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MAHARASHTRA ACT NO. OF 2015

An Act further to amend the Maharashtra Land Revenue Code, 1966.

WHEREAS, in India, there is no system of recording titles over the property by a Public Authority and it is left to the purchaser to investigate and come to his own decision about the title of the property intended for purchase. This decision is subjective to him and not conclusive. As a result, uncertainty about title remains forever.

Secondly transfer of property is effected either by act of the Court or by the act of the person i.e. parties and therefore, any act of parties is not governed by action of Public Authority but by a contract between buyer and seller which needs to be registered under the Registration Act, 1908. As the Registration Act, 1908 provides for registration of documents evidencing transaction and not the title, registration does not necessarily result in transfer of title. This also poses another challenge that there is a gap between the transaction and updating of records.

This situation restricts the land markets and acts as a barrier to maximum utilization of land as a resource, besides increase in multiplicity of litigation as well as its costs. As against this, it is proposed to introduce a system of titling and registration of title to ensure growth in land markets with reduced litigation and ease in land based banking;

AND WHEREAS, in order to improve the system of land administration and to ensure security of title over properties, the state of Maharashtra seeks to amend Maharashtra Land Revenue Code 1966 for putting in place a mechanism for land titling.

AND WHEREAS, to provide for creation and maintenance of a record of immovable properties, so as to serve as conclusive record of titles in order to give security to the title and rights of persons owning, purchasing or receiving property.

AND WHEREAS, to provide for a system of registration of transactions affecting title and rights on immovable properties in order to protect persons from being defrauded while dealing in such properties.

AND WHEREAS, to provide transparency, objectivity and easy accessibility of information related to immovable properties and transactions thereof.

AND WHEREAS, to provide for a proper administrative system for the above.

AND WHEREAS, it is expedient further to amend the Maharashtra Land Revenue Code 1966 for the purposes aforesaid; it is hereby enacted in the year -----of the Republic of India as follows:-

	1. (1) This act may be called as the Maharashtra Land Revenue Code (Amendment) Act, 2015. (2) It shall come into force from _____.	Short title and commencement
Amendment of section 2 of Mah.XLI of 1966.	2. In section 2 of the Maharashtra Land Revenue Code, 1966 (herein after referred to as "the said Code"),- (a) after Clause (1),- “(1-a) “Air rights” means the right to use and develop the empty space above an immovable property;" shall be added; (b) after Clause (2),- “(2-a) “Alienation” means the action of transferring immovable property or any interest therein to another person;" shall be added; (c) after Clause (2-a),-	

i) re-number the existing Clause (3) as (3-a);

ii) Clause (3) is as follows,-

“(3) **“Apartment”** means a part of any property, intended for any type of independent use, including enclosed spaces located on one or more floors or any part or parts thereof, in a building to be used for residential or official purposes or for the purpose of practicing any profession, or for carrying on any occupation, trade or business, excluding shopping malls and multiplexes or for such other use as may be prescribed, and with a direct exit to a public street, road or to a common area leading to such street, road and includes any garage or room, whether or not adjacent to the building in which such apartment is located provided by the promoter for use by the owner of such apartment for parking or, as the case may be, for the residence of any domestic aide employed in such apartment.;" shall be inserted;

(d) **“Appurtenant rights”** means any right or restriction which goes with an immovable property such as an easement or covenant.

(e) **“Assignee”** means a person who receives a piece of immovable property by purchase, gift or by a will.

(f) **“Bank”** means any entity permitted by Reserve Bank of India to conduct banking operations.

(g) **“Biometric authentication”** means a method for uniquely recognizing a human being based on such physical traits as fingerprints, face recognition, iris recognition, etc. for the purpose of establishing identity,

(h) **“Certificate of recording”** means a certificate issued on the basis of entries made in the Registers maintained by the Authority,

(i) **“Charge”** means any mortgage, charge or lien created in favour of a person when the immovable property of another person by an act of parties or by operation of law made security for the payment of money to him.

(j) **“Covenant”** means an agreement by deed between two persons to do one or more things or to give or to prevent or to retain something or an agreement creating an obligation.

(k) **“Land Titling Tribunal”** means the Tribunal established under Section 7(6) of this

(l) **“Document”** means any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

(m) **“Grant”** means action of granting or bestowing or conferring a right, a gift or assignment of money etc.

(n) **“Immovable property”** means land, buildings, flats, apartments or any other premises and things attached to the earth, or permanently fastened to anything which is attached to the earth, but not standing timber, growing

crops nor grass,

- (o) “**Conclusive title**” means an indefeasible title to an immovable property or an interest therein entered in the Register of titles, Disputes, Charges and Covenants which has attained conclusiveness under Section 79 (H) of the code.
- (p) “**Indicative map**” means a map that shows the relative location of a property with its correct unique identification number but does not necessarily indicate the size of the property exactly to scale.
- (q) “**Land Titling**” means title over any type of immovable property
- (r) “**Letter of administration**” means the permission granted by an appropriate Court or probate registry to appoint an appropriate person to deal with a deceased person’s estate where property will pass under Intestacy Rules or where there are no executors living and willing and able to act, having been validly appointed under the deceased’s will.
- (s) “**Lien**” means a right by which a person in possession of the property holds and retains it against the other in satisfaction of a demand due to the party retaining it.
- (t) “**Mortgage**” means a mortgage as defined under section 58 of the Transfer of Property Act, 1882 (Act no. 4 of 1882).
- (u) “**Notified Area**” means area notified as per section 79A of the Act.
- (v) “**Notified Property**” means any type or types of immovable properties notified as per section 79A of the code within the notified area.
- (w) “**Other Rights**” means any right or interest, in immovable property other than title
- (x) “**Power of attorney**” shall have the meaning as defined under section 1A of the Power of Attorney Act, 1882 “Prescribed” means prescribed by the Rules notified under this Act.
- (y) “**Probate**” means the process of proving a Will as valid and thereafter administering the estate of a dead person according to the terms of the Will,
- (z) “**Public Authority**” means all offices of the State of Maharashtra, all Local Authorities, and all Authorities constituted by or under any Act of the Central or State Legislature for the time being in force, such as a Company, Corporation, Trust, Society, any Statutory or other Authority, or any Organization or Body funded, owned and controlled by the Central or by the State Government.
- (aa) “**Publish**” (i) for Government means publication in the Official Gazette (ii) for the Maharashtra Land Titling Authority and Title Registration Officer means publication in any medium as prescribed which may include media releases or press notes, advertisements, displayed in prominent places accessible to the general public, copies made available to the public at a reasonable cost, copies

made available in electronic format.

- (bb) **“Record”** includes any document, manuscript or file, electronic/digital record, microfilm, microfiche and facsimile copy of a document; any reproduction of image or images embodied in such microfilm (whether enlarged or not); and any other material produced by a computer or by any other device and as defined in the Right to Information Act, 2005 (Act no. 22 of 2005).
- (cc) **“Registered Title”** means a record of title entered in the Register of Titles, Disputes, Charges and Covenants.
- (dd) **“Register”** means the Register of Titles, Disputes, Charges and Covenants as defined under section 148A
- (ee) **“Regularization of Occupation”** means regularization of actual holding or possession of a place or land under relevant provisions of civil law including Maharashtra land revenue code and other land laws (Section 157 IPC)
- (ff) **“State Land Titling Appellate Tribunal”** means the tribunal established under section 247B of this code and as prescribed under the Rules.
- (gg) **“Strata title”** means a form of ownership of immovable property devised for multi-level apartment blocks and horizontal sub-divisions with shared areas. The ‘strata’ part of the term refers to apartments being on different levels, or “strata”.
- (hh) **“Survey”** includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary of immovable property and includes a resurvey of immovable property.
- (ii) **“Terrace rights”** means the right to use and develop the space on the roof of a building,
- (jj) **“Title”** means ownership of an immovable property and stands against the right of anyone else to claim the property and for the purposes of this Act, title includes strata title.
- (kk) **“Transfer application”** means the form prescribed to be submitted to the Authority for effectuating the transfer of any right or interest in immovable property under section 149J
- (ll) **“Title Holder”** means the person in whom the title to an immovable property vests.
- (mm) **“Title Registration Officer”** shall mean a person or persons appointed under section 7(5).

the words and expressions used but not defined in this Act and defined in the Information Technology Act, 2000, (Act No.21 of 2000), Transfer of Property Act, 1881,(Act no.4 of 1881), the Indian Evidence Act, 1872, (Act no. 1 of 1872), the Indian Succession Act, 1925 (Act no. 39 of 1925), the Indian Easements Act, 1882 (Act no. 5 of 1882), the Land Acquisition Act, 1894 (Act no.1 of 1894) (The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013) (Act no.30 of 2013), the Income Tax Act, 1961 (Act no. 43 of 1961) Debt Recovery Tribunal, Maharashtra Land Revenue Code, 1966 shall have the respective

	meaning assigned to them in that Act.	Act No.21 of 2000, Act No.4 of 1881, Act No. 1 of 1872, Act No. 39 of 1925, Act No. 5 of 1882, Act No.1 of 1894, Act No.30 of 2013, Act No. 43 of 1961, Mah. LXI of 1966
Amendment of section 7 of Mah.XLI of 1966.	<p>1. In section 7 of the said Code,-</p> <p>(a) after sub-section (4), the following sub-section shall be added, namely:-</p> <p>“(5) (1) The Government may appoint any person whether public officer or not as it thinks proper to be Title Registration Officer;</p> <p>(2) The Title Registration Officer so appointed shall exercise the powers and perform the duties of a Title Registration Officer within such local limits and for such periods of time or such type of property as the Government may direct.</p>	<p>Mah.XLI of 1966.</p> <p>Appointment of Title Registration Office.</p>
	<p>(b) after sub-section (5), the following sub-section shall be added, namely:-</p> <p>“(6) The Government may appoint one or more officers not below the rank of Deputy Collector of a District or any other officer of equivalent rank as Land Titling Tribunal.”</p>	<p>Land Titling Tribunal:</p>
Amendment of section 79 of Mah.XLI of 1966.	<p>2. In section 79 of the said Code, the following sub-sections shall be inserted, namely:-</p> <p>(a) “79A. The State Government may direct, by notification, establishment of a system of title registration of any class</p>	<p>Mah.XLI of 1966.</p> <p>Establishment of</p>

	and/or type of immovable properties in such area as may be notified.”;	Title Registration System
	<p>(b) “79B. Upon notification issued under section 79A, the Government shall proceed to prepare a record of immovable properties notified, situated within notified area, which may contain:</p> <p>(1) Record of accurate or approximate boundary or boundaries or any part of boundary of every property duly identified with a distinct identification number in the form of indicative map:</p> <p>Provided that any record available with an officer of the State Government duly authorized in this regard under this Code or any record maintained by Public Authorities may be adopted by the Government as its own record.</p> <p>(2) A Record of Title over each of the properties in the notified area, a Record of Charges and Covenants and a Record of Disputes over these properties, in the manner further provided in this Act.</p>	Preparation of Records.
	<p>(c) “79C. (1) When the preparation of Register of Titles is taken up under section 79B, the Title Registration Officer shall publish a notification in the prescribed manner inviting all persons having any interest in any land or property, to file claim either in person or by an agent duly authorized in this regard at a specified place and time and from time to time thereafter when called upon, for the purpose of disposal of claims and objections;</p> <p>(2) Such notification to be valid notice: A notification published under sub-section (1) shall be held to be a valid notice to every person having any interest in the title of the property to be included in the Register of Titles.</p> <p>(3) Upon issue of Notification under sub-section (1) all persons having any right or interest in any notified land or property shall furnish details of such rights or interest within time limit prescribed in notification along with supporting documents relating to their rights including:-</p> <p>(a) Rights of ownership, including rights of inheritance and succession over any of the notified property;</p> <p>(b) Any Will affecting the rights over notified property;</p> <p>(c) Pending actions relating to insolvency petition appointing a receiver, or writ or an order affecting immovable properties made by any court for the purposes of enforcing a Judgment or recognizance of any deed of arrangement or arbitration or settlement, if any for making an entry to that effect in the Registers;</p> <p>(d) any leasehold right or interests of persons in actual occupation, easements, customary rights, public rights, mines and minerals franchise, a non statutory right in respect of an embankment of sea or river wall, any subsisting power of attorney authorizing the Agent to sell or develop or construct the property any subsisting sale agreement with or without possession of the property, any subsisting agreement cum GPA or any pending suit or appeal under Specific Performance Act (1963), any</p>	Notification by the Title Registration Officer:

	pending proceedings regarding dissolution or winding up, bankruptcy before any authority, pending proceedings for recovery of statutory duties, levies, taxes, etc.”.	
	(d) “79D. The Title Registration Officer shall carry out the process of preparation of Register of Titles in the prescribed manner;”.	Titling to be in prescribed manner:
	(e) “79E. The Title Registration Officer shall determine and record the entry of Titleholder of a land parcel or property in the Register of Titles, of which no dispute is subsisting or brought to his notice;”.	Powers of Title Registration Officer in undisputed cases:
	(f) “79F. Where title of a property is disputed, the Title Registration Officer shall make an entry to that effect in Register of Titles and order for an entry in the Register of Disputes and refer the case to the Land Titling Tribunal constituted for this purpose;”.	Power of Title Registration Officer in disputed cases:
	(g) “79G. While ordering an entry in the Register of Titles or Register of Disputes, if the Title Registration Officer comes across a covenant in the nature of easement right or a condition which will have a bearing on the absoluteness of the title or a charge over the notified property, he shall order recording of details of such covenant and charges in a separate register called Register of Charges and Covenants and make an entry to that effect in the Register of Titles;”.	Entries in Register of Charges & Covenants:
	(h) “79H. When the preparation of Record for whole or part of the notified area has been completed in accordance with section 79B of this Code the Government shall notify the fact in the prescribed manner.	Completion of Record to be notified:
	(i) “79I. The entries in Registers of Title so notified under Section 79H shall be conclusive after expiry of three years from the date of such notification. Such entries shall be conclusive evidence of such titles in respect of such properties: Provided that the entries in the Register of Titles, in respect of which any dispute is pending, before Land Titling Tribunal or the Land Titling Appellate Tribunal, or any other Court of law or tribunal such notification such entries shall be conclusive only after and in accordance with final resolution of such dispute;”	Entries to attain conclusiveness:
	(j) “79J. (1) Any person aggrieved by the notified entry in the Register of Titles may file an objection before the Title Registration Officer within three years from the date of such notification; (2) Upon the receipt of such objection Title Registration Officer shall make an entry to that effect in Register of Titles and in the Register of Disputes and refer the case to the Land Titling Tribunal;”.	Objection to entries in Register of Titles:
	(k) “79K. (1) Upon a reference made under Section 79F and 79J by the Title Registration Officer, the Land Titling Tribunal shall proceed to hear the parties concerned, conduct an enquiry in the prescribed manner and pass an order to make an appropriate entry in the Register of Titles in respect of the property about which the reference was filed; (2)The Title Registration Officer upon receipt of the order of the Land Titling Tribunal passed under sub section (1) and after expiry of the period of appeal shall record or modify an entry of Titleholder in the Register of Titles in accordance with such order and make an entry to that effect in Register of Disputes where no appeal is filed;”.	Disposal of objections by Land Titling Tribunal:
Amendment	5. After section 148, the following new section shall be inserted,	Mah.XLI of

of section 148 of Mah.XLI of 1966.	namely:- "148A. wherever the system of land titling is in place in addition to particulars in prescribed in section 148, the Register of Titles, and Register of Disputes & Register of Charges &Covenants shall be maintained and updated in such manner and in such format as may be prescribed."	1966. Maintenance of Registers for the purpose of Land Titling
Amendment of section 149 of Mah.XLI of 1966.	6. In section 149,- (a) after third proviso, the following proviso shall be added, namely:- " Provided that provisions of this section will not be applicable to the lands for which the entry has been made in the registers of land titling and provisions of section 149A and150B will be applicable therefor.";	Mah.XLI of 1966.
	(b) after section 149, the following new section shall be inserted, namely:- "149A. Upon notification issued under section 79H, no transaction affecting any immovable property notified or situated in the notified area shall take place except in accordance with the provisions contained in Sections 149J, 149K, 150A,150B,150C & 150D of this Act."	Consequences of Publication of notification of
	(c) after section 149A, the following new section shall be inserted, namely:- "149B. (1) Upon issue of Notification under section 79H, it will be incumbent upon the petitioner to intimate in the prescribed manner to the Title Registration Officer concerned, all the pending actions as on the date of notification, like appointment of receiver in any insolvency petition, or writ or an order affecting an immovable property made by any court for the purpose of enforcing a judgment or recognizance of any deed of arrangement or arbitration or settlement, get it recorded and obtain a certificate of its recording within three months of notification, failing which such pending actions will be rendered unenforceable;	Compulsory intimation of Civil suits/ Appeals:
	(2) After the date of issue of notification under section 79H if any suit or appeal is filed in any Revenue Court, Civil Court, High Court and in the Supreme Court of India or any other Tribunal and any other Public Authority including tribunals established under this Act, in respect of an immovable property recorded in the Register of Titles, it shall be incumbent upon the plaintiff or appellant to intimate in the prescribed manner about filing of such suit or appeal to the Title Registration Officer concerned, get it recorded, and obtain a certificate of recording and file such certificate before the Court or Tribunal within seven days of such filing of suit or appeal.	
	(3) All such suits and appeals shall commence only on or after the date of such certificate.	
	(4) Upon receipt of intimation of suit or appeal in accordance with sub-section (1) or (2), the Title Registration Officer concerned shall enter it in the Register of Disputes; make an entry to that effect in Register of Titles and issue a certificate of recording to the concerned.	
	(5) Notwithstanding anything contained in any other law for the time being in force, upon non filing of certificate of recording of dispute within the time prescribed in sub-section (1) & (2) as the case may be, the suit or appeal pending or filed before a Court or Tribunal	

	shall lapse.	
	(6) It shall be incumbent upon the decree holder or Plaintiff or appellant or any other interested person to intimate, get recorded and obtain a "certificate of recording of resolution of dispute" in respect of a dispute recorded in Register of Disputes within seven days from date of issue of decree or judgment or order resolving such dispute failing which the decree or judgment or order will not be enforceable."	
	<p>(d) after section 149B, the following new section shall be inserted, namely:-</p> <p>"149C. (1) Upon issue of the notification under section 79H, it will be incumbent upon the Authority competent to impose any restriction or prohibition on any property under any law, to intimate within three months of such notification to the Title Registration Officer concerned in the prescribed manner, the fact of any notification issued imposing such restriction or prohibition in respect of any property notified or situated in the notified area and to obtain a certificate of its recording.</p> <p>(2) After the date of issue of notification under section 79H, it shall be incumbent upon the Authority competent to impose any restriction or prohibition on any property under any law, to intimate to the Title Registration Officer concerned in the prescribed manner, the fact of any notification issued imposing any restriction or prohibition in respect of any property notified or situated in the notified area and to obtain a certificate of its recording within seven days of issuance of such notification.</p> <p>(3) Notwithstanding anything contained in any law for the time being in force, upon non-obtaining the certificate of Recording, under sub-section (1) or (2) of this section, as the case may be, within the prescribed time, the notification shall be inoperative till obtaining the certificate of recording."</p>	Compulsory intimation of proceedings imposing or restriction.
	<p>(e) after section 149C, the following new section shall be inserted, namely:-</p> <p>"149D. (1) After the issue of notification under section 79H, all the transactions e.g., alienations, assignment, regularizations of occupation, sale, grant, lease etc., and all transactions made by the Government in respect any notified property shall be intimated to the Title Registration Officer concerned by an officer of the Government competent to make such transaction and a certificate of recording obtained.</p> <p>(2)Notwithstanding anything contained in any other law for the time being in force, all such transactions shall be effective only from the date of issue of the certificate of recording by the Title Registration Officer concerned.</p>	Compulsory intimation of Government transactions:
	<p>(f) after section 149D, the following new section shall be inserted, namely:-</p> <p>"149E.(1) Upon issue of notification under section 79H, all the financial institutions including banks or other bodies or individuals holding equitable mortgage in respect of any property shall intimate the fact to the Title Registration Officer concerned and obtain a certificate of recording within three months of such notification failing which the equitable mortgage will be rendered unenforceable.</p> <p>(2) After the date of issue of notification under section 79H, if any equitable mortgage is created by a financial institution or any other body or individual, in respect of a property located in the notified area, it shall be incumbent upon such financial institution, body or</p>	Compulsory intimation of equitable mortgages:

	<p>individual to intimate the fact of creation of such equitable mortgage to the Title Registration Officer concerned and to obtain a certificate of its recording.</p> <p>(3) Notwithstanding anything contained in any other law for the time being in force, such equitable mortgage shall be effective only from the date of issue of the certificate of recording.</p>	
	<p>(g) after section 149E, the following new section shall be inserted, namely:-</p> <p>“149F. (1) Upon issue of notification under section 79H, it will be incumbent upon the party in whose favour any charge or lien is created, to intimate in the prescribed manner to the Title Registration Officer concerned all the charges and liens including charges registered under Companies Act, pending as on the date of notification, get them recorded and obtain a certificate of recording within three months of notification, failing which the charge or lien will become unenforceable.</p> <p>(2) After the date of issue of notification under section 79H, if any charge or lien including charge under Companies Act is created, it shall be incumbent upon the party in whose favour such charge or lien is created to intimate the fact in the prescribed manner to the Title Registration Officer concerned, get it recorded and obtain a certificate of its recording within seven days of such creation of charge or lien.</p> <p>(3) Notwithstanding anything contained in any other law, for the time being in force, the said charge, statutory charge or lien will be effective only from the date of issue of certificate of recording.</p>	<p>Compulsory intimation of charges:</p>
	<p>(h) after section 149F, the following new section shall be inserted, namely:-</p> <p>“149G (1) Upon issue of Notification under section 79H, it will be incumbent upon the petitioner to intimate in the prescribed manner to the Title Registration Officer concerned, all the pending actions as on the date of notification, like appointment of receiver in any insolvency petition, or writ or an order affecting an immovable property made by any court for the purpose of enforcing a judgment or recognizance of any deed of arrangement or arbitration or settlement, get it recorded and obtain a certificate of its recording within three months of notification, failing which such pending actions will be rendered unenforceable.</p> <p>(2) After the date of issue of notification under section 79H, all actions relating to appointment of receiver in any insolvency petition, or writ or an order affecting immovable properties made by any court for the purposes of enforcing a Judgment or recognizance of any deed of arrangement or arbitration or settlement or merger-demerger shall be intimated in the manner prescribed to the Title Registration Officer concerned, by the petitioner concerned, get it recorded and obtain a certificate of recording, within seven days of such action,</p>	<p>Compulsory intimation of Pending actions:</p>

	<p>failing which it will be rendered unenforceable</p> <p>(3) Notwithstanding anything contained in any other law for the time being in force, such pending actions in sub-section (1) and (2) shall be enforceable only from the date of issue of certificate of recording.”.</p>	
	<p>(i) after section 149G, the following new section shall be inserted, namely:-</p> <p>“149H. Upon receipt of information under sub-section (1) or (2) of section 149C, 149D, 149E, 149F & 149G the Title Registration Officer concerned shall enter the details in prescribed manner in the Register of Charges and Covenants, make a mention in the Register of Titles about it and issue a certificate of its recording.</p>	<p>Issue of certificate of recording:</p>
	<p>(j) after section 149H, the following new section shall be inserted, namely:-</p> <p>“149I. (1) Upon the issue of notification under section 79H, it will be incumbent upon the parties concerned, to intimate in the prescribed manner to the Title Registration Officer concerned all the subsisting Powers of Attorney authorizing the agents to sell or develop or construct the immovable property and all the subsisting Agreements and General Powers of Attorney, and obtain a certificate of its recording within three months of the notification.</p> <p>(2) After issue of notification under section 79H, it will be incumbent upon the person executing any power of attorney including an Agreement and General Powers of Attorney authorizing an agent to sell or develop or construct upon an immovable property located in a notified area, to intimate in the prescribed manner to the Title Registration Officer concerned, the fact of execution of such power of Attorney or Agreement and General Powers of Attorney, get it recorded and obtain a certificate of its recording within seven days of such execution.</p> <p>(3) Notwithstanding anything contained in any other law for the time being in force, such Powers of Attorney or Agreements and General powers of attorney shall be effective only from the date of issue of the certificate of recording by the Title Registration Officer concerned under sub-section (1) or (2).</p>	<p>Powers of Attorney to be compulsorily notified:</p>
	<p>(k) after section 149I, the following new section shall be inserted, namely:-</p> <p>“149J. In notified areas the transfer application or report on transaction along with all prescribed forms and documents relating to the act or transaction on immovable property shall be presented to the Title Registration Officer concerned.-</p> <p>a) by a person executing such transaction or claiming such transaction pursuant to a decree or order issued by a competent Court or Tribunal or Authority, or;</p> <p>b) by the agent of such person or representative or assignee duly authorized by a power of attorney.</p> <p>Explanation: For the purpose of this Act, a power of attorney duly executed in accordance with the Power of Attorneys Act, 1882 (Act of 1882) and registered under this Act in the prescribed manner shall constitute due authorization.”.</p>	<p>Presentation of Transfer Application/ Report on transaction:</p>

	<p>(l) after section 149J, the following new section shall be inserted, namely:-</p> <p>“149K. (1) In case of death of an individual whose name is entered as Titleholder in the Register of Titles, Charge holder in the Register of Charges and Covenants or disputing party in Register of Disputes, the legal heirs of such deceased shall file an application in the prescribed manner to the Title Registration Officer concerned for grant of succession and for replacing the name of the deceased with their names in the aforesaid Registers.</p> <p>(2) The Title Registration Officer concerned upon receipt of an application under sub-section (1) shall issue a public notice in the prescribed manner calling for claims and objections and after conducting such enquiry as may be prescribed, pass an order granting or refusing to grant succession in favour of any individual or individuals.</p> <p>(3) Appeal against an order of the Title Registration Officer concerned under sub-section (2) shall lie to the Land Titling Tribunal within thirteen days of receipt of the order.</p> <p>(4) If the Title Registration Officer concerned is of the opinion that a substantive dispute exists in respect of the succession to the title of deceased, the Title Registration Officer shall not grant the succession but refer the matter to the Land Titling Tribunal in the prescribed manner for adjudication along with the record of enquiry, claims and objection :</p> <p>Provided that where a reference is made by the Title Registration Officer concerned under this sub-section, entry will be made and certificate of recording be issued in accordance with section149B(3).</p> <p>(5) Upon granting of succession under sub-section (2), the Title Registration Officer concerned shall proceed to replace the entries in the relevant registers after expiry of the appeal period where no appeal is filed.”</p>	Grant of Succession:
Amendment of section 150 of Mah.XLI of 1966.	<p>7. After section 150 of the said Code, the following new section shall be inserted, namely:-</p> <p>(a) “150A. (1) Notwithstanding anything contained in Transfer of Property Act, 1882, Registration Act, 1908 and any other law for the time being in force all owners or title holders of immovable property notified or located in a notified area shall file the transfer applications or report on transactions in such manner as may be prescribed in respect of all agreements, acts or transactions relating to such immovable property including the transactions detailed hereunder:-</p> <ul style="list-style-type: none"> (a) Any act which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, in immovable property; (b) The creation, declaration, assignment, limitation or extinction of any right, title or interest effected through the receipt or payment of any consideration; and (c) Sale (d) Gift (e) Lease of immovable property, or reserving a yearly rent, or periodic premiums; 	Mah.XLI 1966. Application for Transactions

	<p>(f) Transfer or assignment of any decree or order of a court or any award when such decree, order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, to or in immovable property</p> <p>(g) Any decree, order or award passed by a Civil Court, including any decree, order or award passed, on consent of the defendants or on circumstantial evidence</p> <p>(h) Any rectification of title done by the Title Registration Officer, Land Titling Tribunal or Land Titling Appellate Tribunal</p> <p>(i) Easementary right, appurtenant rights, terrace rights, air rights.</p> <p>(j) Sale or Construction or Development agreements relating to immovable property</p> <p>(k) Powers of attorney relating to immovable property authorizing the Agent to sell/ construct/ develop such immovable property.</p> <p>(l) Agreements cum-General Power of Attorney relating to immovable property.</p> <p>(m) All mergers or amalgamations, demergers of companies involving immovable property.</p> <p>(n) All transfers of immovable property after dissolution of partnership firms.</p> <p>(2) Notwithstanding anything contained in the Indian Stamp Act, 1899 Maharashtra Stamp Act, 1958 or any other law for the time being in force, an application or a report in accordance with sections 149J, 149K, 150A, 150B,150C and 150(D) of this Act shall be considered to be an 'instrument' under the Indian Stamp Act & Maharashtra Stamp Act 1958 for the purposes of levy of stamp duty under the relevant Act.”.</p>	
	<p>(b) After section 150A, new section 150B shall be inserted as follows:-</p> <p>“150B. without prejudice to anything provided herein before, the information regarding the following acts and transactions in relation to immovable property in notified areas shall be reported to the Authority for recording in prescribed manner.</p> <p>a) Charges created by unregistered transactions,</p> <p>b) Probates and letters of administration,</p> <p>c)All attachments of property made through court decrees, injunctions or orders of any court or tribunal or statutory authority and</p> <p>d) Any other matter as prescribed.”</p>	<p>Mah.XLI 1966.</p> <p>Compulsory reporting of transactions:</p>
	<p>(c) after section 150B, new section 150C shall be inserted as follows:-</p> <p>“150C. (1) In the notified areas, the Title Registration Officer shall there upon:-</p>	<p>Registration</p>

	<p>a. enquire and satisfy himself whether or not such application if filed by the persons by whom it purports to have been filed.</p> <p>b. verify and satisfy himself whether any stamp duty, and any other applicable duty or fee is paid in respect of the transaction or application and collect the difference, if any.</p> <p>c. satisfy himself,-</p> <ol style="list-style-type: none"> i. as regards the identity of the presenters in a manner as may be prescribed by the Authority. ii. that the transaction is not in violation of any enactment in force. iii. the transfer application or report on transaction is in prescribed form and contains all the required information. iv. that the subject property under the transaction is duly described in its entirety by the distinct identity number assigned by the Authority under section 79B(1) of this Act. <p>(2) The Title Registration Officer may not accept the transfer application or report on transaction if he is not satisfied in respect of any of the above.</p> <p>(3) Upon satisfying himself in accordance with sub-section (1), the Title Registration Officer shall proceed to effect that transfer of title or record the transaction on title as the case may be, in the Register of Titles or Register of Charges and Covenants or in both in the manner prescribed.”.</p>	process:
	<p>(d) after section 150C, new section 150D shall be inserted as follows:-</p> <p>“150D.The Title Registration Officer concerned or any other officer authorized in this behalf by the government, may change, alter, amend, modify and update any entry in respect of any immovable property in the Register of Titles, Register of Disputes, Register of Covenants and Charges in such manner as may be prescribed.”.</p>	Updation of entries
Amendment of section 155 of Mah.XLI of 1966.	<p>8. After section 155, new section 155A shall be inserted as follows:-</p> <p>“155A. (1) A person aggrieved by any clerical error, such as spelling mistake, error in recording the address etc., in the Register of Titles or Register of Disputes or Register of Charges and Covenants may file an application for its correction with the Title Registration Officer, within three months of occurrence of such error.</p> <p>(2) The Title Registration Officer concerned, after such inquiry as may be prescribed shall pass appropriate order, duly recording the reasons thereof.”.</p>	Mah.XLI of 1966. Rectification of entries.
Amendment of section 157 of Mah.XLI of 1966.	<p>9. After section 157, new section 157A shall be inserted as follows:-</p> <p>“157A. An entry recorded in the Register of Titles in accordance with the provisions of this Act, read along with the Register of Disputes and Register of Charge and Covenants shall be conclusive evidence of title.”.</p>	Mah.XLI of 1966. Conclusive evidence of Title:

<p>Amendment of section 247 of Mah.XLI of 1966.</p>	<p>10. After section 247, new section 247A shall be inserted as follows:-</p> <p>“247A. (1) An appeal shall lie against an order of a Title Registration Officer to the Land Titling Tribunal within thirtee days from the date of receipt of the order.</p> <p>(2) Land Titling Tribunal on receipt of an appeal shall enquire in to the facts and pass an appropriate order either refusing or accepting the appeal.”.</p>	<p>Mah.XLI of 1966.</p>
	<p>11. After section 247A, new section 247B shall be inserted as follows:-</p> <p>“247B. (1) An appeal shall lie against an order of the Land Titling Tribunal to the Land Titling Appellate Tribunal within 30 days from the date of receipt of the order.</p> <p>(2) If the order of the Land Titling Tribunal or Land Titling Appellate Tribunal directs the transaction to be registered and the necessary application is duly filed for registration within fifteen days of the making of such order, such registration shall take effect as if the transfer application form had been registered when it was first duly submitted for registration.”.</p>	
	<p>12. After section 247B, new section 247C shall be inserted as follows:-</p> <p>“247C. (1) A party aggrieved with an order of Land Titling Tribunal may file an appeal before the Land Titling Appellate Tribunal constituted for this purpose under section 309A, within thirty days of receipt of such an order or any type of intimation about the order.</p> <p>(2) On receipt of an appeal under sub-section (1), the Land Titling Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit including an order confirming or modifying or setting aside the order appealed against.</p> <p>(3) The Title Registration Officer, after upon receipt of the order of the Land Titling Appellate Tribunal passed under sub section (2) and after expiry of the period of appeal thereon, shall record or modify an entry of Titleholder in the Register of Titles in accordance with such order and make an entry to that effect in Register of Disputes where no appeal is filed.”.</p>	<p>Appeal before Land Titling Appellate Tribunal</p>
	<p>13. After section 247C, new section 247D shall be inserted as follows:-</p> <p>“247D. Notwithstanding anything contained in sub section 247(1),-</p> <p>(1) A Special Bench of the High Court shall be designated to deal with appeals against the orders of the Land Titling Appellate Tribunal.</p> <p>(2) A party aggrieved with the order of the Land Titling Appellate Tribunal passed under section 247C, may file a second appeal before the High Court within sixty days of receipt of such an order or any type of intimation about the order.</p> <p>(3) Upon receiving an appeal the High Court may after hearing the concerned parties, issue an order upholding or annulling or modifying the orders of Land Titling Appellate Tribunal.</p> <p>(4) The Title Registration officer, upon receipt of the order of the High Court shall record or modify an entry of Title holder in the Register of</p>	<p>Appeal to the High Court:</p>

	Titles in accordance with such order and update the entry to that effect in Register of Disputes.”	
Amendment of section 309 of Mah.XLI of 1966.	<p>14. After section 309, new section 309A shall be inserted as follows:-</p> <p>“309A. (1) The Government shall establish one or more Land Titling Appellate Tribunals to hear the appeals filed under section 247C of the Act for notified areas. The Land Titling Appellate Tribunal shall be presided over by Judicial Officer in the rank of District Judge.</p> <p>(2) The Land Titling Appellate Tribunal so appointed shall exercise the powers and perform the duties of the Land Titling Appellate Tribunal within such local limits, for such period of time as Government may notify.”</p>	<p>Mah.XLI of 1966.</p> <p>Land Titling Appellate Tribunal:</p>
