

READE:- Application of Shri Sambhaji Rao Khanderas Suryawansi  
and Sou. Tarabai Bhaskar Rao dated 26.11.98.  
Patil

ORDER

No.199 /RB-Desk-II-JMB-CK.  
Office of the Collector, Nanded.  
Dated: 10/10/2000. 65

The land comprised in S.No/G.No. 218 of Taradakh.  
Taluka Nanded District Nanded measuring 1 H. 60 R.  
belongs to Shri Sambhaji Rao Khanderas Suryawansi  
and Sou. Tarabai Bhaskar Rao Patil R/o Taradakh.  
Shri J. S. Nanded -  
has applied that Non-Agricultural Permission may be  
granted to him to use an area measuring 1 H. 60 R. out of  
the said land for the Non-Agricultural purpose of Residential  
purpose.

2. The enquiries made into this application  
revealed that :

- 1) The applicant himself is the occupant/superior holder  
of the land and that there are no co-occupants/Co-super-  
ior holder of other persons have any interest or title  
therein.
- 2) The land in question was held on the New and/or impartible  
tenure or had been purchased by the occupant u/s 32-G  
of the B.T. & A.L. Act or under Section 41, 46 and 49-A  
of the B.T. & A.L. (Vidarbha Region and Kutch area),  
Act 1958 or u/s 38-E, 38-F and 38-G of the Hyderabad  
Tenancy & Agril. Lands Act 1950 and the occupant has  
already obtained the Collector's permission to use his  
land for N.A. purpose or get its tenure changed into an  
ordinary tenure.
- 3) The other co-occupants/superior holders/tenant/persons  
have interest in land have given written consent that  
they have no objection to permission being granted to  
the applicant.
- 4) The land in question as Ex-Inam land regranted for an  
agricultural purpose on New Tenure and the grantee has  
already paid the amount of Nazarana for using the land  
for N.A. purpose.
- 5) There has been an encumbrance of the land granted  
against the security of this land by Govt/Cooperative  
Society or Bank and the authority by which the loan  
has been granted has no objection to the grant of N.A.  
permission.
- 6) The land is not under acquisition and is not likely  
to be acquired in the near future for any Govt. or  
public purpose;

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- 7) The land is not reserved for any specific purpose in the Regional/Development Plan or in the T.P. and the concerned authorities have no objection to the land being used for the purpose of Residential.
- 8) The land is suitable for the purpose for which it is proposed to be used from the sanitary and public health point of view. The DHO Nanded communicated his "No Objection" in this respect.
- 9) The applicant has produced the layout plan/building plans duly approved by the Town Planning and the Valuation Dept. Municipal Council Nanded.
- 10) The layout plan and Building Plans produced by the applicant are in conformity with the provisions in Schedule-II and III appended to the Land Revenue (Conversion of use of land & NAA) Rules, 1969.
- 11) The Railway/Prison/Jail/authorities have no objection to the grant of N.A. Permission in question.
- 12) The applicant has produced the "No Objection Certificate" of the District Magistrate or of the Explosive Officer.
- 13) The applicant has maintained adequate open marginal space on both the sides of the Electric High Power Tension lines passing through the land.
- 14) The applicant has observed the building regulations and prevention of Ribbon Development Rules as prescribed.
- 15) There is easment and other rights in the land and the persons having such right has no objection to the grant of the N.A. permission.
- 16) The applicant has obtained from the competent authority the mining/quarrying lease or permit under the Mineral extraction Rules.
- 17) The applicant has agreed to abide by the conditions, subject to which the N.A. Permission would be granted to him.

NOTE: If the authorities referred to above have given their conditional "No objection certificate" or have imposed specific conditions to be imposed in the order, such conditions must be stated in Para 3 below of this order.

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In consideration of the above points there seems no objection to the Non-Agril. permission applied for in this being granted to the applicant.

In exercise of the powers vested/delegated to him u/s 44 of the M.L.R. Code 1966, the Collector of Nanded is pleased to grant to Shri. Sambhaji Rao Khanduras Surywanshi & Sow. Jazabai Bhaskar Rao Patil of Jaroda Kh. Taluka Nanded, District Nanded. The Non-Agril. permission to use an area of 1 H. 60 R. out of S.No/Gut No. 218 of Jaroda Kh. Taluka Nanded for the Non-Agril. purpose of Residential purpose subject to the following conditions.

(85)

- 1) The grant of permission shall be subject to the provisions of the Code and rules made thereunder.
- 2) That the grantee shall use the land together with the Building and/or structure thereon, only for the purpose for which the land is permitted to be used and shall not use it or any part of the land or building thereon for any other purpose without obtaining the previous written permission to that effect from the Collector Nanded for this purpose the use of the building shall decide the use of the land.
- 3) That the grantee shall not sub-divide the plot or sub-plots if any approved in this order, without getting the Sub-Division previously approved from the authority granting this permission.
- 4) That the grantee shall develop the land strictly in accordance with the sanctioned & layout plan within a period One year from the date of this order. By (a) constructing & Roads, drains, etc. to the satisfaction of the Collector and the concerned Municipal authority and (b) by measuring and demarcating the plots by the Survey Department and until the land is so developed no plot therein shall be disposed of by him in any manner.
- 5) That if the plot is sold or otherwise disposed of by the grantee, it shall be the duty of the grantee to sell or otherwise dispose of that plot subject to the conditions mentioned in this order & and sanad and to make a specific mention about this in the deeds to be executed by him.
- 6) That this permission is to build on a plinth area of 11343.75 Sq.Mtrs. as specified in the site plan and or building specified in the site plan and or building plan annexed hereto and the remaining area of 4656.25 Sq.Mts. of the plot shall be kept vacant and open to sky.
- 7) That the grantee shall bound to obtain the permission for construction of building from Municipal Council.
- 8) That the grantee shall get the building plans approved by the Competent authority, where the building control vests in that authority and in other cases, he shall prepare the building plans strictly according to the provisions contained in Scheduled-II appended to the M.L.R. (Conversion of use of the land and NA Assessment) Rules, 1969, and get them approved by the Collector and construct the building according to the sanctioned plans.
- 9) That the grantee shall maintain the open marginal distance of 18.53 feet from the centre of 2803.25 Road, which is a National/State/Major District Road/other Dist. road/village road, road approaching to urban area as the case may be.

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- 10) That the grantee shall commence the N.A. use of the land within the period of one year from the date of this order, unless the period is extended from time to time, failing which the permission shall be deemed to have been cancelled.
- 11) That the grantee shall communicate the date of commencement of that N.A. use of the land and/or change in the use of the land to the Tahsildar Nanded through the Talathi, within one month, failing which he shall be liable to be dealt with under rule 6 of the MLR (Conversion of the use of the land and NAA) Rules, 1969.
- 12) That the grantee shall pay, the N.A. Assessment in respect of the land at the rate that will be fixed w.e.f. 1.8.91 per sq. meter from the date of commencement of the N.A. 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, that N.A. Assessment shall be liable to be levied at the different rate irrespective of the fact that the guaranteed period of the N.A. Assessment already levied is yet to expire;
- 12.A) The N.A. permission is granted for the entire area 16000 Sq. M. However out of which an area of 4653.25 Sq. Metre which is set apart for Road and open space in the layout approved by the Asst. Director, Town Planning Nanded is exempt from payment of N.A.A. under the provisions of Rule 117 of Mah. Land Revenue Code 1966 and 22(2) of the Mah. Land Revenue (Conversion of the use of land and Non-Agric. Assessment) Rules 1969. As such the N.A.A. should be levied on the remaining area of 11343.25 Sq. Metre. 0.9 Rs. per sq. Annually Rs. 1029.87
- 12.B) The Municipal Council Nanded is Class K/B/C Municipal Council. The land for which NAA permission is granted is situated in the above Council or within the peripheral area of i.e. within one KM of the said Municipal Council. As such a conversion Tax u/s 47-A of the MLR Code 1966 is not leviable and recoverable. i.e. 5 times of Rs. 5150/- only dated 1/10/2001
13. That the N.A. Assessment shall be guaranteed for the period from 1.8.91 to 31.7.2001 after which it shall be liable to revision at the revised rate, if any.
14. That the grantee shall pay the measurement fees within one month from the date of commencement of the N.A. use of the land. measurement fees Rs. 50/- per plot
15. That the area and N.A. Assessment mentioned in this order and the sanad shall be liable to be altered in accordance with the actual area found on measuring the land by the Survey Department. Re. 3150/- w. dated 1/10/2001
16. That the grantee shall construction substantial building or/other structure, if any, in the land within a period of three years from the date of commencement of the N.A. use of the land. This period may be extended by the MLR Collector Nanded in his discretion on payment by the Grantee such fine/premium as may be imposed as per Government.
- 17) That the grantee shall not make any addition or alterations to the building already constructed as per sanctioned plans without the previous permission of land without getting the plans thereof approved by the Collector Nanded, Municipal Council/Corporation/Town Planning Department (as the case may be).
- 18) That the grantee shall be bound to execute a sanad in form as provided in schedule IV or V appended to the MLR conversion of use of the land & NAA) Rules, 1968, within a period of one month from the date of commencement of the N.A. use of the land.

- 19) (a) If the grantee contravenes any of the conditions mentioned in this order and those in the San, the Collector Nanded may, without prejudice to any other penalty to which he may be liable under the provisions of the code continue the said land/plot in the occupation of the applicant on payment of such fine and assessment he may direct;
- (b) Notwithstanding anything contained in clause (a) above, it shall be lawful for the Collector Nanded to direct the removal or alteration of any building or structure erected or used contrary to the provisions of this grant within such time as is specified in that behalf by the Collector and on such removal or alteration not being carried out within the specific time, he may cause the same to be carried out and recover the cost of carrying out the same from the grantee as an arrears of land Revenue.
- 20) The grantee shall bound to adhere the conditions mentioned by the Executive Engineer, PWD and Executive Engineer MSEB Nanded, while granting his No Objection vide his letter dt. and dt.

4. The grant of this permission is subject to the provisions of any other Laws for the time being in force and that may be applicable to the relevant other facts of the case e.g. the Bombay Tenancy and Agril. Lands Act, 1948. the Maharashtra Village Panchayat Act, the Municipal Act, etc.

TO

Shri Sambhajirao Khanderao Surywanshi  
and Son, Jarabai Bhaskar Rao Patil  
Jarabai D. S. & Dist. Nanded

Sahaidar  
Addl. Collector,  
NANDED.

- 1) Copy frd. to the Dy. Collector Nanded for information.
- 2) Copy to the Sahaidar Tandra Bk. for information and necessary action. He is requested to watch the report from the grantee about commencement of N.A. use of the land in time. He should take necessary Notes in T.F.II and V.F.II N.A. Note Book, to the effect and recover the N.A. Assessment from the date of commencement of the N.A. use from the grantee. If the occupant pay the measurement fees he should inform the D.I.L.R. Nanded accordingly alongwith the sanction Plans and extracts of Rights in respect of the Land in question.
- 3) Advance copy frd. to the Dist. Inspector of Land Records, Nanded alongwith a copy of Chellan bearing No. dt. of Rs. (Plot @ Rs. 50/- per Plot) towards measurement. Fees has been recovered from the applicant. He is requested to measure the Plot.

Sahaidar  
Addl. Collector,  
Nanded.

20/12/20

STING ROAD



VIEW 1971-72, 19, 1970

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