

15/

No. LMN 2762/6609-BI,  
Revenue and Forests Department,  
Sachivalaya, Bombay-32.  
Dated:- 1st March 1974.

Subject:- Lands: Bombay Suburban District  
S.No. 130(pt) 131(pt) Kirol.  
Grant of---to Bombay Municipal  
Corporation for water reservoir.

**MEMORANDUM:**

The undersigned presents compliments to the Additional Collector of Bombay Suburban District and with reference to his letter No.C/LND/SR-I/951, dated 4th October 1973 is directed to convey the ex post facto sanction of Government for grant of Government land measuring 50,282-17 sq. meters equivalent to 60,137 sq. yds. out of S.Nos. 130(pt) and 131(pt) of village Kirol taluka Kurla, Bombay Suburban District to the Bombay Municipal Corporation for construction of water Reservoir.

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

(i) the grantee shall pay the occupancy price of the land of Rs. 4,52,539.53 at rate Rs. 9 per sq. meter as on 18th August 1960, i.e. the date on which the advance possession of the land was given to it,

(ii) the grantee shall also pay the <sup>interest</sup> ~~tax~~ at rate 6½% p.a. over and above the amount of occupancy price from the date of taking over possession of the land, till the date of payment,

(iii) the grantee shall hold the land on inalienable and impartible tenure as occupant class II,

(iv) the grantee shall pay the non-agricultural assessment regularly,

(v) the grant shall be subject to the conditions laid

P.T.O.

down in Rules 31 and 41 of the Maharashtra Land Revenue (Disposal of Government Lands) Rules 1971 and the other conditions deemed fit by the collector,

(vi) the grantee shall execute an agreement in form prescribed under Maharashtra Land Revenue (Disposal of Government Lands) Rules 1971,

(vii) that for breach of any of the conditions mentioned above and such other conditions which the Collector may impose having regard to the provisions of Maharashtra Land Revenue Code and the Rules made thereunder and having regard to the circumstances of the case, the grant shall be revoked and the land resumed to Government without payment of any compensation.

3. This memorandum issues with the concurrence of Finance Department vide its un-official reference No. 200-F9, dated 23rd January 1974.

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



~~V. B. BODDAR~~  
Under Secretary to the Government of Maharashtra, Revenue and Forests Department.

To  
The Collector of Bombay Suburban District (~~with case papers~~)

Copy to:-

The Commissioner, Bombay Division, Bombay,  
The Settlement Commissioner and Director of Land Records,  
Maharashtra State, Poona,  
The Director of Town Planning, Maharashtra State, Poona,  
The District Inspector of Land Records, Bombay Suburban District,  
The Deputy Director of Town Planning, Bombay Division,  
Bombay,  
The Accountant General, Maharashtra State, Bombay,  
The Finance Department (F-9),  
The Urban Development, Public Health and Housing Department.

mbj 2/3 /1974.

111

No. C/LMD-SR-I-951  
Office of the Additional Collector,  
Bombay Suburban District,  
Old Custom House Yard, Fort.  
Bombay-1.  
Dated:- 31 July, 1974.

- READ:- 1. Government in Revenue and Forests Department's Memorandum No. LMD-2762/6609-BI dated 1.3.74.  
2. This office case papers file bearing No. C/LMD-SR-I-951....

ORDER

Government land measuring 50287-17 sq. meters equivalent to 60137 sq. yards out of S.No.130 pt and 131 pt of the Village of Kiroi Taluka Kurla, Bombay Suburban District ( as shown in the sketch) already in possession of the Bombay Municipal Corporation/for construction of water Reservoir, and subject ~~of~~ to the following terms and conditions:-

is hereby granted to Bombay Municipal Corporation

I) that the grantee shall pay the occupancy price of the land of S.4,52,539-53 at rate of Rs.9/- per meter as on 18th August, 1960, i.e. the date of which the advance possession of the land was given to it.

II) that the grantee shall also pay the interest at the rate of Rs.6 $\frac{1}{2}$  (Rs. six and paise fifty ) per annum over and above the amount of occupancy price from the date of taking over possession of the land, till the date of payment.

III) that the grantee shall hold the land on inalienable and imperilible <sup>tenure</sup> tenants as occupant Class II;

IV) that the grantee shall pay the non-agricultural assessment regularly.

V) that except with the previous permission of the state Government, neither the land shall be sub-divided or any such sub-division be disposed of;

VI) that the land shall not be disposed of except along with the constructions thereon and other installations, if any, and the land so disposed of shall not, except with the approval of the State Government be used for a purpose other than the purpose for which it was initially granted;

VII) that on disposal of the land along with the

plant, structure and other installations by way of sale, the State Government shall be entitled to half the unearned income, and where such land is sold without any constructions aforesaid, the State Government shall be entitled to unearned income not exceeding 90 per cent as the State Government may decide.

VIII) that if the State Government has reason to believe that any misrepresentation or any concealment is made in regard to the sale price, the sale shall be voidable at the discretion of the State Government;

IX) that the grantee shall level and clear the land sufficiently to render it suitable for the particular non-agricultural purpose for which it has been granted.

X) that the grantee shall not use the land and the building erected or to be erected thereon for any purpose other than the purpose for which it is granted without obtaining the permission of the Additional Collector under the provisions of the code and the rules made thereunder;

XI) that the grantee shall within three years (or such further period as the Additional Collector may allow) from the date of the grant, erect a building of a substantial and permanent description on the land; failing which the land shall be liable to resumption on payment of compensation not exceeding the occupancy price paid by the grantee.

XII) that the grantee shall construct the structure in accordance with the plan approved and conditions prescribed by the local authority competent to approve the plan and prescribe such conditions;

XIII) That two-thirds of the area of the plot shall ordinarily be left open to the sky, and only one-half, if the land is, in the Additional Collector's opinion, of a very high value, or buildings are likely to be inhabited by poor class of persons and in areas such as bazars and central parts of the towns which are already densely built over. The decision of the Additional Collector on the question whether any land is of high value, any building is inhabited by poor class of persons, or whether persons belong to poor class or whether any area is already densely built over shall be final.

11/1

XIV) that the grantee shall execute an agreement in from prescribed under Maharashtra Land Revenue (Disposal of Government lands) Rules 1971.

XV) that for breach of any of the conditions mentioned above and such other conditions which the Collector may impose having regard to the provisions of Maharashtra Land Revenue Code and the Rules made thereunder and having regard to the circumstances of the case, the grant shall be revoked and the land resumed to Government without payment of any compensation.

*o/c* *le*  
Additional Collector,  
Bombay Suburban District.

JRK/29/7/

Copy forwarded with compliments to the Municipal Commissioner, Greater Bombay Municipal Corporation, Bombay.

He is requested to pay an amount of Rs. 4,09,359-31 (Rs. four lacs nine thousand three hundred fifty nine and thirty one paise only) on account of occupancy price and interest as detailed below within a fortnight from the date of this order. He may also note that Bombay Municipal Corporation has to pay the interest on the occupancy price from the date of taking over possession of the land till the date of occupancy price actually paid.

- |                                       |  |
|---------------------------------------|--|
| 1. Occupancy price                    | Rs. 4,52,539-53                            |
| 2. Interest (from 18.9.60 to 17.7.74) | Rs. 4,09,359- <sup>31</sup> / <sub>4</sub> |

Rs. 8,61,898-<sup>31</sup>/<sub>4</sub>

*Rs. eight and* eight lacs sixty one thousand eighty hundred and ~~eighty~~ *eighty four* only).

Copy forwarded to the Project Engineer, Water Supply, Water Supply Project Department, Municipal Head Office, Extra Bldg., Mahapalika Marg, Bombay 1 with reference to ~~the~~ his D.O. No.75 dated 8.7.74.

Copy forwarded to the Sub-Divisional Officer, B.S.D./ District Inspector of Land Record B.S.D./ Tahsildar Kurla for information.

*o/c* *le* *30.7.74.*  
Additional Collector,  
Bombay Suburban District