

NO.: ADC.LND.REVIEW. T 13/88

Office of Addl. Dist. Dy. Collector,
Bombay Suburban District, Andheri.
Dadabhai Navroji Road,
Andheri (W), Bombay 58

Date :- 11-10-88

READ :- 1) Order No. ATN/NA-I/J-350 dated 18/9/79
passed by the Additional Tahsildar (N.A.),
Andheri.

: O R D E R :

The Additional Tahsildar (N.A.), Andheri by his order No. ATN/NA-I/J-350 dated 18/9/79 has levied N.A. Assessment on the land admeasuring 4933-2 sq.mts. Plot No. 12/A-1, C.T.S. No. 39pt of village Juhu held by the Indian Council of Basic Education. The Additional Tahsildar had ~~observed~~ observed the land into non-agricultural without obtaining previous permission from the Competent Revenue Authority as required by section 44 of the Maharashtra Land Revenue Code.

168/88
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/ observed that the holder has converted

2. It is, ~~revealed~~ however, revealed that the n.a. ~~permission~~ permission was granted under this office order No. ADC/LND/D-3813 dated 4/11/73. The contention of the Additional Tahsildar that the land was converted into non-agricultural without permission is not correct. Moreover, the land is being used for Educational purpose and so it is exempted from payment of N.A. Assessment under section 117(4) of the Maharashtra Land Revenue Code, 1966.

3. The case is, therefore, taken up for review under section 257 of the Maharashtra Land Revenue Code, 1966 and the order dated 18/9/79 passed by the Additional Tahsildar (N.A.), Andheri is hereby set aside.



(Signature)
(N.B. LADE),
Addl. Dist. Dy. Collector,
B.S.D., Andheri.

To,
The Chairman,
The Indian Council of
Basic Education,
Gandhi Shikshan Bhavan,
Juhu, Bombay 400 049.

Office of Addl. Dist. Dy. Collector,
Bombay Suburban District, Andheri.
Dadabhai Navroji Road,
Andheri (W), Bombay 400 058.

Date:-

10 OCT 1988

- READ :-
1. This office orders of even no. dated 4/11/73 and 3/9/87.
 2. Order No. C/LND/A-30/1988 dated 22/6/88 passed by the Dy. Collector (Appeals), B.S.D.

ORDER

*KS Jy
28/10/88*

N.A. permission for land admeasuring 3762-87 sq.mts comprising of S.No. 70-D, Plot No. 10, out of Plot No. 12-A/1. C.T.S. No. 39-A of village Juhu, Taluka Andheri was granted under this office order of even no. dated 4/11/73 and N.A. Assessment was levied from 1/8/74 under this office order of even no. dated 3/9/87.

2. The Indian Council of Basic Education filed an appeal against the order dated 3/9/87 to the Dy. Collector (Appeals), B.S.D. who by his order No. C/LND/A-30/1988 dated 22/6/88 set aside this office order and remanded the case to this office for fresh enquiry on the point of actual use of land and then to decide whether exemption under section 117 of the Maharashtra Land Revenue Code, is admissible.

's registered

3. The case was fixed for hearing on 25/8/88 when Smt. Usha Mehta Chairperson was present. The Council in its letter dated 20/8/88 has pointed out that the Council under the (i) Bombay Public Trusts Act, 1950, and (ii) Societies Registration Act, 1960 and is running a High School and a College which is open to all without distinction of Religion, race, caste, place of birth etc. and requested to revoke the N.A. Assessment order. In ~~order~~ other words, the Council has sought for exemption under section 117 of the Maharashtra Land Revenue Code.

4. In pursuance of the directions issued by the Appellate Authority, the case was ~~xxx~~ re-examined with reference to the request of the Council for grant of exemption under section 117 of the Maharashtra Land Revenue Code, 1966. It is proved from the documents furnished by the Council that the land is being used for Collage and High School which are open to all without ~~etc.~~ distinction of religion, race, caste, place of birth ~~etc.~~. As the land is being for a purpose specified in the section 117(4) of the Maharashtra Land Revenue Code, 1966, it stands exempted from payment of N.A. Assessment and as the exemption is statutory, no orders exempting the land from payment of non-agricultural assessment are necessary (Govt. Letter, Revenue and Forests Department No. LNA-3472/11447-C-II dated 25/9/72)

5. This order is issued subject to the conditions ~~mentioned~~ mentioned in the order of even no. dated 4/11/73.

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6. As the land is exempted from payment of N.A. Assessment, the question of taking ~~final~~ action under Rule 6 of the Maharashtra Land Revenue (Conversion of use of land and N.A. Assessment) Rules, 1969 does not survive.

7. The Tahsildar of Andheri should take necessary notes in the village records regarding exemption from payment of N.A. Assessment.



[Handwritten signature]

(N.B. LADE),
Addl. Dist. Dy. Collector,
B.S.D., Andheri.

To,

The Chairman,
Indian Council of Basic Education,
Gandhi Shikshan Bhavan,
Juhu, Bombay 400 049.

File No. 34