

Dated the, 24th December, 1981

Subject:- Lands : Bombay Suburban District
S.No.79 of Gundavali - Lease of -
to Maharashtra Labour Welfare Board
for construction of Welfare Centre

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MEMORANDUM :

The undersigned presents compliments to the Additional Collector of Bombay Suburban District and with reference to his letter No.C/Desk-III-LND/II-B-415/CR-185), dated 6th June 1978 is directed to convey ex-post-facto sanction of Government for lease of Government land measuring 4810 sq.yds. out of 3a0than and 2780 sq.yds. of Survey No.79 (equivalent to 6346.20 sq.mtrs.) of village Gundavali, Taluka Andheri, Bombay Suburban District, to the Maharashtra Labour Welfare Board for construction of Welfare Centre for labourers. The advance possession of the land has already been given to the Board in January 1976, vide Government Demi-Official letter, No.LND-2875/62346/G-4, dated 16th January 1976. The lease shall be for 30 years from the date of taking over possession of the land.

2. The lease of land is subject to the following terms and conditions :-

1) that lessee shall pay to Government the nominal lease rent of Re.1/- only per annum;

ii) that the land or any part thereof or any interest therein shall not be transferred, except with the previous sanction of the State Government;

iii) that the lessee shall utilise the land only for the purposes for which it is granted and in case, the lessee desires to utilise the said land for a purpose other than that for which the land is granted, the lessee shall obtain prior written permission from Government, before utilising the land for such a different purpose.

iv) that the land shall in all respects be made ready for and shall be fully used for the purpose for which it is granted within a period of 2 years from the date of possession of land;

v) that lessee shall have to develop the land and to have other required amenities provided at its cost;

vi) that neither the said land nor any part thereof nor any building or part of any building erected thereupon shall at any time, without previous consent in writing of the State Government, be diverted either temporarily or permanently to any other purpose than the purpose for which it was granted. The State Government will be at liberty to refuse such consent or grant it subject to such terms and conditions, including a condition requiring payment of premium, as the State Government may in its absolute discretion think fit.

vii) that the Welfare Centre and its ancillary activities shall be open to all, irrespective of caste, creed or religion;

viii) that the lessee shall within a period of 2 years from the date of possession of the land, plant on the land granted hereunder trees at the rate of 1 tree per 100 sq.mtr. of suitable

species and maintain them throughout as laid down in rule 51 of the Maharashtra Land Revenue (Disposal of Govt. Lands) Rules, 1971;

ix) In the event of any unauthorised diversion, change of modification in the use of the land being made or in the event of the said land or any building erected thereon yielding a profit to the lessee, the said land shall thereupon, in addition to the assessment to which it becomes liable under Section 67 of the Maharashtra Land Revenue Code, 1933 become liable to such fine as may be fixed in this behalf by the Collector under the provisions of Section 45 of the said Code or other corresponding law for the time being in force relating to the recovery of the land revenue as if the said land, having been assessed for the purpose of agriculture has been unauthorisedly used for any purpose unpermissible agriculturally;

x) in the event of the breach of any conditions (i) to (viii) without prejudice to any action that may be taken under condition (ix) or in the event of the land being required by the State Government for any public purpose, a declaration in respect of which under the signature of the Collector, that is so required, shall as between the lessee and the State Government be conclusive or in the event of the land being notified by the State Government for acquisition under the Land Acquisition Act, 1894, it shall be lawful for the State Government on causing six months notice in writing to be given to the said holder or Manager, to take one of the following courses namely, either;

a) to require that the said land be vacated and delivered upto the State Government free of all claims or encumbrances of any person whatsoever, or

b) to resume and take possession of the said land and any buildings erected or works executed thereon, free of all claims and encumbrances of any persons, whatsoever, on payment of compensation not exceeding the cost or value at the time of resumption whichever is less, of any buildings, or other works authorisedly erected or executed on the said land by the said lessees;

If a question arises as to the adequacy of the amount of compensation to be paid under this condition, such question shall be referred to the State Government for its decision and ~~the~~ the decision of the State Government in this behalf shall be final.

xi) this grant is made subject to the reservation of the right of the Government to all mines and mineral products and quarries and of full liberty of access for the purposes of working quarries and searching for the same with all reasonable convenience as provided by the Code.

3. The Collector should take steps to get suitable Sanad drafted incorporating the above conditions. Sanad Form No. I attached to the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 can be used as a model for the purpose. Sanad should be got executed from the lessee.

4. This Government Memorandum issues with the concurrence of Finance Department, vide its un-official reference No. 973/EXP-3/80, dated 11th June 1980.

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

S. B. Karkhanis

(S. B. Karkhanis.)
Assistant Secretary to Government.
Revenue and Forests Department.

To

✓ The Additional Collector,
Bombay Suburban District, Bombay.

Copy forwarded with compliments to :-

- The Commissioner, Bombay Division, Konkan Bhavan,
New Bombay.
- The Settlement Commissioner and Director of Land Records,
M.S. Pune.
- The Director of Town Planning, M.S. , Pune.
- The District Inspector of Land Records, Bombay Suburban
District, Bombay.
- The Deputy Director of Town Planning, Bombay Division,
Bombay.
- The Sub-Divisional Officer, Bombay Suburban Distt., Bombay.
- The Accountant General, M.S. I, Bombay.
- The Accountant General, M.S. II, Nagpur.
- The Finance Department (EXP-9)
- The Industries, Energy & Labour Department (Lab.11)
- The Select file 'G-6, Revenue & Forests Department.

OFFICE OF THE
ADDITIONAL COLLECTOR
BOMBAY SUBURBAN DIST.
Date: 2 JAN 1982

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No. C/562k-III/LND-II-B/CR-185.
Office of the Additional Collector,
Bombay Suburban District,
Old Custom House Yard, Fort,
Bombay, 400023.
Dated :- 5 February, 1982.

- RCAP :-
1. Govt. in Revenue & Forests D.O. letter No. LND-2675/62345/G-4 dated 16.1.1976.
 2. This office letter No. C/LND-II-B-415 dated 20.1.1976.
 3. Govt. in Revenue & Forest Department Memorandum No. LND-2675/62345/CR-1957/G-5 dated 24.12.1981.

ORDER

Govt. land admeasuring 4810 Sq.yds. out of gaethan and 2780 sq.yds. of S.No.79 (equivalent to 6348-20 sq.mtr) of village Gundavli, Taluka Andheri, S.S.D. has been granted to the Maharashtra Labour Welfare Board for construction of Welfare Centre for labourers. The advance possession of the land has already been given to the Board on 14.2.1976. The lease shall be for 30 years from the date of taking over possession of the land.

The lease of land is subject to the following terms and conditions :-

- i) that lessee shall pay to Government the nominal lease rent of Rs.1/- only per annum;
- ii) that the land or any part thereof or any interest therein shall not be transferred, except with the previous sanction of the State Government;
- iii) that the lessee shall utilize the land only for the purposes for which it is granted and in case, the lessee desires to utilize the said land for a purpose other than that for which the land is granted, the lessee shall obtain prior written permission from Government, before utilising the land for such a different purpose.
- iv) that the land shall in all respects be made ready for and shall be fully used for the purpose for which it is granted within a period of 2 years from the date of possession of land;
- v) that lessee shall have to develop the land and to have other required amenities provided at its cost;

vi) that neither the said land nor any part thereof nor any building or part of any building erected thereon shall at any time, without previous consent in writing of the State Government be diverted either temporarily or permanently to any other purpose than the purpose for which it was granted. The State Government will be at liberty to refuse such consent or grant it subject to such terms and conditions, including a condition requiring payment of premium, as the State Government may in its absolute discretion think fit.

vii) that the Welfare Centre and its ancillary activities shall be open to all, irrespective of caste, creed or religion;

viii) that the lessee shall within a period of 2 years from the date of possession of the land, plant on the land granted hereunder trees at the rate of 1 tree per 100 sq.mtr. of suitable species and maintain them throughout as laid down in rule 51 of the Maharashtra Land Revenue (Disposal of Govt.Lands) Rules 1971;

ix) in the event of any unauthorised diversion, change of modification in the use of the land being made or in the event of the said land or any building erected thereon yielding a profit to the lessee, the said land shall thereupon, in addition to the assessment to which it becomes liable under Section 67 of the Maharashtra Land Revenue Code, 1956 become liable to such fine as may be fixed in this behalf by the Collector under the provision of Section 45 of the said Code or other corresponding law for the time being in force relating to the recovery of the land revenue as if the said land, having been assessed for the purpose of agriculture has been unauthorisedly used for any purpose unpermissible agriculturally;

xii) in the event of the breach of any conditions (i) to (viii) without prejudice to any action that may be taken under condition (ix) or in the event of the land being required by the State Government for any public purpose, a declaration in respect of which under the signature of the Collector, that is so required, shall as between the lessee and the State Government be conclusive or in the event of the land being notified by the State Government for acquisition under the Land Acquisition Act, 1894, it shall be lawful for the State Government on causing six months notice in writing to be given to the said holder or Manager, to take one of the following courses namely, either;

a) to require that the said land be vacated and delivered upto the State Government free of all claims or encumbrances of any person whatsoever, or

b) to resume and take possession of the said land and any buildings erected or works executed or works executed thereon, free of all claims and encumbrances of any persons, whatsoever, on payment of compensation not exceeding the cost or value at the time of resumption whichever is less, of any buildings, or other works authorisedly erected or executed on the said land by the said lessee;

If question arises as the adequacy of the amount of compensation to be paid under this condition, such question shall be referred to the State Government for its decision and the decision of the State Government in this behalf shall be final.

xi) this grant is made subject to the reservation of the right of the Government to all mines and mineral products and quarries and of full liberty of access for the purposes of working quarries and searching for the same with all reasonable convenience as provided by the Code.

xii) The lessee shall execute the roads, whenever called upon to do so.

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To

Additional Collector,
Bombay Suburban District.

The Welfare Commissioner,
Maharashtra Labour Board,
Bambai Girni Kargar Kreedha Kendra Bhavan,
Senapati Bapat Marg, Bombay. 400013.

- Copy to 1) the Tahsildar Andheri.
- 2. Sub-Divisional Officer, Bombay Suburban District,
- 3. District Inspector of Lead Works, B.S.D.
- 4. City Survey Officer No. IX, B.S.D., Santacruz.

Copy submitted to Govt. Revenue & Forests Department
Mantralaya, for information.

to

by

Additional Collector,
Bombay Suburban District.

krv.S.S.