

Lands :  
Grant of - to Co-Operative  
Housing Societies - Policy  
regarding -

GOVERNMENT OF MAHARASHTRA  
Revenue and Forests Department  
Resolution No. LCS-1083/1882/CR-222/G-4  
Mantralaya, Bombay-400032, Dated the, 12th May, 1983.

- READ :- (1) Government Circular, Revenue and Forests Department No. LCS-1065/194007/Bl, dated 12th November, 1968
- (2) Government Resolution, Revenue and Forests Department No. LCS-1075/51838/CR-376/G-4 dated 15th July, 1978.
- (3) Government Resolution, Revenue and Forests Department No. LCS-1082/211/G-4, dated 4th February 1982.
- (4) Government Resolution, Revenue and Forests Department No. LCS-1082/2753/G-4, dated 20th October, 1982.
- (5) Government Circular, Revenue and Forests Department No. LCS-1082/767/CR-79/82/G-4, dated 3rd November, 1982.
- (6) Government Resolution, Revenue and Forests Department No. LCS-1083/3683/CR-182/G-4, dated 28th February 1983.

RESOLUTION :

Government has had under consideration for sometime past the question of revising the policy regarding grant of Government land to the Co-Operative Housing Societies, keeping in view some of the onerous conditions which rendered persons ineligible on one ground or the other in large number of cases and escalation in general level of prices which necessitated change in the existing Income Groups. In supersession of orders mentioned in the preamble, Government is, therefore, pleased to issue the following orders regarding grant of land to the Co-Operative Housing Societies, throughout the State of Maharashtra, under Rule 27 of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 read with provisions of Section 40 of the Maharashtra Land Revenue Code, 1966.

For clarification and proper comprehension of the orders issued hereunder, the terms "Total Family Monthly Income" and "Area of operation" of the Co-Operative Housing Society (hereinafter referred to as Society) are defined as under :

(i) Total Family Monthly Income means monthly income of the person from all sources and includes income of his wife and her husband.

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(ii) Area of operation of the Society means Town in which society is located (viz. village or urban area of the Municipal Council or Corporation).

3. Government land should be granted to the Co-Operative Housing Societies for construction of residential tenements for their members belonging to various Income-Groups mentioned below, on the following principles.

Income Group	Income Group range (Total family income)	Carpet Area of flat allowed.	Concessional occupancy price/lease rent payable. (Percentage of market value as on 1-2-1976).
I	Upto Rs. 1000	300 sq. ft.	10%
II	Rs. 1001 to 2000	450 sq. ft.	25%
III	Rs. 2001 to 3000	650 sq. ft.	50%
IV	Above Rs. 3000	900 sq. ft.	100%

(A) The Fourth income group i.e. those whose total family monthly income is above Rs. 3000, is open exclusively to the persons under Government employment, employees of public sector, corporations and members of Central/State Legislatures, Zilla Parishad, Municipal Corporations and Municipal Councils.

(B) Mixing of members belonging to different income groups should be allowed. Society shall pay proportionate concessional occupancy price/lease rent, depending upon the category of income group to which the different members belong. The carpet area restrictions for such members will, however, be applicable separately for the members according to their category of income group. Mixing of members for income group IV shall be restricted to the persons mentioned in (A) above.

(C) The restrictions regarding the carpet areas mentioned above are applicable to the cases wherein Government land asked for is situated within the limits of Municipal Corporations. In respect of lands situated elsewhere, the income group of the members should be as indicated above but the plots to be allotted to each member in the society would be uniform in sizes and would also be minimum as required by prevalent Building Rules within the area.

(D) The Government lands except from within the city limits of Bombay shall be granted to the Society at its option either in occupancy rights, or in lease hold rights. The lands from Bombay City proper will continue to be granted on lease hold basis as per present policy of Government.

4. Government has also decided that in the disposal of Government lands to Societies priority should be given to the Societies formed exclusively by (i) freedom fighters, (ii) retired or serving members of the armed forces and the State Police and (iii) also of families of armed forces and State Police, who have been killed while on duty.

5. The eligibility for membership in Co-Operative Housing Societies seeking Government lands on payment of concessional occupancy price/lease rent, should be examined in the light of the qualifying conditions prescribed in Annexure 'A' and those who qualify accordingly should only be approved. The conditions on which the land should be granted to Societies outside Bombay City limits, should be as per those specified in Annexure 'B'. In the case of lands from Bombay City limits, land grant orders shall be subject to usual conditions pertaining to lease-hold grants within in the city limits of Bombay.

6. The Housing Societies formed by Backward Class persons are being granted Government Lands free of cost subject to certain conditions under Backward Class Co-Operative Housing Scheme (under P.W.R. 219). The orders issued under this Government Resolution, are not applicable to the grants made under the said scheme to the Backward Class Co-Operative Housing Societies.

7. While considering proposals for grant of land it is desirable to ensure that the comparative merits of the various demands for the same land are examined, before obtaining Government orders. The Collectors are, therefore, directed that they should indicate in the proposals, particulars of other demands for the land discussing merits of each case.

8. According to the present policy of Government, Co-Operative Housing Societies are registered under the Maharashtra Co-Operative Societies Act, 1960, if a land availability certificate is produced before the registering authority and the requirements as prescribed under Government Circular, Agriculture and Cooperation Department, No. CSH-1079/25831/14-C, dated 2nd May, 1980 are satisfied. It is necessary that the affairs of such Housing Societies, established on Government lands, are managed in accordance with the provisions of the Maharashtra Cooperative Societies Act and the Rules framed thereunder and bye-laws adopted by them, subject to further conditions prescribed by Government in the land grant orders. It has, however, come to the notice of Government that in certain cases, possession of the lands has been handed over to the proposed societies before they were formally registered. The affairs of such Societies are managed by the Chief Promoter till registration, who is not answerable to Government and his accounts are also not audited. In certain cases, the Chief Promoters are found to have delayed registration of their societies and have indulged in certain mal-practices like expulsion of persons whose names were approved by Government for membership, enrolling new members in their places without prior approval of Government and also not maintaining proper accounts of the society's finances. To avoid recurrence of such instances, Government is pleased to direct that the Collectors of Districts should ensure that the possession of the land granted to the Societies is handed over only after they are registered under the Maharashtra Co-Operative Societies Act, 1960.

9. The Government land available for disposal being inadequate, compared to the demands for such lands from the public, Government is pleased to direct that in the cities and towns having a population of over one lakh, Government land to the Co-Operative Housing Societies should be granted subject to the condition that the grantee Society agrees to construct multi-storeyed buildings and utilise the full F.S.I. admissible, as per local Development Control Rules.

10. Government is also pleased to direct that each Society to which Government land is granted for construction of residential flats/houses should enrol 20% of its membership from amongst Schedule Caste, Schedule Tribes and Nomadic Tribes Communities. Government is further pleased to direct that 20% members of vacancies occurring in the Societies already granted land should be filled in by enrolling members from Scheduled Caste, Scheduled Tribes and Nomadic Tribes Communities, if the total overall percentage of Backward Class Communities in such societies is less than 20%.

11. The members of public who come to know about the availability of Government land for disposal, apply for the same, and only such applications are considered and processed and in the result, limited number of persons who come to know about the availability of land from Societies and approach Government get the benefit, while many deserving cases are left out for want of knowledge on their part. Government is, therefore, pleased to direct that except where one or two plots are available for disposal in isolation, in all other cases, particularly, where a layout is prepared in accordance with the local development control rules and more plots become available for disposal, the Collectors should issue press-note in the local newspapers informing the members of public regarding the availability of such plots and invite applications for their disposal within period to be stipulated in such press-notes so that persons interested can form Societies and apply for grant of land, within such stipulated period. The applications received accordingly should be scrutinised and proposals should be submitted for approval of the Competent Authority.

12. Government is pleased to direct that all undecided cases should be decided in accordance with the guide-lines issued hereinbefore. These guide-lines shall also apply to cases in which final orders of allotment of land have been issued but possession of land has not been handed over. In case of doubt, the matter should be referred to Government in Revenue and Forests Department for clarification.

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

R.G. VARTAK,  
Assistant Secretary to Government,  
Revenue and Forests Department.

( Encls: Annexure A & B )

To

The Commissioners of Divisions,  
The Collectors of Districts (including the Collector of Bombay),  
The Director of Town Planning, Maharashtra State, Pune,  
The Commissioner for Co-operation and Registrar of Co-operative Societies, Pune,

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ANNEXURE : 'A'

Qualifications for approval of members in Co-Operative Housing Societies seeking Government lands on payment of concessional occupancy price/lease rent :-

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- (i) The members should be residents of Maharashtra for at least 15 years. However, this shall not apply to Government Servants allotted to Maharashtra State and Member of Parliaments, Member of Legislative Assembly, Member of Legislative Councils etc., if this period falls short of specified period.
  - (ii) Any member who does not have independent source of income by way of profession, occupation or business should not be considered for membership;
  - (iii) For the purpose of determining the income group of a person the total family monthly income of the member for the past 36 months should be taken into consideration.
  - (iv) The member should not have in his own name and possession or in the name and possession of his wife/her husband or in the name and possession of his or her minor child or in the name and possession of any member of his/her family dependent upon him or her, any land, house, bungalow ~~or flat~~ or flat in excess of 600 sq.ft. carpet area in the area of operation of such Society, or any rental accommodation in excess of 600 sq.ft. carpet area in such area of operation, provided further that a member or his dependents having a house or flat on ownership and possession basis or on tenancy basis, in the area of operation of the Society, a carpet area of 600 sq.ft. or less, will be allowed to be a member of such a Co-Operative Housing Society on the condition that such person gives an undertaking that he will relinquish by way of surrender/sale or transfer of such accommodation before occupying his flat in the Co-Operative Housing Society.
  - (v) Neither the member nor his wife/her husband nor his/her any minor child nor any dependent of the member should be a member of any Co-Operative Housing Society in the area of operation of the Society of which he intends to become member.
  - (vi) Neither the member nor his wife/her husband must have obtained on concessional terms, any plot or accommodation of carpet area in excess of 600 sq.ft. from Government, in area of operation of the Co-Operative Housing Society including de-requisitioned accommodation.
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ANNEXURE - 'B'

Terms and conditions of grant of Government lands to Co-Operative Housing Societies :-

- (i) The society shall get itself registered, before the possession of land is given to it.
- (ii) The Society shall utilise the land only for the purpose of construction of residential tenements for its approved members and the land or any part thereof shall not be utilised by the Society or by any of its members directly or indirectly for any commercial, business, professional purposes;
- (iii) The Society shall develop the land and have all other amenities and services required for the purpose at its cost;
- (iv) The Society shall get the building plans approved from the Municipal Corporation/Council or such other local authority, as the case may be, before starting any construction on the land;
- (v) The Society shall hold the land on inalienable and impartible tenure as occupant Class II under the Maharashtra Land Revenue Code, 1966;
- (vi) The Society shall utilise the land and construct the residential building/houses within a period of 2 years from the date of possession;
- (vii) The land or any part thereof shall not be sold, mortgaged, leased, transferred or in any other way alienated, except as provided in Section 36(4) of the Maharashtra Land Revenue Code, 1966 without the written previous permission of Government;
- (viii) The Society shall not permit any of its members to lease or sublet or to give on leave and licence basis or to transfer the house/flat held by him or her without the prior written permission of the Collector or the Commissioner or the Government as the case may be, and while granting any permission for transfer of house/flat, Government shall be entitled to recover from the Society an amount equivalent to 50% of the difference between the cost of the house/flat charged by the Society to the approved member and the cost of the house/flat at which the house/flat is being transferred to a new member;
- (ix) The Society shall not enroll any new member or substitute any member approved by Collector/Commissioner/Government the provisions in its bye-laws notwithstanding without prior written permission of the said authority and the said authority shall have a right to approve or disapprove any such request, or to grant permission on such terms and conditions as the said authority considers fit;
- (x) The houses/flats should be occupied personally by the members as soon as these are ready for occupation. If any member does not occupy the house/flat himself and

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unless the same is required for bonafied use of his family, the house/flat in the society shall be placed at the disposal of the Collector who shall arrange to pay the rent to the said member as may be determined by the Collector from time to time, subject to any general orders of Government in force;

- (xi) If any member or his wife/her husband or his/her minor child purchases at any time, any flat or house or bungalow of an area exceeding 600 sq.ft. carpet area or plot in the area of operation of the Society, the said member shall stand disqualified and the house/flat in the Society shall be transferred, at a price determined by Collector/Government but not exceeding the cost paid to the Society, to another member to be approved by Collector/Government and qualified to be a member;
- (xii) The Society should not make any addition or alteration to the buildings constructed without prior written approval of the Collector and shall inform the Collector of the reduction in the number of members, if any, before commencing construction of roads, buildings, etc., and the Collector shall have right of resumption of any land rendered surplus to the reasonable requirements of the Society consequent upon such reduction in membership;
- (xiii) The Society shall pay regularly the non-agricultural assessment prevalent in the locality from time to time;
- (xiv) The grant shall be subject to the reservation of the right of Government to all mines and mineral products and quarries in the land and Government shall have full liberty of access for the purposes of working quarries and searching for the same with all reasonable convenience, as provided by the Maharashtra Land Revenue Code, 1966;
- (xv) If any land or any portion thereof is required by Government in future for any public purpose, the grant of land or any part thereof will be cancelled and land in question resumed by Government on payment of compensation equal to the cost of land paid by the Society for the land or any portion thereof which is to be resumed and cost of the building or structure, if any, standing thereon. The society shall accept as final the decision of Government as to whether the land or any portion thereof is required for a public purpose and as to the cost of building or structure, if any, determined by the Executive Engineer, Public Works and Housing Department;
- (xvi) The Society shall be liable to be evicted and the land and building resumed to Government without payment of any compensation in case there is a breach of any of the conditions of grant and failure on the part of the Society to remedy the said breach within a period of six months from the date of issue of notice

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by the Collector communicating the said breach;

- (xvii) The Society shall be bound to take all necessary steps to compel any of its members, who has committed breach of any of the conditions of grant to remedy the said breach immediately and failure on the part of the said member to remedy the breach accordingly within a period of 6 months from the date of issue of notice by the Collector communicating the said breach to the Society shall be deemed to be a breach committed by the Society itself and the Society shall render itself liable to be dealt with under Condition No. (xvi) above;
- (xviii) The Society shall, within a period of 2 years from the date of possession of land, plant on the land granted hereunder trees, at the rate of 1 tree per 100 sq. metre of suitable species and maintain them throughout;
- (xix) The Society shall execute an agreement embodying and agreeing to the above terms and conditions and such other conditions which the Collector may impose having regard to the circumstances of the case and the provisions of the Maharashtra Land Revenue Code, 1966 and the Rules thereunder.

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