

2015-16
उपजिल्हाधिकारी ,(भूसंपादन) क्र. ४ मुंबई उपनगर जिल्हा
प्रशासकीय इमारत, ९ वा मजला, शासकीय वसाहत, वांद्रे (पूर्व), मुंबई-४०० ०५१

क्रमांक: उपजि/भूसं-४/कावि १२०१५

दिनांक : २१/१०/२०१५

प्रति,

मा. आयुक्त

बृहन्मुंबई महानगर पालिका

che/DP/45/GEN
2015-16

विषय:- महाराष्ट्र प्रादेशिक व नगररचना अधिनियम (दुसरी दुरूस्ती)

संदर्भ:- मा. आयुक्त कोकण विभाग यांचेकडील पत्र क्रमांक भू.स/कार्या १/

टे-२/एमआरटीपी अॅक्ट-अध्यादेश/२०१५ दिनांक १८/०९/२०१५ चे पत्र.

नविन भूसंपादन कायदा The Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act-2013 या कायद्याच्या अनुषंगाने MRTTP Act मध्ये केलेल्या सुधारणाबाबतचा अध्यादेश पुढील कार्यवाहीसाठी पाठवित आहोत.

[Signature]

उपजिल्हाधिकारी (भूसंपादन) क्र. ४

मुंबई उपनगर जिल्हा

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय

28 OCT 2015

समय ११, १२, १३, १४
१५, १६, १७, १८
क्रमांक MGR

D/PPK

बृहन्मुंबई महानगर पालिका प्रमुख अभियंता (विकास नियोजन) यांचे कार्यालय			
११	३० OCT 2015	३	
१२		४	
१		५	
२		६	
034135			
क्र.प्र.अ/वि.नि./	शहर	पूर्व. उप	प. उप
मा. अधि. टि.डी.आर	लेखा	आस्था	

4/102

02/11/15

A.O. (DPI) - I

P) circulate to all DP staff
immediately.

HCC/DP/EE

[Signature]
30/10
प्रमुख अभियंता
(विकास नियोजन)

P. Arulalu

[Signature]

NO. CHE/DP/ 34135 /GEN DT. 04 NOV 2015

CHE/DP/ 45 /GEN
2015 - 2016

DY.CHE (DP)-I/II /DY.CHE(BP)CITY/ ES/ WS-I/WS-II/SPECIAL CELL/

DY.CH.PLANNER(DP) /DY.CHE(PPPP) /EE(DP)CITY/ EE(DP)ES /

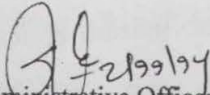
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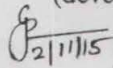
EE (BP) CITY -I /II /III/EE(BP) (ES) I /II /EE (BP)WS H&K /

EE (BP)WS P&R /

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Copy submitted for information & further necessary action please.


Administrative Officer
(development Plan)


21/11/15

034132



विभागीय आयुक्त कोंकण विभाग यांचे कार्यालय,
भूसंपादन शाखा

दालन क्र. २२६, २ रा मजला, कोंकण भवन, नवी मुंबई - ४०० ६१४

दूरध्वनी/फॅक्सक्रमांक-२७५७२३२२

ई-मेल: landacquisitionkonkan@gmail.com

पत्र क्र. भूसं/कार्या/टे-२/एमआरटीपी अॅक्ट-अध्यादेश/२०१५, दिनांक:- ११/०९/२०१५

18 SEP 2015

प्रति,

✓ मा. जिल्हाधिकारी,

मुंबई शहर, मुंबई उपनगर, पालघर, ठाणे, रायगड, रत्नागिरी, सिंधुदूर्ग

विषय : महाराष्ट्र प्रादेशिक व नगररचना (दुसरी दुरुस्ती) अध्यादेश, २०१५

संदर्भ : शासन नगर विकास विभागाकडील अध्यादेश दिनांक २९/०८/२०१५

महोदय/महोदया,

शासन, नगर विकास विभागाकडील महाराष्ट्र प्रादेशिक व नगररचना (दुसरी दुरुस्ती) अध्यादेश, २०१५ शासन राजपत्र दिनांक २९/०८/२०१५ मध्ये प्रसिध्द करण्यात आला आहे. सदर शासन राजपत्राची प्रत यासोबत संलग्न केली आहे. महाराष्ट्र प्रादेशिक व नगररचना (दुसरी दुरुस्ती) अध्यादेश, २०१५ बाबत शासन राजपत्राची प्रत आपल्या अधिपत्याखालील सर्व उपविभागीय अधिकारी, उपजिल्हाधिकारी (भूसंपादन), नगरपालिका / नगरपरिषदा / नगरपंचायती / महानगरपालिका यांना नियमोचित कार्यवाहीसाठी पाठविण्यात याव्यात, ही विनंती

प्रत - माहितीसाठी व कार्यवाहीसाठी

निवाडा शाखा, विभागीय आयुक्त कार्यालय, कोंकण विभाग.

विभागीय आयुक्त, कोंकण विभाग
11.09.15

~~Deputy Collector Land Acquisition No.4
Date... 6-10-2015
Inward No.....
Sub.....~~

जिल्हाधिकारी
मुंबई उपनगर जिल्हा यांचे कार्यालय
दिनांक 1 OCT 2015
संक्रमांक 23776
कार्यवाही
करणात विभाग
संबंधित सिध्दिक



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ५१]

शनिवार, ऑगस्ट २१, २०१५/भाद्रपद ७, शके १९३७

[पृष्ठ ५, किंमत : रुपये २७.००

असाधारण क्रमांक १०७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अपवाद व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Regional and Town Planning (Second Amendment) Ordinance 2015 (Mah. Ord. XVII of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

N. J. JAMADAR,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Regional and Town Planning (Second Amendment) Ordinance, 2015 (Mah. Ord. XVII of 2015), published under the authority of the Governor.]

URBAN DEVELOPMENT DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 29th August 2015.

MAHARASHTRA ORDINANCE No. XVII OF 2015.

AN ORDINANCE

furth^r to amend the Maharashtra Regional and
Town Planning Act, 1966.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Maharashtra Regional and Town Planning (Second Amendment) Ordinance, 2015.

Shor
and
contn

(2) It shall come into force at once.

- Amendment of section 40 of Mah. XXXVII of 1966. 2. In section 40 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the principal Act"), in sub-section (3), in clause (e), for the words and figures "under the Land Acquisition Act, 1894" the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted. Mah. XXXVII of 1966. I of 1894. 30 of 2013.
- Amendment of section 113A of Mah. XXXVII of 1966. 3. In section 113A of the principal Act, for the words and figures "under the Land Acquisition Act, 1894" the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted. I of 1894. 30 of 2013.
- Amendment of section 116 of Mah. XXXVII of 1966. 4. In section 116 of the principal Act, for the words and figures "under the Land Acquisition Act, 1894" the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted. I of 1894. 30 of 2013.
- Amendment of section 125 of Mah. XXXVII of 1966. 5. In section 125 of the principal Act,—
 (i) for the words and figures "within the meaning of the Land Acquisition Act, 1894" the words and figures "within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted; I of 1894. 30 of 2013.
 (ii) the following proviso shall be added, namely :—
 "Provided that, the procedure specified in sections 4 to 15 (both inclusive) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall not be applicable in respect of such lands." 30 of 2013.
- Amendment of section 126 of Mah. XXXVII of 1966. 6. In section 126 of the principal Act,—
 (i) in sub-section (1),—
 (a) in clause (b), for the words and figures "on the basis of the principles laid down in the Land Acquisition Act, 1894" the words and figures "on the basis of the principles laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted; I of 1894. 30 of 2013.
 (b) in clause (c), for the words and figures "under the Land Acquisition Act, 1894" the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted; I of 1894. 30 of 2013.
 (c) for the words "or under the Land Acquisition Act, 1894" the words and figures "or under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted; I of 1894. 30 of 2013.
 (ii) in sub-section (2), for the words and figures "in the manner provided in section 6 of the Land Acquisition Act, 1894" the words and figures "in the manner provided in section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted; I of 1894. 30 of 2013.

Mah. XXXVII

(iii) in sub-section (3), for the word and figure "section 6" the word and figures "section 19" shall be substituted;

1 of
1894.
30 of
2013.

(iv) in sub-section (4), for the words and figures "under the Land Acquisition Act, 1894" the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.

7. In section 127 of the principal Act, in sub-section (1), for the words "twelve months" the words "twenty-four months" shall be substituted.

Amendment
of section 127
of Mah.
XXXVII of
1966.

8. In section 128 of the principal Act,—

1 of
1894.
30 of
2013.

(i) in sub-section (1), for the words and figures " under the provisions of the Land Acquisition Act, 1894" the words and figures " under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

Amendment
of section 128
of Mah.
XXXVII of
1966.

1 of
1894.
30 of
2013.

(ii) in sub-section (2), for the words and figures " under the Land Acquisition Act, 1894", at both the places where they occur, the words and figures " under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

1 of
1894.
30 of
2013.

(iii) in sub-section (3), for the words and figures " section 16 or 17 of the Land Acquisition Act, 1894" the words and figures " section 38 or 40 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " shall be substituted.

9. In section 129 of the principal Act,—

(i) in sub-section (1),—

(a) for the words " in the public interest by that Authority" the words " for defence of India or national security or for natural calamities or for any other emergency, by that authority with the approval of the State Government " shall be substituted;

Amendment
of section
of Mah.
XXXVII of
1966.

1 of
1894.
30 of
2013.

(b) in the proviso, for the words and figures " in section 24 of the Land Acquisition Act, 1894" the words and figures " in section 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " shall be substituted;

30 of
2013.

(ii) in sub-section (2), for the words and figure " interest at 4 per cent. per annum, on the amount of compensation " the words and figures " interest and other compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " shall be substituted.

STATEMENT

The Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) provides for planning the development and use of land and for the preparation of Development plans with a view to ensuring that the town planning schemes are made in a proper manner and its execution is made effective. It is proposed to amend the said Act.

2. The salient features of the proposed amendments are as under :-

(i) *Amendment of sections 40, 113A, 116, 125, 126, 128 and 129.*—The said Act provides for the compulsory acquisition of land required for public purposes in respect of the Development plans and the matters connected therewith. In the matter of acquisition of land for such purposes, the said provisions contain references to the provisions of the Land Acquisition Act, 1894 (I of 1894).

In view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), which came into force with effect from the 1st January 2014, the Land Acquisition Act, 1894 stands repealed. Consequentially, it is expedient to replace the references to the provisions of the Land Acquisition Act, 1894, appearing in the said Act of 1966 by the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(ii) *Amendment of section 127.*—Section 127 of the said Act of 1966 provides that the land owner or any person interested in the land may, if the land which is reserved, allotted or designated is not acquired by agreement within ten years from the date on which the final Regional plan or final Development plan comes into force or if a declaration under sub-section (2) or (4) of section 126 is not published in the *Official Gazette* within such period, the owner or person interested in the land may serve notice, along with the documents showing his title or interest in the land, on the Planning Authority, Development Authority or the Appropriate Authority to that effect and if, within twelve months from the date of service of such notice, the land is not acquired or no steps as aforesaid are commenced for acquisition, the reservation, allotment or designation shall be deemed to have lapsed and the land is deemed to be released from such reservation, allotment or designation.

It is observed that the period of twelve months referred to in the said section 127 is too short to complete the necessary formalities. It is felt that the said period of twelve months need to be extended by a further period of twelve months to complete the necessary formalities.

3. To achieve the above objectives, the Maharashtra Regional and Town Planning (Third Amendment) Bill, 2015 was introduced in the Maharashtra Legislative Assembly as L. A. Bill No. XLIV of 2015 on the 29th July 2015, in the Monsoon Session of the State Legislature, which commenced on the 13th July 2015. However, the said Bill could not be passed by both Houses of the State Legislature, as the session of the State Legislative Assembly was prorogued on the 31st July 2015. The Government considers it expedient to carry out the said amendments in the Maharashtra Regional and Town Planning Act, 1966, immediately.

(iii) in sub-section (3), for the word and figure "section 6" the word and figures "section 19" shall be substituted;

I of
1894.
30 of
2013.

(iv) in sub-section (4), for the words and figures "under the Land Acquisition Act, 1894" the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.

7. In section 127 of the principal Act, in sub-section (1), for the words "twelve months" the words "twenty-four months" shall be substituted.

Amendment
of section 127
of Mah.
XXXVII of
1966.

8. In section 128 of the principal Act,—

I of
1894.
30 of
2013.

(i) in sub-section (1), for the words and figures "under the provisions of the Land Acquisition Act, 1894" the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

Amendment
of section 128
of Mah.
XXXVII of
1966.

I of
1894.
30 of
2013.

(ii) in sub-section (2), for the words and figures "under the Land Acquisition Act, 1894", at both the places where they occur, the words and figures "under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

I of
1894.
30 of
2013.

(iii) in sub-section (3), for the words and figures "section 16 or 17 of the Land Acquisition Act, 1894" the words and figures "section 38 or 40 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.

9. In section 129 of the principal Act,—

(i) in sub-section (1),—

(a) for the words "in the public interest by that Authority" the words "for defence of India or national security or for natural calamities or for any other emergency, by that authority with the approval of the State Government" shall be substituted;

Amendment
of section
of Mah.
XXXVII of
1966.

I of
1894.
30 of
2013.

(b) in the proviso, for the words and figures "in section 24 of the Land Acquisition Act, 1894" the words and figures "in section 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

30 of
2013.

(ii) in sub-section (2), for the words and figure "interest at 4 per cent. per annum, on the amount of compensation" the words and figures "interest and other compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २९, २०१५/भाद्रपद ७, शके १९३७

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 29th August 2015.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

By order, and in the name of the Governor of Maharashtra,

DR. NITIN KAREER,
Principal Secretary to Government.