

# INTRODUCTION TO THE MAHARASHTRA LAND REVENUE CODE, 1966: PURPOSE, SCOPE AND STRUCTURE OF LAND LAWS

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## Introduction

In the heart of every Indian state lies a foundational legal "rulebook" that dictates how its soil is managed, taxed, and recorded. In Maharashtra, that rulebook is the **Maharashtra Land Revenue Code, 1966 (MLRC)**. Whether you are a farmer checking your 7/12 extract, a builder seeking Non-Agricultural (NA) permission, or a law student deciphering property rights, the MLRC is the ultimate authority.



However, the MLRC is not just a collection of administrative rules; it is a complex statute that requires careful **interpretation**. Land laws in India are deeply intertwined with

constitutional rights and social justice. This blog explores the "why" and "how" of the MLRC, offering a clear roadmap to its purpose, scope, and structural framework.

## The Philosophy of Interpretation in Land Laws

Before diving into the sections, we must understand how courts interpret land laws.

Generally, land revenue statutes are interpreted through two lenses:

1. **Revenue/Fiscal Lens:** The State needs funds to function; therefore, the law must facilitate the efficient assessment and collection of land revenue.
2. **Social Justice Lens:** Because land is a limited resource, the law must protect the vulnerable (like tribal communities) and prevent the concentration of land in a few hands.

When a dispute arises—for instance, over an entry in the Record of Rights—the courts look at the MLRC not just as a set of instructions for the Talathi, but as a mechanism to balance the State's "Eminent Domain" (the power to take property) with the citizen's right to enjoy their land.

## Historical Context: Why the Code was Created

Before 1966, Maharashtra's land governance was a patchwork of fragmented colonial regulations. The **Bombay Land Revenue Code, 1879**, served as the predecessor, but after independence, the need for a consolidated, uniform law became urgent.

The MLRC was enacted to bring "unity in diversity" across the different regions of the state (Western Maharashtra, Vidarbha, and Marathwada). It officially **came into force on December 30, 1966**, aligning land administration with the modern constitutional values of a democratic India.

## Purpose and Objectives

The MLRC serves four primary functions that keep the state's machinery running:

- **Revenue Administration:** It establishes the State's "paramount charge" on all land. This means the government has the first right to collect revenue from any landholder.

- **Maintenance of Records:** It provides a statutory basis for the **Record of Rights**. Without these records, property transactions in Maharashtra would be impossible.
- **Regulatory Control:** It manages the "change of user." You cannot simply build a factory on a rice field; the MLRC regulates the conversion of agricultural land to non-agricultural (NA) use.
- **Protection of Public Interest:** It empowers the State to remove encroachments and protect public property, grazing lands (*Gairan*), and tribal lands from illegal transfers.

## Scope of the MLRC

The scope of the MLRC is both territorial and functional:

1. **Territorial:** It extends to the **entire State of Maharashtra**. While urban areas have specialized municipal laws, the MLRC still governs the fundamental "revenue" status of the land beneath those cities.
2. **Subject Matter:** It covers everything from the appointment of a **Talathi** (at the village level) to the powers of the **Divisional Commissioner**. It deals with surveys, boundary disputes, land revenue assessment, and the quasi-judicial process of appeals.

## The Structural Framework of the MLRC

The Code is systematically divided into chapters. Understanding this structure is key to navigating its 337+ sections.

### 1. Hierarchy of Revenue Officers (Chapter II)

The Code creates a vertical chain of command. The State is divided into Divisions, Districts, Sub-divisions, Talukas, and Villages.

- **District Level:** The Collector (the "proprietor" of the district).
- **Taluka Level:** The Tahsildar.
- **Village Level:** The Talathi.

### 2. Land and Occupancy Classes (Chapter III)

The MLRC declares that all land—including roads, bridges, and beds of rivers—belongs to the State unless someone else can prove ownership. Crucially, it defines **Classes of Occupants** (Section 29):

- **Occupant Class I:** Freehold land; the holder can sell or transfer it without government permission.
- **Occupant Class II:** "New Tenure" land; the holder needs the Collector's permission to sell or mortgage it.

### 3. Land Revenue and NA Permission (Chapter IV)

This chapter deals with how land is used. If a person wants to use agricultural land for a bungalow or a shop, they must apply for **NA Permission** under Sections 42 to 45. The State charges a "premium" or "fine" for this change of use.

### 4. Boundary Marks (Chapter VI)

To prevent "land grabbing" and neighborhood disputes, the Code mandates the fixation and maintenance of boundary marks. The cost of fixing these is usually borne by the landholder.

### 5. Record of Rights (Chapter X)

This is the heart of the Code. It governs:

- **The 7/12 Extract:** A document containing the "Record of Rights" and the "Register of Crops."
- **Mutation (6/12):** The process of updating records when land is sold, inherited, or gifted.

### 6. Appeals, Revision, and Review (Chapter XIII)

The MLRC is a "self-contained" code. If you are unhappy with a Tahsildar's order, you don't go straight to a Civil Court; you follow the internal hierarchy: **Appeal -> Revision -> Review.**

## Landmark Case Laws and Judicial Interpretation

The courts have played a massive role in shaping how we read the MLRC:

1. **State of Maharashtra v. Pralhad Bhairoba Suryavanshi (2003):** The Supreme Court reaffirmed that under Section 20 of the MLRC, the State is the ultimate owner of all lands where no private title exists. This prevents "encroachers" from claiming ownership of public lands easily.

2. **State of Maharashtra v. Digambar (1995):** In this case, the Court highlighted that while the State has the power to take land for revenue or public works, it must do so following the "due process of law." It balanced administrative efficiency with the individual's right to property.
3. **V.G. Nigade v. State of Maharashtra (2018):** The Bombay High Court reiterated a golden rule of interpretation: **The Record of Rights (7/12) is not a title document.** It is a document maintained for fiscal (tax) purposes. An entry in the 7/12 extract creates a "rebuttable presumption" of truth, but it does not automatically make someone the legal owner—that is a matter for a Civil Court to decide.

### Key Provisions:

| Aspect                             | Relevant Provisions (MLRC, 1966) | What It Means in Simple Terms  |
|------------------------------------|----------------------------------|--|
| <b>Nature of the Code</b>          | Preamble & Section 1             | Consolidated law on land revenue and administration                                  |
| <b>Ownership of Public Land</b>    | Sections 50–54                   | Unoccupied/public land vests in the State; unauthorized occupation leads to eviction |
| <b>Who is an Occupant?</b>         | Section 2(22)                    | Lawful possessor of land, not necessarily owner                                      |
| <b>Revenue Authorities</b>         | Sections 5–16                    | Hierarchy: Commissioner, Collector, Tahsildar  |
| <b>Land Revenue</b>                | Sections 62–67                   | Statutory charge payable to the State  |
| <b>Survey &amp; Boundaries</b>     | Sections 126–140                 | Government surveys land and fixes boundaries   |
| <b>Agricultural Use of Land</b>    | Section 42                       | Agricultural land needs permission for non-agricultural use                          |
| <b>Non-Agricultural Permission</b> | Sections 42–45                   | Mandatory approval for land use conversion   |

| Aspect                            | Relevant Provisions (MLRC, 1966) | What It Means in Simple Terms                      |
|-----------------------------------|----------------------------------|--|
| <b>Record of Rights (7/12)</b>    | Sections 148–157                 | Record shows possession/cultivation, not ownership |
| <b>Presumption of Correctness</b> | Section 157                      | Records presumed correct unless disproved          |
| <b>Unauthorized Occupation</b>    | Sections 50–54                   | Revenue officers can evict encroachers             |
| <b>Appeals &amp; Revisions</b>    | Sections 246–256                 | Remedies against wrongful orders                   |
| <b>Revenue Tribunal</b>           | Chapter XV                       | Specialized forum for revenue disputes             |

## Conclusion

The Maharashtra Land Revenue Code, 1966, is the "constitution" of the state's soil. Its beauty lies in its balance: it gives the State the power to tax and regulate land, but it also gives the citizen a structured path to record their rights and appeal against injustice. For anyone dealing with property in Maharashtra, the MLRC is not just a law—it is the foundation of their economic and social security.

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## References

1. The Maharashtra Land Revenue Code, 1966.
2. *State of Maharashtra v. Digambar*, (1995) 4 SCC 683.
3. *State of Maharashtra v. Pralhad Bhairoba Suryavanshi*, (2003) 4 SCC 448.
4. *V.G. Nigade v. State of Maharashtra*, (2018).
5. Bare Act: Maharashtra Land Revenue Code with Rules.

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