

CHAPTER IV

LAND REVENUE

4.1 Tax Administration

The administration of Land Revenue Department vests with the Principal Secretary, Revenue Department. For the purpose of administration, the State has been divided into six divisions and each division is headed by the Divisional Commissioner who is assisted by District Collectors. There are 36 District Collectors, 121 revenue sub divisions, 358 Tahsils headed by the Tahsildars. The Revenue Inspector and Village Officers (Talathi) are responsible at the grass root level for collecting the land revenue and dues recoverable as arrears of land revenue.

4.2 Results of audit

In 2016-17, test check of the records of 86 units of the Land Revenue, showed Non levy/short levy of Occupancy Price, Lease Rent, Unearned income, non levy of Non-Agriculture Assessment etc. and other irregularities amounting to ₹ 187.92 crore in 251 observations, which fall under the categories given below in **Table 4.2**.

Table 4.2

(₹ in crore)			
Sr. No.	Category	No. of observations	Amount
1	Performance Audit of “Encroachment on Government land for non-agricultural purposes”	1	0.00
2	Audit of “Management of Nazul Lands in Vidarbha Region”	1	85.90
3	Non levy/short levy of measurement fees, sanad fees, license fee etc.	5	17.17
4	Non levy/short levy of fine, non-auction/short recovery of surface rent on account of sand ghats, royalty etc.	45	14.21
5	Non levy/short levy/incorrect levy of Non-Agriculture Assessment (NAA), ZP/VP cess and conversion tax.	48	5.99
6	Non levy/short levy of occupancy price, lease rent, unearned income etc.	63	44.83
7	Other irregularities	88	19.82
Total		251	187.92

In response to our observations made in the local audit reports during the year 2016-17 as well as during earlier years, the Department accepted and recovered under assessments/other deficiencies involving ₹ 192.52 crore in

443 observations, out of which five observations involving ₹ 30.12 lakh were pointed out during 2016-17 and the rest during earlier years.

A few illustrative cases involving ₹ 87.69 crore including a performance audit on “Encroachment on Government land for non-agricultural purposes” are discussed in the succeeding paragraphs.

4.3 Performance Audit on “Encroachment on Government land for non-agricultural purposes”

Performance Audit on “Encroachment on Government land for non-agricultural purposes” revealed the following:

The Government did not maintain any database of the Government land in the State and also data of the encroachment on government land was not available at District and Tahsil level. The data prepared under the *Maharajaswa Abhiyan* was not reliable. There were discrepancies in data recorded at various levels. Encroachment register were not properly maintained. No action was taken for eviction of encroachment. No periodical survey was conducted by Circle Officers for identification of encroachment.

- Cross verification by Audit of encroachment registers in 416 test checked villages with property cards and other records in the Tehsil indicated that encroachments had taken place in 77 villages which were not included in the registers.

(Paragraph 4.3.1.1)

- Niphad Tahsil of Nasik District consisted of 135 villages. The Tahsildar reported 582 cases of encroachments in the Tahsil. The village level Encroachment Registers showed 1,270 cases of encroachments on Government land in 55 villages selected for test check. The encroachments could be more if encroachment cases in all the 135 villages were considered.

(Paragraph 4.3.1.3)

Government land measuring 67,490.20 sqm of Lendi Talab (pond), a water body in *Mouza Nagpur Khas* was encroached with the construction of 1,200 to 1,500 houses.

In Thane city, a lake existed 30 to 35 years ago and now a slum comprising 300 to 350 houses had grown up and remaining open land was used for parking vehicles.

(Paragraph 4.3.2.2)

Encroachment on Government land in respect of brick kilns in three Tahsils was 1,74,421.71 sqm.

(Paragraph 4.3.2.3)

No action for eviction of encroachment was taken even after noticing it. In Thane District, Government land was transferred to Municipal Corporations (MC) for protection against encroachment. However, it did not serve the purpose as cases of encroachment by MC itself were noticed on the transferred land. The encroachment on grazing land was not removed as Revenue Department passed on the responsibility to concerned Local bodies.

- Audit noticed that Government land reserved (September 2010) in District Plan for public purpose like playground, parks, cremation ground, roads etc., in the custody of Municipal Corporations (MC) in Thane District was encroached.

(Paragraph 4.3.2.5)

- Unauthorised transfer of leased land by manipulating document and encroachment was noticed in village Waladgaon of Aurangabad Tahsil. The land was allotted on lease for touring talkies purpose and the lessee sold the leased land.

(Paragraph 4.3.2.6)

The monitoring by the Department was weak on account of (i) absence of periodical reports for keeping a check over encroachment, (ii) lack of efforts to obtain data/information on Government land and (iii) laxity of the Department in taking penal action against encroachers.

- Scrutiny of records revealed that a road included in Development Plan of Nagpur city was encroached for residential purposes. There was no co-ordination between the Government and NMC to ensure the eviction of the encroachments made.

(Paragraph 4.3.2.7)

- Information furnished by Tahsildars of test-checked Tahsils revealed that in 102 villages of nine Tahsils 507.87 ha of grazing land was encroached and had not been evicted and handed over to Gram Panchayat despite Supreme Court orders..

(Paragraph 4.3.2.8)

- The records of allotment of Government land were test checked at District Collector/Tahsil offices. The cases of breach of terms and conditions of allotment was noticed in 13 cases involving area of 1,39,651 sqm.

The flats constructed on the Government land allotted to a society of 218 members of tribal community for residential purposes were unauthorisedly transferred to persons other than the 218 members

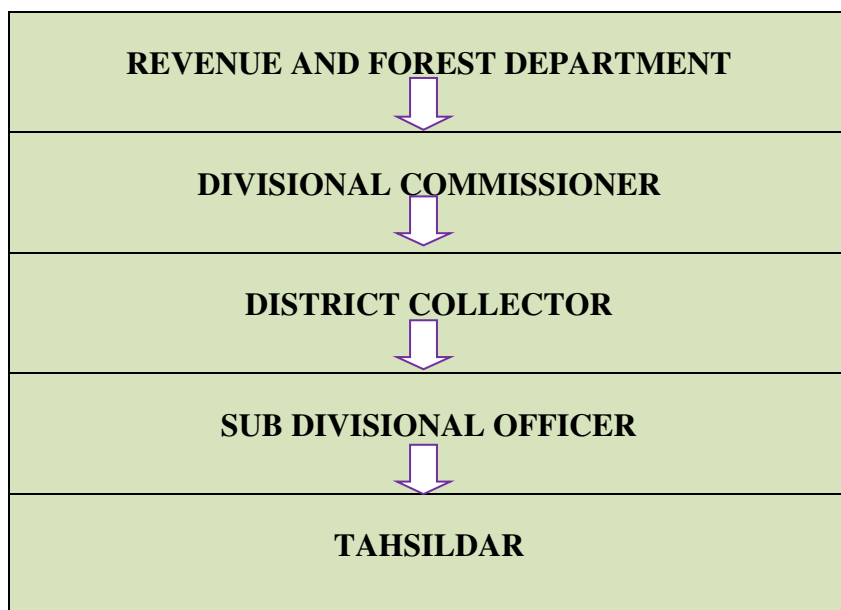
(Paragraph 4.3.3)

Introduction

The management of Government land is governed by the provisions of Maharashtra Land Revenue (MLR) Code 1966 and Disposal of Government Land Rules, 1971 made thereunder. As per Section 53 of MLR the Government land held by any occupant by way of encroachment or trespass is called unauthorised occupation and any person occupying any land after expiry of the period of lease or tenancy or termination of the lease or tenancy or breach of any conditions annexed to the tenure respectively is also a unauthorized occupant. Sections 50, 51, 52 of the MLR Code deal with the removal, regularization, fixation of value of land and eviction from the encroached land respectively. The state Government had from time to time issued Government resolutions/instructions for regularisation of the encroached land. This regularisation is subject to the terms and conditions mentioned in each resolution.

The Government of Maharashtra, Revenue and Forest Department had initiated (August 2015 and continued thereafter) a drive, *Maharajaswa Abhiyan* for smooth functioning of revenue Department which *inter alia* included identification and eviction of encroachments on Government land.

Organisational setup



Audit Objectives

The audit was conducted with the view to ascertain that

- (i) a proper mechanism existed in the Department for identification, eviction and regularization of encroached land;
- (ii) the land revenue records of the encroachment cases were maintained properly;
- (iii) and adequate and effective monitoring controls existed in the state for safeguarding the Government land.

Audit Criteria

The audit criteria for performance audit were derived from the provisions of the following Acts and Rules/notifications issued there under:

- (i) Maharashtra Land Revenue Code, 1966,
- (ii) Maharashtra Land Revenue (Disposal of Government Land) Rules, 1971,
- (iii) Maharashtra Land Revenue Circle Officers and Circle Inspectors (Duties and Functions) Rules, 1970.
- (iv) Government resolution and circulars issued from time to time.

Scope and methodology of Audit

The Performance Audit was conducted between January 2017 and June 2017 covering the period from 2011-12 to 2015-16.

The State is divided into six revenue divisions. Of these, audit test checked the records of six Districts¹ (one from each division having highest population), two Tahsils from each selected District and records related with the regularization of encroachments at Mantralaya. 7/12 extracts/Property cards² of Government lands were also checked on random basis at Tahsil level. The encroachment cases pertaining to periods prior to March 2011 were also scrutinized during the audit. Leads of probable areas of encroachment of land were also gathered from Google Earth application. The findings appearing in this report on the basis of this application were got confirmed by the Department.

An Entry Conference was held in February 2017 with the Principal Secretary, Revenue and Forest Department (RFD) in which the objectives, scope and methodology of audit were explained. The audit findings were reported to the Government in July 2017. An Exit Conference was held in September 2017 with the Principal Secretary, RFD in which the audit findings were discussed in detail. The replies received during the exit conference and at other points of time have been appropriately incorporated in the relevant paragraphs.

¹ Amravati (Amravati & Morshi), Aurangabad (Aurangabad & Paithan), Nagpur (Nagpur & Hingna), Nasik (Nasik & Niphad), Pune (Pune & Haveli) and Thane (Thane & Kalyan).

² The 7/12 extract is an extract from the land register maintained by the revenue Department of the Government of Maharashtra, a state in India. The extract gives information of the survey number of the land, the name of the owner of the land and its cultivator, the area of the land, the type of cultivation - whether irrigated or rain fed, the crops planted in the last cultivating season. A property card provides information about the ownership of a property and history of holdings of a land located in urban area.

Audit findings

Audit noticed a number of system and compliance deficiencies during the performance audit in regulations and identification of cases of encroachments at various levels. These are briefly discussed as follows:

4.3.1 Maintenance of records and identification of encroachments

4.3.1.1 Maintenance and submission of Encroachment register

The Land Revenue Rule book provides for maintenance of a register at village level in form number 1-E (Encroachment Register). Information regarding survey number of land, name of the encroachers, area of encroachment and date on which encroachment was noticed, period from which land was encroached and assessment to be recovered from the year is required to be entered in the Encroachment Register. This was required to be maintained by Talathi³. The register was required to be submitted to Tahsildar, who was responsible for taking action under the Maharashtra Land Revenue Code (MLR Code) against encroachers.

Audit scrutinised the Encroachment Registers of 416 villages out of 1,457 villages in twelve test-checked Tahsils. Out of these, in 204 villages the registers were maintained but were incomplete. The essential information like area/description of land encroached, date of encroachment, purpose of encroachment, etc. were not recorded in the registers. In the registers of the 203 villages the Department had reported nil encroachment. In the remaining 9 villages entries made in encroachment register were correctly filled. In 337 villages the encroachment registers had not been submitted by Talathi to Tahsildar. This indicated that the Department failed to maintain the records properly and keep a vigil on encroachment cases. In absence of records the total number of encroachments could not be ascertained.

Cross verification of these registers with the records at Tahsil level like 7/12 abstract/property cards, complaint cases etc. and leads from Google Earth application revealed encroachments in 77 villages which were not recorded in the registers though the encroachments had taken place in the villages. These are discussed in the respective paragraphs.

Manipulation of encroachment registers: The Sub Divisional Officer (SDO) had received complaints against the deliberate entries of encroachment made in encroachment registers of three villages⁴ of Thane Tahsil. On investigation it was found that the period and the name of Talathi who inserted entries were not on record. Therefore, the entries were cancelled by SDO and the registers were kept in the custody of Tahsil office and were not maintained in those villages.

Further, in four villages⁵ of Thane Tahsil, serial numbers of the encroachment registers were changed by inserting entries in between the existing numbers. These cases were pointed out by audit; action taken has not been intimated.

³ Revenue officer at Village level under Tahsildar.

⁴ Agasan, Dativali and Sabe.

⁵ Balkum, Kalwa, Maziwade and Uttan.

Since, the date of encroachment is an important factor while regularising encroachment, its manipulation in the records is fraught with the risk of granting benefits to the unintended persons. The above facts indicate that there was need not only for ensuring the proper maintenance of records but also for its regular submission to the higher authorities so that its correctness was ensured and monitoring done properly.

In exit conference (September 2017), Principal Secretary stated that the practice of recording encroachments in encroachment register (1-E) was apparently discontinued apprehending it would create record for claiming rights on Government lands and would serve as direct evidence of physical possession in any legal proceeding. The reply was not in consonance with the provisions of the MLR Code. It is recommended that the records may be maintained in a proper manner so that the process of removal, eviction or regularisation is timely taken by the Department.

4.3.1.2 Inspection by Circle Officers

Rule 17 of the Maharashtra Land Revenue Circle Officers and Circle Inspectors (Duties and Functions) Rules, 1970 read with Revenue and Forest Department's circular of February 1969 provided that the Circle Officer should certify every year that he had inspected all Government lands and that there were no encroachments thereon and in case of encroachment, he had to report it to his superior officer (Tahsildar).

The records produced to audit indicated that inspection for identification of encroached land were not made by any Circle Officers in the test checked Tahsils. The Principal Secretary accepted (September 2017) audit contention and stated that it was expected to conduct inspection of Government lands in the *Maharajaswa Abhiyan* (Abhiyan). However, inspection certificate was not insisted upon. Now a certificate for the inspection conducted would also be obtained from respective Circle officers.

The fact however remained that the Department had not followed the existing system and as a result, it had to rely on the Abhiyan. The system prescribed in MLR Code needs to be followed irrespective of any other efforts made by the Government.

4.3.1.3 Accuracy of the encroachment data available in District, Tahsil and Village levels

One of the major components of *Maharajaswa Abhiyan* (Abhiyan) was identification and eviction of encroachments on Government land. A monthly return indicating the cases of encroachments were required to be reported to the District Collectors by Tahsildars. The reports were consolidated at District level and submitted to the Government under the Abhiyan.

Audit cross checked the monthly returns submitted by the six District Collectors to the RFD with the Encroachment Registers (1-E) maintained by 416 villages. The discrepancies noticed between the two are discussed below.

(i) Niphad Tahsil of Nasik District consisted of 135 villages. The Tahsildar reported 582 cases of encroachments in the Tahsil. The village level Encroachment Registers showed 1,270 cases of encroachments on

Government land in 55 villages selected for test check. The encroachments could be more if encroachment cases in all the 135 villages considered.

(ii) In Hingna Tahsil (134 villages) of Nagpur District, monthly returns of December 2015 and January 2016 were at variance. The monthly return of December 2015 showed the opening balance as on 31 July 2015 as nil while the monthly return of January 2016 showed the opening balance as on 31 July 2015 as 16. All these 16 cases were shown as evicted. The figures were at variance again with the Encroachment Register maintained with the Tahsil which indicated that 1,701 encroachment cases in Encroachment Registers of three⁶ villages only out of 134 villages in the Tahsil. The encroachments could be more if encroachment cases in all the villages of Tahsil were considered.

(iii) Records revealed that Tahsildar, Nasik had reported 86 encroachment cases in monthly return of February 2016. However, District Collector, Nasik while consolidating the monthly return for the month depicted only 29 encroachment cases against Nasik Tahsil.

The mismatch between the two sets of information needed to be reviewed and rectified. It may be ensured that correct information is submitted to the Government through these monthly returns.

The Principal Secretary accepted the facts and stated (September 2017) that the data in Abhiyan was only a numerical representation of encroachment cases while details of individual encroachment cases were recorded in 1-E register. He further stated that necessary instructions would be issued to ensure that number of encroachment cases was compiled correctly at Tahsil, District and Government levels.

4.3.1.4 Absence of central database for Government Land and encroachment thereof

The RFD circular of February 1982 stipulated that it would be the responsibility of the concerned District Collectors that no new encroachments came up on any open land. The new encroachments were to be immediately removed in accordance with the provisions of the law.

Audit observed that the Government had not maintained any data base either electronically or manually at Tahsil, District or Government level for Government land. The information was compiled Tahsil wise manually by District Collector, Nasik. The format adopted did not contain the full details/information of the encroached land as critical information like date from which land had been encroached, number of encroachers etc. was not found entered.

Compilation of data under Abhiyan was also found defective as the discrepancies between the figures at various levels were noticed and discussed in Paragraph 4.3.1.3.

The Principal Secretary accepted the facts and stated (September 2017) that steps had been taken under Abhiyan for preparation of a comprehensive database of Government lands.

⁶ Vagdara, Vanadongari and Savangi villages in Hingna Tahsil of Nagpur District.

Thus, the Department had not made any serious effort for having an accurate and updated data for the entire state so that removal of the encroachments could be planned in a systematic, transparent and time bound manner.

4.3.2 Action against encroachment

Section 53 (1) of the MLR Code, 1966 provided that if in the opinion of the Collector any person is unauthorisedly occupying or wrongfully in possession of any land vesting in the State Government, it shall be lawful for the Collector to evict such person. In absence of a reliable encroachment data at District and Tahsil levels, audit could not ascertain the total quantum of encroachments in the State. Similarly, performance of RFD in taking effective action against encroachments could not be ascertained.

As per Section 50 (2) and (4) of MLR Code if encroached land was used for non-agricultural purposes, fine not exceeding ₹ 2,000 was leviable and in addition penalty at the discretion of Collector, not exceeding ₹ 50 per day during any portion of which the encroachment continued after the date fixed for the notice to take effect.

As discussed in Paragraph 4.3.1.1 regarding discontinuation of recordings of encroachment cases in the Encroachment Registers and absence of central database for Government land and encroachment thereon (Paragraph 4.3.1.4) audit could not ascertain the extent of encroachment. Audit randomly checked the records like 7/12 abstract, files of complaint cases etc. at district and Tahsil level and cross verified with records with City Survey Office. Audit found encroachments were made for commercial and other activities and these are discussed in the following paragraphs.

4.3.2.1 Encroachment of Government land for commercial purposes

➤ Records of District Superintendent of Land Records, Nagpur (DSLRL) revealed that mutation of land admeasuring 1,552.04 sqm occupied by the Orange City Hospital (OCH) since January 2000 was cancelled by an order of DSLR in December 2005. The ownership of the land was transferred to the Government in the records. However, the land in question was not got evicted. A City Survey Office investigation in 2014 revealed that the land belonged to Government. On this, OCH filed (April 2014) an appeal case before the appellate authority DSLR which was dismissed in April 2017. There was nothing on record to indicate that stay orders for eviction of the land were granted by any investigating appellate authority between February 2014 and April 2017. The Department also did not make any effort to get the land vacated which continued to remain in the illegal occupation of the OCH for the last 17 years. The value of the land as per Annual Statement of Rates amounts to ₹ 9 crore. For illegal occupation of the land, non-agricultural cess and fine of ₹ 3.58⁷ lakh would have been recovered had the notices been issued to OCH.

In exit conference (September 2017), Principal Secretary stated that the District Collector, Nagpur would verify the factual status of the land.

⁷ Fine: ₹ 2,000 + (365 days x ₹ 50 x 17 years) = ₹ 3,12,250 and NA cess : 1,552.04 sq.m x 1.74 x 17 years = ₹ 45,900 Total = ₹ 3,58,150 (₹ 3,12,250 + ₹ 45,900) say ₹ 3.58 lakh.

- As per the property cards, land bearing city survey numbers 1051, 1053, 1054, 1056 and 1057 in Paithan belonged to the Government. Shops having area of 8,000 sqm were constructed (2015) on this land by Nagar Parishad, Paithan. The Revenue Department did not take any action till the receipt (October 2015) of a complaint addressed to the District Collector, Aurangabad who instituted an enquiry. The result of enquiry was not produced to audit. In March 2017, a proposal for regularisation of illegal encroachment was forwarded by District Collector, Aurangabad to Secretary, Urban Development Department, response on which was yet awaited.

Thus, RFD was not keeping a keen vigil on the Government land and remained unaware of the facts till buildings were constructed by the Nagar Parishad Paithan. In exit conference (September 2017), Principal Secretary stated that the District Collector's proposal to regularize the encroachment would be examined in terms of applicable laws.

4.3.2.2 Encroachment on water bodies⁸

- As per survey done (April 2013) by City Survey Officer-I, (CSO) Nagpur, Government land admeasuring 67,490.20 sqm of Lendi Talab (pond), a water body in Mouza Nagpur Khas was encroached with the construction of 1,200 to 1,500 houses. A list of 368 encroachers was furnished by the CSO to audit. Analysis of the information of 368 cases furnished by CSO revealed that the 36 number of encroachments were made during the period from 2005 to 2017. The exact area of the pond was not available with the Department (January 2017). The Assistant Commissioner and Ward officer, Nagpur Municipal Corporation (NMC) had advised the Tahsildar, Nagpur (July 2015) for taking action in and around encroachment of Lendi Talab as the land belonged to State Government and also offered encroachment removal squad of NMC. No action for eviction of encroachment has so far been taken. The need for urgent action to protect the water body is evident from the Google Earth pictures of 2005 and 2017 (**Annexure-I**) which clearly indicate large encroachment during the last twelve years. The Department had not kept any record of the encroachments. Hence, loss on account of non-levy of fine and non-agriculture cess could not be worked out by audit.

In exit conference (September 2017), Principal Secretary noted the fact and stated that necessary direction would be issued to District Collector, Nagpur to effectively co-ordinate with NMC for removal of encroachment.

- As per the certified (DSLR Thane) map of village Panchpakhari in Thane city, a water body (lake) existed adjacent to survey number 106a and 107. The concerned Tahsildar informed audit (June 2017) that a lake existed 30 to 35 years ago and now a slum comprising 300 to 350 houses had grown up and remaining open land was used for parking vehicles. The encroachment register was not made available to audit to confirm the extent of encroachment. This indicated inaction on the part of authorities in taking timely action to evict the encroachment.

⁸ A body of water forming a physiographical feature, for example a sea or a reservoir.

In exit conference (September 2017), Principal Secretary noted the fact and stated that necessary directions would be issued to District Collector, Thane to effectively co-ordinate with Thane Municipal Corporation for removal of encroachment.

4.3.2.3 Encroachment for mining and allied activities

- It was noticed that no data of encroachment on Government land in respect of brick kilns existed in the test checked units. However on being asked by audit it was collected and furnished by two Tahsils⁹ to audit. Audit took input/lead from Google Earth application and found possibilities of encroachment on account of brick kilns in Paithan and near the river Kadwa, Niphad (**Annexure-II**). This was brought to the notice of Department who accepted the facts of the encroachment in all the four Tahsils. The total area encroached in three Tahsils, as furnished by the concerned Tahils, was 1,74,421.71 sqm. The area of encroachment in Niphad Tahsil was not furnished.

In exit conference (September 2017), Principal Secretary noted the fact and stated that necessary direction would be issued to respective Collectors for removal of encroachments. The Government may arrange drive for identification and removal of encroachments.

- It was seen that Tahsildar, Aurangabad had intimated the Maharashtra State Electricity Distribution Company Limited (MSEDCL) for disconnecting electric supply of 22 stone crushers located on Government Land in five villages¹⁰ operating without payment of the royalty for the year 2016-17. No effort was made to ascertain validity of permission to operate these stone crushers.

Audit noticed that the Tahsildar, Aurangabad had not granted any permission to these crushers for use of the Government land; they had occupied the Government land without any authority. The encroachers were also liable to pay fine and non-agricultural cess.

In exit conference (September 2017), Principal Secretary noted the facts and stated that necessary directions would be issued to Collector, Aurangabad for removal of encroachments.

4.3.2.4 Encroachment by Educational Institutions

- (i) Records (Scrutiny of 7/12 abstract) revealed that land admeasuring 8.98 ha, bearing *khasra* number 87/1-2-3 of the village Jaitala, Nagpur belonged to Government. The District Collector, Nagpur intimated (August 2017) that out of 8.98 ha, 4.60 ha was in possession of Roman Catholic Diocese Education Institute. Nothing on record was found to indicate valid permission for the said use of land. Tahsildar, Nagpur stated (January 2017) that no land had been allotted from the said *khasra* number. This indicated that the institute had encroached on 4.60 ha of the land.

⁹ Amravati and Aurangabad.

¹⁰ Aadgaon Bu, Ladsawangi, Naigaon, Sawangi and Tuljapur.

In exit conference (September 2017), Principal Secretary noted the facts and stated that necessary directions would be issued to District Collector, Nagpur for removal of encroachment.

(ii) Records revealed that in Kannad village of Aurangabad District land admeasuring 6.07 ha and 2.02 ha was allotted (July 1976) by District Collector, Aurangabad on occupancy and lease right basis to Shri Chattrapati Shikshan Prasarak Mandal, Kannad (Mandal) for constructing college, hostel building and play ground respectively. Taluka Inspector of Land Records, Kannad conducted (July 2016) measurement and found that the Mandal had occupied excess land of 2.55 ha in addition to the land allotted to it. Out of this, 2.33 ha was resumed by the Tahsildar but 0.22 ha of land on which the college building was constructed could not be resumed. Neither notice for eviction was issued nor any attempt made to regularise the same.

Further, the lease of the land for play ground allotted to the Mandal expired in 1991. The lease was not renewed till date and Mandal continued to hold the land for its use which was unauthorized and needed eviction.

In exit conference (September 2017), Principal Secretary stated that since the building was constructed on the encroached land and its removal would hamper the education of students, the proposal to regularize the encroachment would be explored in terms of applicable laws. In case of expiry of the lease of play ground, proposal for renewal, if any, would be examined. Reply of the Principal Secretary is not tenable because no action on unauthorised occupation of the land allotted for play ground had been taken even after lapse of 26 years of expiry of the lease

4.3.2.5 Encroachment of the Government land transferred to Municipal Corporation

In September 2010, RFD decided to keep Government land reserved in District Plan for public purpose like playground, parks, cremation ground, roads etc., in the custody of Municipal Corporations (MC) in Thane District, with the aim to keep it free from encroachment.

Accordingly, the District Collector, Thane transferred (2010 to 2015) 401.60 ha of land in various villages to three MCs¹¹. In December 2015, Tahsildar, Thane surveyed a sample of these lands and reported that the lands had been partly encroached and were used by MCs for purposes other than reserved one. Thus, the use of land by MCs was unlawful.

Audit noticed few instances of encroachments on the land transferred to MCs which are mentioned in the following paragraph.

- In Kalwa village in Thane Tahsil, land admeasuring 15.91 ha transferred to Thane Municipal Corporation (TMC), was reserved for recreation ground. The Talathi, Thane Tahsil informed (June 2017) that 7.56 ha land was used for hospital and Maharashtra State Electricity Board's office. Similarly, in village Kolshet, land admeasuring 2.18 ha transferred to TMC had been encroached by slum; in village Davle 0.75 ha land was transferred (2010) to TMC

¹¹ Thane MC, Mira Bhayander MC and Kalyan Dombivali MC.

after evicting residential encroachment on 185.80 sqm land, but the encroacher had re-occupied it (October 2012).

In exit conference (September 2017), Principal Secretary stated that Government could assign the responsibility of protection/maintenance of Government land to local authorities. However, the purpose of use cannot be changed without the permission of revenue authorities and it would be joint responsibility of local and revenue authorities to safeguard the Government land. He further stated that instruction would be issued to conduct the survey of these lands under the *Maharajaswa Abhiyan*.

The fact remained that the Government was not in a position to protect its land and was keeping it in the custody of MCs for protecting it from encroachments though there were well defined rules in the MLR Code for protection of the Government land. Besides it had not developed any system to ensure that the land was in safe custody. As a result, the land was encroached upon.

4.3.2.6 Unauthorised transfer of leased land by manipulating document and encroachment thereof

Scrutiny of records (7/12 abstract and records of mutation) maintained by Tahsildar, Aurangabad revealed that as per mutation entry no. 603 (02/06/1993) land admeasuring 2,000 sqm bearing Gut No. 175 in village Waladgaon of Aurangabad Tahsil was allotted on lease for touring talkies purpose. The mutation entry was made on the basis of allotment order shown as issued on May 1993. Copy of allotment order was not on records with the District Collector, Aurangabad to ascertain the lease period.

In the correspondence file, two letters were available, one issued (March 1988) by the District Collector, Aurangabad for allotment of land on lease for 99 years and the other (February 1995) mentioning no necessity of taking permission of revenue authorities for mortgaging land.

District Collector, Aurangabad received a copy of lease order (lease period of 99 years) from Bank of Maharashtra, which was not found to have been issued by his office. He referred (December 2000) the letter to State Examiner of Documents, Aurangabad (SED) along with sample signature of concerned official for checking its authenticity. SED certified (2001) that signature of the official on first letter did not match with the sample signatures provided by the Department. The result of investigation in case of second letter was not on record. Tahsildar, Aurangabad ordered (May 2008) the Circle Officer for enquiry in the case as the lessee transferred the land to various persons on the basis of the letter showing lease period of land for 99 years. The Circle Officer intimated (June 2008) Tahsildar, Aurangabad that lessee had sold land to various persons.

The District Collector, Aurangabad intimated (August 2015) to Divisional Commissioner, Aurangabad that an enquiry was conducted in the case and ordered (August 2015) Tahsildar, Aurangabad to restore land in the name of Government. No action for restoration of land was taken (October 2017) nor case was registered with the police against the lessee for submitting manipulated document. In exit conference, Principal Secretary stated that necessary instructions would be issued to the District Collector, Aurangabad for action and filing first information report in the matter.

4.3.2.7 Encroachment on the road included in Development Plan

Scrutiny of the records (development plan of Nagpur city) at Nagpur Municipal Corporation (NMC) and image of the area on Google Earth application (**Annexure-III**) revealed that a road included in Development Plan of Nagpur city was encroached for residential purposes. After this was pointed out by audit, Tahsildar, Nagpur confirmed the facts and stated that encroachment on road was dealt by NMC. The NMC replied (August 2017) that the road situated on the land belonged to Government hence issue regarding road was not in its purview. This indicated that there was no co-ordination between the Government and NMC. Thus Government land was fraught with the risk of more encroachments in absence of timely action by Government.

In exit conference (September 2017), Principal Secretary stated that both revenue and local authorities were responsible for protection of Government land. There should be co-ordination between these for removal of encroachment if any.

4.3.2.8 Encroachment on grazing land

To protect grazing land from encroachments, Supreme Court in its judgment had issued (January 2011) orders that the land under administrative control of Gram Panchyat (GP)/Nagar Panchayat (NP) should be kept free from encroachment by all the State Governments and be handed over to the GP for public usage. The Supreme Court further instructed that the State Government should ensure strict and prompt compliance with the court order and submit compliance reports to the court from time to time. The RFD in July 2011 instructed GPs/NPs for conducting a special programme for eviction of encroachments and protecting the land from further encroachments by taking help of concerned Tahsildar, Public Works Department and Police Department.

Information furnished by Tahsildars of test-checked Tahsils revealed that in 102 villages of nine Tahsils 507.87 ha of grazing land was encroached and had not been evicted and handed over to GP. There was nothing on record to indicate that compliance was submitted to Supreme Court.

As per information obtained from nine Tahsils the area of grazing land and encroachment thereon is mentioned in **Table No 4.3.2.8**.

Table No 4.3.2.8 : Grazing land and encroachment thereon

Sl. No.	Name of the Tahsil	Number of villages	Area of the grazing land encroached (in Hectare)
1	Nashik	9	12.82
2	Niphad	28	79.54
3	Aurangabad	1	0.92
4	Paithan	5	26.11
5	Haveli	7	4.45
6	Pune City	2	12.56
7	Hingna	0	0
8	Thane	21	132.42
9	Kalyan	29	239.05
Total		102	507.87

Source: Information furnished by respective Tahsildar

Two Tahsils¹² had not prepared information of grazing land and encroachment thereupon and information in respect of Tahsil Nagpur was awaited.

A few other cases of encroachment of grazing land are mentioned as follows:

(i) In village Dehu in Pimpri Chinchwad Tahsil, grazing land admeasuring 10 ha was allotted (1993) on lease of 30 years on annual lease rent of one rupee to the Mahatma Gandhi Smarak Nidhi, Kothrud for plantation purposes. Later, it was intimated by the Circle Officer (November 2010) that the land was not being utilised by the lessee and it has been encroached by 288 slum dwellers. The land was resumed in September 2014 and 33 huts were removed. However, as of October 2016, the number of encroached huts went up to 406. No action for eviction of encroachment was taken except notices issued to the encroachers.

(ii) In village Kharabwadi in Tahsil Khed instead of evicting encroachment, the proposal for regularization of encroachment for residential purposes on grazing land admeasuring 344.64 sqm was sent (November 2013) to RFD by the Divisional Commissioner, Pune. Further progress in this case was not intimated. The proposal sent was in principle against the orders of the Supreme Court.

In exit conference (September 2017), Principal Secretary noted the fact and stated that both revenue and local authorities were responsible for protection of grazing land and agreed to issue instructions to the District Collectors and GPs for coordinating with each other for evicting encroachment on grazing land.

4.3.3 Unauthorised retention of Government land after allotment

RFD clarified in its GR dated 22 January 2002 that it was the responsibility of the District Collectors to verify whether the allottee/lessee of Government land had adhered to the conditions of the allotment/lease. In case of breach of terms

¹² Amravati and Morshi.

and conditions action against the allottee/lessee was required to be taken as per Section 53 of MLR Code. This included eviction of encroachment on land unauthorisedly occupied by persons.

In five Districts i.e. Aurangabad, Amravati, Nagpur, Pune and Thane details of expired leases were not furnished. Therefore audit could not ascertain the actual status of the leases and action taken against the lessee under Section 53 of the MLR code.

Audit scrutinized cases of breach of conditions of land allotment produced by the Department at District/Tahsil level. The cases of breach of terms and conditions of allotment were noticed in 13 cases wherein action in terms of Section 53 was not taken. Four of these cases are discussed in the following paragraphs and the remaining nine cases are briefly discussed in table no. 4.3.3.2(ii).

4.3.3.1 Irregular transfer of land

i) RFD vide GR dated 09 May 1980 had sanctioned 74,400 sqm of land having survey number 35 and 36 situated in *mouza* Warje, Tahsil Haveli, Pune for society of nomadic tribes. Out of this, RFD allotted (2008) 17,650 sqm land of survey number 35 to Ramnagar Co-Operative Housing Society (RCHS) for residential purpose to 218 members of nomadic tribe on following terms and conditions:

- (a) the eligibility of the members was to be verified in terms of Social Welfare, Cultural Affairs and Sports and Special Assistant Department GR dated 01 April 1998. District Collector after verification was required to issue formal orders of grant of land to the society members.
- (b) the land shall not be transferred or mortgaged without prior approval from the Government
- (c) the land allotted shall be used for the sanctioned purpose only. It shall not be used for other purpose without approval from the Government.

The Special District Social Welfare Officer, Pune (SDSWO) forwarded (29 August 2008) a list of 218 members of the RCHS to the District Collector, Pune wherein it was verified that the 218 members belonged to nomadic tribe. District Collector was required to declare the eligibility of members for land grant. However, there was nothing on records to indicate that any action was taken on the list forwarded by SDSWO. Audit further observed that Chairman, RCHS had executed (November 2009) a development agreement with Sidharth properties. District Collector, Pune informed audit that flats were transferred to persons other than the 218 members as verified by SDSWO. As such Chairman, RCHS breached the conditions of allotment of land and nothing on records was found to indicate that District Collector monitored the adherence to terms and conditions of allotment of land even when constructions was under progress or at the time of transfer of flats.

Thus, the objective of granting land for residence of 218 nomadic tribe beneficiaries remained unachieved and Government land worth ₹ 24.66 crore was illegally exploited by the Chairman, RCHS against whom no action for violation of allotment conditions was taken.

In exit conference (September 2017), Principal Secretary agreed to issue directions to District Collector, Pune for taking stern action against the responsible persons and for ensuring protection of the right of 218 members.

ii) Land admeasuring 40,000 sqm in village Khedshivapur, Tahsil Haveli was allotted (1984) to Dnyan Probodhini Sanstha (Sanstha) for the purpose of construction of technical and industrial training institute for its students and for playground. Sanstha sold (2008) 4,250 sqm of this land to M/s. Red Shop Manufacture Limited who again sold it to Meto Tak Paper Company without any permission of the competent authority and some part of building of institute was rented to third person. No action to resume the land was taken despite repeated violations/breaches of terms and condition of allotment of land.

In exit conference (September 2017), Principal Secretary stated that details would be obtained from Collector, Pune and appropriate action taken.

4.3.3.2 Irregular use of land

i) In Yerwada village of Pune District, land admeasuring 1.60 ha was allotted (September 1992) to Pune Municipal Corporation (PMC) on lease for 15 years (till 2007) for play ground. There was nothing on records to show that the lessee applied for renewal of lease. Out of 1.60 ha, PMC sub-leased (April 2000) 0.80 ha land to C-DAC without permission of revenue authorities. C-DAC did not use the land and RFD directed (November 2011) District Collector, Pune to restore land to the Government and recover lease amount of ₹ 72.06 lakh paid by the C-DAC to PMC. However, land was still in possession of PMC and an amount of ₹ 72.06 lakh was not recovered.

Further, as per *Panchnama* report (inspection conducted by Talathi Yerwada, Pune in October 2016), a statue was erected by encroaching on the land. The District Collector, Pune in his report (November 2016) to Divisional Commissioner, Pune stated that a building having swimming pool, gymnasium and watchman room existed on the remaining part of land admeasuring 0.80 ha. The ownership of the building was not available on the records. As such the land admeasuring 1.60 ha including the land of 0.80 ha leased to C-DAC was not restored and no action for eviction of encroachments on the land admeasuring 0.80 ha was taken.

In exit conference (September 2017), Principal Secretary agreed to issue directions to District Collector, Pune for taking action for erecting of statue on the land which was restored and also agreed to address the issue of construction of swimming pool and gymnasium by the PMC on the balance land.

ii) RFD had regularised (July 1974) the encroachment and unauthorised construction by the Wagheshwar V.K.S.S Sanstha (Society) in Village Wagholi, of Tahsil Haveli on the land admeasuring 217 sqm subject to the condition that the society shall use the land for Godown and office building only. The Society constructed a three storied building comprising 20 shops and 10 lodging units on 900 sqm of land by encroaching on 683 sqm (900-217) Government land. Thus, apart from unauthorised construction and breach of condition, additional encroachment was made by the society. No

action has been taken by Tahsildar for eviction of encroachment on 900 sqm of land valued at ₹ 90 lakh.

District Collector, Pune informed that notice was served on the concerned society in February 2017 in response to which, the society filed appeal no. RCS 629/2017 in civil court. The status of the case would be verified and accordingly action to restore the land would be taken. In exit conference (September 2017), Principal Secretary agreed to issue instructions to the District Collector, Pune for early settlement of case.

Audit also observed nine cases of breach of terms and conditions of allotment of land in five¹³ out of 12 test-checked Tahsils. In these cases 65,101 sqm of land was occupied unauthorisedly, which should be treated as encroachment. Action of either resuming of land to Government or regularisation by levy of charges and penalty was to be taken. The details are given in **Table 4.3.3.2 (ii)**

Table 4.3.3.2 (ii): Cases showing breach of condition for allotment of land

Sr. No.	Name of the lessee/occupant	Description of the Land	Area of the land (sqm) and purpose of allotment	Nature of breach
1	2	3	4	5
1	Shetkari Sahkari Sangh, Nasik	CTS No. 1238, 1257 to 1262 Village & Tahsil - Niphad, Nasik	286.20 sqm As per Dy. Superintendent of Land records, Niphad letter dated 20/01/2017 the land was allotted for godown.	Land was used for constructing shops and renting them out.
2	Kanda Nirjalikaran Karkhana Pimalgaon (B)	Survey No. 517/A/1/4 Village - Pimpalgaon Basvant, Tahsil - Niphad, Nasik	40,000.00 sqm As per SDO, Niphad letter dated 04/02/2017 the land was allotted for drying onion.	Land was sold to the Agriculture Produce Market Committee
3	Shri. Pardeshi Somnath Sitaram	CTS No. 1050 Paithan, Aurangabad	1,045.50 sqm The property card of survey number 1050, Paithan showed land for touring talkies.	Land was used for construction of Marriage hall.
4	Pune Club	Survey No. 6 and 6B Tahsil Pune City, Pune	2,988.88 sqm As per Tahsildar Pune City letter dated 09/06/2015 land was allotted for recreational activities.	Land (1,217 sqm) was used for commercial purpose.
5	Rashtriya Apang Vikas Sanstha, Pune	Survey No.63/2B1/1 Village Pravati Tahsil Pune City	880.40 sqm As per the District Collector, Pune letter dated 13/06/2016 the land was allotted for welfare of physically handicapped person.	Not used by the Sanstha itself, the land was used by the Alliance Club, Pune

¹³ Haveli, Niphad, Nasik, Pune City and Paithan.

1	2	3	4	5
6	Progressive Education Society, Pune	Survey No.85/1B & 86/1/1 Village Aundh Tahsil Pune City	10,000.00 sqm As per District Collector letter dated 16/05/2016 the land was allotted for educational purpose.	Land (242.02 sqm) was sub-leased (01/07/1991 to 30/06/2011) to Bank and stationery shop
7	Rajgadh Dyanpith Bhor, Pune	Dhanakwadi, Haveli, Pune	4,900.00 sqm As per mutation register the land was allotted for educational purpose.	Construction of a three storey building which included hotel, beauty parlour and shops on ground floor.
8	Shiv Smarak Samiti, Pune	Gat No.40 Village Dhankawadi, Tahsil Haveli	3,300.00 sqm As per District Collector, Pune letter dated 16/09/1989 the land was allotted for cultural hall and hostel for students.	In addition to the said purpose, land was also used for 20 shops, marriage hall, one College and office.
9	Ramchandra Jiwaji More	CTS. No. 947, Survey No.377/1 Village - Bhagoor, Tahsil - Nasik	1,700.00 sqm As per Additional Collector letter dated 04/02/1960 the land was allotted for stocking firewood, charcoal.	Operating Bar and Restaurant since last 20 to 25 years without any permission of revenue authorities.

In exit conference (September 2017), Principal Secretary agreed to issue directions to concerned District Collectors for taking appropriate action in these cases and also stated that a policy would be framed to address the issue. The reply of the Principal Secretary may be viewed in the light of the fact that the District Collectors took no action to evict the unauthorised occupants of Government land despite statutory and administrative directives.

4.3.4 Monitoring of encroachment of Government land

RFD vide circular of May 1999, instructed that squad should be formed at District level for identification and prevention of encroachment. It was also instructed that District Collector, Sub-Divisional Officer and Tahsildar should review the encroachment status in monthly meetings.

- As per information furnished, out of six selected Districts, no squad for identification or prevention of encroachment was formed in four Districts¹⁴. In Pune District squad was formed but the report on action taken was not made available to audit nor was it found on record. The District Collector, Nagpur did not furnish information.

Further, monthly meetings to review the status of encroachment were not being conducted in two Districts viz. Amravati and Nasik. In remaining Districts, it was observed that monthly review meetings

¹⁴ Amravati, Aurangabad, Nasik and Thane.

were taking place. District Collector, Nagpur did not furnish any report.

- It was also instructed (February 1987) by RFD that a six monthly report should be submitted through District Collectors, containing details of total Government land in Tahsil, number of encroachment on the land, area of land encroached upon and land remaining vacant. No such report was prepared in any of the six Districts and twelve Tahsils test-checked.
- RFD vide resolution of September 2010 and October 2013 directed that details of the land in possession of local bodies and punishment for its misuse should be displayed at the local Revenue Offices/Local Bodies. In the all the test-checked Tahsils, notice board showing details of Government land in Tahsil and mentioning punishment for its misuse was not displayed.
- RFD's circular of May 1999 states that a police complaint should be made against the encroacher of the Government land. In all the test-checked Tahsils, no police complaints were lodged against the encroachers and audit also did not notice instances in which police complaints were lodged.

Thus, the monitoring by the Department was weak on account of (i) absence of periodical reports for keeping a check over encroachment, (ii) lack of efforts to obtain data/information on Government land and (iii) laxity of the Department in taking penal action against encroachers.

In exit conference (September 2017), Principal Secretary accepted the observations regarding internal control and stated that issue of formation of squad, quarterly returns was addressed in the *Maharajaswa Abhiyan* with effect from August 2015. He also agreed to issue instructions regarding unavailability of returns at District Collectors and Tahsil level, display of notice boards and lodging of police complaint against the encroachers.

The facts remained that squads were not formed (June 2017) in five test-checked Districts and the returns submitted under Abhiyan were also not reliable and incomplete.

4.3.5 Conclusion and Recommendations

The Government did not maintain the databank of the total open Government land in the State and also data on encroachment on government land was not available at District and Tahsil level. The data prepared under the *Maharajaswa Abhiyan* was not reliable. There were discrepancies in maintenance of encroachment register. No action was taken for eviction of encroachment. No periodical survey was conducted by Circle Officers for identification of encroachment.

- **Information of a Government land in given place and identification of encroachment are two important aspects that need to be addressed for effective action to deal with encroachment. Accordingly a database should be prepared for the open Government land and encroachment thereof, detailing name of the encroachers, period of encroachment, area of encroachment and action taken.**

No action for eviction of encroachment was taken even after noticing it. In Thane District, Government land was transferred to Municipal Corporations (MC) for protection against encroachment. However, it did not serve the purpose as cases of encroachment by MC itself were noticed on the transferred land. The encroachment on grazing land was not removed as Revenue Department passed on the responsibility to concerned Local bodies.

- **A system should be devised for taking action against encroachment. Government may issue directives that in case of land transferred to local bodies, the responsibility to monitor encroachment and its removal should remain with Revenue Authorities.**

In cases of breach of condition of allotment of land on lease/occupancy right basis, no action for restoration of land was taken; renewal of lease was not done in case of allotment of land on leases. The system of monitoring the encroachment was weak. Periodical reports were not submitted.

- **The Collector should verify the land allotted on lease and on expiry of lease period it should be either renewed or the lessee evicted. In case of occupancy right, Revenue Authorities should ensure that land is being used for the purpose for which it was allotted. The dedicated squad at District should be formed to monitor the Government land.**

In exit conference (September 2017), Principal Secretary accepted the recommendations regarding formation of database, strengthening the mechanism prescribed for identification and reporting of encroachment and devising system for timely action against encroachment. In case of recommendations for issuing directives for land transfer to local bodies, Principal Secretary suggested that the holder/assignee of the land should be primarily responsible for protection of Government land and in case of its failure, RFD would ensure protection of land. In case of mechanism for corrective action against unauthorized retention of Government land for specific purposes, he suggested that there should be a specific policy regarding renewal of leases or otherwise.

4.4 Audit of “Management of Nazul Lands in Vidarbha Region”

Introduction

Prior to independence, erstwhile Government of Central Province (CP) & Berar and prior to formation of Maharashtra State (Maharashtra State was formed in May 1960) the Government of Madhya Pradesh in Vidarbha¹⁵ Region of Maharashtra, allotted Nazul lands on lease subject to certain terms and conditions to public for residential, commercial, educational and charitable purposes. Nazul land means any type of Government land used for non-agricultural purpose such as building, market, playground or any other public purpose or the Nazul land which has potential for such use in future including such lands granted on long or short term lease.

The renewal of lease was being done by fixing lease rent at three times the old rent mentioned in the expired lease as per Government Resolution (GR) dated January 1983, till June 2007.

The Government of Maharashtra framed a policy for renewal of leases, regularisation of breach committed in lease conditions and other matters by issue of GR dated June 2007 which *inter-alia* prescribed fixation of lease rent based on the market value of property on renewal of leases. Thereafter the lease rent was revised from time to time.

In March 2015, Government of Maharashtra vide Maharashtra Land Revenue Code (Amendment) Act, 2012 inserted a provision, new Section 37A, in Maharashtra Land Revenue Code, 1966 (MLRC) making a provision to levy unearned income on sale/transfer of Government land. The sale/transfer of Government land could only be made after prior approval of Government. Prior to this the levy of lease rent and unearned income on sale/transfer of Government land was done by issue of GRs.

Scope of audit

Audit was conducted during January to May 2017 covering leases renewed from June 2007 to 31 March 2017. Audit selected five districts (Akola, Amravati, Gondia, Nagpur and Wardha) having highest number of Nazul leases out of 11 districts, with a view to examine efficiency of the Department in renewal of the leases and recovery of government revenue. The Revenue and Forest Department (Department) renewed 4,039¹⁶ cases in these five districts up to 31 March 2017. Out of these, audit test checked 1,528¹⁷ cases.

The observations were communicated to the Department and to the Government in July 2017. The replies of District Collectorates wherever received have been incorporated in the relevant paragraphs. Replies from the Government have not been received.

¹⁵ Covering 11 districts in two divisions: Nagpur Division – Bhandara, Chandrapur, Gadchiroli, Gondia, Nagpur, Wardha and Amravati Division - Akola, Amravati, Buldhana, Washim and Yavatmal.

¹⁶ Akola: 11 cases, Amravati: 1,932 cases, Gondia: 950 cases, Nagpur: 216 cases and Wardha: 950 cases.

¹⁷ Akola: 7 cases, Amravati: 280 cases, Gondia: 340 cases, Nagpur: 216 cases and Wardha: 685 cases.

4.4.1 Trend of renewal of leases of Nazul Land

As per terms and condition of lease, if the lessee fails to pay the rent or breaches the terms and conditions of the lease agreement, then the Government can resume the land granted under lease. The statistics of progress of renewal of Nazul Leases furnished by the Revenue and Forest Department (Department) as on 31 March 2017 is given below in **Table 4.4.1**:

Table 4.4.1

Division	No. of Districts		No. of Nazul leases		No. of leases whose term of lease has expired		No. of leases renewed		No. of leases yet to be renewed	
	Total	Selected	Total	Selected districts	Total	Selected districts	Total	Selected districts	Total	Selected districts
Nagpur	6	3	25,059	20,580	12,989	9,262	2,219	2,096	10,770	7,166
Amravati	5	2	12,492	8,265	9,288	7,173	3,861	1,943	5,427	5,230
Total	11	5	37,551	28,845	22,277	16,435	6,080	4,039	16,197	12,396

Source: Statistics furnished by Divisional Commissioner, Nagpur and Amravati

It would be seen from the above that 16,197 cases of Nazul leases have not been renewed as of 31 March 2017. In five test checked Districts out of total 28,845 Nazul leases, 12,396 leases were yet to be renewed as on 31 March 2017. District Collectorate, Wardha, stated that notices were issued to the lessees for renewal of the lease, but, they did not turn up for the renewal. However, there was nothing on record to indicate that any action had been taken by the Department for resumption of the Government land. The reason for non-renewal of leases was not received or found on records in the remaining four districts.

4.4.1.1 Development of software for management of Nazul land

The Divisional Commissioner, Nagpur had floated a tender for development of software for management of Nazul land in Nagpur Division in 2012. After tendering process, the work was allotted (2012) to M/s Karvy Data Management Ltd, Hyderabad for ₹ 15 lakh. No record indicating the progress made in this regard by the Department was made available to audit. As such audit could not ascertain the status of work executed. However, audit found that records were being maintained manually in all the Collectorate offices.

4.4.1.2 Maintenance of proper records of Nazul Leases

The Collector was responsible for renewal of the leases, collection of lease rent and other matters relating thereto. For this purpose a register called "Demand Register" was prescribed under the provisions of Revenue Book Circular (RBC). The RBC was issued under Central Province and Berar Land Revenue Code. The Code was repealed with effect from August 1967 and the Nazul lands were governed under MLRC, 1966. However, the Government had not made any provision for maintenance of such demand register in the MLRC, 1966.

Scrutiny of records in five Collectorates revealed that demand registers was being maintained only in two Collectorates viz. Gondia and Wardha while the remaining three Collectorates viz. Akola, Amravati and Nagpur had not maintained demand registers of Nazul leases. A comparison of the demand

registers of these two Collectorates indicated that these were in different formats. While the Collectorate, Gondia had included all the necessary columns like amount of lease rent, date of renewal, etc., these were not included by the Collectorate, Wardha. The Collectorate Nagpur stated that it was preparing the demand register on the basis of the information obtained from City Survey Office. The remaining Collectorates did not furnish any reply.

In the absence of registers the Department did not have any watch over the timely collection of lease rent and the compliance with terms and conditions of lease by lessees. Annual leases rent of many years are collected in arrears only at the time of renewal of lease in most of the cases.

It is recommended that a provision be made for maintenance of the demand register for Nazul lands under the MLRC, 1966.

4.4.1.3 Execution, registration and absence of standard format of lease deeds

Registration of lease deed is compulsory under section 17 of Indian Registration Act, 1908 and as per article 36 of Maharashtra Stamp Act, 1958 stamp duty on lease of 30 years was leviable at the prescribed¹⁸ rate on 90 *per cent* of the market value of property. Further, the Revenue Book Circular (RBC) provided for execution of lease deed in Form F and the subsequent renewal in Form H. However, RBC issued under Central Province and Berar Revenue Code was repealed with the introduction of the MLR code, 1966. No such forms were specified in MLR code, 1966.

Execution of lease deeds:-

- Audit noticed that the Department had not adopted a uniform system for grant, execution and registration of renewal of lease. In Amravati Division, audit of the test checked districts (Akola and Amravati) revealed that at the time of renewal of leases, lease deeds were not being executed and the leases were renewed on the “Office Orders” issued by the district authorities. In Nagpur Division, audit of test checked districts (Nagpur, Gondia and Wardha) revealed that lease deeds were executed and registered only in Nagpur Districts; in remaining two districts the lease deeds were executed but not registered. The lease deeds were required to be registered under the provisions of Section 17 of the Registration Act. Non-execution of lease deed is fraught with the risk of delayed payment of the lease rent and non-monitoring of the terms and conditions of lease. Besides, non-execution / registration of leases at the time of renewal resulted in non-realisation of stamp duty and registration fee of ₹ 16.81¹⁹ crore in 80 illustrative cases test checked in three districts (Amravati, Gondia and Wardha).

¹⁸ Five *per cent* in Municipal area (A and B class) and four *per cent* in Municipal Councils.

¹⁹ Stamp duty at the rate of four percent and registration fee at the rate of one percent leviable on ₹ 387.61 crore (90 percent of land cost of ₹ 387.61 crore in terms article 36 Maharashtra Stamp Act, 1958) worked to ₹ 16.81 crore.

Format of lease deeds:-

- Further, out of five districts test checked, in three districts (Nagpur, Gondia and Wardha) the leases continued to be renewed in Form H with modification by District authorities from time to time. There was no uniformity in the format of the renewed lease deed. The essential terms and conditions like provision of levy for unearned income, interest on delayed payment of lease rent etc. were not specified in the lease agreement. In the remaining two districts (Amravati and Akola), no lease deeds were executed. It would be in the interest of revenue, if uniform format is prescribed for renewal of leases of Nazul land. After being pointed out the Collectorate Wardha stated that there was no provision in GR of 2015 for levy of stamp duty. The reply is not relevant as levy of stamp duty is governed under the Maharashtra Stamp Act, 1958 and its registration is governed under the Indian Registration Act, 1908.

4.4.1.4 Non-existence of mechanism to detect transfer of lease of Nazul land and incorrect description of property cards

The transfer and change of use of Nazul Land without permission could be regularised by payment of unearned income @ 40 and 50 *per cent* of market value of land used for residential and commercial purpose respectively as per the Government resolution of December 2015. The title of the land shall remain with the Government irrespective of sale or transfer and the occupants could hold the land on lease basis.

Audit noticed that in Nagpur, the title of Nazul Land in property cards was shown in the name of the Government while in the remaining four Districts (Wardha, Gondia, Amravati and Akola), the title of Nazul Land in property cards was shown in the name of the lessees and not the Government.

Audit obtained information regarding the sale of lands from the Registration Department through E-search facility of i-SARITA (Software used by the Registration Department) in two Districts (Amravati and Akola where separate Zone was prescribed for Nazul land in Annual Statement of Rates.) and identified 79 cases of sale/transfer and sub-leasing of Nazul land during 2016-17. Of these, cross verification in respect of 15 instruments of sale and lease deeds furnished by the Registration Department with the records in Collectorates revealed that unearned income was not recovered as detailed below:

- In five cases sale of Nazul land was made at ₹ 4.06 crore but these cases were not regularized and unearned income of ₹ 1.61 crore was not recovered.
- In the remaining 10 cases change in use of land as well as transfer of land valued at ₹ 8.26 crore was made. However, unearned income of each of ₹ 4.13 crore for change in use and transfer of land totaling to ₹ 8.26 crore was not recovered.

Thus there was non-realisation of ₹ 9.87 crore on account of unearned income. The records in respect of the remaining 64 cases need to be rechecked to ascertain the status of payment of the unearned income.

The Department may co-ordinate with Stamps and Registration Department and obtain statistics of transactions in respect of Nazul lands periodically for effective monitoring and collection of unearned income. The Nazul lands were being sold by the lessees/occupants by executing “sale deeds” thereby conveying all the rights on the land to the subsequent purchasers as if they were the exclusive owners/title holders of the land. Since, the occupants of Nazul Land had only the right to enjoy the benefit of land during the currency of lease, they could not transfer the land by way of sale deed as they were not the owners of the land. Government may put in place a mechanism so that the sale of Government Nazul land is prevented.

4.4.2 Renewal of Nazul lease - Incorrect assessment of lease rent

Government of Maharashtra, Government Resolution dated 11 January 1983 revised the lease rent in respect of Nazul land as where the terms and conditions of the leases specifically provide for the manner and extent up to which the rates are to be revised, the revised rent should be worked out in accordance with the conditions laid down in the respective lease deeds. In all other cases, the revised lease rent should be worked out at three times of the previous lease rent. Once the lease rent is fixed, it shall be remain in force for the entire lease period. There after the lease rents were revised from time to time as mentioned in the following **Table 4.4.2**.

Table 4.4.2

GR of June 2007	GR of December 2011	GR of December 2015
The R&FD vide resolution of June 2007 revised the lease rent based on current market value of the land. As per resolution, the revised lease rent was fixed equal to prime lending rate ²⁰ (declared by the Bank) Where lease had expired prior to June 2007, the lease rent shall be increased annually by four percent of the old rate and recovered as arrears. The rate fixed shall be revised after every ten years.	As per resolution, the revised lease rent was fixed equal to 0.10 to 0.50 <i>per cent</i> of the existing market value of land, area and use of the land. Where lease had expired prior to December 2011, the lease rent shall be levied at the old rate and recovered as arrears. The rate fixed shall be revised after every ten years.	As per resolution, the revised lease rent was fixed equal to 0.02 to 0.10 <i>per cent</i> of the existing market value of land, area and use of the land. Where lease had expired prior to December 2015, the lease rent shall be levied at the old rate and recovered as arrears. The rate fixed shall be revised after every five years.

The term **old rate** has not been defined in the GRs. The Department continued to levy the lease rent in accordance with the GR of 1983 up to 2011 despite the fact that a number of leases had expired and were renewed between 2007 and 2011. This had resulted in loss of revenue as detailed in the following paragraph.

²⁰ Prime lending rates on 10, 20 and 25 *per cent* of the existing market value of land viz. residential, commercial or educational/charitable purpose respectively.
Year 2008- 12.75 *per cent*, 2009 – 12.25 *per cent*, 2010 – 11.75 *per cent* and 2011 – 12.50 *per cent*.

- In two Districts viz., Nagpur and Gondia, test check of the files revealed that 81 leases were renewed between June 2007 and December 2011. The lease rent of these cases was fixed at pre revised rates in accordance with the resolution of 1983 instead of rates prescribed in the resolution of June 2007. The annual least rent paid by the lessees was ₹ 0.94 lakh instead of ₹ 2.45 crore. This resulted in under assessment of annual lease rent of ₹ 2.44 crore with cumulative effect of ₹ 24.40 crore for ensuing 10 years.
- In another two districts viz. Wardha and Amravati, 35 Nazul land leases were renewed in 2016. The leases had expired between 1978 and 2015. The Department renewed the leases and levied rent of ₹ 0.17 crore for the period from 1978 up to December 2015 in accordance with the rates mentioned in the GR of 1983 and not ₹ 4.50 crore in accordance with the GRs of 2007 and 2011. This resulted in short levy of lease rent of ₹ 4.33 crore.
- As per GR June 2007 and December 2011 the lease rent shall be revised after every 10 years while as per GR of December 2015 the lease rent shall be revised after every 5 years. Once the lease rent was fixed it remained constant till the date of next revision. The lease rent had been reduced in 2011 and 2015 as compared to the year 2007. The minimum rate of lease rent was reduced from 0.10 *per cent* in 2011 to 0.01 *per cent* in 2015, i.e. fall of 90 *per cent* of the previous rates. Despite the revision in rates of the lease rent in 2015, the lease rent fixed under the GRs of 2007 and 2011 remained unchanged. Thus there was no uniformity in revision of the lease rent fixed under different GRs.

The Collectorate Nagpur stated that the Nazul plot holders were aggrieved by the revised lease rent which was 100 to 300 times of the old rents in many areas. Accordingly, the then Revenue and Forest Minister had instructed (27 November 2007) to stay the GR dated June 2007. The instructions and relevant documents were not produced to audit. The facts however, indicates that no serious efforts was made by the Department to fix the rates and period of lease rent. The parameters on which the lease rent was fixed were not also made available to audit. Besides in absence of the definition of the Old rates, the Department continued to treat the old rates mentioned in the GR of 1983. Thus, the rates of lease rent as per GR dated June 2007 and December 2011 could not be made effective. Thus there is a need to remove the anomalies and ensure uniformity in fixation of lease rent and its revision.

4.4.3 Levy and collection of unearned income

Government vide resolution of December 2011, August 2014 and December 2015 prescribed the rates of unearned income leviable for change in use, transfer or breach of conditions of lease agreement in case of Government land (Nazul) given on lease. Transfer of land or change in use of land without permission from Government, it is treated as breach of conditions and accordingly rate of unearned income is leviable. Further, all these resolutions stipulated that lessees were liable to pay unearned income on the market value of land as on the date of breach of condition of lease (for change in use or sale

of land), provided that the prescribed documentary evidence for change of use from the said date was produced. If the prescribed documentary evidence is not produced, unearned income is leviable on the current market value of land. The rates of unearned income applicable as per the resolutions are given below in **Table 4.4.3(A)**.

Table 4.4.3(A)

(In percentage of market value)						
Resolution	Unearned income for breach committed prior to issue of GR		Unearned income leviable if permission obtained from Government		Unearned income for breach committed after issue of GR	
	Residential	Commercial	Residential	Commercial	Residential	Commercial
December 2011	25	25	Not prescribed	12.5	Not prescribed	50
August 2014	25	25	Not prescribed	12.5	Not prescribed	50
December 2015	10	25	5	12.5	40	50

The cases of non/short levy of unearned income in test-checked districts are detailed below in **Table 4.4.3(B)**.

Table 4.4.3(B)

Name of Districts	Audit observation	Amount involved in crore
1	2	3
Nagpur	Audit selected 100 cases of Nazul leases renewed (April 2005 to July 2016) by the Collector, Nagpur for residential purpose and cross checked their land use with the property tax records of the Nagpur Municipal Corporation (NMC) to ascertain the correctness of land use and found that in 19 cases, the lessees used land measuring 14,718.81 sqm for commercial purpose i.e. for shops. The land was allotted for residential purposes. Thus, there was unauthorised change in use of land. The value of the land was ₹ 90.68 crore, the unearned income payable to the Government at the rate of 25 per cent of market value amounting to ₹ 22.67 crore was recoverable.	22.67
After this was pointed out the Collectorate Nagpur agreed to conduct physical verification of these lands and if the lands were found to be used for commercial purpose, unearned income as per GR dated Dec. 2015 would be recovered.		
Amravati and Wardha	As per the GRs of 2015, unearned income shall be levied separately for sale /transfer and for change of use of land without permission. It was observed that in 20 cases the lessees had sold the land as well as changed the use of land between 1963 and 2012. The regularization of sale of the land was applied for in 2015 and order for commercial use and sale was given in 2016. The Department was liable to recover unearned income of ₹ 4.50 crore for sale of land and change in use of land. However, the Department recovered only ₹ 2.25 crore only for one breach i.e. sale and did not levy unearned income for change in use. This resulted in non-levy of unearned income of ₹ 2.25 crore.	2.25
The Collectorate Wardha had stated that as per local bodies, the lands fall under the residential as well as commercial zone. Hence, the unearned income was not leviable for change of use. Reply is not tenable as leases were given for residential purpose. The commercial use of land in contravention of condition of lease is a breach which needs to be regularized on payment of unearned income. Classification of land by local bodies is immaterial. The Collectorate Amravati had not furnished any reply.		

1	2	3
Amravati and Nagpur	<p>Six owners of six shops located at six different commercial places had approached (January 2015 to October 2016) the Collectorate for regularisation of their shops. Scrutiny of the documents²¹ submitted by these applicants revealed that the erstwhile lessees from whom the shops were purchased had changed the use of the pieces of land from residential purpose to commercial complexes by constructing shops on the six pieces of land admeasuring 23275.13 sqm valued at ₹ 63.90 crore.</p> <p>The Department regularized only these six shops and did not take any action to levy and collect unearned income from remaining shops existing in those commercial places. The unearned income leviable was ₹ 15.80 crore.</p>	15.80
The Collectorate Nagpur stated that unearned income from remaining occupants would be recovered after spot verification of the lands. The Collectorate, Amravati had not furnished reply.		
Gondia	<p>Scrutiny of Renewal files revealed that a lessee had sold land admeasuring 1,326.70 sqm without permission in 1992. The breach was regularized (February 2017) by levying unearned income at residential rate of 10 <i>per cent</i> of market value of land. However, the reports of spot verification made by Department in 2011 and statement of lessee on record indicated that the lessee was using 1,000 sqm out of total area of 1,326.70 sqm for commercial purpose. As such, for this portion, unearned income at the rate of 25 <i>per cent</i> of the market value of ₹ 1.08 crore was leviable. However, the Department did not levy unearned income for unauthorised commercial use of land, which worked out to ₹ 27 lakh.</p>	0.27
The Collectorate Gondia stated that the lessee had used the land for commercial purpose as beedi factory in the past, now the building on the land was vacant and no commercial activity was being undertaken. Fact remains that the land was used for commercial purpose hence unearned income was recoverable for change in use of the land.		
Amravati	<p>Scrutiny of Renewal files revealed that three Nazul plots total admeasuring 10,928.10 sqm were regularised in March 2016 for commercial purpose. However, while working out the unearned income, the area of three plots was considered as 2,323 sqm instead of 10,928.10 sqm. Besides, while working out the market value of the property, Department applied the land rates of the year 1964 instead of Annual Statement of Rates 2015-16. The omissions on the part of the Department resulted in short levy of unearned income by ₹ 10.39 crore.</p>	10.39
Collector, Amravati stated that matter would be taken up with higher authorities and thereafter reply would be furnished.		
Wardha	<p>Scrutiny of Renewal files revealed that lease of Nazul land measuring 2,787.00 sqm (FSI 1.42 i.e 3,900.85 sq. mtr) valued at ₹ 96 lakh was renewed (February 2015) for the period from 1978 to 2008 for residential purpose. As per a report of the Municipal Council, Hinganghat, the purchaser of land (M/s. Mrugnayani Infrastructure) changed the land use to commercial in 2013 without obtaining permission from Department. This was regularised by levying unearned income of ₹ 12.19 lakh (approximately at the rate of 12.5 <i>per cent</i>). However, the market value of the land based on the FSI index amount to ₹ 2.12 crore. The unearned income payable worked out to ₹ 1.06 crore at the rate of 50 <i>per cent</i> of the market value. This resulted in short levy of ₹ 94 lakh.</p>	0.94

²¹ Copy of sale deed or deed of declaration.

1	2	3
Wardha	Permission to sell the shops admeasuring 3,900.85 sqm located in survey no. 28 was granted by the Department in May 2013. The Department levied unearned income of ₹ 25 lakh on the market value of ₹ 2.03 crore. However, audit noticed that Department had worked out incorrect market value as per land rate of Nazul Sheet No. 27 instead of Sheet No. 28. The market value of the property aggregated to ₹ 3.04 crore on which unearned income of ₹ 38 lakh was leviable. Incorrect application of rates resulted in short levy of unearned income by ₹ 13 lakh.	0.13
Total		52.45

4.4.4 Internal Control Mechanism

The Collectors have delegated the powers related to management of Nazul Land to Sub-Divisional Officers in their respective Districts. For effective administration of Nazul land and to have effective check, it is imperative that Sub-Divisional Officers in a prescribed interval send progress reports of lease renewals to the Collector. The Collectors in turn should submit prescribed periodical report to Divisional Commissioners to achieve an assurance on timely renewal of lease, collection of rent, correctness of levy of unearned income etc.

It was observed that the SDOs submitted progress reports only when called for by the Collectors/Divisional Commissioners. There was no mechanism for periodic reporting and monitoring in the Department for effective management of Nazul Land.

4.4.5 Conclusion and Recommendations

Collectorates did not maintain database of Nazul leases and demand registers to ascertain timely collection of lease rent and expired leases. The property cards of Nazul Lands in four Districts did not bear the name of Government as title holder (*Muldharak*) which resulted in unchecked sale and transfer of Nazul land. Standard format for renewal of Nazul lease under MLRC was not prescribed due to which sale deeds for Nazul land were being executed irregularly. In cases of non-payment of lease rent, the action for resumption of land from lessee was not taken. Lease agreements were not registered which led to loss to Government by way of non levy of stamp duty.

- **The Government may consider issuing instructions for keeping up-to-date records of Nazul land and correcting the details contained in property cards. The Government may consider framing Rules under MLRC, 1966 prescribing the basic forms in which the Nazul Records should be maintained to achieve uniformity in record keeping across 11 Districts of Vidarbha for effective management of Nazul Lands.**

Cases of incorrect assessment, short/non levy and incorrect application of rates for levy of lease rent as well as that of unearned income were noticed. In some cases regularisation of change in use of land was made incorrectly.

- **Government may issue instructions to ensure correct assessment and levy of lease rent and unearned income, their timely collection and**

action in case of breach of conditions by obtaining data from Local Bodies. The Department should co-ordinate with Department of Stamps and Registration and obtain statistics of transactions in respect of Nazul lands periodically for effective monitoring and collection of unearned income.

4.5 Other audit observations

During scrutiny of records of the various land records and land revenue offices, we noticed several cases of non-compliance of the provisions of the Maharashtra Land Revenue Code, 1966 (MLR code), Government notifications/instructions as mentioned in the succeeding paragraphs of this chapter. These are illustrative cases and are based on the test check carried out by Audit. As, such cases are pointed out by Audit repeatedly; there is need on the part of the Government to improve the internal control system so that recurrence of such cases can be avoided.

4.5.1 Short levy of occupancy price

Application of incorrect rate for valuation of land to calculate occupancy price²² resulted in short levy of ₹ 1.42 crore

GoM, R & FD sanctioned (March 2012) allotment with advance possession of Government land to Maharashtra State Electricity Distribution Company Limited (MSEDCL), Aurangabad. The land admeasuring 52.00 Hectare (*i.e.* 5,20,000 sqm) bearing gut number 264 situated at *mouza* Ektuni, Tahsil Paithan, District Aurangabad was sanctioned for erecting of Electricity Sub-Station. The occupancy price of ₹ 2.90 crore was levied on the market value determined by the Joint District Registrar, Aurangabad (City). The details of market value worked out were not available.

Scrutiny of records in Office of the Collector, Aurangabad revealed (November 2013) that the rate of the said land was ₹ 275 per sqm. Based on the slab rates²³ the market value of the property comes to ₹ 8.64 crore²⁴. As per instruction 30 of the Annual Statement of Rates (ASR) 2012, 50 per cent of the cost of the land was required to be paid to the Government as occupancy price which worked out to ₹ 4.32 crore. This resulted in short levy of occupancy price of ₹ 1.42 crore²⁵.

This was pointed out by the audit between November 2013 and December 2013), the reply of the Collector, Aurangabad is awaited (February 2018).

This was brought to the notice of Government (April 2017 and August 2017). Reply thereto was awaited (February 2018).

²² As per rule 2 (k-i) of Maharashtra Land Revenue (Disposal of Government Land) Rules, 1971, occupancy price means the price payable as consideration for the grant of the right to occupy and use land. It is the market value of the land determined as per the rates prescribed in ASR.

²³ Government of Maharashtra, Revenue & Forest Department vide resolution (2008) prescribed the specific slabs for valuation of Government land allotted to the various institutions.

²⁴ 2,000 X ₹ 275 X 100% = ₹ 5,50,000
2,000 X ₹ 275 X 90% = ₹ 4,95,000
2,000 X ₹ 275 X 80 % = ₹ 4,40,000
4,000 X ₹ 275 X 70% = ₹ 7,70,000
5,10,000 X ₹ 275 X 60 % = ₹ 8,41,50,000
Total = ₹ 8,64,05,000.

²⁵ ₹ 4.32 crore - ₹ 2.90 crore.

4.5.2 Short recovery of unearned income

Department did not calculate the market value as per the rate prescribed in Annual Schedule of Rates for levy of unearned income, which resulted in short recovery of ₹ 36.53 lakh

As per Government resolution (July 2002 and May 2006) of Revenue and Forest Department, if Class-II land²⁶ is converted into Class-I land²⁷ for non-agricultural purposes, then the unearned income²⁸ amount equivalent to 50 per cent of market value²⁹ of the land determined as per the rates prescribed in ASR, should be recovered from the applicant.

Additional Collector, Dhule passed an order (September 2012) granting the permission for conversion of Class-II land into Class-I land. The area of the land was 3.06 Hectare (i.e. 30,600 sqm) bearing gut number 203/3, 203/4 situated at *mouza* Jaitane, Tahsil Sakri, District Dhule. The market value of the land was assessed at ₹ 9.18 lakh and unearned income amounting to ₹ 4.59 lakh³⁰ was recovered (September 2012). However, details of calculation of market value were not found on record.

Scrutiny of records in the Office of the District Collector, Dhule revealed (March 2015) that the market value of the land was ₹ 400 per sqm as per ASR-2012. The market value worked out to ₹ 82.24 lakh. Accordingly, unearned income, amounting to ₹ 41.12 lakh³¹ was required to be recovered. Thus, incorrect assessment of market value of the land resulted in short recovery of unearned income by ₹ 36.53 lakh (₹ 41.12 lakh - ₹ 4.59 lakh).

Additional District Collector stated (March 2015) that the matter will be scrutinized and reply will be submitted.

This was brought to the notice of Government (May 2017 and August 2017). Reply thereto was awaited (February 2018).

²⁶ Class-II land means the land which occupant hold unalienated land in perpetuity subject to restrictions on the right to transfer.

²⁷ Class-I land means land without any restriction on the right to transfer.

²⁸ Unearned income means an amount equal to difference between current market value or the price realised by way of sale, whichever is higher.

²⁹ Market value as per Section 2 (na) of Maharashtra Stamp Act, 1958, means the price which such property would have fetched if sold in open market on the date of execution of such instrument, or the consideration stated in the instrument, whichever is higher.

³⁰ 50 per cent of ₹ 9.18 lakh.

³¹ 50 per cent of ₹ 82.24 lakh.