

BEFORE SHRI N.J. GAJBHIYE, ADDITIONAL COLLECTOR, NAGPUR.

REV.CASE NO. 31/NAP-34/97-98 of Mouza Borgaon, P.C. No. 8-A,
Tah. Nagpur (Urban), Dist. Nagpur.

APPLICANTS : Shri Vishweshwar S/o Gopal Khadagi & other
Through Special Power of Attorney Holder
Shri Kiransingh Hada,
R/o Kadbi Chowk,
NAGPUR.

ORDER

(Passed this 1st day of June, 1999)

The proceedings in this case started on an application dated 12/5/99 of Shri Vishweshwar S/o Gopal Khadagi and other through the special power of attorney holder Shri Kiransingh Hada, R/o Kadbi Chowk, Nagpur under Section 44 (1) of the Maharashtra Land Revenue Code, 1966 for conversion of agricultural land from amongst field Survey No. 53/3, 53/12; area 5,148 square meters sanctioned under Talegaon Dabhade Scheme of Mouza Borgaon, Patwari Halka No. 8-A, Tah. Nagpur (Urban), Dist. Nagpur into non-agricultural land for residential use. The Additional Collector & Competent Authority, Urban Land Ceiling, Nagpur vide Order No. ATP/ULC/TD(130)/1210/1998 dated 16/12/98 have sanctioned the Talegaon the Talegaon Dabhade Scheme with reference to (1) Government of Maharashtra, Housing & Special Assistance Department, Mantralaya, Bombay's Resolution No. CSC-ULC-1091/5(3977)D-XIII/Dated 15/01/1992, (2) Application of the applicant Shri Gopal Rama Khadgi, R/o Hajaripahad, Nagpur and (3) Proceedings of meeting held on 03/11/1998; as such full responsibility of correctness or otherwise belongs to Urban Land Ceiling Section. The Additional Collector & Competent Authority, Urban Land Ceiling, Nagpur has also given a report in proforma for grant of non-agricultural permission dated 16/02/1999.

A proclamation dated 16/02/1999 was issued and published inviting claims and objections if any within seven days from the date of proclamation. But no claim or objection was received within the given period. Then as provided under Rule 4 of the Maharashtra Land Revenue (Conversion of Use of Land & Non-Agricultural Assessment) Rules 1969, the Planning Authorities were consulted through this Office Letter No. Prastut/Ati.Zilla./Nag/R.C.No.22/NAP-34/Mouza Borgaon dated 22/02/1999 for their opinion in the instant case for conversion of agricultural land into non-agricultural use for residential purpose with a request to send their opinion within a period of twenty days with the clear understanding that, if the opinion is not received within the given period, it will be presumed that, they have consented to the conversion for non-agricultural use. Opinions from the following Authorities with remarks are received.

Name of Authority	Remarks
1) Tahsildar, Nagpur (Urban)	He has no objection for conversion of the land in

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question for non-agricultural use if the Nagpur Improvement Trust, Nagpur Municipal Corporation and Urban Land Ceiling Authorities have no objection.

2) Executive Engineer
(Planning)
Nagpur Improvement Trust,
Nagpur.

He has no objection for conversion of land for residential use subject to the condition that; the landholder will have to seek necessary action of the Layout on the land from the Nagpur Improvement Trust.

Other Authorities like Maharashtra State Electricity Board, Nagpur Municipal Corporation, Public Works Department did not send their opinion though clear understanding was given to them that; if the opinion is not received within a given period period, it will be presumed that, they have consented to the conversion of the said land for non-agricultural land for residential purpose.

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

I, therefore, hereby grant permission to convert the agricultural land of field Survey No. 53/3, 53/12; area 5,148 square meters of Mouza Borgaon, Patwari Halka No. 8-A, Tah. Nagpur (Urban), Dist. Nagpur to non-agricultural use for residential purpose under Section 44 of the Maharashtra Land Revenue Code 1966, subject to the following conditions.

CONDITIONS

- 1) Since it is emanating out of U.L.C. Correctness or otherwise for non-agricultural permission lies on the Competent Authority as per Government of Maharashtra in Revenue & Forests Department, Mantralaya, Bombay's Circular No. NAP-1087/(36495(1193)-L.2 dated 24/12/1987.
- 2) Permission is subject to Town Planning Authority's sanction.
- 3) Permission is granted subject to the conditions of all civil developments like roads, sewerage, water and light etc. Including open space and the space for parking vehicles.
- 4) The permission is subject to all other conditions from development authorities.
- 5) N.A. done without following directions shall call for punitive action as per the Law of the Land.
- 6) The grant of permission shall be subject to the provisions of the Maharashtra Land Revenue Code and rules made thereunder.

- 7) The applicant shall commence the non-agricultural use within the period of one year from the date of this order, failing which the permission shall be deemed to be lapsed.
- 8) Grantee shall use the land only for the purpose for which the land is permitted to use and shall not use it or any part of the land for any purpose without obtaining the previous written permission from the Competent Authority.
- 9) After completion if any discrepancy is observed a revised layout should be got approved by the Town Planning Department.
- 10) All the roads and drains shall be constructed by the applicant before disposal of the plots.
- 11) Drinking water problems should be solved before disposal of the plots.
- 12) Building Plans should be got approved from the Competent Authority before the construction of the building, whether the building control vests in that Authority and other cases, he shall prepare building plans strictly according to the Maharashtra Land Revenue (Conversion of Use of Land & Non-Agricultural Assessment) Rules 1969, and get them approved from the Additional Collector, Nagpur and construct building according to the sanctioned plans.
- 13) The grantee shall not sub-divide the plot or sub-plots if any approved in this order without getting the sub-divisions previously approved from the Town Planning/Nagpur Improvement Trust Authority for granting permission.
- 14) No Objection Certificate should be obtained from the Maharashtra State Electricity Board, Public Works Department before disposal of the plots.
- 15) The land under open space and roads should be handed over to the Nagpur Municipal Corporation/Nagpur Improvement Trust for further maintenance as the case may be.
- 16) The grantee shall communicate the case of commencement of the non-agricultural use of the land or change in the use of the land to the Tahsildar through Talathi within one month failing which the applicant shall be liable to deal with under Rule 6 of the Maharashtra Land Revenue (Conversion of Use of Land & Non-Agricultural Assessment) Rules, 1969 and under Section 44 (4) of the Maharashtra Land Revenue Code, 1966.
- 17) The grantee shall pay the non-agricultural assessment in respect of land at the rate of Rs. 00.31.3 Naya Paise per square meter and Zilla Parishad Cess, Increase Land Revenue/Conversion Tax on N.A. Assessment as per rule from the year 1998-99 to 31/07/1999 of the land for the purpose for which the permission is granted.

The details of fixation of N.A. Assessment and cesses thereon are; as under :-

Mouza & Tahsil	Survey No.	Area in Sq.Mtr.	N.A.A. In Rs.	Conversion Tax in Rs.
Borgaon, P.C. No. 8A, Tq. Nagpur (Urban), Dist. Nagpur.	53/3, 53/12	5,148=00 sq.mtr. (sanctioned area under Talegaon Dabhade Scheme)	Rs. 1,071=00	Rs. 3,213=00

18) The grantee shall pay conversion tax amounting to Rs. 3,213=00 (Rs. Three thousand Two hundred Thirteen only) which is equal to three times of the N.A. Assessment which the non-agricultural permission shall be liable to be cancelled.

19) The grantee shall be held responsible for payment of the taxes levied yearly till the date of actual change of rights on the land or the part of the land under this order.

20) The area and non-agricultural assessment mentioned in this order and the Sanad shall be liable to alter in accordance with the actual area found on measuring the land by the Survey Department.

21) The grantee shall be bound to execute a Sanad in Form as provided in Schedule IV or V appended to the Maharashtra Land Revenue (Conversion of Use of Land & Non-Agricultural Assessment) Rules, 1966 embodying therein all the conditions of this order, within a period of one month from the date of the commencement of the Non-Agricultural Use of the land.

22) The grantee shall carry out all development works i.e. Roads, Drains etc. on the land. He shall not transfer the plots/land unless the development works are completed and certified accordingly by the Competent Authority i.e. Municipal Corporation/Nagpur Improvement Trust, Nagpur.

23) Any other conditions laid down by the Government from time to time.

This permission is granted in accordance with the instructions issued by the Revenue & Forests Department, Mantralaya, Bombay vide it's Circular No. NAP-1087/36595(1193)-L.2 dated 04/09/2986.


(N.J. Gajbhiye)
Additional Collector,
Nagpur.

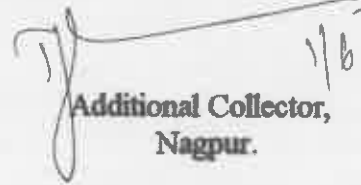
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Copy forwarded to :-

- 1) Tahsildar, Nagpur (Urban)
- 2) Patwari Halka No. 8-A Mouza Borgaon, Tah. Nagpur (Urban)
- 3) City Survey Officer No., Nagpur
- 4) Estate Officer, Nagpur Municipal Corporation, Nagpur
- ✓ 5) Applicant Shri Vishweshwar S/o Gopal Khadgi, through Power of Attorney Shri Kiransingh Hada, R/o Kadbi Chowk, Nagpur

For information and necessary action.




1/6/99
Additional Collector,
Nagpur.