

22nd November, 1982.

Subject:-Land- R.S.D.
S.No.359(pt) of Chembur, along Patti Bunder Road,
Grant of .. to Greater Bombay Municipal
Corporation for the purpose of garden.

MEMORANDUM:

The undersigned presents compliments to the Additional Collector Bombay Suburban District and with reference to his letter, No. C/DESK/VI/LRP-1B-568 dated the 16.8.80 on the subject mentioned above is directed to convey sanction of Government under Rule 5 of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 to the grant of Government land, measuring 2110 sq.ft. out of survey number 359(pt) of village Chembur, Bombay Suburban District to the Greater Bombay Municipal Corporation free of occupancy price and free of assessment for the purpose of garden.

2. The grant of the above mentioned land shall be subject to the following terms and conditions:

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

ii) that the Greater Bombay Municipal Corporation (hereinafter referred to as the grantee) shall utilize the land only for the purpose for which it is granted and in case, the grantee desires to utilize the said land for a purpose other than that for which the land is granted, the grantee shall obtain prior written permission from Government, before utilizing the land for ~~such~~ a different purpose;

iii) that the land shall in all respects be made ready for use 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;

iv) the grantee shall have to develop the land ^{and} to have other required amenities provided at its cost;

v) that the said land shall not at any time without the express consent of the State Government be diverted either temporarily or permanently to any other than the purpose or purposes for which it was granted and that no change or modifications shall be made to such purpose or purposes and the said land shall not be so used as to yield a profit to the grantee;

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

vii) that the grantee shall raise trees on the land in accordance with the provisions contained in the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971;

viii) in the event of any unauthorized diversion, change or modification in the use of the land being made or in the event of the said land yielding a profit to the grantee, the said land shall thereupon, in addition to the assessment to which it becomes liable under Section 67 of the Maharashtra Land Revenue Code, 1966 become

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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 unauthoritarily used for any purpose whatsoever agriculturally.

ix) In the event of the breach of any of the conditions (i) to (viii) 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 provisions of the Collector that it is so required shall as between the grantee and the State Government be conclusive or in the event of land being notified by the State Government for acquisition under the Land Acquisition Act, 1954, it shall be deemed to be given to the said holder or manager, to take care 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 require not take possession of the said land free of all claims and encumbrances of any persons whatsoever, without payment of any compensation.

x) 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 Grant Form drafted incorporating the above conditions. Grant Form No. 1 attached to the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 can be used as a model for the purpose. Such should be got executed from the grantee;

4. The Additional Collector is requested to report the revenue free value of the land early.

5. This Government Memorandum issued with the concurrence of Finance Department vide its un-official reference No. 1176-GR dated the 1.7.1982.

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

(M.P. Torankar)
Desk Officer, (05) Desk
Revenue and Forests Department.

- To
- The Additional Collector B.S.D. Sonley (with case papers)
- Copy furnished with compliments to:-
- The Commissioner, Bombay Division, Bombay,
- The Settlement Commissioner and Director of Land Records, Maharashtra State, Pune,
- The Director of Tree Planning, Maharashtra State, Pune,
- The District Inspector of Land Records, Bombay Suburban District

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- the Assistant Director of Town Planning, Bombay Suburban District,
- the Accountant General, Maharashtra I, Bombay,
- the Urban Development and Public Health Department,
- the Finance Department,
- the '65' Deck, Revenue and Forests Department (for - Select file)
- the Executive Engineer, Development Plan, Greater Bombay, Municipal Corporation, Bombay.

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No. C/Desk-VI/LMD.IB/560,
Office of the Additional Collector,
Bombay Suburban District,
Old Custom House Yard, Fort,
Bombay-400 023.
Dated :- 27/11 December, 1982.

- READ :- 1) Govt. in Revenue & Forests Department's
Memorandum No. LUF-2600/29022/CR.1456.0.3
dated 22.11.1982.
2) This office letter No. C/Desk.VI/LMD.I.B.560
dated 16.8.1982.

ORDER

In exercise of the powers conferred under Rule 5 of the Maharashtra Land Revenue (Disposal of Govt. land) Rules 1971 Govt. land adm. 2310 sq. mtrs. out of S.No. 399 pt. of Village Chenbur in Bombay Suburban - District is hereby granted to the Greater Bombay Municipal Corporation free of occupancy prices and freed of assessment for the purpose of garden.

The grant of the above mentioned land shall be subject to the following terms and conditions,

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

ii) that the Greater Bombay Municipal Corporation (herein after referred to as the grantee) shall utilize the land only for the purpose for which it is granted and in case, the grantee desired to utilize the said land for a purpose other than that for which the land is granted, the grantee shall obtain prior written permission from Govt. before utilizing the land for such a different purpose.

iii) 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,

iv) the grantee shall have to develop the land and to have other required amenities provided at its cost.

v) that the said land shall not at any time without the express consent of the State Govt. be diverted either temporarily or permanently to any other purpose than the purpose or purposes for which it was granted

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and that no change or modifications shall be made to such purpose or purposes and the said land shall not be so used as to yield a profit to the grantee.

vi) that the garden and its ancillary activities shall be open to all irrespective of caste, creed or religion.

vii) that the grantee shall raise trees on the land in accordance with the provision contained in the Maharashtra Land Revenue (Disposal of Govt. lands) Rule 1971 i.e. the grantee shall plant not less than 125 trees on the fencing of the play ground of suitable species and maintain them throughout.

viii) in the event of any unauthorised diversion change or modification in the use of the land being made or in the event of the said land yielding a profit to the grantee, the said land shall thereupon in addition to the assessment to which it becomes liable U/s.67 of the M.L.R. Code 1986 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 impermissible agriculturally.

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

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- a) to require that the said land be vacated and delivered upto the State Govt. free of all claims or encumbrance of any person whatsoever, or,
- b) to resume and take possession of the said land free of all claims and encumbrances of any person whatsoever, without payment of any compensation,
- c) this grant is made subject to the reservation of the right of the Govt. as 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. The grantee shall be executed an agreement before the Additional Collector, B.S.D. in form No. I of the Maharashtra Land Revenue (Disposal of Govt. Land) Rules 1971.

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Additional Collector,
Bombay Suburban District.

hrv/27.12.

Copy to :- The Commissioner,
Greater Bombay Municipal Corporation,
Bombay.

Copy to the Dist. Inspector of Land Records, B.S.D.
Bombay, 400 023.

2/- He is requested to hand over the possession of the land under reference to the Gr. Bombay Mun. Corporation immediately and submit your report alongwith two copies of possession receipt & site plan to this office.

Copy forwarded to the Tahildar Kurla.

2/- He is requested to please direct the Circle Officer to take necessary note on the record and arrange to estimate the value of Land Revenue (for revenue free) the land in question so as to enable to submit report of revenue free to Government.

Copy forwarded to City Survey Officer-VIII Malad.

Copy submitted to the Govt. in Revenue & Forests Department with reference to his memo No. LRF-2680/29022/CR.1456/G.S dated 22.11.1982 for information.

RECEIVED DISTRICT OFFICE

Additional Collector,
Bombay Suburban District.