

Punjab Package Deal Properties (Disposal) Rules, 1976

PUNJAB

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Rule

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Punjab Package Deal Properties (Disposal) Rules, 1976 Published vide Punjab Government Notification No. 2(753)/G-5/19556 dated 24-9-1976. Department Of Rehabilitation No. 2(753)/G-5/19556. - In exercise of the powers conferred by Section 18 of the Punjab Package Deal Properties (Disposal) Act, 1976, the Governor of Punjab is pleased to make the following Rules, namely :-

1.

These Rules may be called the Punjab Package Deal Properties (Disposal) Rules, 1976.

Chapter I

2. Definitions

:- In these Rules, unless the context otherwise requires ;(a)'Act' means the Punjab Package Deal Properties (Disposal) Act, 1976 ;(b)'agricultural worker' means a person who has agriculture as the only source of his livelihood but who does not own land and includes a Tenant, Sepi, Sanjhi or Agricultural Labourer ;(c)'cultivating possession' means continuous cultivating possession established by the entries in the revenue record ;(cc)['family' means spouse, unmarried sons and daughters, and father and mother of the Government employee, and his brothers and sisters wholly dependent upon him ;] [Inserted,-vide Notification dated 3rd September, 1991, published in the Punjab Government Gazette dated September 13, 1991](d)'head of the family' means a person living separately from his parents, may be in one and the same house and who is paying Chulha Tax,

Chowkidara or any other cess ;(e)'land' means surplus evacuee agricultural land included in Package Deal Property, which is not occupied as the site of any building and is used for agricultural purposes or for purposes subservient to agriculture or for pasture;(f)'landless' agriculturist' means a head of the family who is an agricultural worker ;(g)'own holding' includes : (i) the land owned by any person his wife and his dependent children but does not include his wife's or his dependent children's share in the holding of his living father or relation to which any one of them may succeed as legal heir or reversioner,(ii)any Nazool or inferior evacuee agricultural land purchased from the Revenue Department or any other source on instalment basis or otherwise by the occupant of surplus rural evacuee agricultural land, his wife or dependent children even if it has not been fully paid for ;(h)'Prescribed scale' means the scale as prescribed in the Land Resettlement Manual ;(i)'Property' means the building or building site included in the Package Deal Property ;(j)'restricted auction' means an auction confined to the members of the Scheduled Castes or to socially and educationally. Backward Classes of citizens notified by the State Government, from time to time ;(k)'Rural area' means an area within the State of Punjab which is not urban area;(l)'Rural Property' means land and property located in a rural area ;(m)'Urban area' means any area within the limits of a Corporation, a Noted Area Committee, a Town Area Committee, a small Town Committee, a cantonment or any other area notified as such by the State Government, from time to time ;(n)'Urban Property' means land and property located in an urban area.

Chapter II

Part I

3. Transfer of land in rural area.

(1)Persons entitled to make applications for the transfer of land, on the basis of possession .-[An application for the transfer of land which is rural property, as and when invited by Government, may be made by a person] [Amended vide notification dated 20th January, 1979, published in Punjab Government gazette dated February 16, 1979] [whose own holding is less than] [Substituted vide notification dated 22nd June, 1988, published in the Punjab Government gazetted dated July 1, 1988] ten ordinary acres and who is an occupant of such property, or who is a landless agriculturist or who is such other landless occupant or belongs to such class of occupants, as may be notified by the Government from time to time :-Provided that the applicant -(i)is head of the family ;(ii)is a self-tiller ;Explanation :- A widow who is occupant and is getting the land cultivated by her son (s) or by employing servant(s) ; or otherwise shall be considered as self-tiller.(iii)is in continuous and undisputed cultivating possession of the land from the crop that may be prescribed by the State Government from time to time ; and(iv)has applied for the transfer of the land occupied by him on or before the date, as may be prescribed by the State Government, from time to time.(2)Persons not entitled to make applications for the transfer of land :- An occupant shall not be entitled to apply if -(i)he is a minor, provided he is not a legal heir of an occupant who has died after making an application by the prescribed data ;(ii)he is an allottee or vendee of land, the allotment or transfer whereof has been cancelled on the grounds of fraud, misrepresentation of facts or otherwise ;(iii)she is a woman, whose husband is alive but is not disabled or incapacitated;(iv)[he has already purchased surplus rural evacuee agricultural land on the basis of possession or in restricted auction

and has disposed of the same, or has ceased to be entitled to hold the land by reasons of default in the terms and conditions of the transfer or sale ;] [Amended vide Notification dated 20th January, 1979.](v)[he is an employee of the State Government or is a member of the family of such an employee, except with the prior permission of the [State Government in case of gazetted Government employee and of Deputy Commissioner of the district in which the property is situated in the case of Government employee] [Inserted vide Notification dated 3rd September , 1991, published in Punjab Government gazette dated 13th September, 1991]substituted vide Notification No. GSR/83/PA-21/76S18/Amd(9)/94 dated 28-11-1994.(3)Determination of eligibility . - (1) On receipt of the application for the transfer of the land, the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall scrutinise the same under these rules and determine the eligibility of each applicant.(ii)In determining the eligibility of an occupant, the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall ensure that applicant's possession is established to be continuous and undisputed from the prescribed crop to the date of scrutiny of his case, from the entries made in the Revenue Records :Provided that in a case where the entries of revenue record are found to be doubtful or have been tempered with or where any entry in the Revenue Record is found to have been corrected after the date as may be prescribed by the State Government from time to time, the Tehsildar (Sales) or Naib-Tehsildar (Sales) may reject the same :Provided further that where, in a case, the Tehsildar (Sales) or Naib Tehsildar (Sales) is satisfied that certain entry or entries made in the Revenue Record have been tempered with mala fide to harm the interest of an eligible occupant, he shall not reject the same, but shall refer it to the Sales Commissioner, for decision, who may decide it after holding such enquiry as he may deem fit.(iii)In a case, where an occupant of the land has died after making the application by the date prescribed by the State Government from time to time, the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall proceed with the determination of the eligibility as if the legal heirs of the deceased were the occupants.(iv)In the case of a legal heir, his own holding shall have the same meaning as that of the occupant's own holding and while determining the eligibility for the transfer of the land this holding shall be taken into account.Provided that in the event of plurality of heirs of a deceased occupant, no individual heir shall be entitled to the transfer of the land exceeding his proportionate share in the land occupied by the deceased occupant.(v)[The occupant, who is a member of a registered society engaged in the cultivation of the land, shall be eligible for the transfer of land, notwithstanding, the fact that the entries in the Khasra Girdawari are in the name of the said society, provided he is, a self tilling member and fulfils other conditions, prescribed for the purpose.] [Amended vide Notification dated 20th January, 1979.](4)Determination of own holding, data for. - The determining date for an occupant's own holding shall be the date on which his application for the transfer of the land is decided by the Tehsildar (Sales) or Naib-Tehsildar (Sales). A part or whole of the holding, if transferred by an occupant, his wife or his dependent children to any one in any source on or after the date as may be prescribed by the State Government from time to time, and before the decision of his application by the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall be deemed to be a part or whole of his holding.(5)[Price of the land. - The price of the land transferred shall be determined at such rates as the State Government may prescribe from time to time.] [Amended vide Notification dated 20th January, 1979](6)Scrutiny of applications. -(i) On receipt of an application for the transfer of land, the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall scrutinise and dispose it of [within four months from the date of receipt by him of the application for transfer of the land under these rules] [Substituted vide Notification dated 28.11.1994.](ii)[Where the Tehsildar (Sales) or Naib-Tehsildar

(Sales) is satisfied that the occupant is eligible for the transfer of land in his or her possession, he shall send the case to the Sales Commissioner for approval, after recovery of the first instalment equivalent to an amount as may be specified by the Government from time to time and the arrears of rent/lease or damages, if any.] [Added vide Notification dated 20th January, 1979, published in Punjab Government Gazette, dated February 16, 1979] These arrears shall be paid in lumpsum or in such number of instalments as may be fixed by the Sales Commissioner by a specific order, keeping in view the circumstances of each case and the number of instalments so fixed shall not exceed the number of instalments in which price of land is to be recovered.(iii)The Sales Commissioner may, after scrutiny of the case referred to him under sub-rule (2), either confirm or reject or modify the recommendations of the Tehsildar (Sales) or Naib-Tehsildar (Sales) [within two months from the date of receipt of the case by him] [Word added vide Notification dated 28.11.1994.] :Provided where a transferee is a woman or a minor, the Sales Commissioner shall send the case to the Chief Sales Commissioner, with his specific recommendations.(7)Mode of recovery of price of land. - Where any land has been transferred to an occupant under these rules, the price of such land shall be payable in instalments, the number of such instalments and amount of each instalment shall be such as may be specified by the State Government from time to time.(8)Interest on instalments. - Where any land is transferred on instalment basis, the transferee shall be liable to pay interest at the rate, as may be specified by general or special order by the State Government from time to time.(9)[Default in the payment of instalment. - In the event of default on the part of transferee of land in the payment of any instalment by the stipulated date, Tehsildar (Sales) or the Naib-Tehsildar (Sales) may recover the amount of the defaulted instalment with interest at the rate of [fifteen per cent per annum as arrears of land revenue and in the event of three successive defaults by the transferee, the transfer of the land shall be liable to be cancelled.] [Amended/Inserted vide Notification dated 20th January 1979.](10)Refusal to accept the transfer of land. - Where an occupant refuses to accept the transfer of the land transferred to him, it shall be disposed of in auction or in any other manner prescribed under these rules.(10A)[Bar on the alienation of land transferred on the basis of possession. - (1) Where the land has been transferred on the basis of possession, the transferee shall not be entitled to lease, transfer, sell, mortgage with possession or otherwise alienate or part with the land wholly or partially in any manner for a period of twenty years from the date of transfer :Provided that the land transferred as aforesaid may be pledged in favour of the State Government, any semi-Govt., Corporation, or a co-operative financing institution of the State Government and any branch of the Punjab State Co-operative Bank for securing loan for effecting improvements on the above said land. (2) If a transferee who purchased the land by transfer violate any of the conditions specified in sub-rule (1), the Tehsildar (Sales) or Naib- Tehsildar (Sales) shall be competent to cancel the transfer, forfeit the amount already paid and resume the land after giving due notice to the transferee.] [Inserted vide Notification dated 3rd September 1991, published in Punjab Government gazetted dated September 13, 1991.](11)Deed of conveyance to be executed. - Where any land is transferred to an occupant under this Chapter, and he has paid full price thereof, a Deed of Conveyance shall be executed in form specified in Appendix 'A' to these rules.

3A. [Allotment of rural land to unsatisfied displaced land holders.]

[Amended/inserted,-vide Notification dated 20th January, 1979, published in Punjab Government gazetted dated 16.2.79]

- The rural land which is not transferred on the basis of possession may in the first instance be allotted to unsatisfied displaced land holders.

Part II – 4. (1). Allotment of land in rural area to permanently disabled soldiers killed in action.

(1) Permanently disabled soldiers, widows or parents of children of the soldiers killed in the Chinese aggression of 1962 and Pakistan aggression of 1965 and widows of the personnel of the Armed Forces, Border Security Force and Punjab Armed Police killed in the Indo-Pakistan conflict of 1971, shall be entitled to the allotment on the payment of the cultivable land as far as possible, upto the limit of ten ordinary acres inclusive of their own holdings, if any, at such rate, per standard acre as may be fixed by the State Government from time to time. For the purpose of valuation of land, ordinary acres shall be converted into standard acres, in accordance with the prescribed scale.] [Amended/inserted,-vide Notification dated 20th January, 1979, published in Punjab Government gazetted dated 16.2.79](ii) [If any widow of a soldier killed in the Chinese aggression of 1962 or Pakistan aggression of 1965 or 1971 remarries a person other than real brother of her deceased husband before the allotment of the land, she shall lose her right to get the allotment and in that case allotment shall be made in the name of her children from the deceased soldier, and in case the widow is issueless, the allotment shall be made to the parents of the killed soldier, irrespective of the fact, whether or not, they have submitted separate applications by the prescribed date, in such, a case the application submitted by a widow, by the prescribed date, shall be deemed to have been duly submitted in time by the children or the parents of the deceased soldier, as the case may be :] [Amended/inserted,-vide Notification dated 20th January, 1979, published in Punjab Government gazetted dated 16.2.79] Provided that in the case of the minor children of the deceased soldier, the allotment of land shall be made through their guardian.(iii) If any allottee of land, who was a widow, remarries within a period of 10 years from the date of allotment, the land allotted to her shall be liable to be cancelled by the Tehsildar (Sales) or Naib-Tehsildar (Sales) after due notice even if full price thereof had been paid and the area thus retrieved shall be allotted to the children of the deceased soldier, if any, through their guardian or to the parents of the deceased soldier, as the case may be.(iv) The price of land shall be recovered in 20 half-yearly interest-free instalments ; the first instalment equivalent to 5 per cent of the price, payable at the time of allotment of the land by the Tehsildar (Sales) or Naib-Tehsildar (Sales). The next instalment shall be payable at the end of the first crop after the expiry of one year from the date of allotment.(v) [In the event of default in the payment of any instalment by an allottee, he shall be liable to pay interest at the rate of seven per cent per annum for the over due period and in the event of default of two successive instalments, the Tehsildar (Sales) or the Naib-Tehsildar (Sales) shall recover the amount of defaulted instalments with interest as arrears of land revenue.] [Substituted for the clauses (v) & (vi) vide Notification dated 20th January, 1979 published in Punjab Government Gazette dated 16th February, 1979](2) Deed of conveyance to be executed.- Where any land is allotted to any person under this Chapter and full price thereof has been realised, a Deed of Conveyance shall be executed in form specified in Appendix 'A' of these rules.

Part II – A [4A. Transfer of land which has become sub-urban.] [Inserted vide Notification dated 8th May, 1986, published in Punjab Government Gazette dated May 16, 1986]

(1)Notwithstanding anything contained in rule 3, 4 and sub-rule (2) of rule 6(a) where the land has become sub-urban after Rabi 1976 as a result of extension of the limits of the Municipal Corporation, Municipalities or a Notified Area Committee, it may transferred upto three ordinary acres, inclusive of their own holding, if any, to the occupants who have undisputed cultivating possession of the land since Rabi, 1978 and have applied for its transfer in accordance with the provisions of Rule 3 or before 31st day of October, 1980 ; and(b)Where the land is sub-urban and falls within five miles of Indo-Pak Border, it may be transferred upto three ordinary acres inclusive of their own holding, if any, to the Rai Sikhs and Ex-servicemen, who are uninterrupted occupants of the land since Rabi, 1978, provided they apply in accordance with the provisions of rule 3 within the period specified in this behalf by the Government & their eligibility for transfer of land is determined in accordance with the said provisions.(2)The price of the land to be transferred under sub-rule (1) shall be the current market price in the case of non-Scheduled Castes occupants which shall be reduced by 25 per cent in the case of Scheduled Castes' occupants.(3)The current market price of the land shall be determined by the Tehsildar (Sales) keeping in view the factors specified in sub-rule (8) of rule 4-B.(4)All transfers of land made under this rule shall be subject to the approval of Sales Commissioner :Provided that if the transfer of land provisionally allowed by the Tehsildar (Sales) is not confirmed by the Sales Commissioner, the amount deposited by the transferee shall be refunded to him.(5)The price of the land shall be recoverable in twenty equated half yearly instalments together with the interest at the rate of ten percent per annum in the case of non-Scheduled Castes occupants but no interest shall be chargeable in the case of Scheduled Castes occupants.

4B. [Sale by negotiation of the cancelled land in rural area.] [Inserted vide Notification dated 20.3.1985, renumbered as 4-B vide Punjab Government Notification Dated 8-5-1986.]

(1)Notwithstanding anything contained in rules 3 and 4, the land allotted to a displaced person in excess of his entitlement the allotment whereof has been cancelled may be transferred to such allottee or his successors-in-interest or his bona fide vendee (s) at the negotiated price in the manner hereinafter specified if such an allottee is in continuous possession of the land.(2)The land the allotment of which has been cancelled on the ground of fraud, concealment or mis-representation of material facts, shall not be transferred to the allottee or his successor(s)-in-interest or vendee(s) under sub-rule (1).(3)A person eligible for the transfer of the land under sub-rule (1) shall make an application to the Tehsildar (Sales) concerned in whose jurisdiction the land falls, within a period of thirty days from the date of cancellation of the allotment. An application made after the expiry of the period aforesaid may be entertained by the Tehsildar (Sales) if the land is still available for transfer and the applicant agrees to pay an additional amount at the rate of five per cent per month of the price of the land fixed under sub- rule

(8).(4)Every application received under sub-rule (3) shall be scrutinized by the Tehsildar (Sales) for determining the eligibility of the applicant. The Tehsildar (Sales) may also enquire about undisputed continuous possession of the applicant.(5)If after scrutiny and enquiry made under sub-rule (4) the Tehsildar (Sales) finds the applicant eligible for the transfer of land under this rule, he may provisionally allow transfer of the land to such an applicant after charging twenty per cent of the price of the land specified in sub-rule (8) and after recovering the damages for its use and occupation as assessed in accordance with the provisions of rule 15 :Provided that the transfer of land to the applicant shall be subject to the approval of the State Government, or such other authority as may be specified by the State Government by Notification issued in this behalf.Provided further that if the transfer of land provisionally allowed by the Tehsildar (Sales) is not confirmed by the State Government, the amount deposited by the transferee shall be refunded to him.(6)After the provisional sale under sub-rule (5) is confirmed by the State Government or other authority specified by the Government, the remaining price of land shall be deposited by the transferee, in lumpsum, within a period of thirty days of the receipt of intimation of the confirmation of sale by him.(7)Notwithstanding anything contained in sub-rule (6) the State Government or an officer authorised by it in this behalf of notification, may by an order in writing, allow a person to pay the price of the land within such period as may be specified in the said order on payment of interest at such rate as may be specified by the Government, from time to time, by notification.(8)The price of the land shall be the current market price which shall be determined by the Tehsildar (Sales), keeping in view the following factors(1)(a)Average price in respect of similar land on the basis of sale transactions in the concerned revenue estate during the preceding one year ;(b)In case, in a particular village, no transaction is found to have been made during the preceding one year, the average price on the basis of sale transactions in the last year in which such transactions took place shall be increased by twelve per cent per annum to arrive at the current market price.(2)Where any cancelled land has become sub-urban or urban as a result of extension in the limits of a Municipal Corporation, Municipality or a Notified Area Committee before transfer of the land, the possibilities of its use for commercial, industrial or residential purposes shall be kept in view while assessing the market price.Provided that the price determined by the Tehsildar (Sales) shall be subject to the approval of the State Government or any officer authorised by it in this behalf, by notification.(9)If the displaced person or his successor(s)-in-interest or bona fide vendee(s), as the case may be, does not opt for purchase of such within the period specified in sub-rule (3) or is otherwise not eligible to purchase the same in accordance with the provisions of sub-rule (2) of rule 3, such land may be disposed of by way of public auction or by allotment to displaced landholders or persons mentioned in rule 4 or by negotiation to any Government Department, Semi- Government Department, Co-operative Society, Corporate Body, Public Institution or any local authority for a public purpose.(1)After the transfer of the land by negotiation to a person is approved by the State Government or by an officer authorised by it as is provided in the proviso to sub-rule (5) and the transferee has paid the entire price of the land, a deed of Conveyance shall be executed in his favour in the form specified in Appendix 'A' to these rules.

Part III – 5. Transfer of Property in a rural area.

(1)Where any property in a rural area is occupied by any person from January 1, 1970, or any other date that may be specified by the Government from time to time, he shall be entitled to its transfer

provided his possession over it has been continuous and un-disputed.(2)The transfer shall be made by the Tehsildar (Sales) or Naib-Tehsildar (Sales) on reserve or concessional price, as the case may be :Provided that the occupant has made application for the transfer within such time as may have been or may from time to time be fixed by the Government and where no such application has been made in time, the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall transfer the property on payment of penalty amounting to 50 per cent of the reserve price, in addition to the said price, in the case of occupant other than the members of the Scheduled Castes and Backward Classes and upto Rs. 50 in the case of Scheduled Castes or Backward Classes occupant.(3)[Fixation of Reserve price (a) For the purpose of transfer of property under these Rules, the reserve price shall be five times of the price] [Substituted vide Notification dated 22.6.1988.] entered in the Sikni Register. Where the price of a property is not mentioned in the Sikni Register, or the Sikni Register has been lost or destroyed, the reserve price of a built up property or a site shall be fixed by the Tehsildar (Sales) or Naib-Tehsildar (Sales), in consultation with the Village Panchayat subject to the approval of the Sales Commissioner :Provided that in the case of site located in a village covered by the following categories, the reserve price shall be fixed at the following rates :-(i)Village within 3 miles of a first class Municipality. = Prevailing market price.(ii)Village beyond 3 miles but within five miles of a first class Municipality. = [Rs. 6-00 per square metre.] [Substituted vide Notification dated 22.6.1988.](iii)Village within 2 miles of Municipalities other than a first class Municipality. = [Rs. 4-50 per square metre.] [Substituted vide Notification dated 22.6.1988.](iv)Village within five miles of a river, irrespective of population. = [Rs.0-75 per square metre.] [Substituted vide Notification dated 22.6.1988.](v)Village beyond five miles of a river, with population above one thousand. = [Rs. 3-00 per square metre.] [Substituted vide Notification dated 22.6.1988.](vi)Village beyond five miles of a river, with population upto one thousand. = [Rs. 1-50 per square metre.] [Substituted vide Notification dated 22.6.1988.]Provided further that where a village falls in more than one category, the reserve price of a site shall be fixed at the highest rate prescribed for any of the categories in which it falls.(b)The market price of a site shall be assessed on the basis of the last 2 years transactions, in the village and the market price so fixed, shall be subject to the approval of the Sales Commissioner.(c)[A Scheduled Castes or a Backward Classes occupant shall be entitled to the transfer of a built up property at the concessional price at the rate of 2/5th of the reserve price provided its reserve price does not exceed Rs. 1,000/-. If the reserve price of such property exceeds Rs. 1,000/- the excess amount over and above the said limit, shall be payable by the occupant in addition to the concessional price] [Substituted vide Notification dated 22.6.1988.] at the rate of 2/5th of the reserve price.(d)[A Scheduled Castes and Backward Classes occupant of a site, shall be entitled to its transfer at the concessional price] [Substituted vide Notification dated 22.6.1988.] at the rate of 2/5th at the reserve price provided the area of the site is 10 marlas or less or its reserve price is Rs. 1,000 or less. Where the area of the site or its reserve price exceeds the above limits, the occupant shall be entitled to the transfer of the site but the reserve price over and above Rs. 1,000 shall be payable by the occupant in addition to the concessional price [at the rate of 2/5th of the reserve price.] [Substituted vide Notification dated 22.6.1988.](e)[Where any property above the price of Rs. 1,000 is occupied by more than one Scheduled Castes or Backward Classes occupant, the portion occupied by each shall be transferable on the concessional price] [Substituted vide Notification dated 22.6.1988.] at the rate of 2/5th of the reserve price provided the price of the said portion is Rs. 1,000 or less.(4)Mode of recovery of the price of a property.- Where a property is transferred under this Chapter, its price shall be recoverable in lumpsum by the Tehsildar (Sales) or

Naib-Tehsildar (Sales) at the time of the transfer if the said price is Rs. 500 or less. If the price of the property is above Rs. 500 then 25 per cent of the same shall be paid by the transferee within 15 days of the receipt of intimation with regard to the approval of the transfer. Provided in the case of Scheduled Castes or Backward Classes occupant, the balance price shall be recovered in four half-yearly interest free instalments, or such number of instalments as may be fixed by the Government from time to time. (5) Recovery of rent of a property. - Where a property is occupied by a member of the Scheduled Castes or Backward Classes, no rent shall be recoverable. (6) Default in the payment of price. - In the event of default, in the payment of the balance or any instalment, in relation thereto, the Tehsildar (Sales) or Naib-Tehsildar (Sales) may cancel the transfer, forfeit the amount already paid and resume the property, after notice to the defaulter. (7) Authority competent to approve the transfer. - (i) Where any property is transferred under these rules, its approval shall be accorded by the Tehsildar (Sales) or Naib-Tehsildar (Sales) after the expiry of fifteen days from the date of the transfer provided the reserve price of the property is [one thousand rupees] [Substituted vide Notification dated 3rd September, 1991.] or below; (ii) Where the value of the property exceeds [one thousand rupees] [Substituted vide Notification dated 3rd September, 1991.], the Tehsildar (Sales) or Naib-Tehsildar (Sales), shall refer the case to the Sales Commissioner for approval with his recommendation; and (iii) The Sales Commissioner may after scrutiny of the case either confirm or reject or modify the recommendation of the Tehsildar (Sales) or Naib-Tehsildar (Sales). (8) Conveyance Deeds to be executed. - Where any property is transferred to an occupant under this Chapter, and he or she has paid full price thereof, a Deed of Conveyance shall be executed in form specified in Appendix 'A' appended to these rules. (8A) [No employee of the State Government or any member of his family, shall either directly or indirectly bid for, or otherwise acquire or attempt to acquire any interest in any property in a rural area except with the prior permission of the [State Government in the case of gazetted Government employee and of the Deputy Commissioner of the district in which the property is situated in the case of a Government employee other than a gazetted Government employee.] [Inserted vide Notification dated 3rd September, 1991, *ibid*]

6. Sale of land or property by auction.

- (1) Where any land or property is not transferred under Part I, Part II and Part III of this Chapter, and it is not required for, sale by negotiation, to any Government Department, Semi-Government Department, Co-operative Society, Corporate Body, Public Institution or any local authority for a public purpose, [it shall be disposed of by public auction or restricted auction by the Tehsildar (Sales) or Naib-Tehsildar (Sales)] [Substituted vide Notification dated 20th January, 1979.]. (2) Land to be sold by public auction. - The following categories of land shall be sold by public auction, open to all :- [Substituted vide Notification dated 20th January, 1979.] (i) [lands which are sub-urban or are potential residential or commercial sites or are under garden or fall within garden colonies; [Substituted vide Notification dated 3rd September, 1991.]] (ii) lands equivalent to seventy-five per cent of cultivable and fifty per cent of Banjar and Ghair Mumkin; and (iii) small fragments of land not exceeding one acre. (iv) [& (v) Omitted.] [Omitted vide Notification dated 25th Feb., 1985.] (3) [The surplus rural agricultural land which does not fall in the categories specified in the preceding sub-rule shall be disposed of by restricted auction to the following classes of persons and in the following ratio, namely :-] [Substituted vide Notification dated 3rd September,

1991.](i)persons belonging to the Scheduled Castes not exceeding forty per cent of the Banjar and Ghair Mumkin land ;(ii)persons belonging to the Backward Classes not exceeding ten per cent of the Banjar and Ghair Mumkin land; and(iii)persons belonging to the Scheduled Castes and Backward Classes the whole of the available cultivable land.(4)Persons who can participate in restricted auction. - Where any land is to be sold by restricted auction only a landless agriculturist who is a member of the [Scheduled Castes or Backward Classes and resides in the village in which the land offered for sale is situate shall be permitted to participate in the auction: provided that if after the proceedings of the restricted sale as above, more land is available for sale in the village, a landless agriculturist who is a member of the Scheduled Castes or Backward Classes and resides in other villages of the same Patwar Circle shall be permitted to participate in the auction; provided further that if after the auction of land, as hereinbefore laid down, still more land is available for sale, landless agriculturist who is member of the Scheduled Castes or Backward Classes and resides in other villages of the same Kanungo Circle shall be permitted to participate in the auction.] [Substituted vide Notification dated 22.6.88.](5)Persons not eligible to participate in restricted auction. - (i) No minor or any one on his behalf, shall be permitted to participate in the restricted auction.[Inserted vide Notification dated 3rd September , 1991.](ii)No employee of the State Government or any member of his family, shall either directly or indirectly bid for, or otherwise acquire or attempt to acquire any interest in the land in rural area, except with the prior permission of the [State Government in the case of a gazetted Government employee and of the Deputy Commissioner of the district in which the property is situated in the case of employee other than a gazetted Government employee.](iii)[No member of the] [Substituted vide Notification dated 12.6.88.] Scheduled Castes or Backward Classes, who had already purchased land in restricted auction or on the basis of possession, and had disposed it of thereafter shall be permitted to participate in the restricted auction.(6)Procedure for sale of land or property, by auction. - Where any land or property is to be sold by public auction or by restricted auction;(i)it shall be sold by the Tehsildar (Sales) or Naib-Tehsildar (Sales).(ii)the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall cause a proclamation of the intended sale to be made in the language of the principal civil court of the original jurisdiction within whose jurisdiction the property is situate.(iii)notice of intended sale shall be given at least fifteen days before the proposed sale and every such notice shall state the date, time and place of proposed sale, the description of land or property to be sold, the terms and conditions of the sale and any other particulars which the Tehsildar (Sales) or Naib- Tehsildar (Sales) considers material. One copy of the notice shall be affixed on a conspicuous public place.(iv)where any land is to be sold by restricted auction to the residents of a Patwar/Kanungo Circle, the proclamation and notice of sale shall be issued in all the villages situate in the Patwar or the Kanungo Circle, as the case may be.(v)no sale shall take place until after the expiry of a period of fifteen days from the date of publication of the notice.(vi)every auction of the land or property under these rules shall be subject to a reserve price fixed in respect of the land or property, which may not be disclosed to public.(vii)the Tehsildar (Sales) or Naib-Tehsildar (Sales) may withhold the sale of any land or property after recording the reason, in writing, which may not be made public.(viii)The Tehsildar (Sales) or Naib-Tehsildar (Sales) may if the situation so demands, for reason to be recorded in writing, adjourn the sale to a specific date and hour and an announcement to the effect shall be made at the time of adjournment of the sale.Provided that where the sale is adjourned for a period exceeding fifteen days, a fresh notice shall be given.(ix)the person declared to be the highest bidder for the land or property, as the case may be at the public auction shall pay in cash 25 per cent

of the amount of bid as earnest money on the spot to the officer conducting the sale and in default of such deposit the property may be resold: Provided that in the case of sale by restricted auction, the earnest money shall be 5 per cent of the amount of bid. (x) where the highest bidder, whose bid is provisionally accepted resiles from the bid before its approval is communicated to him, the amount deposited by him under clause (ix) shall be forfeited. (xi) the bid in respect of which a deposit under clause (ix) has been accepted shall be subject to the approval of the Sales Commissioner: Provided that no bid shall be approved until after the expiry of a period of ten days of the auction. (xii) (a) intimation of the approval of the bid or its rejection shall be given to the highest bidder (hereinafter referred to as auction purchaser). (b) the auction purchaser shall, where the bid has been accepted, be required within fifteen days of the receipt of such intimation, to produce before the Tehsildar (Sales) or Naib-Tehsildar (Sales) the treasury challan in respect of the deposit of the balance of the purchase money in case the land or property has been purchased in open auction: Provided that the Sales Commissioner may for reasons to be recorded in writing extend the aforesaid period of fifteen days by such period not exceeding sixty days as he may think fit: Provided further that the period extended under the preceding proviso may further be extended by the Chief Sales Commissioner. (bb) [Where payment of the balance of the purchase money is made after the period of the first extension granted under the first proviso to sub-clause (b), the auction purchaser shall deposit along with the balance of the purchase money to be deposited under this sub- rule, interest on such balance from date of the expiry of the period of extension till the date of deposit, at such rate as may be fixed by the Government.] [Inserted.-vide Notification dated 30th August, 1979.] (c) where the land has been sold in restricted auction, the auction purchaser shall pay the balance price in 19 half-yearly equated interest-free instalments, the first instalment payable at the end of the first harvest after one year from the date of approval of the sale. (xiii) [If the auction purchaser does not deposit the balance of the purchase money within the period specified in clause (xii) or defaults in the payment of two successive instalments, within the stipulated period, the Tehsildar (Sales) or Naib-Tehsildar (Sales)] shall recover the amount of defaulted instalments as arrears of land revenue.] [Amended,-vide Notification dated 20th January, 1979.] (xiv) When the purchase price has been realized in full from the auction purchaser, the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall issue to him a certificate of sale in the form specified in Appendix 'B' appended to these rules. (7) Possession of transferred agricultural land. - Where any land has been disposed of in auction, the auction purchaser shall subject to the provision of any local or special law, be granted vacant possession of the land. (8) [Bar on the alienation of the land purchased in restricted auction. [Substituted vide Notification dated 22.6.88] - (i) Where any land has been sold in restricted auction, the auction purchaser shall not be entitled to lease, transfer, sell, mortgage with possession or otherwise alienate or part with the land wholly or partly, so purchased, in any manner, in favour of a person who is not a member of the Scheduled Castes or] Backward Classes for a period of twenty years; provided that the land may be pledged in favour of a Government or Semi-Government Corporation or Co-operative financing institution for securing loan for effecting improvements on the said land. (ii) An auction purchaser in restricted auction shall cultivate the land so purchased himself or through any member of the Scheduled Castes or Backward Classes only. (iii) If an auction purchaser in restricted auction violates any of the conditions, mentioned in clauses (i) and (ii) above, the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall be competent to cancel the sale, forfeit the amount already paid, and resume the land, after giving due notice to him.

6A. [Transfer of property in certain cases.] [Inserted vide Notification dated 8th May, 1986.]

(1)Notwithstanding anything contained in rules 5 and 6, the property situated in the village which has become Urban after the 1st day of January, 1977 as a result of extension of the limits of a Municipal Corporation, Municipality or a Notified Area Committee shall be transferred to the occupants of such property who have applied for transfer thereof in accordance with the provisions of rule 5 on or before the 31st day of July, 1979.(2)The provisions of sub-rules (3) and (4) of rule 5 shall mutatis mutandis apply to the property transferred under sub-rule (1) in respect of fixation of reserve price thereof and for payment and recovery of the price so fixed; and(3)All transfers of property made under this rule shall be subject to the approval of the Sales Commissioner :Provided that if the transfer of land provisionally allowed by the Tehsildar (Sales) is not confirmed by the Sales Commissioner, the amount deposited by the transferee shall be refunded to him.

6B. [Objections.] [Inserted vide Notification dated 20th January, 1979.]

(a)Where a person desires that the sale by auction of any rural property may not be confirmed under these rules because of any material irregularity, or fraud, in the manner and conduct of the sale, he may make an application to that effect to the Sales Commissioner :Provided that every such application for setting aside the sale shall be made within ten days of the said auction and the person making the application shall demand, deposit a sum equivalent to twenty per cent of the highest bid as challenge money ;[Provided further that if an objection is filed by a member of the Scheduled Castes or Backward Classes in respect of a sale made by restricted auction, the challenge money shall be equivalent to five per cent of the highest bid. In case of non- deposit of the challenge money within ten days of the order, the application shall automatically lapse.] [Substituted vide Notification dated 22.6.88.](b)In case an application under clause (a) is accepted the challenge money shall be refunded and the rural property shall be re-auctioned with the bid starting from the previous highest bid.(c)In case an application under clause (a) is not accepted, the challenge money shall stand forfeited.

Part V – 7. Procedure for the setting aside transfer.

- Where any person is aggrieved by an order of the Tehsildar (Sales) or Naib-Tehsildar (Sales), under rules, 3, 4 [4A, 4B, 5 and 6-A he may prefer an appeal to the Sales Commissioner within thirty days from the date of such order :] [Amended vide Notification dated 8th May, 1986.]Provided that the Sales Commissioner may entertain an appeal after the expiry of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Chapter III

Transfer of Urban Properties

8.

(1) Procedure for sale by public auction. (a) The urban property to be sold by public auction shall be sold by Tehsildar (Sales) or Naib-Tehsildar (Sales). (b) The Tehsildar (Sales) or Naib-Tehsildar (Sales) shall order a proclamation of the intended sale to be made in the language of the principal civil court of original jurisdiction within whose jurisdiction the property is situate. (c) Notice of the intended sale shall be given at least fifteen days before the proposed sale and every such notice shall indicate the date, time and place of the proposed sale, the description of the urban property to be sold, its location and boundaries, where possible the terms and conditions of the sale and any other particulars which the Tehsildar (Sales) or Naib-Tehsildar (Sales) considers material. One copy of the notice shall be affixed at a conspicuous place in the locality where the property is situate. The notice of the intended sale shall also be given by beat of drum in the locality, where such property is situate. (d) Where the Tehsildar (Sales) or Naib-Tehsildar (Sales) thinks it desirable that the notice of the intended sale of an urban property should also be published in the daily newspapers, he may get such notice published accordingly before putting it to auction. (e) The Tehsildar (Sales) or Naib-Tehsildar (Sales) may by an order in writing and after recording reasons for so doing withhold sale of any urban property notified for sale. (f) An urban property put to auction shall be sold subject to a reserve price fixed in respect thereof, but such reserve price shall not be disclosed. (g) The Tehsildar (Sales) or Naib-Tehsildar (Sales) may, for reasons to be recorded, in writing, adjourn the sale to a specific date and hour and an announcement to that effect shall be made at the time of the adjournment of the sale. Provided that where a sale is adjourned for a period exceeding fifteen days, a fresh notice shall be given in the manner indicated in clause (c). (h) [A person declared to be the highest bidder at the public auction shall be required to pay in cash, at the fall of the hammer, the whole amount of the bid if it does not exceed Rs. 500 in case the amount of bid money exceeds the said amount of Rs. 500, he shall be required to pay an amount equal to 20 per cent of the bid as earnest money and to pay the balance within] [Re-numbered vide Notification dated 30th August, 1979.] fifteen days of the date of receipt of intimation of acceptance of the bid. If this amount is not paid, the bid shall be deemed to have been cancelled and the urban property put to re-auction. The acceptance of the highest bid in respect of which a deposit has been made shall be provisional, subject to the confirmation of sale by the Sales Commissioner, provided that no bid shall be finally accepted until after the expiry of ten days from the date of auction. (i) The Tehsildar (Sales) or Naib-Tehsildar (Sales) shall not be bound to accept the highest bid but may reject such a bid for reasons to be recorded in writing. A person whose bid is provisionally accepted under clause (h) shall be bound by his bid and shall if he resiles from such bid, be liable to forfeiture of the deposit made by him. The decision of the officer with regard to the forfeiture of the deposit shall be final, subject, however, to appeal and revision as provided hereinafter. (j) When a bid has been approved by the Sales Commissioner the bidder shall produce before the Tehsildar (Sales) or Naib-Tehsildar (Sales), within fifteen days of the receipt of intimation by him of the acceptance of the bid, a challan showing deposit into the treasury of the balance of the purchase money. (k) [(1) The Sales Commissioner, may, in deserving cases, extend the period of fifteen days specified in clause (j) by such period as he deems fit, but not in any case beyond sixty days. The Chief Sales Commissioner may, in cases of exceptional hardship grant such further extension for the payment of balance price as he may deem proper.] [Re-numbered vide Notification dated 30th August, 1979.] (ii) [Where payment of the balance of the purchase money is made after the period of the first extension granted

by the Sales Commissioner, an auction purchaser shall deposit alongwith the balance of the purchase money to be deposited under clause (j), interest on such balance from the date of the expiry of the period of extension till the date of deposit at such rate as may be fixed by the Government.] [Inserted vide Notification dated 30th August, 1979.](1)[If the balance of the purchase money is not deposited within the period specified in clause (j) or the extended period, as specified in clause (k) (i) the earnest money shall be liable to forfeiture.] [Amended.-vide Notification dated 30th August, 1979.](2)Objection. - (a) Where a person desires that the sale by auction of any urban property may not be confirmed under these rules, because of any material irregularity, or fraud, in the manner and conduct of the sale, he may make an application to that effect to the Sales Commissioner :Provided that every such application for setting aside the sale shall be made within ten days for the said auction and the person making the application shall on demand, deposit a sum equivalent to 20 per cent of the highest bid as challenge money. In case of non-deposit of the challenge money within ten days of the order, the application shall automatically lapse.(b)In case an application under clause (a) is accepted, the challenge money shall be refunded and the urban property shall be re-auctioned with the bid starting from the previous highest bid.(c)In case an application under clause (a) is not accepted, the challenge money shall stand forfeited.

9. Procedure for transfer of urban property.

(a)[House, shops, building plots, sites or agricultural land which are being used for residential, commercial or industrial purposes may be transferred to the occupants on] [Amended.-vide Notification dated 30th August, 1979.] [the market price prevailing on the date of application in case the occupants are in continuous possession of that house, shop, building plot, site or agricultural land since the 1st January, 1977, or such other date as the Government may, from time to time specify and in the case of building plot, site or agricultural land, he had raised construction thereon on or before the said date.] [Substituted vide Notification dated 3.9.1991.](b)[An occupant who is transferred a building plot, site or agricultural land under sub-rule (a) may be transferred:] [Amended vide Notification dated 30th August, 1979.](i)an area not exceeding 500 square yards including the built up area in case it is used for residential purposes;(ii)an area not exceeding 1000 square yards including the built up area in case it is used for commercial or industrial purposes.(bb)[Where area of a building plot, site or agricultural land used for residential, commercial or industrial purposes by an occupant exceeds the limits prescribed in clause (i) or (ii) of sub-rule (b) the excess area shall be sold to the occupant by negotiation by the Government at such additional price not exceeding 25 per cent of the market value in case the built up area is used for residential purposes and not exceeding 50 per cent of the market price in case the built up area is used for commercial or industrial purposes, as may be fixed by the Government, keeping in view the location and the potential value of the area.] [Substituted vide Notification dated 30th August, 1979.]Provided that the total area transferred to the occupant shall not exceed the ceiling fixed under the Urban Land Ceiling (Regulation) Act, 1976.(c)Where a property is in the occupation of an individual, it shall be transferred to him if he is found eligible. However, where a property is occupied by more than one family in distinct portions which were divisible, such portions shall be transferred to them separately; provided there is no dispute between them and the applications for the transfer of the portions under their respective possessions are made separately by them within

the specified period. But, where there is a dispute between the persons occupying a property, and it is indivisible, it shall be disposed of by sale in auction.(d)(i)[Each transferee other than a member of the Scheduled Castes or Backward Classes shall be required to pay at the rate of 25 per cent of the price alongwith the arrears of rent or damages, in cash, of Urban Property to be transferred within thirty days of the determination of his eligibility, and the balance price shall be payable in lumpsum or in three equated bi-annual instalments bearing such rate of interest as may be specified by the Government.] [Substituted vide Notification dated 30th August, 1979.](ii)[The arrears of rent or damages shall be paid in lump-sum or in such number of instalments as may be fixed by the Sales Commissioner keeping in view the circumstances of each case and the number of instalments so fixed shall not exceed the number of instalments in which price of the urban property is to be recovered.] [Substituted vide Notification dated 30th August, 1979.](iii)[In case of default of any instalment, penal interest at such rate as may be specified by the Government shall be charged on the amount under default excluding the amount due on account of rent or damages. If the transferee fails to pay any instalment with interest on account of the balance amount or instalment on account of rent or damages within the time extended by the Sales Commissioner or the Chief Sales Commissioner, the Tehsildar (Sales) may recover the said amount as arrears of land revenue.] [Substituted vide Notification dated 30th August, 1979.](e)The members of the Scheduled Castes and Backward Classes shall be entitled to the following concessions:-(i)The Scheduled Castes and Backward Classes occupants may purchase properties under their occupation at a rate of fifty per cent of the market price:[Provided that any excess area above the limit prescribed in sub-rule (b) shall be transferred at the prevailing market price as referred to in sub-rule (bb).] [Inserted vide Notification dated 30th August, 1979.](ii)The total price will be payable by them in twelve equated half- yearly instalments; Provided that the first instalment shall be paid within one month of the offer of sale.(iii)If a Scheduled Castes or a Backward Classes transferee does not pay the instalment on the due date, penal interest as prescribed by the Government will be charged on the amount under default or as may be determined by the Chief Sales Commissioner in each case. If, however, he fails to pay the instalment and interest due thereon, within six months of the date on which the instalment becomes due or within the time extended by the Sales Commissioner or the Chief Sales Commissioner [the Tehsildar (Sales) or Naib-Tehsildar (Sales) shall recover the amount of the defaulted instalment with interest thereon at such rate as may be specified by the Government as "arrears of land revenue".] [Inserted vide Notification dated 30th August, 1979.](iv)Where it is established that a member of the Scheduled Castes had built a house before 15th August, 1947, on land which became urban evacuee land, such a person shall be entitled to retain the house without any further payment.(f)An urban property, may be disposed of by negotiation to Government Departments, Semi-Government Departments, Co-operative Societies, Corporate Bodies and Public Institutions for a public purpose, or to private companies registered under the Companies Act, 1956, in accordance with the Government Policy as may from time to time be framed.(g)All other properties, not covered by principles mentioned herein before, shall be disposed of by public auction or in other manner as prescribed by the State Government, from time to time.(h)[Land-locked urban plots or plots unfit for independent construction and occupied by the owners of the adjoining houses or located within commercial or industrial premises, shall be sold to the occupants by negotiation by Government at market price, provided their possession is undisputed. Where the possession is disputed, the plot shall be disposed of by auction as prescribed in sub- rule (g) and the auction thus held shall be confined to the owners of the adjoining houses.] [Inserted.-vide

Notification dated 30th August, 1979.]

10. Determination of eligibility for transfer.

(a)The eligibility of every applicant will be determined by the Tehsildar (Sales) or Naib-Tehsildar (Sales) by holding such enquiry as he may consider necessary and after affording the applicant reasonable opportunity to establish his claim.(b)If after making the enquiries, the Tehsildar (Sales) or Naib- Tehsildar (Sales) finds that the applicant is not eligible for transfer of an urban property, he shall reject the application after giving a hearing to the applicant and record the reasons for such rejection and shall also determine the amount recoverable as damage charges for the unauthorised use and occupation of such property.(c)Every transfer of urban property shall be subject to the approval of the Sales Commissioner.(d)When the transfer is approved by the Sales Commissioner, the transferee shall produce before the Tehsildar (Sales) or Naib-Tehsildar (Sales), within thirty days of the receipt of the intimation by him of such approval, a challan showing the deposit into the Treasury of the amount payable:[Provided that the Sales Commissioner may extend the aforesaid period upto sixty days in deserving cases. The Chief Sales Commissioner may, in case of exceptional hardship grant such further extension for the payment of the price, as he may consider reasonable.] [Inserted vide Notification dated 30th August, 1979.](e)[If the balance is not paid within the period specified above] [Inserted.-vide Notification dated 30th August, 1979.] the amount of defaulted instalments shall be recovered as "arrears of land revenue".

11. Fixation of price.

- In case of urban properties in which the price has already been determined by the Settlement Organisation of the Government of India, the following criteria shall be followed :-(i)The year in which the price of a particular urban property was fixed shall be taken as the base year and from that year onwards, till the date of re-assessment, the price of the plot area of the urban property shall be enhanced by 10 per cent of the price already assessed, per year; the price of the superstructure remaining the same. The Tehsildar (Sales) or Naib- Tehsildar shall, in cases where the price so enhanced does not get equated with the prevailing market price, make a report indicating price so enhanced and the prevailing market price to the Chief Sales Commissioner, who may enhance the price further so as to equate it with the prevailing market price.[Provided that in case the price by enhancing ten per cent per year works out to be higher than that of the prevailing market price, the Chief Sales Commissioner may reduce the price and fix it at the level of the market price prevailing in respect of such property.] [Added vide Notification dated 3rd September , 1991.](ii)(A)In all other cases, while fixing the market price, the following criteria will be kept in view :-(a)the value of the property in the neighbourhood;(b)the general prevailing market price of similar urban property in that locality;(c)in case, in a particular locality, no transaction is found to have been made, the last transaction in that locality or in the adjoining locality to be taken as the basis for assessing the market price by enhancing its price by 10 per cent per year of the amount of the last transaction;(d)The rent of the other local properties in that particular locality;(e)rental value, if any, as mentioned in the Municipal Property Register.(B)The assessment of market price on the basis of the criteria specified in sub-clause (A) will be made by the Tehsildar (Sales), subject to the final approval of the Sales Commissioner.(C)In case where the price of the superstructure is to

be fixed the assessment of the price will be made by the Tehsildar (Sales), in collaboration with the Local Public Works Department authorities subject to the approval of the Sales Commissioner.(D)(i)[In the case of a building plot, site or agricultural land, the area whereof is five hundred square yards or more and is being used for commercial or industrial purposes, the market price shall be assessed by the Valuation Board comprising Sub- Divisional Officer (Civil), Executive Engineer, P.W.D. (B & R) or his representative not below the rank of Sub-Divisional Officer, the District Industries Officer and the Settlement Officer (Urban);] [Inserted vide Notification dated 30th August, 1979.](ii)[Additional price of the area transferred to the occupants in excess of the limits prescribed in sub-rule (b) of Rule 9 shall also be assessed by the Board referred to in para (i).] [Inserted,-vide Notification dated 30th August, 1979.](iii)[The reserve price of urban land, plot or site which is not being used for residential, commercial or industrial purposes shall be assessed by the] [Substituted vide Notification dated 3rd September , 1991.] District Level Committee comprising the Deputy Commissioner or Addl. Deputy Commissioner, as Chairman, the Sub-Divisional Officer (Civil) and the Deputy Director, Local Bodies or the Commissioner of the Municipal Corporation, as members, which shall be subject to the approval of the Commissioner of the Division concerned.

12. [Process for submission of application. [Substituted vide Notification dated 22.6.1988.]

- Any person claiming to be entitled to the transfer of any urban property, may apply within such time as may be determined by the State Government, to the Tehsildar (Sales) or the Naib-Tehsildar (Sales) concerned;] Provided that any application made after the date so determined shall be forwarded to the State Government or an officer authorised by it who shall refer it to Tehsildar (Sales) or Naib-Tehsildar (Sales) for disposal.

13. [Persons not eligible to purchase urban property. [Substituted vide Notification dated 3rd September , 1991.]

- No employee of the State Government or any member of his family shall either directly or indirectly bid for, or otherwise acquire or attempt to acquire any interest in urban property except with the prior permission of the Deputy Commissioner of the district in which the property is situated.]

14. Issue of Sale Certificates and Deeds or Conveyance:

When the purchase money has been realized, in full, from the purchaser, he shall be issued a sale certificate or a Conveyance Deed in the form appended to these rules and a copy of the Sale Certificate or the Conveyance Deed shall be sent to the Registration Authorities of the area where the whole or any part of the urban property is situated.

Chapter IV

15. Assessment of damages.

- Where Tehsildar (Sales) or Naib-Tehsildar (Sales) is satisfied that any person is or has, at any time been in unauthorised occupation of any land or property to which he was not entitled or which was in excess of that to which he was entitled, then, without prejudice to any other action, which may be taken against that person, he may assess the damages on the principles specified below:(i)[Rural evacuee agricultural land. [Substituted,-vide Notification dated 3rd September , 1991.] - In case of rural property which is agricultural land, the damages shall be assessed and recovered] at two hundred and fifty rupees per acre per harvest and at the rate of fifty per cent of the above rate from the persons belonging to the Scheduled Castes and the Rai Sikhs;(ii)Urban land. - [In case of urban property which is agricultural land, the damages shall be assessed and recovered] [Substituted vide Notification dated 3rd September , 1991, ibid] at one thousand rupees per acre per harvest and at the rate of fifty per cent of the above rate from the persons belonging to the Scheduled Castes and the Rai Sikhs.(iii)Urban properties other than agricultural land. - In case of an urban property other than agricultural land, the damages shall be assessed on the basis of prevailing market conditions including the rates of rent of similar properties in the locality in which the property is situated:Provided that no such assessment shall be made without giving to the person concerned a reasonable opportunity of being heard.

Chapter V

16. Procedure for appeal, review and revision.

- (1) Procedure for appeal :a) An appeal shall be in the form of a Memorandum which shall be presented in person or through a duly authorised agent;b) A Memorandum of appeal shall be accompanied by a copy of the order appealed against and shall indicate clearly the grounds of appeal.c) No order shall be passed without giving any person a reasonable opportunity of being heard.(2)Procedure for revision:(a)A petition for revision shall be drawn up and presented in the same manner and within the same period as a Memorandum of appeal and shall be accompanied by a copy of order sought to be revised.(b)The grounds of revision shall be clearly set out in the revision petition.(c)Supply of copies of final orders. - Any person subject to the provisions contained in the Punjab Copying Manual, may obtain copies of final orders passed by the authorities under these rules, on the payment of the prescribed fees.(4)Inspection of Record. - Any interested person desiring to inspect the record of the proceedings relating to auction or transfer of any property may be allowed to do so on application subject to the payment of the prescribed Court fee.

Chapter VI

Miscellaneous

17.

(1) Service of orders and notices.- (i) Every order or notice made or issued under these rules shall be served by registered post acknowledgment due. (ii) A notice issued under these rules shall be effective only the expiry of the period stated therein and such period shall not ordinarily be less than fifteen days in any case. (iii) The service of an order or notice under sub-rule (1) shall be deemed to have been effected if the order or notice has been properly addressed and despatched by registered post. (iv) Where by due diligence the address of the person concerned cannot be known, the order or notice may be despatched to him through the Tehsildar (Sales) or Naib-Tehsildar (Sales) concerned. (v) Where an order or notice sent by post is returned undelivered, or where the Chief Sales Commissioner or other authority is satisfied that there are reasons to believe that the order or notice cannot be delivered in the ordinary course, the Chief Sales Commissioner or other authority may direct that the order or notice may be served either: (i) by publication in a newspaper having circulation in the area in which the person concerned is known to have last resided or to have carried on business; or (ii) (a) by affixing a copy of the same on the conspicuous place on the property, in relation to which the order or notice has been made or issued; or (b) by beat of drum at a place adjacent to such property and in the adjoining locality. (2) Fees. - (1) The following fees shall be payable in respect of appeals and applications under the Act: (1) Appeals :

(1) To the Chief Sales Commissioner Rs. 15

(2) To the Sales Commissioner Rs. 15

(2) Application :

(1) Any application for revision Rs. 20

(2) Any other miscellaneous application. Re. 1

(2) Any fee payable under this rule shall be paid in the form of court fee stamps. Deputy Secretary to Government, Punjab Rehabilitation Department, Chandigarh.-----