

4. The Maharashtra Housing and Area Development (Land Income)(Inquiry and Notice) Rules, 1979.

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PUBLIC WORKS AND HOUSING DEPARTMENT
Mantralaya, Bombay 400 032, dated the 10th August 1979

MAHARASHTRA HOUSING AND AREA DEVELOPMENT ACT, 1976.

NO. ARS. 2178/1253/(131)/B/Desk-44. – In exercise of the powers conferred by clause (v) of sub-section (2) of section 184 read with sub-section (5) of Section 44 of the Maharashtra Housing and Area Development Act, 1976 (Mah.XXVIII of 1977), and of all other powers enabling it in that behalf; the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 184, namely:-

1.Short title - These rules may be called the Maharashtra Housing and Area Development (Land Income) (Inquiry and Notice) Rules, 1979.

2.Definitions –

(1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Maharashtra Housing and Area Development Act, 1976 (Mah.XXVIII of 1977);

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act.

(2) Words and expressions used but not defined in these rules and defined in the Act, shall have the meanings respectively assigned to them in the Act.

3.Manner of holding inquiry under section 44(5). –

(1) The Land Acquisition Officer, fifteen days before the commencement of the inquiry under sub-section (5) of section 44 of the Act for determining the net average monthly income actually derived from the land, shall send a notice in Form A to the owner of the land and to every person who is interested in the land. The notice shall be served in the manner provided in sub-rule (2) of rule 4.

(2) On the date fixed for the inquiry or on any subsequent date to which the inquiry may be postponed, the Land Acquisition Officer shall after hearing the owner and the persons interested and after taking into consideration the evidence, if any, *[produced by them], determine the net average monthly income actually derived from the land acquired in accordance with the provisions of sub-section (4) of section 44.

*The words "produced by such persons" substituted by notification No.ARS/2178 /12153-(131)-B/Desk-10, dated 7.3.1981.

4. Form of Notice under section 44(5).

(1) The notice referred to in sub-section (5) of section 44 shall be in Form B.

(2) Every such notice shall be in duplicate and shall be signed by the Officer issuing it and shall bear his official seal and shall be served by one of the following methods, namely:-

(i) by delivering or tendering the notice to the person to whom it is addressed; or

(ii) by sending the notice to such person by registered post at the address where he is known to have last resided or carried on business or personally worked for gain; or

(iii) where such person cannot be found or is avoiding the service of the notice or the notice cannot be served by either of the above mentioned methods, by leaving an authentic copy of the notice with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain or to some conspicuous part of the land to be acquired.

FORM 'A'

[See rule 3(1)]

NOTICE OF INQUIRY

To

Shri.....

(Here enter name and address).

WHEREAS the Government of Maharashtra by its Notification in the Public Works and Housing Department, No.....dated the197, issued in exercise of the powers conferred by sub-section (1) of section 41 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVII of 1977) (hereinafter referred to as "the said Act"), and published in the Maharashtra Government Gazette, Part dated thehas, in order to enable the Maharashtra Housing and Area Development Authority to discharge its functions or to exercise its powers or to carry out its proposals, plans or projects set out in Part I of the Schedule hereto, acquired the land specified in Part II thereof (hereinafter referred to as "the said land");

AND WHEREAS, possession of the said land has been/is being taken under section 42 of the said Act;

AND WHEREAS, an inquiry is to be held under sub-section (5) of section 44 of the said Act for determining the amount for acquisition of the said land;

NOW, THEREFORE, I Shri, Land Acquisition Officer, Maharashtra Housing and Area Development Authority..... hereby call upon you Shri*owner of the said land / *person interested in the said land to appear before me personally or by a duly authorised agent on theday of 19 , at my office atand

- (a)to state the nature of your interest in the said land;
- (b)to state the gross income actually derived by you during the period of five consecutive years immediately preceding the date of publication of the Government Notification, Public Works and Housing Department No....., dated the..... 19 , in respect of acquisition of the said land; and
- (c)to produce the following documents:-

- (1)A statement in writing showing the nature of your interest in the land;
- (2)A statement in writing showing the amount and particulars of your average monthly income in the said land for a period of five consecutive years immediately preceding the date of publication of the Government Notification, Public Works and Housing Department, No....., dated the19 in respect of acquisition of the said land;
- (3)A statement in writing showing the name or names of every cosharer or mortgaggee possessing and having an interest in the said land and showing the nature and amount of such interest;

- (4) All such title deeds relating to the said lands as may be in your possession;
- (5) The latest municipal bills, collector's bills and Fazandari or ground rent bill relating to the said land.

Schedule
PART I

(Here specify the details of the proposals, plans or projects for which the land is acquired as set out in the Government Notification referred to above).

PART II

District	Taluka	Village/Town	Survey Number	Area of the land acquired.
1	2	3	4	5

Land Acquisition Officer,
Maharashtra Housing and Area
Development Authority,
.....

FORM B
(See rule 4)

Form of Notice under Sub-Section (5) of Section 44 of the Maharashtra Housing and Area Development Act, 1976. Proposal/Plan/Project.

Code No.

To
Shri
(Here enter name and address).

WHEREAS an inquiry was held under Sub-section (5) of Section 44 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), on the day of 19 , by me for determining the amount for acquisition of the land described in the Schedule appended hereto (hereinafter referred to as " the said land"); AND WHEREAS, by my Order No.....dated the 19 , an amount of Rs.....has been determined to be the net average monthly income actually derived from the said land;

NOW, THEREFORE, I, Shri, Land Acquisition Officer, Maharashtra Housing and Area Development Authority,....., hereby call upon you as the *owner in the said land/*the person interested in the said land to intimate to me before theday of 19 , to state in writing whether or not you agree to the net average monthly income actually derived from the land as

determined by me. In case you do not agree you may intimate to me before the aforesaid date, what amount you claim to be such net average monthly income.

Schedule

District	Taluka	Village/Town	Survey Number	Area of the land acquired.
1	2	3	4	5

Land Acquisition Officer,
Maharashtra Housing and Area
Development Authority,
.....