IN THE COURT OF SHRI B.A. BHAMGAONKAR, SUB DIVISIONAL OFFICER
WARDHA

Rev.Case no. 5/NAP-34/79-80
of Mouza : Nalwadi
M.No. 195,
Tahsil and District Wardha.

Read : (1) Application dated 7.8.1980 from Smt. Shakuntala Hiralal Maliye (2) Rambhau Nandramji Bamnote, resident of Wardha, Tahsil and district Wardha.

ORDER

(Passed on this 12th day of February 1981)

The land comprised in survey number 6/3 belonging to Smt. Shakuntala wife of Hiralal Maliye and Shri Rambhau Nandramji Bamnote, both residents of Wardha. The land is of mouza Nalwadi, Mouza no. 195, Tahsil and district Wardha. The above mentioned applicants have applied for grant of permission for use of agricultural land S.no. 6/3 area 3.50 of Nalwadi to the non agricultural purpose i.e. for residential purpose.

2. i) The enquiries made into this application revealed that the applicants themselves are the co-occupant holders of the land and that no other persons have any interest of title therein.

ii) The land is not under acquisition and is not likely to be acquired in the near future for any Government or public purpose.

iii) The land is not reserved for any specific purpose in the Govern Development plan or in the Town plan and concerned authorities have no objections to the land being used for the purpose of residential use vide it's letter no. TPW/DAL/WRD/1242 dated 5.9.1980.

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iv) 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 District Health Officer, Wardha has communicated this opinion vide letter no. DHO/EPD/Site/ WS-2047/80 dated 13.10.1980.

v) The applicants have produced the layout plan which is technically examined by the Twon Planning authorities and they have submitted their opinion as mentioned above vide letter number mentioned in para (iv).

vi) The layout plans produced by the applicants are in confirmity with the provision in Schedule-II and III appended to the Maharashtra Land Revenue (Conversion of use of Land and Non-agricultural Assessment) Rules,1968.

vii) The applicants have to observe the building regulations and prevention of Rural Development Rules as prescribed.

viii) There is also no objection to the Muncipal Council subject to the maintenance of service lanes to be kept between the plots $\frac{5}{31-32}$ $\frac{1}{37}$ $\frac{6}{30-29}$ $\frac{11-12.}{17}$. But for the same point Town Planning Department has been consulted who have opined that such lanes are not necessary according to the new standardised Bye-Laws and D.C.Rules of Wardha which are in force according to which no service lanes are prescribed vide his letter no. TPW/DAL/WRD/1879 dated 10.12.1980.

ix) The applicants have agreed to abide by the conditions subject to which the non-agricultural permission would be granted to them.

On consideration of the above points, there seems no objection to grant the non-agricultural permission as applied for the residential purpose.

3. In exercise of the powers vested under section 44 of the Maharashtra Land Revenue Code 1966, I Sub Divisional Officer, Wardha am pleased to grant permission to use an

area admeasuring 3.50 HR. of survey no. 6/3 of Mouza Nalwadi, M.No.R95, Tahsil and district Wardha for non-agricultural purpose for residential use subject to the following conditions :-

I. The grant of permission shall be subject to the provisions of the Code and Rules made thereunder.

II. That the grantee shall use the land togetherwith 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 thereof or building thereon for any other purpose without obtaining the previous written permission to that effect from the Collector, Wardha/Sub Divisional officer, Wardha.

III. That all the plots shall be exclusively used for residential purpose except the open space area.

IV. That no plot shall be further sub divided.

V. That the grantee shall construct all the roads, drains and necessary culverts if any before disposing off the plots to the satisfaction of competent authority.

VI. The margianal open space to be left around the buildings shall be as follows :

(a) Plots fronting on 120 ' road :

Front	Side	Rear
4.57 mtr. (15')	3.05 mtr. (10')	4.57 mtr. (15')

or as per Prevention of Ribon Development Rules-

(b) Plots having area 5000 sq. ft. or above :

4.57 mtr. (15')	3.05 mtr. (10')	4.57 mtr. (10')

(c) Plots having area 3000 sq. ft. to 5000 sq.ft.

4.57 mtr. (15')	2.29 mtr. (7.6')	3.05 mtr. (10')

VII. That the builtup area of the plot shall not exceed 1/3 or the total plot area.

VIII. That ground plus, two upper floors shall be permissible.

IX. That the site reserved as open space shall be vested to the competent authority for maintenance.

X. That in all other respects the development/ construction shall be in accordance with the Maharashtra Land Revenue Rules 1969 under Maharashtra Land Revenue Code and the Development Control Rules under the Development Plan of Wardha.

XI. That the grantee shall develop the land strictly in accordance with the sanctioned layout plan within a period of one year from the date of this order, ~~within a period of one year from the date of this order~~, by (a) constructing roads, drains etc. to the satisfaction of the collector, Wardha / Sub Divisional Officer, Wardha and the concerned Muncipal Authority, (b) by measuring and demarking the plots by the Survey Department and untill the land is so developed, no plots therein shall be disposed of by them in any manner.

XII. That after development of roads, lands and drains, the grantee shall take steps to deliver the possession of the site to the Muncipal Council Wardha/Gram Panchyat concerned as the case may be and thereafter, the site shall be vested in Muncipal council/Gram Panchyat for the purpose of roads, lanes, drains and open spaces.

XIII. That it shall be the duty of the grantee to mention the conditions of this order in the sale deed to be executed at the time of sale of plots to individuals.

XIV. That, the grantee shall be bound to obtain the requisite building permission from the Muncipal Council, Wardha before starting construction of the proposed buildings or other structure if any.

XV. That, the grantee shall commence the non-agricultural use of the land within a period of one year from the date of this order, unless the period is extended from time to tiem, failing which the permission shall be deemed to have been cancelled.

XVI. That the grantee shall communicate the date of commencement of the non agriculture use of the land to the Tahsildar, Wardha through the Talathi concerned within a period of one month from the commencement of such date, failing which he shall be liable to be dealt with under rule 6 of the Maharashtra Land --- Revenue(Conversion of of use of land and non-agricultural)Rules 1968.

XVII. That the grantee shall pay the non-agricultural assessment in respect of the land at the rate of Rs. 14.1. paise for Rs. 23024.6 sq. mtr. area under plots and conversion tax of Rs. 9739.50 from the date of commencement of the use of the land for non-agricultural purpose i.e. for residential prupose. In the event of any change in the use of the land the non-agricultural assessement shall be liable to be levied at the different rate irrespective of the fact that, the grantee ~~be expired~~. may not have expired

XVIII. If the grantee contravens any of the conditions mentioned in this order the Collector/Sub Divisional Officer Wardha may without prejudice to any other penalty to which he may be liable under the provisions of the Code to charge such penalty, fine or assessment as he thinks so.

(B) Notwithstanding anything contained in clause (1) above, it shall be lawful for the Collector/Sub Divisional officer, Wardha to direct the removal or 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 by the Collector/Sub Divisional officer and on such

removal or alteration not being carried out within the specific thime he may cause the same to be recorded as an arrears of the land revenue.

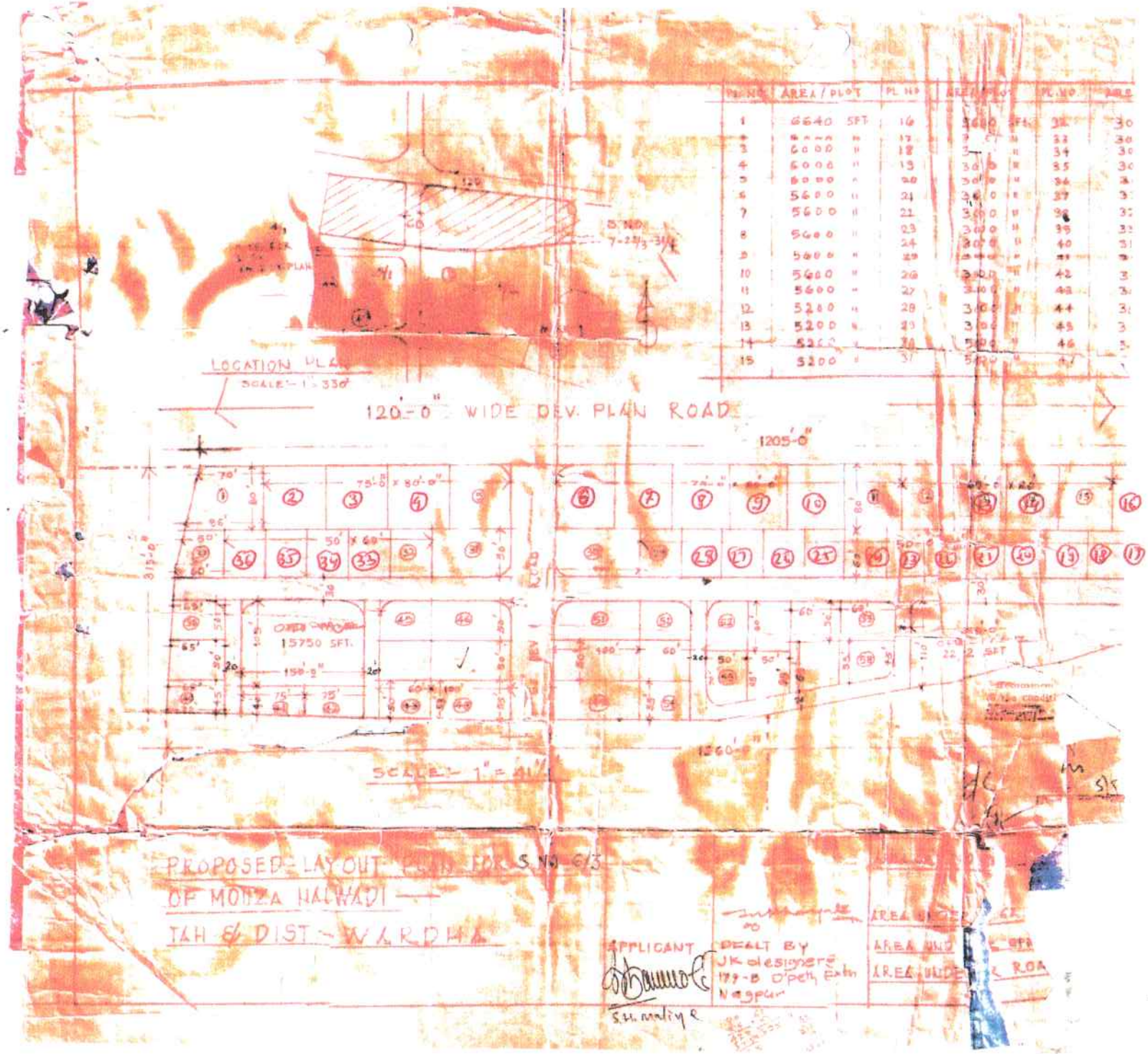
4. The grant of this permission is subject to the provisions of any other law for the time being in force ~~of any other~~ and that may be applicable to the relevant other facts of the case, e.g. The B.T. and A.L. Act,48 The Maharashtra V.P. Act, The M.C. Act etc.

(B.A.Khamgaonkar) 12/12/8
Sub Divisional Officer, Wardha.

Copy forwarded to :-

1. The applicants Smt. Shakuntala Hiralal Maliye and Rambhau Nandramji Bamnote, Wardha.
2. The District Inspector of Land Records, Wardha.
3. The Chief Officer, Muncipal Council, Wardha.
for information and necessary action.

(B.S.Khamgaonkar) 12/12/8
Sub Divisional Officer, Wardha.


PL NO | AREA / PLOT | PL NO | AREA / PLOT | PL NO | AREA
1 6640 SFT 16 3600 SFT 31 30
2 6000 " 17 " 32 30
3 6000 " 18 " 33 30
4 6000 " 19 " 34 30
5 6000 " 20 " 35 30
6 5600 " 21 " 36 30
7 5600 " 22 " 37 30
8 5600 " 23 " 38 30
9 5600 " 24 " 39 30
10 5600 " 25 " 40 30
11 5600 " 26 " 41 30
12 5280 " 27 " 42 30
13 5200 " 28 " 43 30
14 5200 " 29 " 44 30
15 5200 " 30 " 45 30
31 " 46 30
LOCATION PLAN
SCALE 1 = 330'
120'-0" WIDE DEV. PLAN ROAD
1205'-0"
15750 SFT.
150'-2"
1260'-0"
SCALE 1" = 40'
PROPOSED LAY OUT PLAN FOR S.NO 6/3
OF MOUZA HALWADI
TAH & DIST - WARDHA
APPLICANT
DEALT BY
JK designers
179-B Dipti Extn
Nagpur
AREA UNDER ROAD