



MRTA Act defines and explains various concepts regarding development, authorized development, unauthorized development, town planning, permission relating to land.

Q.1) Define what is development? what is authorized development?

Ans: Changing the form or structure of an object. includes:-

- 1) Carrying out Building, Engineering and Mining.
 → reconstruction, → Redevelopment of old bldg
- 2) Over or Under land.
 → Tower, beyond limit, Paved etc
- 3) To make any structural change, OR
 → within construction Area changes in Pillar
- 4) To make any material change in any land, Building, Heritage.
 → Beyond Area 4th floor to 8th Floor Structure
- 5) To do Redevelopment
 → old bldg
- 6) To do demolition or reclamation of land.
 → नगरिका

Authorized Development 1/543-47

After a development plan to develop a particular area is published in the official gazette no person shall institute development or do changes the use of any land or carry out any development activity without the permission in writing of the planning Authority. No permission shall require to conduct development initiated by Government or as per the Court Order.

ग्राम पंचायत, नगर परिषद, नगर पालिका, महानगर पालिका etc

1/544 Any person, not being the Govt. Authority, who is intending to carry out the development shall make an application in writing to the planning Authority for permission with prescribed documents.

No such permission shall be necessary for demolition of an existing structure or development of existing structure complying with Statutory Regulation.

1/545 On receipt 1/544 the planning Authority, by order in writing, -

- i) grant the permission, Unconditionally (after 60 day of applicat)
- ii) " " " Subject to general or special conditions (fees was extended to 3 yr)
- iii) refuse the permission.
- iv) Every permission granted shall be given EC Commencement (critical regulations)

1/546 Planning Authority shall check Applicant Project Complies with Statutory.

1/547 After Rejection aggrieved applicant Can appeal within 40 days from Date of Rejection Order.

MRTPACT Unauthorised Development U/S 52-57

- 1) Provisions of U/S 43 to 51 of MRTPACT are not complied with
- 2) Development is commenced or continued without valid legal permission from Regional Town Planning Authority
- 3) Development which contravenes the terms and conditions of the permission granted. (Penal up to 6 months)
- 4) Development which still continues even after revocation (Expenses)
- 5) If the terms & conditions of the permission for development are modified & the development is not accordance with the modified development permission. after his conviction (Notable)

Any person carries out unauthorized development, shall be liable to imprisonment which may extend up to 3 yrs.

Against Dev
Fine which may range ₹ 2,000 to ₹ 5,000.
If the provisions of authorized development are still not complied, then ₹ 200/- per day till the offense continues.

U/S 53 Procedure of Removal of Unauthorized Development:-

1. To restore the land to its original condition
2. To secure the compliance with development permission if granted, to him
3. To discontinue the use of land.
4. To demolish, alter the unauthorized structure built on the land
5. To vacate premises. Receipt of Notice

The aggrieved person may file an appeal within 40 days from date of

Is in favour of him

Notice of the Town Planning Authority stands withdrawn with immediate effect.

Is against him.

Unchanged Notice of TPA remains & the person has to vacate the premises within 30 days

MRTPACT Acquisition of Land for Public Purpose U/S 125-128.

Public Purpose means any public welfare activity which will be beneficial for general public at large (eg Hospital, Garden, Park, Road, Bridge etc)
If State Govt. or Urban local body reqd. will designate particular piece of land as "Reserved for Public Purpose" in Master Plan of city - will initiate procedure of Land Acq.

U/S 125 Any Land reqd. reserved or designated in a Regional Plan Development or town planning scheme for a public purpose shall be deemed to be land needed for public purpose within Land Acquisition Act 1894.

U/S 126 After publication of a draft Regional Plan any land is reqd. or reserved for any public purposes the Planning Authority may Acq. the land

- a) by agreement by paying an amount agreed to [OR]
- b) by granting the land over Floor Space Index [FSI] or Transferable Development Right [TDR] against surrendered land
- c) by making an application to State Govt. for Acq. of such land under Land Acq. Act 1894. [Reserve for Public Purpose in official use]

that Notice to be given to State Govt. then own purposes if they want.

U/S 128 State Govt. may acquire any land other than public purpose through land acquisition Act 1894. Table 14 of

Floor Space Index [F.S.I.] Development Control Regulation [D.C.R.] 1991 Residential development 3 times FSI & Commercial 5 times FSI. FSI is a formula which indicates the Availability of total area for construction purpose on a given piece of land. FSI measures the intensity of development on a given piece of land.

U/S 2(42) & U/S 32 of D.C.R. 1991 for Greater Mumbai certain provisions of F.S.I. F.S.I. = $\frac{\text{Total Covered Area on All Floors}}{\text{Plot Area}}$

Additional FSI may be allowed in certain categories: - Except areas specifically exempted under D.C.R. like garden, open space, road etc. (eg. playground, lift room, passage)

- 1) Road widening and construction of new roads.
- 2) Building of Educational and medical institutions, Institutional Bldgs
- 3) Building of Govt. offices, Semi-Govt. offices and PSU Headquarter (HP, BP, etc)
- 4) Five Store Hotel
- 5) Low Cost Housing Scheme MHADA, CIDCO & other Govt. Dept.
- 6) Rehabilitation of Slum dwellers
- 7) Reconstruction and Redevelopment of several categories of Bldgs
- 8) Public Library.
- 9) Public Hospital.

(eg) Suppose there is a plot of land 1,00,000 Sq.ft. & Total developed area on the plot of land excluding exempted space is 1,75,000 Sq.ft.

$$F.S.I = \frac{\text{Total (developed) Land Excluding exempted Space}}{\text{Total plot of Land}} = \frac{1,75,000}{1,00,000} = 1.75$$

Transferable Development Right [T.D.R.] U/S 2(34) of D.C.R. 1991. Appendix VII

TDR can be issued by appropriate Govt. (Centre, State, Urban, local body). The Govt. unlocks the development potential of land & sells it sparingly to land owner. Land owner can utilize TDR in construction at the same locality where there low degree of development. The Govt. shall issue Development Rights Certificate (DRC) as a proof of TDR. Owner can sell TDR or use it for construction.

* Additional FSI & TDR can be granted to land owner who - Surrenders his land for public purpose - Spends his own money and develops land on behalf of Govt.

* TDR can't be used in No Development Zone, CRZ or Forest Land. Dador TDR can't be used in South Mumbai like Malabar Hill, Norman Point. But can be used in Mumbai Suburban Baniashi or Karivali etc.

M.L.R.C. Maharashtra Land Revenue Code (Act) 1966 ^{31/01}

The Act aims to unify and amend the law relating to Land and Land Revenue in the State of Maharashtra.

S 44:- Conversion of Agricultural land to Non Agricultural Land.
Agri. land means the land designated as Agri. in Land Records.

S 2(18) Land Records:- Land records means records maintained under the provisions of this Code and includes $\frac{1}{2}$ or $\frac{1}{12}$

- Record of rights on occupied land
- Rights of unoccupied land
- a copy of maps & plans of a final town planning scheme. Under sub-section
- Improvement scheme awarded to Revenue or Survey Officer in

S 44 Process:-

1. The Owner of the Agri. land will have to write an application to the Revenue Collector.

- For Conversion of Agri. land to Non Agri. land Purpose
- For Using Non Agri. land allowed for one purpose to another
- For relaxation of non agri. land permissions.

In the prescribed format and with the prescribed fees as per Schedule of M.L.R.C. 1966.

2. The Revenue Collector shall after the receipt of the Application for Conversion

- may acknowledge the Application within 7 days.
- may return the Application if not in prescribed format

Thereafter the Revenue Collector shall scrutinize the Application and conduct the Survey of Agricultural land.

3. If the Revenue Collector fails to convey any decision within 90 days from date of receipt of application:- It is deemed to be accepted.

4. The Collector may

- Allow the Application unconditionally.
- Allow the Application subject to conditions.
- Refuse the Application with reasons in writing.

5. Once the application is accepted; owner of the land will have to write an application for SANAD to Tehsildar from date of acceptance in the prescribed format & fees. If he fails then a fine up to ₹ 500 may be imposed.

6. The Tehsildar after receipt of Application will issue SANAD. Then a land is converted to Non Agricultural.

U/s 50 Encroachment on Govt. Land M L R C 1968

Govt. Land means and includes:-

- Land belonging to appropriate Govt (Centre/State/Local body/Urban Corp)
- Land acquired by appropriate Govt. and its designated for public purpose [OR]
- building or part of such building erected upon Govt land
- Govt. land used for agricultural purpose (to tribals S & NP) (Next to Railway track)
- Govt land used for non agri. purposes [Acuse Colony Milk Prod.] [NAZUL LAND]

Encroachment of Govt. Land Means:-

- Unauthorized use for agricultural purpose.
- Unauthorized use for non agricultural purpose.
- Unauthorized use for selling goods or hawking.

U/s 50 Process:- If a land belonging to Govt. has been encroached by any person then it shall be lawful for the collector to abate or remove the said encroach and the expenses incurred by the Govt. for removal for such encroachment shall be borne by Encroach along with fine.

U/s 50 (2) Encroacher of Govt land using the land for Agri purpose shall pay the amount assessed by the Collector if land has Survey Number, C.T.S. No. etc. or in absence of the same; such encroacher shall pay the market rate for the period of unauthorized use of land. [OR] ₹ 1,000 whichever is higher.

For Non Agri purpose (same as above) fine ₹ 2,000 to ₹ 5,000 ^{whichever higher}
For hawking shall be liable to pay Amt. by Collector [OR] ₹ 50 ^{whichever higher}

U/s 50 (3) The collector shall before conducting removal of encroachment of Govt. land shall serve upon the encroacher a notice for removal of encroachment before reasonable time. [15 days to 30 day notice period]

U/s 50 (4) encroacher who stays on land. Even after expiry of period of Notice ^{For Agri purpose ₹ 25 per day.} For Non Agri purpose ₹ 50.

U/s 50 (5) order of removal by Revenue Collector is Appealable ^{as per provisions of MLCR}

U/s 50 (6) Nothing in this Code shall forbid a person to approach Civil Court with respect to above matter.

U/s 51 Regularization of Encroachment MLRC 1966

The Revenue Collector may at his discretion regularize the encroachment and grant the land on the name of the encroacher if the person making the encroachment is willing and able to pay

- A sum not less than 5 times ^{of Assessment value} or such amount as may be prescribed whichever is higher than the value of land.
- And to fix an assessment of Land Revenue not exceeding (five) 5 times or such amt. w.e. is. H. than Ordinary Annual Land Revenue.
- Then such land and Land Revenue may be granted to the encroacher on such terms and conditions as the Collector may impose; the said land to be entered in Land Records of Sub Dist.
- Revenue Collector will give public notice in such a manner as he considered fit expenses will be bared by Sub Dist. (As it is public land)

U/s 52 How do the Valuation of land & Land Revenue is Calculated

- Val. of land being encroached will be done by Revenue Collector
- Val. will be done on the basis of market rate of land in same locality
- Cal. of land revenue will also be similar
- Collector's decision for val. of land & Assessment land Revenue will be final. (can't be Appealable)
- No matter of period of encroachment (less than 20 years) will be taken for

SANAD Under MLRC 1966 [Certificate, license] State Govt.

- Sanad is an Authority letter issued in writing by the State Govt.
- To permit person to hold a land for a particular purpose.
- To confirm his occupancy/possession on that piece of land occupant & holder
- Sanad is an agreement between the State Govt & the occupant & holder
- Sanad is issued by the Revenue Collector on behalf of State
- Sanad is issued when:-
 - Land is converted from Agri to Non Agricultural.
 - Land permitted for one Non Agri. purpose to other Non Agricultural.
 - The land situated outside jurisdiction of Town Planning Authority.
- Sanad is the first prima facie evidence of possession of the land
- Sanad does NOT decide the title of the land. Title is decided by the name of a person in the Land Records.
- Sanad fees is ₹ 1. per copy.
- Sanad is collected from Land Records office.

⑧ Content of Sanad:-

1. Name of the office issuing Sanad.
2. Date
3. Revenue village
4. Name of the person to whom Sanad is being issued
5. Details of land (Survey No., Hissa No., CTS No.)
6. Boundaries / Dimensions of the land
7. Details of Land Revenue Payable.
8. Tenure / period of occupancy
9. purpose of issuing Sanad
10. Terms and Conditions prescribed by Appropriate Govt.
11. Signature and Stamp of the Revenue Collector.

⑨ Land Records Means Records maintained Under provision of ^{This Code} includes

- Record of rights on occupied land
- Right of unoccupied land
- a copy of maps & plans of a final town planning scheme.
- Improvement scheme or a scheme of consolidation of holding, which has come into force in any area under any law in force in the state and forwarded to any revenue or survey officer under such law or

Apart from this; Register^① of Mutations, Property Card^② Survey^③ conducted by land Revenue officers also form a part of Land Records.

⑩ 143 to 167 contain provisions regarding Land Records^{MLR 1966} maintained by Dept. of Revenue & maintain in each Revenue Village

1. Name of the revenue village
2. Name of Taluka
3. Name of owners
4. Name of tenants
5. Name of holders of other rights
6. Survey No. Hissa No.
7. Agricultural details of land
8. Mutation entries and details of transactions
9. Remarks by concerned officer.

④ Records of Rights (सतरीकनी पत्र)

- Record of Rights is a Collection of documents, which show in detail the information about a piece of land, its ownership and other right on it.
- Record of Rights are issued by State Govt. and are maintained by Land Records Office Under the District (Revenue) Collector.
- It determines the total amount of land revenue to be paid by an individual to the Govt.

Objectives of Record of Rights:-

- To determine the Amt. of land Revenue payable to the Govt.
- To depict the right & liabilities on a piece of land.

Records of Rights Provide for:-

1. Complete details of ownership
2. Information about tenants and other right holders.
3. Liabilities on the piece of land
4. Size of the land
5. Total revenue payable to the Govt.
6. Details about litigation or dispute
7. Agricultural details about the land.

Procedure of preparing Land Records:- ~~[XXXXXXXXXX]~~

- ^{U/S 14-81} Step 1. Revenue Survey by District Collector (Revenue)
- ^{U/S 82-84} Step 2. Allotment of Survey No. (Hissa No.) to land. Listing the entries of Survey No. and Subdivisions in Land Records.
- ^{U/S 156} Step 3. Land Records for the entries Revenue village is prepared by Land Record Office. Finally each plot of land is allotted individual record of right account.

There are 16 Forms Regarding Land Records Under M.L.R.R. ^{Prepared by 1971}

- ^{Stamp Form} Form VII - Details of owner of land & its ownership.
- Form VIII - Mutations (तबतार सुतार) ^{Subdivisions}
- Form VIII A - Collection of lands owned by owner in different
- Form XII - Details of Agricultural aspects of the land
- Property Sheet - मालमाल पत्र

7/12 Extract (7/12 3TR) MLRC Act 1971

- 7/12 Extract is a part of land records and records of rights.
- It is issued by the State Govt. and maintained by the Land Records Office.
- Form ⁽⁷⁾ VII :- Details of Owner of land and its Ownership
- Form ⁽¹²⁾ XII :- Details of Agricultural aspects of the land
- 7/12 extracts are maintained under the Maharashtra Land Revenue Record of Rights and Registers ^{Preparations} maintenance 1971.

U/S 143 to 167 Contain Regarding Land Records :-

Maintained by Land Records Office Under Dept. of Revenue. Maintained by each Revenue Village of Maharashtra.

- 1) Name of the Revenue Village
- 2) Name of the Taluka
- 3) Name of the owners
- 4) Name of tenants
- 5) Name of holders of other Rights
- 6) Survey No. Hissa No.
- 7) Agricultural Details of land
- 8) mutation Entries and details of transactions
- 9) Remarks by Concerned officer.

Register of Mutations

- Register of Mutation Extract is a part of Land Records or Record of Right.
- It is issued by the State Govt. & maintained by Land Record Office.
- Whenever a person acquires any right, title or interest in land or modifies his holdings of land; he will have to notify about the same to Talathi within 3 Months from the date of acquisition.
- The Talathi will then record such changes in the Register of Mutations.
- Thereafter the Talathi will intimate about said change to village chavadi (office) & Publish a public notice. (to all mutid objections)
- If lawful objection arrives, Talathi will list down Register of Dispute cases.
- Disputed cases shall be disposed of within 1 year by a Revenue office.
- Once a dispute is resolved, a mutation entry is made in the records of rights.