

# **The Goa, Daman and Diu Disposal of Immovable Evacuee Property Rules, 1977**

GOA

India

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### **Rule**

### **THE-GOA-DAMAN-AND-DIU-DISPOSAL-OF-IMMOVABLE-EVACUEE-PROPERTY-RULES-1977**

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The Goa, Daman and Diu Disposal of Immovable Evacuee Property Rules, 1977Published vide Notification No. HD/33/3588/71-C, dated 12th June, 1978HD/33/3588/71-C. - In exercise of the powers conferred by Section 46 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (6 of 1964) and in supersession of the Government Notification No. HD/33/8019/67 dated 25-9-1967 published in the Government Gazette, No. 27, Series I dated 6-10-1967, the Government of Goa, Daman and Diu hereby makes the following Rules, namely:-

#### **1. Short title and commencement.**

(1)These rules may be called the Goa, Daman and Diu Disposal of Immovable Evacuee Property Rules, 1977.(2)They shall come into force at once.

#### **2. Procedure for sale of immovable evacuee property by public auction.**

(1)Where any immovable property is to be sold by auction, it shall be sold through an Officer appointed or auctioneer approved by the Government.(2)The terms and conditions on which auctioneers may be appointed shall, from time to time, be determined by the Government.(3)The Custodian or any Officer authorised by him in his behalf shall cause a proclamation of the intended sale to be made in English or Marathi or Konkani in the District of Goa and English Gujarati in the District of Daman and Diu.(4)Notice of the intended sale shall be given 30 days before the proposed sale and every such notice shall set the date, time and place of proposed sale, the description of the immovable property to be sold, its locations and boundaries where possible the terms and

conditions of sale any other particulars which the Custodian or any other Officer considers material.(5)One copy of the notice shall be affixed on conspicuous part of the immovable property to be sold. It shall be in the discretion of the Custodian to advertise the sale in newspapers or in such other manner as he may deem fit.(6)Every auction of the immovable property under these rules shall be subject to a reserve price fixed in respect of the immovable property and such reserve price may not be disclosed.(7)The Officer conducting the auction may, in his discretion with-hold the sale of any immovable property without assigning any reasons therefor.(8)The officer conducting the auction may, at his discretion, for reasons to be recorded in writing, adjourn the sale to a specified date and hours and an announcement to that effect shall be made at the time of the adjournment for the sale provided that when the sale is adjourned for a period extending fourteen days, a fresh notice shall be published.(9)No Officer or other persons having any duty to perform in connection with the valuation or sale of any immovable property shall either directly or indirectly bid for or otherwise acquire any interest in such immovable property.(10)The person declared as the highest bidder for the immovable property, at the auction shall pay in cash or Bank Draft or in any such other form as may be required by the Custodian or the Officer conducting the sale, immediately on the fall of hammer, a deposit not exceeding twenty per cent of the amount of his bid to the Officer conducting the sale and in default of such deposit the property may be re-sold.(11)The bid in respect of which the initial deposit has been accepted shall be subject to the approval of the Custodian or an Officer, appointed by him for the purpose:Provided that no bid of immovable property shall be approved until after the expiry of a period of 7 days from the date of auction.(12)Intimation of the approval of the bid or its rejection shall be given to the highest bidder (hereinafter referred to as "auction purchaser") by registered post acknowledgement due and the auction purchaser shall, where the bid has been accepted, be required within 15 days of the receipt of such intimation to deposit the balance of the purchase money:Provided that the Custodian or other officer appointed by him may, for reasons to be recorded in writing extend the aforesaid period of 15 days by such period as the Custodian may think fit.(13)If the auction purchaser does not deposit the balance of the purchase money within the period specified in sub-rule (12), the initial deposit made by the auction purchaser under sub-rule (10) shall be liable to forfeiture and the Custodian shall be entitled to re-sell the immovable property at the risk and cost of the defaulting auction purchaser.(14)Where the purchase price has been realised in full from the auction purchaser, the Custodian shall issue to him, a Sale Certificate which shall be stamped and registered at the cost of the auction purchaser.

### **3. Procedure for setting aside sale.**

(1)Where a person desires that the sale of any immovable property made under the aforesaid rules should be set aside because of any alleged irregularities or fraud, in the conduct of sale, he may make an application to that effect to the Custodian or any other Officer authorised by him in this behalf.(2)Every application for setting aside the sale under these rules shall be made within seven days from the acceptance of the bid when the sale is made by public auction.(3)If after consideration of the facts alleged, the Officer to whom the application is made under these rules shall be satisfied that any material irregularity or fraud has been committed in the publication or conduct of the sale, he may make an order that the property may be re-auctioned:Provided that no sale can be set aside under these rules unless upon the fact proved, such Officer is satisfied that the applicant has sustained substantial injury by reason of irregularity or fraud, as the case may

be.(4)Notwithstanding anything contained in these rules, the Custodian may, on his own motion or on a reference made in this behalf by the Government, at any time, set aside sale under these rules if he is satisfied that any material irregularity or fraud, which has resulted in a substantial injury to any person, has been committed in the conduct of the sale:Provided that no such sale shall be set aside after the expiry of one year from the date of the completion of sale unless the opportunity has been given to the purchaser to appear and be heard.

#### **4. Rules applicable for disposal of composite immovable property.**

- The above rules shall apply as far as may be possible for the disposal of composite immovable property which is jointly owned by an evacuee and a non-evacuee.

#### **5. Reserve price.**

- The reserve price shall be fixed by the Custodian with the help of the Mamlatdar or Collector of the Revenue Department and/or Director of Agriculture, in case of sale of land, and with the help of Chief Engineer of Public Works Department or his nominee in other cases.

#### **6. Acceptance of bid.**

- The Custodian shall not accept the bid below the reserve price. If the bid is less than the reserve price, the immovable property shall be disposed off by re-auction. If at the second auction, the highest offer is less than the reserve price, the Custodian may, at his discretion accept the offer.