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IN THE COURT OF SUB-DIVISIONAL OFFICER,

AKOLA

Revenue Case No. HRP-54/Unmarked 17/77 No.

Applicant :- Keshadeo Ganpatrai Dhanuka, Chief Promoter
Swami Vivekanand Housing Colony, Akola.
and 14 others, of Akola.

ORDER

(Passed this 17th day of June 1978).

This is an appeal application made under Section 44(1) of the Maharashtra Land Revenue Code, 1966, by Shri. K.G. Dhanuka and 14 others of Akola. Tq. Akola, District Akola. The applicant intends to convert his agricultural land S.No. 3/2, area 1 acre 28 gunthas situated in Unmarked for residential purpose.

2. The applicant has furnished following documents along with the application.

- 1) Copy of record of Rights of S.No. 3/2
- 11) Tipan Utarn.
- 111) Layout.

3.- The layout furnished by the applicant was referred to the Assistant Director of Town Planning, for his remarks. He has finally approved the layout as per his letter No. TPAK/Conv/ Unmarked / Akola/ 714/ dated 18.5.78. The Gram Panchayat Unmarked, has also accorded its approval to the layout by its resolution No. passed on 20.4.78, in its general meeting.

4.- The applicant has also undertaken to bid by the conditions to be imposed while granting the permission to convert the land.

5.- The land to be converted falls out of the usual perimeter and as such the non-agricultural assessment at the rate of 99.01 Paise per square metre shall be charged.

6.- After going through the case record, I see no objection to grant the necessary permission to divert the said land.

7.- I, therefore, grant permission to the applicant under Section 44(2) (c) of the Maharashtra Land Revenue Code, 1956, to divert agricultural land measuring 1 acre 28 gunthas (6876.4 Sq. Metre) out of S.No. 3/2 of Unmarked for non-agricultural purpose on following conditions.

1.- The applicant shall use the land only for the purpose for which permission has been granted.

2.- The applicant shall pay the non-agricultural assessment as shown in the statement 'A'.

3.- The applicant shall communicate in writ writing to the Tehsildar, Akola, the date of actual commencement of non-agricultural use, within thirty days from such date. Failing this, the applicant shall be liable for punishment as per Rule 6 of the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural assessment) Rules 1959.

4.- The applicant shall not modify, alter or make any changes in the approved layout without prior permission of this court.

5.- No plot shall be further sub divided with without prior permission of this court.

6.- While making construction margin as shown below shall be left in case of each plot.

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(a) For Plot of Size 5000 Sq. feet or more.

- A) Front :- 15 feet.
- B) Either Side :- 10 feet.
- C) Rear :- 15 feet.

(b) For Plots less than 5000 Sq. Feet in area.

- A) Front :- 15 feet.
- B) Either side :- 7½ feet.
- C) Rear :- 10 feet.

7.- The built up area in any plot shall not exceed 1/3 rd of the total area of such plot. The building shall not have more than three storeys including ground floor.

8.- There shall be only one main building on any plot and the distance between any two buildings shall not be less than 20 feet.

9.- The lane, roads, drains, and open spaces (reserved for garden playgrounds) shall be developed to the satisfaction of the Gram Panchayat. Unmarked, and shall be handed over to the Gram Panchayat. Unmarked free of cost.

10.- For corner plots both the roads shall be treated as front roads for the purpose of marginal open space.

11.- The layout should be demarcated and measured first on site and no plot shall admeasuring less than 3000 Sq. feet.

12.- The roads and lanes with pucca drains and culverts if necessary shall be constructed pucca by the applicant up to the satisfaction of the local authority

and shall be vested in it for maintenance prior to disposal of plots.

13.- The applicant shall not sell, dispose of, any plot or construct or cause to be constructed any structure on any of the plots before first developing and constructing lane, drains, roads, etc.

14.- The applicant shall bear the cost of construction of main drain as will be determined by the Gram Panchayat Unmarked, and any agreement to that effect shall be executed at the cost of the applicant.

15.- No inflammable material shall be used while constructing any building and all construction should be of permanent nature.

16.- The applicant shall commence the non-agricultural use of the said land within a ~~period~~ period of one year from the date of this order, failing which this permission shall be liable for cancellation.

17.- The permission is liable to be cancelled if any, information given at the time of application and enquiry is found to be incorrect later on.

18.- The breach of any of the conditions mentioned above shall result in revocation of the permission and imposition of ~~penal~~ penalties as provided Under section 45 of the Maharashtra Land Revenue Code, as if the non applicant use was unauthorised.

19.- It shall also be lawful for the Sub Divisional Officer, Akola, to direct the removal or alteration of any building or structure erected or used contrary to the conditions of the grant of this permission and on such removal or alteration not being carried out

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within the stipulated time to get it done at Government cost and to recover the cost of carrying out the same from the occupant of the plot as an arrears of land revenue.

20.- The applicant shall give written intimation to the Tahsildar, regarding any transfer of any plot with particulars like full name, address etc. of such transferee. The copy of such intimation be given to the Sub Divisional Officer, Akola.

21.- The building bye-laws of Gram Panchayat Unarkhed shall be binding.

22.- The applicant shall execute a Sanad in form 'IV'.

SST-
Sub Divisional Officer,
Akola.

Copy to :-

- 1.- The Tahsildar, Akola.
2. The Gram Panchayat Unarkhed.
- ✓ 3. The Asstt. Director of Town Planning Akola.
4. The Talathi, Unarkhed, Through the Tahsildar, Akola.
5. Applicant.

17 JUN 1978

Sub Divisional Officer,
Akola.

P. file
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Sub Divisional Officer
Akola
15.6.1978
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STATEMENT 'A'

Statement showing the non-agricultural assessment shall be charged in R.C. No. NAP-24/Umarkhed / 7/77-78 of village Umarkhed, Tq. & Distt. Akola.

Sr. No. of Plot.	Area in		Non-agricultural assessment @ Rs. 00.01 paise per Sq. Metre shall be charged.
	Sq. Feet.	Sq. metre.	
1	2	3	4
			Rs. .No.
1.	3283.75	304.5	3.05
2.	3283.75	304.5	3.05
3.	3283.75	304.5	3.05
4.	3283.75	304.5	3.05
5.	3009	279.5	2.80
6.	3039.25	279.5	2.80
7.	3010.25	279.6	2.80
8.	3004.25	279.01	2.80
9.	3001.5	278.7	2.79
10.	4417.5	410.3	4.11
11.	4464.0	414.5	4.15
12.	3006.25	279.02	2.80
13.	3006.25	279.02	2.80
14.	3006.25	279.2	2.80
15.	3006.25	279.2	2.80
15	49076.25	4556.0	45.65.

Rs. Forty Five and Paise Sixty Five only)

17 JUN 1978

Sub Divisional Officer
Akola.