



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५७] मंगळवार, मार्च १३, २०१२/फाल्गुन २३, शके १९३३

[पृष्ठे ११, किंमत : रुपये १८.००

असाधारण क्रमांक ७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Municipal Corporation, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010 (Mah. Act No. II of 2012), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. II OF 2012.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette" on the 13th March 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.
Mah. XI
of 1965.
Mah.
XXXVII
of 1966.

भाग आठ-७-१

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section 3
of Bom. III
of 1888.

2. In section 3 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Municipal Corporation Act"), after clause (ea), the following clause shall be inserted, namely :—

Bom.
III of
1888.

"(eb) "Designated Officer" means an officer designated under sub-section (1) of section 351;".

Amendment
of section
351 of
Bom. III of
1888.

3. In section 351 of the Mumbai Municipal Corporation Act,—

(1) existing sub-section (1) shall be renumbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

"(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 352, 352A and 354A. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas."

(2) in sub-section (1A) as so re-numbered, for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

(3) in sub-section (2), for the word "Commissioner" wherever it occurs, the words "Designated Officer" shall be substituted.

Amendment
of section
352 of
Bom. III of
1888.

4. In section 352 of the Mumbai Municipal Corporation Act,—

(1) in sub-section (1), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner" the words "Designated Officer" shall be substituted.

Amendment
of section
352A of
Bom. III of
1888.

5. In section 352A of the Mumbai Municipal Corporation Act,—

(1) in sub-section (1), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(3) in sub-section (3), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

(4) sub-section (4) shall be deleted;

(5) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

6. In section 354A of the Mumbai Municipal Corporation Act,—

Amendment
of section
354A of
Bom. III of
1888.

(1) in sub-section (1), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner" wherever it occurs, the words "Designated Officer" shall be substituted;

(3) in sub-section (3), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(4) in sub-section (4), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(5) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

7. After section 475A of the Mumbai Municipal Corporation Act, the following sections shall be inserted, namely :—

Insertion of
sections
475B and
475C in
Bom. III of
1888.

" 475B. Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 342, is commenced contrary to the provisions of section 342 or 347 or is otherwise unlawfully commenced or is being unlawfully carried on and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 351 or 354A, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Punishment
for failure
to take
action
under
section 351
or 354A.

475C. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under section 475A.

Compounding
of certain
offences.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

Insertion of
section
515A in
Bom. III of
1888.

Bar of
jurisdiction.

8. After section 515 of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

"515A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 351 or 354A shall not be questioned in any suit or other legal proceedings."

Insertion of
section
516B in
Bom. III of
1888.

9. After section 516A of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

"516B. The offences under sections 475A and 475B shall be cognizable and bailable."

Offences
under
sections
475A and
475B to be
cognizable
and
bailable.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment
of section 2
of Bom.
LIX of
1949.

10. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), after clause (16A), the following clause shall be inserted, namely :—

Bom.
LIX
of
1949.

"(16B) "Designated Officer" means an officer designated under sub-section (1) of section 260;".

Amendment
of section
260 of
Bom. LIX
of 1949.

11. In section 260 of the Provincial Corporations Act,—

(1) existing sub-section (1) shall be re-numbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

"(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 261, 264, 267 and 478. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas."

(2) in sub-section (1A), as so re-numbered, for the words "the Commissioner", at both the places where they occur, the words "the Designated Officer" shall be substituted;

(3) in sub-section (2), for the words "the Commissioner", at both the places where they occur, the words "the Designated Officer" shall be substituted.

Amendment
of section
261 of
Bom. LIX
of 1949.

12. In section 261 of the Provincial Corporations Act,—

(1) in sub-section (1), for the words "the Commissioner" the words "the Designated Officer" shall be substituted;

(2) in sub-section (2), for the words "the Commissioner" the words "the Designated Officer" shall be substituted.

13. In section 264 of the Provincial Corporations Act,—

Amendment
of section
264 of Bom.
LIX of
1949.

(1) in sub-section (1), for the words "the Commissioner", at both the places where they occur, the words "the Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted ;

(3) in sub-section (3), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(4) in sub-section (4), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(5) in sub-section (5), for the words "the Commissioner", wherever they occur, the words "the Designated Officer" shall be substituted.

14. In section 267 of the Provincial Corporations Act,—

Amendment
of section
267 of Bom.
LIX of 1949.

(1) in sub-section (1), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(2) in sub-section (2), for the word "Commissioner" the words "Designated Officer" shall be substituted ;

(3) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

15. After section 397 of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Insertion of
sections
397A and
397B in
Bom. LIX
of 1949.

"397A. (1) Any person to whom the notice under section 260, 261, 264, 267 or 478 has been served, shall on his failure to comply with such notice,—

Penalty for
failure to
comply with
notice
under
section
260, 261,
264, 267 or
478.

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend upto three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention; or

(b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(2) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 260, 264, 267 or 478, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Compounding
of certain
offences.

397B. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (1) of section 397A.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged. "

Amendment
of section
427 in
Bom. LIX
of 1949.

16. In section 427 of the Provincial Corporations Act, the existing sub-section (1) shall be re-numbered as clause (a) thereof; and after clause (a) as so re-numbered, the following clause shall be inserted, namely :—

"(b) Offences under section 397A shall be cognizable and bailable."

Insertion of
section
433A in
Bom. LIX
of 1949.

17. After section 433 of the Provincial Corporations Act, after the heading "*X. Miscellaneous*", the following section shall be inserted, namely :—

Bar of
jurisdiction.

"433A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 260, 261, 264, 267 or 478 shall not be questioned in any suit or other legal proceedings."

18. In section 478 of the Provincial Corporations Act, in sub-sections (1) and (2), for the word "Commissioner", wherever it occurs, the words "Designated Officer" shall be substituted.

Amendment
of section
478 of Bom.
LIX of 1949.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P. and Berar II of 1950. 19. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), after clause (14), the following clause shall be inserted, namely :—

Amendment
of section 5
of C.P.
and Berar
II of 1950.

"(14A) "Designated Officer" means an officer designated under sub-section (1) of section 281;"

20. In section 281 of the Nagpur Corporation Act,—

Amendment
of section
281 of C.P.
and Berar
II of 1950.

(1) the existing sub-section (1) shall be re-numbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

"(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of section 282, sub-section (2) of section 283 and sub-sections (1), (2) and (3) of section 286. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas;"

(2) in sub-section (1A), as so re-numbered, for the words "the Commissioner" the words "the Designated Officer" shall be substituted;

(3) for sub-section (2), the following sub-sections shall be substituted, namely :—

"(2) Any person to whom the notice under sub-section (1) of this section or sub-section (1) of section 286 has been served, shall on his failure to comply with such notice,—

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend to three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;

(b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and

where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(3) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of section 273 or is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 281 or 286, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both."

Insertion of section 281A in C.P. and Berar II of 1950.

21. After section 281 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Compounding of certain offences.

" 281A. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (2) of section 281.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

Amendment of section 283 of C.P. and Berar II of 1948.

22. In section 283 of the Nagpur Corporation Act, in sub-section (2), for the words "demolished by the Commissioner" the words "demolished by the Designated Officer" shall be substituted.

Amendment of section 286 of C.P. and Berar II of 1950.

23. In section 286 of the Nagpur Corporation Act,—

(1) in sub-section (1), for the words " the Commissioner " the words " the Designated Officer " shall be substituted;

(2) in sub-section (2), for the words " the Commissioner ", at both the places where they occur, the words " the Designated Officer " shall be substituted;

(3) in sub-section (3), for the words " the Commissioner ", at both the places where they occur, the words " the Designated Officer " shall be substituted;

(4) in sub-section (4), for the words " the Commissioner ", where they occur for the third time, the words " the Designated Officer " shall be substituted.

24. In section 287 of the Nagpur Corporation Act, for the words "or the Commissioner" the words "the Commissioner or the Designated Officer" shall be substituted.

Amendment of section 287 of C.P. and Berar II of 1950.

25. After section 426 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 426A in C.P. and Berar II of 1950.

"426A. The offences under section 281 shall be cognizable and bailable."

Offences under section 281 to be cognizable and bailable.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah. XL of 1965. 26. In section 189 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"),—

Amendment of section 189 of Mah. XL of 1965.

(1) for sub-section (9), the following sub-section shall be substituted, namely :—

"(9) Any person to whom the notice under sub-section (8) of this section or sub-section (2) of section 195 has been served, on his failure to comply with such notice,—

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, shall be punished with imprisonment for a term which shall not be less than three months but which may extend to three years; and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;

(b) for removing, pulling down the unauthorised work, shall be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the

contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.”;

(2) after sub-section (12), the following sub-section shall be added, namely :—

“(13) Where it has been brought to the notice of the Chief Officer or any other officer of the Council, nominated by the Council in the prescribed manner, that erection of any building or execution of any work is carried out or commenced contrary to the provisions of the Act, rules or bye-laws and if such officer has failed, without sufficient reasons, to take action as provided under this section, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.”.

Insertion of section 300A in Mah. XL of 1965.

27. After section 300 of the Municipal Councils Act, the following section shall be inserted, namely :—

Offences under section 189 to be cognizable and bailable.

“300A. The offences under sub-sections (9) and (13) of section 189 shall be cognizable and bailable.”.

Insertion of section 301A in Mah. XL of 1965.

28. After section 301 of the Municipal Councils Act, the following section shall be inserted, namely :—

Bar of jurisdiction.

“301A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued under sub-section (8) of section 189 by the Chief Officer or, as the case may be, the officer nominated under sub-section (13) of section 189, shall not be questioned in any suit or other legal proceedings.”.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

Amendment of section 2 of Mah. XXXVII of 1966.

29. In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter, in this Chapter, referred to as “the Town Planning Act”), after clause (6), the following clause shall be inserted, namely :—

Mah. XXXVII of 1966.

“(6A) “Designated Officer” means the officer designated under sub-section (8) of section 53;”.

30. In section 53 of the Town Planning Act, after sub-section (7), the following sub-section shall be added, namely :—

Amendment of section 53 of Mah. XXXVII of 1966.

"(8) The Planning Authority shall, by notification in the *Official Gazette*, designate an officer of the Planning Authority to be the Designated Officer for the purposes of exercise of the powers of the Planning Authority under this section and sections 54, 55 and 56. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas."

31. After section 56 of the Town Planning Act, the following section shall be inserted, namely :—

Insertion of section 56A in Mah. XXXVII of 1966.

"56A. Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action, as provided under section 53, 54, 55 or 56, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both."

Punishment for failure to take action against unauthorised construction.



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-अ—मध्य उप-विभाग

वर्ष ४, अंक ४]

गुरुवार, मार्च २२, २०१२/चैत्र २, शके १९३४

[पृष्ठे २, किंमत : रुपये २०.००

असाधारण क्रमांक ४५

प्राधिकृत प्रकाशन

महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपरिषदा, प्राथमिक शिक्षण आणि स्थानिक निधी लेखापरीक्षा अधिनियम यांखालील (भाग चार-ब मध्ये प्रसिद्ध करण्यात आलेले आदेश व अधिसूचना यांखालील) आदेश व अधिसूचना.

नगरविकास विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक २२ मार्च २०१२

अधिसूचना

महाराष्ट्र महानगरपालिका, नगरपरिषदा आणि महाराष्ट्र प्रादेशिक नियोजन व नगररचना (सुधारणा) अधिनियम, २०१०.

क्रमांक एमएमसी. २००९/७२/प्र.क्र.४८/२००९/नवि-३२.—महाराष्ट्र महानगरपालिका, नगरपरिषदा आणि महाराष्ट्र प्रादेशिक नियोजन व नगररचना (सुधारणा) अधिनियम, २०१० (२०१२ चा महा. २) याच्या कलम १ च्या पोट-कलम (२) अन्वये प्राप्त झालेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन, याद्वारे असा निदेश देत आहे की, उक्त अधिनियम ही अधिसूचना महाराष्ट्र शासन राजपत्रात प्रसिद्ध झाल्याच्या दिनांकापासून अमलात येईल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

मनु कुमार श्रीवास्तव,
शासनाचे प्रधान सचिव,

URBAN DEVELOPMENT DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032,
dated the 22nd March 2012

NOTIFICATION

MAHARASHTRA MUNICIPAL CORPORATIONS, MUNICIPAL COUNCILS AND MAHARASHTRA REGIONAL AND TOWN PLANNING (AMENDMENT) Act, 2010.

No. MMC. 2009/72/C.R.48/2009/UD-32.—In exercise of the powers conferred by sub-section (2) of section 1 of the Maharashtra Municipal Corporations, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010 (Mah. II of 2012), the Government of Maharashtra, hereby appoints the date of publication of this notification in the *Maharashtra Government Gazette*, to be the date on which the said Act shall come into force.

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

MANU KUMAR SRIVASTAVA,
Principal Secretary to Government.