

Dated:- 25th January 1979

Subject:- Lands : Bombay Suburban District
S.No.26 of Dahisar
Grant of.. ~~to~~ temporary licence to
Dahisar Shree Avadhoot Co-operative
Housing Society Ltd. for access

MEMORANDUM:

The undersigned presents compliments to the Additional Collector, Bombay Suburban District and with reference to his letter, No.C/Desk-1/LND-III/CR-340, dated 24th November 1978 is directed to state that Govt. has considered the request of Dahisar Shree Avadhoot Co-operative Housing Society Ltd. for grant of temporary access to its property bearing S.Nos. 16,61 and 62(part) of Dahisar, Bombay Suburban District through Govt. land bearing S.No.26 of village Dahisar, taluka Borivali, Bombay Suburban District and has decided to grant temporary licence to the said Society for a period of two years with effect from the date of issue of these orders to use the strip of Govt. land bearing S.No.26 of Dahisar and measuring ~~522 x 100 yds~~ (hereinafter referred to as "the said strip") and on the following terms and conditions for access to its property:-

1) The Dahisar Shree ~~Avadhoot~~ Avadhoot Co-operative Housing Society Ltd. (hereinafter referred to as "the licensee") shall be granted temporary licence for two years from the date of issue of these orders or till the Municipal Corporation of Greater Bombay constructs the Development Plan road, whichever is earlier, to use the said strip of land as an access to its property bearing S.Nos. 16,61 and 62(part) of Dahisar;

ii) The licensee shall pay to Govt. the licence fee at 8% of the full market value of the land. The full market value of land should be fixed provisionally at Rs.8,168,60/- and the annual provisional licence fee should be Rs.653.50/-. This licence fee is fixed provisionally and the licensee shall pay to Govt. the differential amount of fee between that finally fixed by Govt. and that paid by it. Such differential fee should be paid by the licensee within a period of three months from the date of demand by the Additional Collector, Bombay Suburban District, and failure to do so would be a breach of conditions of this licence and the licensee would render itself liable to be dealt with according to the terms of this licence;

iii) The licensee shall utilise the said strip of land purely for access to its said property and for no other purpose whatsoever; The licensee shall allow the members of public or adjoining owners, if any, free use of the said strip, at all reasonable times for purposes of access;

iv) The licensee shall pay to Govt. the licence fee in advance in one lump sum for ~~the~~ the two years before the licensee is allowed to make use of the said strip of land;

v) The licensee shall not sub-divide the land or any part thereof nor shall it assign or in anyway alienate its interest therein or part with possession thereof without prior permission of the Govt. and Govt. may, if it so considers fit, while granting any such permission, impose such conditions including payment of premium as it considers appropriate;

418.6
sq.mts.

NDM
3/2

v) The licensee shall not make use of the said strip of land ^{area of the} ~~otherwise~~ for the purposes of calculating the front-space index;

vii) The licensee is subject to the reservation of the right of Govt. to all mines and mineral products and quarries in the land and Govt. shall have full liberty of access for the purposes of working quarries and searching for the same with all reasonable convenience, as provided by the Maharashtra Land Revenue Code, 1956. The licensee shall further be subject to the provisions of the Maharashtra Land Revenue Code, 1956 and the Rules made thereunder;

viii) If the land or any portion thereof is required by Govt. for any public purpose during the period of licence, Govt. may terminate this licence without payment of any compensation or damages to licensee. The licensee shall accept as final the decision of Govt. as to whether the land or any such portion thereof is required for a public purpose;

ix) The licensee shall on the expiration of the period of licence or even earlier as per condition No. (viii) above, ~~not~~ be permitted to use the same for the purposes of access;

x) The licensee or any persons occupying the said land shall be liable to be evicted and land or any part thereof resumed to Govt. without payment of any compensation in case there is breach of any of the conditions of the licence;

xi) The licensee shall execute an agreement embodying and agreeing to the above terms and conditions in addition to such other conditions considered necessary by the Additional Collector, Bombay Suburban District and shall bear and pay the cost thereof.

2. The Additional Collector, Bombay Suburban District should now recover the provisional licence fee of Rs. 1500/- for two years, get the agreement executed from the said Co-operative Housing Society and thereafter allow the Society to make use of the said land for the purpose of access to its property. He should also direct the Assistant Director of Town Planning, Bombay City Survey and Land Revenue, Bombay Suburban District to undertake valuation of this land on ad valorem basis and to forward to him the valuation report within three months from the date of issue of these orders. Thereafter, the valuation report should be submitted to Govt. immediately so that final licence fee can be fixed and the differential amount, if any, can be recovered from the said Society without delay.

3. This agreement licence within the powers delegated to this department (vide Govt. Memorandum, Finance Department, No. 222-1377/152/77, B.S.-3, dated 28th July 1973).

By order and in the name of the Governor of Maharashtra

R. Q. Jadhav

(Sd/-)

Deputy Director, Revenue and Forests Department.

To

The Additional Collector, Bombay Suburban District, (with case papers).

Copy to:-

- The Commissioner Bombay Division, New Bombay,
- The Assistant Director of Town Planning, Bombay City Survey and Land Records, Bombay Suburban District,
- The District Inspector of Land Records, Bombay Suburban District
- The Tahsildar, Borivali,
- The Accountant General, Maharashtra-I/II, Bombay/Nagpur,
- The Pay and Accounts Officer, Bombay,
- The Resident Audit Officer, Bombay,
- The Finance Department (EXP-9),
- The Select file 'G4' Desk, Revenue and Forests Department.

JND/-
21/12/78

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No. C/DESK-1/LMD-III/GR 340
Office of the Additional Collr.,
Bombay Suburban District,
Old Custom House, Bombay-1.
Date: 16/2/59

To

The Secretary,
Dahisar Shree Avdhoot
Co-op. Housing Society Ltd.,
8-B, Purushottam Building,
Tribhuvan Rd., Bombay-4000 04.

Subject :- Land ; B. S. D.
Survey No. 26
of Dahisar
grant of access.

Sir,

The grant of temporary licence for two years to use land measuring 418.6 sq. meters from Survey No. 26 of Dahisar for the purpose of access road in favour of your Society has been sanctioned. An advance payment of licence fee, provisionally fixed @ the rate of Rs. 653.50 p.a., for two years.

The said licence fee is fixed. Provisionally and thereafter you have to pay the differential amount between the fees that will be finally fixed and that is being paid for the present on provisional basis.

You are therefore, requested to pay an advance amount of Rs. 1307/- toward licence fee of two year ^{provd} ~~on~~ *execute agreement abide by conditions of the licence on stamp papers of Rs. 5/- for agreeing to execute agreement* ~~abide by the conditions of the licence~~ pay to pay the difference between the licence fee that will be finally fixed and the provisional fee paid for the present. On receipt of the payment and execution of the agreement with this office further action to issue a licence and hand over possession will be taken.

copy.

Yours faithfully,

M. R.
Additional Collector,
Bombay Suburban District.