

S. S. Hussain I.A.S. (Ex)
Chief Executive Officer

Ref. No. MCHI/CEO/15-16/196

January 18, 2016

Sub : Request to adopt the procedure of self certification of Class I Land for NA purpose.
Ref : Section 148 & Section 42 of Maharashtra Land Revenue Code

Dear *Shri Manu Srivastava,*

As prescribed s.148 for maintenance of Record of Rights has to be maintained in every village which consists of name of the holder, owner, mortgagee or assignee of land of Government leases.

Section 42: Permission for non-agricultural use

"No land used for agriculture shall be used for any non-agricultural purpose; and no land assessed for one non-agricultural purpose shall be used for any other non-agricultural purpose or for the same non-agricultural purpose but in relaxation of any of the conditions imposed at the time of the grant of permission for non-agricultural purpose, except with the permission of the Collector."

Section 44 (3): Procedure for conversion of use of land from one purpose to another

"If the Collector fails to inform the applicant of his decision within ninety days from the date of acknowledgment of the application, or from the date of receipt of the application - if the application is not acknowledged, or within fifteen days from the date of receipt of application for a temporary change of user or where an application has been duly returned for the purposes mentioned in clause (b) of sub-section (2), then within ninety days [or as the case may be, within fifteen days] from the date on which it is again presented duly complied with, the permission applied for shall be deemed to have been granted, but subject to any conditions prescribed in the rules made by the State Government in respect of such user."

As you are aware Sir, that provisions of S. 44 (3) the Collector is expected to, as a mandatory provision, to look into the conditions & give permission for NA, use of a particular land & if it does not within 90 days, then the permission applied for shall be deemed to be granted.

The scrutiny by the Collector before considering any such permission is for securing public health, convenience and safety, for any Development Plan of the village, town or city.

In view of the provisions and I feel it is not necessary for the Collector to insist for the revised NA, because the earlier NA was granted for plotting proposal & the current proposal may be of Building Proposal. You would agree that, in this process the nature of land or use does not change, as it has been already allowed for NA use. Our request is that the requirement of Revised NA permission should not be insisted twice.

MCHI-CREDAI would further request the department to permit/allow the Self Certification of the Class I land to be done by the Developers itself. As it is the developer, who has given the details of the land and the onus should lie on the Developer for providing the correct and true information to the Department/Government.

To further authenticate the document, it would be appropriate to upload all the details of such Class I land on the website of the respective Collectors. As this will help in preparing, getting the data and the Planning Authority shall be aware about the status of the land in question as already available on the Portal.

Finally I would request that all the plan under Zonal & DP Plan could be automatically declared for NA use and henceforth, no change of user permission could be required on such land for any Real Estate projects/ Affordable Housing etc.

You would appreciate that, this was the objective and purpose when we had a meeting with the then Hon'ble Chief Minister in your presence, that agriculture land once becomes a part of DP area as well as peripheral of Municipal Corporation in areas, separate NA permission need not be insisted upon.

I would also like to point out that BKC lands is still Agriculture Land and any project proponent or exhibition holder (like MCHI-CREDAI) has to seek temporary NA permission for the works on paying charges. This leads to time taking process and delay. Lands in Navi Mumbai and MIHAN areas are already declared NA and the Special Planning Authority does not call for another NA.

In view of this objective, the new Ordinance/Act was brought in; but unfortunately it is not being executed and implemented in its correct perspective, to fulfill the noble objective.

You may please consider and issue appropriate directions, so that no confusion, ambiguity and misinterpretation remain, to make the process smooth and less time consuming.

Regards & Personal Best
Wishes!

Yours Sincerely

(S. S. Hussain)

To,
✓ Shri Manu Kumar Srivastava (I.A.S.)
Principal Secretary,
Revenue & Forest Department
Government of Maharashtra
Mantralaya,
Mumbai - 400 032

SBMP
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लिपिक,
प्रधान सचिव (महसूल)
महसूल व वन विभाग,
मंत्रालय, मुंबई

CC to:

✓ (1) Shri Pravin C. Darade (I.A.S.),
Secretary to Chief Minister,
Mantralaya

✓ (2) Dr. Nitin Kareer (I.A.S.),
Principle Secretary - I,
Urban Development Department,
Mantralaya

P. A. to Secretary,
Chief Minister,
Mantralaya, Mumbai

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Mantralaya, Mumbai 32