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Development Permission obtained under BPMS to act as deemed permission for non-agricultural use of land

Under Section 42 of the Maharashtra Land Revenue Code, 1966 (“**Act**”), prior permission of the Collector is required for use of agricultural land for any non-agricultural purposes as stated therein.

Section 42A, 42B, 42C, 42D provide that no permission from the Collector is required for change of use of land to non-agricultural use situated in an area covered under a development plan or regional plan, where such non-agricultural use has already been identified or provided for. Additionally, under Section 44A of the Act, no prior permission from the Collector is required for change of use of land for *bona fide* industrial purposes.

The Maharashtra Revenue Department by way of a Government Resolution dated May 23, 2023, has *inter alia* clarified that:

- Where permission under the Building Plan Management System (BPMS) has been obtained for construction on the land, no separate non-agricultural permission is required, in compliance of the requirements under Section 42A, 42B, 42C, 42D or Section 44A.
- Any tax, premium or government sums payable by a land holder would be collected as required in the BPMS system at the time of grant of development permission.

The aforementioned was notified vide Government Resolution dated May 23, 2023 ([available here](#)).

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