

Andhra Pradesh Escheats and Bona Vacantia Rules, 1975

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-ESCHEATS-AND-BONA-VACANTIA-RULES-1975 of 1975

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Andhra Pradesh Escheats and Bona Vacantia Rules, 1975Last Updated 22nd November, 2019In exercise of the powers conferred by Section 16 of the Andhra Pradesh Escheats and Bona Vacantia Act, 1974 (Andhra Pradesh Act 35 of 1974) the Governor of Andhra Pradesh hereby makes the following rules:

1. Short title.

- These rules may be called the Andhra Pradesh Escheats and Bona Vacantia Rules, 1975.

2. Definitions.

- In these Rules, unless the context otherwise requires, -(a)'Act' means the Andhra Pradesh Escheats and Bona Vacantia Act, 1974.(b)'Tahsildar' includes the Deputy Tahsildar in independent charge of a sub-taluk in who jurisdiction the escheats or Bona Vacantia lies.

3. Procedure for disposal of property declared as escheat or bona vacantia.

(1)For disposal of the property which has been declared as escheat or bona vacantia under sub-section (2) of Section 8 or Sub-Section (2) of Section 11 of the Act, the following procedure shall be followed:(a)If the property is movable property, the Local Officer shall sell the property in public auction after issuing notice of sale.(b)The notice of sale shall be given wide publicity by affixation of the notice in the village Chavidi or in a conspicuous place of the village; in the absence of village chavidi and in the Notice Boards in the Offices of the Collector and the Tahsildar, and by a beat of

tom-tom in the Village.(c)The notice of sale of movable property shall specify the description of the property to be sold, the approximate value of the property, and the place, day and the hour of the sale.(d)No sale shall take place until after the expiration of a period of fifteen days from the publication of sale notice.(e)Where the value of the movable property does not exceed two thousand rupees the Local Officer shall knock down the sale in favour of the highest bidder. The highest bidder shall pay the sale amount in cash immediately after the sale is knocked down in his favour.(f)Where the value of the movable property exceeds two thousand rupees the highest bidder shall deposit 15% of the sale amount to the officer conducting the sale at the time of the sale and pay the remaining 85% of the sale amount within thirty days; the 15% of the sale amount already deposited shall be liable for forfeiture, if the 85% of the sale amount is not paid within thirty days.(g)Where the auction purchaser refuses or omits to deposit 15% of sale amount or to complete payment of the remaining 85% of the sale money, the property shall be resold at the expense and hazard of such purchaser and the loss arising as well as expenses incurred on the resale shall be recoverable from such purchaser in the same manner as arrears of land revenue.(h)After expiry of thirty days from the date of sale, the authority who was empowered to dispose of an escheat under sub-section (1) of Section 6 of the Act shall make an order confirming the sale provided that if he shall have a reason to think that the sale ought to be set aside on the ground of any mistake or fraud or material irregularity in publishing or conducting the sale, he may, after recording his reason set aside the sale.(i)Whenever the sale is not confirmed or is set aside the deposit or the purchase money as the case may be shall be returned to the purchaser.(j)After the confirmation of the sale, the Local Officer shall cause the delivery of the property to the highest bidder.(2)(a)Where an escheat or a bona vacantia taken into custody under Section 9 or any part thereof consists of perishable articles, a list of such articles to be sold shall be drawn up with a notice specifying the place, and the day on and the hour at which, they will be sold and the Local Officer or the officer empowered by him shall cause proclamation of the intended sale to be made by beat of tom-tom in the village, where the perishable articles are to be sold, and in such other place as he considers necessary to give due publicity to the sale. The date and hour of the sale shall be fixed having regard to the condition of the perishable articles at the time of taking into custody of the property.(b)At the appointed time, the perishable articles shall be sold by public auction by the Local Officer in one or more lots and this shall be disposed of to the highest bidder.(c)Where the escheat or bona vacantia taken into custody, is movable property of value not exceeding fifty rupees the Local Officer shall cause it to be sold by public auction in the manner provided in clauses (a) to (e) (both inclusive) of sub-rule (1) of this rule.(3)(a)If the escheat or bona vacantia is an immovable property, and has been in the possession of the Government for not less than 12 years, it shall be disposed of by sale in the manner referred to in sub-rule (1) of this rule.(b)After the confirmation of the sale, the authority who is empowered to dispose of an escheat or bona vacantia under sub-section (1) of Sec. 6 of the Act shall cause the immovable property sold, registered in the name of the person declared to be the purchaser and grant certificate of sale bearing his seal and signature to such auction purchaser. Such certificate of sale shall state the description of property sold, and the name of the purchaser and it shall be conclusive evidence of the fact of the purchase in all Courts and tribunals where it may be necessary to prove the same.

4. Management of escheat or bona vacantia handed over by court till its disposal.

- The local Officer after taking possession of an escheat or, a bona vacantia through the Court under sub- section (2) of Section 8 of the Act shall arrange for its management till it is finally disposed off. If the property is movable property, the Local Officer shall arrange for its care and proper maintenance till it is disposed of in public auction. If the property is an immovable property, the Local Officer shall auction the lease hold in the manner provided in Rule 6 till it is finally disposed off.

5. Authority to auction.

- The authority to auction the leasehold of the immovable property under subsection (2) Section 10 of the Act shall be the Tahsildar under whose jurisdiction the immovable property is situated.

6. Notice of sale of lease.

- Before the lease hold is sold in public auction under sub-section (2) of Section 10 of the Act.(a)the Tahsildar shall cause a notice published at least fifteen days in advance of the date fixed for the sale.(b)the notice of sale shall be given wide publicity by affixing the same in the village chavidi or in a conspicuous place of the village; in the absence of the village chavidi, by affixing it on the notice board in the Office of the Tahsildar and by beat of tom-tom in the village.(c)The notice of sale of lease hold shall specify the description and location of the property and period of lease and the place, the day and the hour of the sale.(d)the period of lease shall not ordinarily exceed five years at a time.(e)the lessee shall pay the entire lease amount to the officer conducting the sale on the day of the sale.

7. Publication of notification.

- Every notice under sub-Section (1) of Section 11 of the Act shall be published: -(a)in the District Gazette where the property is situated;(b)at the office of the Collector and Tahsildar within whose jurisdiction the escheat or bona vacantia is situate;(c)at the village chavidi or at some conspicuous place in the village in which the property is situated; and(d)by beat of tom-tom in the village where the property is situate.

8. Forms.

(1)The report referred to in sub-section (1) of Sec.10 of the Act shall be submitted in Form -I appended to these rules.(2)The notice calling for claims and the form in which the claim has to be submitted under sub-section (1) Section 11 of the Act shall be in Forms-II and III respectively appended to these rules.

9. Power of summoning and inspection.

- Any Officer conducting enquiry under this Act shall have power to summon any witness and inspect any property or documents. Appendix 1 Form-I Form of Report to the Competent Authority under Section 10 (1) of the Act District of

1. Taluk

2. Village or Town

3. Description of property

4. Area in acres and cents or Hectares

5. Assessment

6. Estimated yearly rent value

7. Estimated market value

8. Date of death of last owner

9. Date on which the information regarding the escheat/ bona vacantia came to the notice of Local Officer

10. Name of claimant if any and their relationship with the deceased

11. Details of claims raised

12. Local Officer's recommendation

13. Any other remarks

Local Officer Date..... Appendix 2 Form -II (See Section 11 (1) of the Act) Notice It is hereby informed that the property mentioned in the Schedule below which has been taken into custody will be treated as escheat/ bona vacantia and any person who has got any claim to the said property may prefer his claim to the undersigned within three months from the date of publication of the notice.

Schedule

Name of the district	Name of the taluk	Name of the village	Details of the Property	Description of the property.	Estimated value of the property.	Name of the deceased owner and address.	Remarks.
Sl.No.	Extent	Assessment	Boundaries.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(a)	(b)	(c)	(d)				

Local OfficerAppendix 3Form-III(See Section 11 (1) of the Act)Dated.....Claims to the PropertyToThe.....Sir,With reference to the notice published by you under sub-section (1) of Section 11 of the Act, I prefer my claim to the property maintained in the said notification on the following grounds:-

1.

2.

3.

4.

5.

Claimant:Date: