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No. LMR 2678/2994/CR-1342-G5
Revenue and Forests Department,
Mantralaya, Bombay 400 032.

29th November, 1982

Subject:-Lands- B.S.D.
C.T.S.No.86(S.No.27-A/Hissa No.1)
of Village Deonar -Grant of to Bombay
Municipal Corporation for development of
Hindu Cemetery.

MEMORANDUM

The undersigned presents compliments to the Collector, Bombay Suburban District and with reference to the correspondence resti. with his letter No. C/DGK-VI/LMD.I.D./13, dated 19-11-1982, 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 lands, measuring 810 sq.meters out of CTS No.86 survey number 27 A/Hissa No.1 of village Deonar, Taluka Kurla District Bombay Suburban District to the Bombay Municipal Corporation free of occupancy price and free of assessment for the purpose of development of Hindu Cemetery. The revenue free value of the said land has been fixed at Rs.1,13,402.40 (Rs. one lakh thirteen thousandfourhundred two and forty paise only).

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 Bombay Municipal Corporation (hereinafter referred to as the grantee) shall utilise the land only for the purpose for which it is granted and in case, the grantee desires to utilise 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 utilising 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; and

iv)that the grantee shall have to develop the land and to have other facilities provided at its cost, and shall plant on the land granted hereunder trees of suitable species and maintain them

Director of Bombay
No. 3
DEPT. OF REVENUE
17/11/82

v)that neither the said land nor any building or structure erected thereupon shall at any time without the express consent of the State Government be diverted either temporarily or permanently to any other purpose 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 that neither the said land nor any building erected thereon shall be so used as to yield a profit to the grantee;

vi) 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 or any building erected thereon yielding a profit to the grantee, the said

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[Signature]

OFFICE OF THE
ADDITIONAL COLLECTOR
BOMBAY SUBURBAN DIST.
Date..... 6/11/82

LNDD
[Signature]

land shall thereon, in addition to the assessment to which it becomes liable under Section 67 of the Maharashtra Land Revenue Code, 1966 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.

vii) In the event of the breach of any of the conditions (i) to (v) without prejudice to any action that may be taken under condition (vi) 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 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, 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 two courses namely, either;

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

Land b) to resume and take possession of the said land any any buildings erected or works executed thereon, free of all claims/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 grantee;

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 decision of the State Government in this behalf shall be final.

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 Sanad Form drafted incorporating the above conditions. Sanad Form No. I attached to the Maharashtra Land Revenue (Disposal of Government Land) Rules, 1971 can be used as a model for the purposes. Sanad should be got executed from the grantee.

4. This Government Memorandum issues with the concurrence of Finance Department vide its un-official reference No. 2046-EXP-9 dated 23.9.1982.

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

M. G. Ponkshe
(Smt. M. G. Ponkshe)
Assistant Secretary to Government,
Revenue and Forests Department.

To
The Collector Bombay Suburban District.

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Copy forwarded with compliments to:-

The Commissioner Bombay Division, Bombay,

The Settlement Commissioner and Director of Land Records,
Maharashtra State, Pune,

The Director of Town Planning, Maharashtra State, Pune,

The District Inspector of Land Records, Bombay,

The Assistant Director of Town Planning, Bombay,

The Accountant General, Maharashtra I Bombay,

The Urban Development and Public Health Department,

The Finance Department (EXP-10),

The G-5' Desk Revenue and Forests Department (for Select file)

No.C/Desk-VI/LND.I.B.13
Office of the Additional Commr
Bombay Suburban District,
Old Custom House Yard, Fort,
Bombay.400 023.

Dated :- 31.12.1982

- READ :-**
- 1) Govt.Memorandum No.LMN/2678/2994/CR.1342, G.5 dated 29.11.1982.
 - 2) This office letter No.C/Desk.VI/LND.I.B.13 dated 19.11.1982.

ORDER:

Govt.land measuring 810 sq.mtr. out of C.T.S. No.86 S.No.27/A H.No.1 of Village Deonar, Taluka Kurla in B,ShD. has been granted to the Bombay Municipal Corporation free of occupancy price and free of assessment for the purpose of development of Hindu Cemetery. The revenue free value of the said land has been fixed at Rs.1,13,402.40 (Rs.one lakh thirteen thousand four hundred two and forty paise only)

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

- i) that the land or any part thereof or any interest thereon shall not be transferred except with the previous sanction of the State Government.
- ii) that the Bombay Municipal Corporation (hereinafter referred to as the grantee) shall utilise the land only for the purpose for which it is granted and in case, the grantee desires to utilise 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 utilising 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 and
- iv) the grantee shall have to develop the land and to have other required amenities provided at its cost and shall plant on the land granted hereunder trees of suitable species and maintain them throughout.
- v) that neither the said land nor any building or structure erected thereupon shall 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 and that no change or modifications shall be made to such purpose or purposes and that neither the said land nor any building erected thereon shall be so used as to yield a profit to the grantee;
- vi) 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 or any building erected thereon yielding a profit to the grantee,

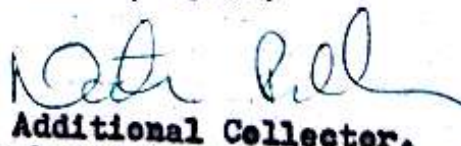
As said land shall thereon in addition to the assessment to which it becomes liable U/s.67 of the Maharashtra Land Revenue Code, 1966 become liable to such fine as may be fixed in this behalf by the Collector under the provisions of Section 45 of the said code or other corresponding law for the time 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.

vii) In the event of the breach of any of the conditions (i) to (v) without prejudice to any action that may be taken under condition (vi) 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 months notice in writing to be given to the said holder or manager to take one of the following two courses namely either;

- a) to require that the said land be vacated and delivered to the State Government free of all claims or encumbrances of any person whatsoever, or
- b) to resume and take possession of the said land 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 grantee;

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 Govt. for its decision and the decision of the State Govt. in this behalf shall be final.

ix) This grant is made subject to the reservation of the right of the Govt. 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 B.M.C. has executed agreement form drafted incorporating the above conditions in Form-I M.L.R. (Disposal of Govt. Land Rules 1971 before the Additional Collector, B.S.D.


Additional Collector,
Bombay Suburban District.

To,
The Commissioner Bombay Division,
Kenkan Bhavan, Gr. Bombay Municipal Corporation,
Bombay.

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Copy forwarded to the Tahasildar Kurla.
2/- He is requested to please take necessary note on the record of right the land in question.


Copy forwarded to the District Inspector of Land Records, B.S.D., Bombay.

2/- He is requested to hand over the possession of the land to the representative of Greater - Bombay Municipal Corporation and submit two copies of site plan and possession receipt of the land at an early date.

Copy forwarded to the City Survey Officer - (VIII), Mulund.

Copy forwarded to the Sub-Divisional Officer, Bombay Suburban District.

Copy submitted to the Govt. Revenue & Forests Department, Mantralaya, with reference to his memo No. LMN/2678/2994/CR.1342/G.5 dated 29.11.1982 for favour of information.


Additional Collector,
Bombay Suburban District.

krv/31.12.