

- Read:- 1) Application dated 15-6-1982 from Shri Manohar Gajanan Jogalekar of Khoni Taluka Bhiwandi and others  
2) Sub Divisional Officer, Bhiwandi Division, Division, Thane's order No. BD/SDV/SR/104/80 dated 22-1-1981.  
3) Assistant Director of Town Planning, Thane's letter No. NAP/BWD/230 dated 12-1-1981.

O R D E R .

Smt. Sakhubai Dattu Bagal, I.G. Uthekar, and, Shri Manohar Gajanan Jogalekar of Khoni Taluka Bhiwandi has applied for grant of Non Agricultural Permission for his land bearing Survey number 4 Hissa No. 1 and Survey No. 86 H.No. 4/2 of Khoni Taluka Bhiwandi, District, Thane area admeasuring 41321.50 sq. meters yards for residential use.

The proposal has already been sent to the Assistant Director of Town Planning, Thane for his remarks and scrutiny of plans, under this office letter No. REV/DESK/I/NAP/VII/SR/289 dated 21-8-1982. The Assistant Director of Town Planning, Thane was requested to offer his remarks within 45 days. However, it is seen that he has not submitted his remarks till this date. In this case because of the delay on the part of the Assistant Director of Town Planning, Thane the application in question could not be finally disposed off within the statutory period of 90 days. There is an apprehension that the applicant may take benefit of deemed permission under the Maharashtra Land Revenue Code. It is therefore, decided to finalise the application on its own merits.

The Architect on behalf of the applicant has pointed out that the land under reference is included in G Zone and situated within one furlong from the existing gaathan of the village. The land bearing Survey number 4 Hissa No. 1, Survey Number 86 H.No. 4/2 of village Khoni belongs to Smt. P. N. Sanghavi, has already been converted it into Non Agriculture under Sub Divisional Officer, Bhiwandi Division, Thane's order No. BD/SDV/SR/104/80 dated 22-1-1982, copy of the orders is amongst the case papers. While granting the permission the matter was referred to the Assistant Director of Town Planning, Thane by the Sub Divisional Officer, Bhiwandi Dn. Thane on which the Assistant Director of Town Planning, Thane has under his letter No. NAP/BWD/230 dated 12-1-1981, has given concurrence for grant of the Non Agricultural permission for the residential purpose. In view of this it can be construed that there is no objection from the Planning point of view to grant the Non Agricultural Permission of the adjoining land, which is within one furlong from the existing gaathan and which is permissible as per the R.P. Report para 5 : 2 : 62 for residential purpose.

In exercise of the powers vested in him under Rules 4(1) read with para 16 of the part II of Schedule III of Maharashtra Land Revenue Code ( Conversion of Use of Land and N.A.A.) Rules, 1969, the Additional Collector of Thane is pleased to approve the accompanying layout for residential purpose only for the land admeasuring 41321.50 sq. yards, siting respect of Survey number 4 Hissa No. 1 and S.No. 86 Hissa No. 4/2 of village Khoni Taluka Bhiwandi owned by Shri Manohar Gajanan Jogalekar of Khoni Taluka Bhiwandi.

N-A  
ORDER



The layout is approved subject to the provisions of the Maharashtra Land Revenue Code and Rules made thereunder and also subject to the provisions of the Bombay Tenancy and Agricultural Land Act 1948 and Rules made thereunder with the following conditions:-

- 1) The layout permission and the sale/purchase/permission will be subject to the provisions of the Maharashtra Land Revenue Code, 1966, the Maharashtra Regional Town Planning Act, 1966, Urban Land Ceiling and Regulation Act, 1975 and Bombay Tenancy and Agricultural Land Act 1948 and rules framed thereunder:
- 2) All the plots open spaces, internal roads etc. in the layout shall be got demarcated on site through the District Inspector of Land Records, Thane and the area of sub-plots shall also be ascertained from the District Inspector of Land Records, Thane. The width of the road and the areas of open space shall strictly be adhered to.
- 3) The layout roads shall be allowed to be used by the adjacent holder for the purpose of access if required.
- 4) No plot shall be disposed off unless the roads in the layout are actually constructed on site and handed over to the concerned local authority along with the open spaces as shown for the Public purpose.
- 5) All the plots shall be disposed off within a period of one year from the date of order and if the N.A. use of the land is not commenced within this stipulated period any further resale of open plots prohibited unless with specific prior permission from the undersigned.
- 5-A) If at the end of one year any plot/plots remained unsold for which period of sale/purchase permission is not extended, this permission ~~may~~ will automatically stand cancelled. In such cases the holder of this permission may approach the undersigned for extension of the sale permission for each and every unsold plot.
- 5-B) In case the above said conditions is not adhered to and a resale of an open plot is done without prior permission from the undersigned both the vendor and the purchaser will be liable for action under the provisions of Bombay Tenancy and Agricultural Land Act 1948. Consequently the vendor shall be liable to the penalty of forfeiture of the cost of the plot as well as the purchaser shall be liable to the penalty of forfeiture of the plot to Government.
- 5-C) In case the Urban holdings of the purchaser exceed the limit as prescribed in Urban Land (Ceiling and Regulation) Act, 1976, the purchaser shall file necessary return in form 6 of the Act with the Competent Authority under that Act. If the purchaser fails to do so he will be liable for penal action under that Act as well as the purchase of the plot will be declared null and void by the undersigned.
- 6) The occupant shall give a copy of the approved layout plan and a copy of this order to every plot holder without fail at the time of sale or agreement to sale.
- 6-A) The grantee/purchaser of a plot will put the plot to N.A. use within one year from the date of purchase, after obtaining requisite building permission from the appropriate Revenue and local authorities respectively failing which the sale/purchase permission unless extended will be deemed to have been cancelled.



- 6-B) No plot shall further be sub divided or amalgamated without obtaining the prior permission of the Collector, Thane.
- 7) No buildings shall be constructed on the plots unless approval of building plan is obtained from the appropriate i.e. both the Revenue authority and the Local authority. The building construction shall be in accordance with the Maharashtra Land Revenue Rules and the Rules framed by the local authority.
- 8) No structure shall be allowed to be constructed on lands shown as open space in the layout. The open space shall be properly developed and maintained by the holder till it is handed over to the appropriate authority for maintenance whenever required to do so.
- 9) All the plots in the layout shall be used for Residential purpose only of which the plot holder shall apply for building permission with site plans and building plans within a period of one year from the date of this order, failing which this permission shall be deemed to have been lapsed.
- 10) The occupant shall make at his own cost the arrangement for water supply electricity and drainage disposal without creating any insanitary conditions in the surrounding area.
- 11) That no building permission proposal in any of the sub-plot will be considered unless an authentic measurement plan certified by the District Inspector of Land Records, Thane is produced.

Further in exercise of the powers vested in him under Section 44 of the Maharashtra Land Revenue Code 1966, and under Section 18 of the Maharashtra Regional Town Planning Act 1966, the Additional Collector of Thane is pleased to grant Shri Manohar Gajanan Jegalekar of Kheni Taluka Bhiwandi non agricultural permission to use an area measuring 36247.68 Sq.yards out of Survey number 4 H.No.1 and S.No.86 H.No.4/2 of Kheni Taluka Bhiwandi for the non agricultural purpose of residential use only subject to the following conditions:-

- 12) The grant of permission shall be subject to the provisions of the Code and Rules made thereunder;
- 13) 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 for any other purpose without obtaining the previous written permission to that effect from the Collector. For this purpose the use of the building shall decide the use of the land;
- 14) 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.
- 15) 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 by (a) constructing road, 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;



- 16) 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.
- 17) That this permission is to build on a plinth area of  $\frac{1}{3}$  the plot and the remaining area of the plot shall be kept vacant and open to sky.
- 18) That the grantee shall be bound to obtain the requisite building permission from the Village Panchayat before starting construction of the proposed building or other structures if any.
- 19) 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 the Schedule III to appended to the Maharashtra Land Revenue (Conversion of Use of Land and N.A. Assessment) Rule, 1969, and get them approved by the Collector, Thane and construct the building according to the sanctioned plans.
- 20) That the grantee shall maintain the open marginal distances as shown in the enclosed plan.
- 21) 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.
- 22) That the grantee shall communicate the date of commencement of that N.A. use of the land and/or change in the use to the Tahsildar of Bhiwandi through the Talathi within one month failing which he shall be liable to be dealt with under Rule 6 of the Maharashtra Land Revenue (Conversion of Use of Land and Non Agricultural Assessment) Rules 1969.
- 23) That the grantee shall pay the Non Agricultural Assessment in respect of the land at the rate of Rs. 00.12.2 paise per Sq. metre from the date of commencement of the land for the purpose of which the permission is granted. In the event of any change in the use of the land, the N.A. Assessment shall be liable to be levied at the different rate irrespective of the fact that the guarantee period of N.A. Assessment already levied is yet to expire.
- 24) That the N.A. Assessment shall be guaranteed for the period ending 31-7-1991, after which it shall be liable to revision at the revised rate, if any.
- 25) That the grantee shall pay the measurement fee within one month from the date of commencement of N.A. use of the land.
- 26) That the area and the Non Agricultural 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.
- 27) That the grantee shall construct substantial building and/or other structure, if any, in the land within a period of three years from the date of commencement of N.A. use of the land. This period may be extended by the Collector in his discretion on payment by the grantee such fine premium as may be imposed as per Government orders.



- 28) That the grantee shall not make any additions alterations to the building already constructed as per sanctioned plans without the previous permission of and without getting the plans thereof approved by the Collector.
- 29) That 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 and N.A.A.) Rules 1969, embodying therein all the conditions of this order, within a period of one month from the date of commencement of the N.A. use of the land.
- 30) The undersigned is at liberty to modify or amend any of the conditions from time to time and the holder shall be liable to abide by the same.

- (a) If the grantee contravenes any of the conditions mentioned in this order and these in the sanad, the Collector of Thane may without prejudice to any other penalty to which he may be liable under the provisions of the Code continue the said plot/land in the occupation of the applicant on payment of such fine and assessment as he may direct.

Notwithstanding anything contained in clause (a) shown it shall be lawful for the Collector of Thane to direct the removal or alteration of any building or structure erected or use contrary to the provisions of this grant within such time as is specified in that behalf by the Collector, Thane and such removal of or alteration if being carried out within the specific time, he may use the same to be carried out and recover the cost accruing out of the same from the grantee as an arrears of land revenue.

- 32) A 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, the Bombay Tenancy and Agricultural Lands Act, 1948, the Maharashtra Village Panchayat Act, Municipal Act etc.

Sd/-  
( M. G. NAYAK )  
ADDITIONAL COLLECTOR, THANE.

To  
Shri Manar Gajanan Jogalekar  
of Khenialuka Bhiwandi (with approved plan).



*[Signature]*  
ADDITIONAL COLLECTOR, THANE.