only.
- 4) No plot in the layout shall admeasure less than 3000 sq.ft in area. Similarly the area of public open space shall not admeasure less than 10% of the total area under the layout, after layout is actually demarcated on site.
- 5) The area reserved for public open space shall be be used for open space only for the public and shall be vested in local authority for maintenance.
- 6) The building regulations laid down in schedule III,



(Conversion of use of land and non-agricultural assessment) Rules, 1969 shall be imposed for construction purposes over the plots in the layout.

- 7) No building permission shall be granted unless the roads, lanes, drains with necessary culverts are constructed as per specifications of the local authority shall be vested in it for maintenance.
- 8) The roads in the layout shall be properly co-ordinated with the roads in the adjoining layouts and shall be permitted to be used by the public.
- 9) No plot in the layout shall be sold out, leased out or built upon unless the roads, lanes, culverts etc. are constructed on the site.
- 10) The building bye-laws of the local authority shall be followed in all other respects.
- 11) The roads, lanes, drains and culverts shall be constructed as per specifications of the local authority i.e Gram Panchayat and shall be vested authority for maintenance prior to starting any construction on the said layout plots.
- 12) The plots shall be demarcated on the site as per approved layout and if there is any change, the same shall be got approved from the competent authority.
- 13) The roads in the layout shall be allowed to be used by the public and adjoining landowners when they apply for conversion of their land.
- 14) The grantees shall not make any addition or alteration to the layout plan without permission of and without getting the plans thereof approved by the Sub Divisional Officer.



- 15) The grantee shall be bound to execute a sanad in the form provided in schedule VI appended to the Maharashtra Land Revenue (Conversion of use of land and Non-agricultural assessment) Rules, 1969 embodying therein all the conditions of this order.

- 16) If the grantee contravenes any of the conditions mentioned in this order and those in the sanad, the S.D.O may without prejudice to any other penalty to which the grantee may be liable under the provisions of the code and continue the said land in occupation of the said ~~land~~ grantee on payment of such assessment as he may direct.



Notwithstanding anything contained in clause 15 above, it shall be lawful for the S.D.O to direct removal or alteration of any building or structure erected or used contrary to the conditions of this grant within such time as is specified in this behalf by the S.D.O.

- 18) The applicant will have to inform the date of conversion of the land to the Tahsildar through the talathi within one month from the date of conversion, failing which he will be liable for penalty as will be imposed by this court.

- 19) The applicant will have to commence conversion of land into non-agricultural purpose i.e for ~~xxx~~ residential use within one year from the date of this order.

- 20) If The applicant fails to commence conversion of land within one year, the permission granted shall be deemed to have ~~ex~~ lapsed.

As per Maharashtra Land Revenue (Amendment) Act, 1979 published in the Govt. Gazette dated 31-3-1979 and issue of instructions by Govt. of Maharashtra in Revenue and Forests Department circular No NNA/1075/10903-6-2, dated 10th May, 1979 the non-agricultural assessment at the prevalent rates (1971) shall remain in force till 31-7-1979 only and thereafter it shall be liable to be revised. According to the rates published in official gazette dated 26-8-1971, the village Benoda is included in class II and the rate of assessment is 1(one) paisa per sq. meter. The area under plots, roads, lanes and public open space is as under:-

- i) Area under plots:- 90,808 sq.ft - 8436 sq.meters.
- ii) Area roads and lanes :- 35,045 sq.ft.
- iii) Area under public open space :- 14,102 sq.ft.

As required by section 117 of the M.L.R Code, 1966 area under roads, lanes and public open space is exempted from payment of non-agricultural assessment. The applicant is therefore liable to pay the non-agric. assessment on the area admeasuring 8,436 sq.meters @ 1paisa per sq. meter, which comes to Rs 84.36. I therefore fix it accordingly. The applicant shall pay the N.A .A @ 84.36 per annum. The suit land is within one k.m from the Municipal limit and therefore, the applicant is liable to pay the conversion tax which is equal to three times the assessment i.e Rs 253.08. The said amount of conversion tax has been got credited.

4. The non-agricultural assessment and conversion tax as fixed now will be revised with the standard rates to be made effective from 1-8-1979 and



6.

and the difference of nonagricultural assessment and conversion tax will be liable for payment by the applicant on issue of revised order for fixation of non-agricultural assessment. The standard period of revised standard rates will be applicable for the period from 1st August, 1979 to 31st July, 1991 and thereafter on 1st August, 1991 the revised rates will be applicable.

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(D.G. Niwane)
Sub Divisional Officer,
Amravati.

Copy forwarded to the Tahsildar, Amravati for information and necessary action. The note of this order should be taken in the relevant register for effecting the recovery of the non-agricultural assessment and recover the same as required by rules.

sd/-
(D.G. Niwane)
Sub Divisional Officer,
Amravati.



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Copying Incharge,
Sector Office, Amravati

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