

The M.P. Panchayat (Transfer of Immovable Property) Rules, 1994

MADHYA PRADESH

India

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Rule

THE-M-P-PANCHAYAT-TRANSFER-OF-IMMOVABLE-PROPERTY-RULES of 1994

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The M.P. Panchayat (Transfer of Immovable Property) Rules, 1994 Published vide Notification No. B-1-3-95-P-2-22, dated 9-1-1995, M.P. Rajpatra (Asadharan), dated 10-1-1995 at p. 22 (3)-(6) In exercise of the powers conferred by the sub-section (1) of Section 95 read with sub-section (2) of the Section 65 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by the sub-section (3) of Section 95 of the said Act, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Panchayat (Transfer of Immovable Property) Rules, 1994.

2. Definitions.

- In these rules, unless the context otherwise requires :-(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Section" means the section of the Act.

3. Resolution for the transfer of immovable property.

- A Panchayat may pass a resolution that any immovable property vested in or belonging to it is not likely to be required by it in the near future and it may be transferred by sale, gift, mortgage or exchange or by lease.

4. Sanction of competent authority.

- If the said property is to be transferred by sale, gift mortgage, exchange or by lease for a period exceeding three years or otherwise the Panchayat shall send a copy of the resolution alongwith full justification for such transfer, to the State Government or the officer authorised by it, as the case may be, for obtaining its/his sanction. On receipt of the sanction of the State Government or the authorised officer the said property shall be transferred according to procedure, hereinafter laid down.

[5. Transfer by public auction. - (1) No transfer of immovable property by sale or lease shall be made except by public auction :Provided that if the Panchayat is of the opinion that it is not desirable to transfer such property by public auction, it may with the previous sanction of the State Government or the officer authorised by it under Section 65, effect such transfer without public auction for a consideration which shall not be less than the prevalent market value of such property.] [Substituted by Notification No. B-1-3-95-XXII-P-2, dated 4-12-2000](2)The immovable properties or out of the shops constructed by the panchayats which are to be transferred on sale or by lease the reservation shall be made as follows :-

(i) For Scheduled Castes/Scheduled Tribes	In proportion of their population in the total population of Gram panchayat area.
(ii) For Other Backward Classes	Fifteen per cent.
(iii) For Women (including widows and abandoned)	Ten per cent
(iv) For handicapped persons (blind handicapped shall be given preference)	Two per cent
(v) For retired members of defence service	Two per cent.
(vi) For Freedom fighters	Two per cent.
(vii) For educated unemployed	Five per cent.
(3)The allotment of reserved shops or property shall be made by holding auction between the relevant reserve category.(4)The reserved category shops or property shall neither be transferred nor given on rent if happened so, the allotment shall be cancelled.	

6. Conduct of auction.

- The auction of immovable property of,-(a)a Gram Panchayat shall be conducted by the Chief Executive Officer of the Janapad Panchayat within whose jurisdiction the Gram Panchayat is situated;(b)a Janapad Panchayat shall be conducted by the Sub- Divisional Officer authorised by the Collector; and(c)a Zila Panchayat shall be conducted by the Collector or an officer not below the rank of a Deputy Collector authorised by the Collector.

7. Annual rent to be payable in advance.

- Every lease of immovable property shall be subject to the condition of payment of annual rent payable in advance every year during the term of the lease.

8. Publication of notice of auction and the conditions of lease or sale.

- A notice specifying the conditions of lease or sale, the date, time and place of auction shall be published not less than fifteen days prior to the date fixed for the auction by pasting a copy of the notice containing the said information on the notice board of the Panchayat and Tahsil office concerned and by beat of drums in the local area in which the property is situated. Where the off-set price of the immovable property is more than ten thousand rupees, the said notice shall also be published in local newspapers.

9. Supervision of auction.

- The auction shall take place under the supervision of a committee constituted by the Panchayat concerned for the purpose for time to time.

10. Conditions of auction.

- The auction shall, in addition to any other conditions which the Panchayat may think fit to impose be subject to the following conditions, namely :-(a)no one shall be allowed to bid unless he has deposited a sum of equal to five per cent of the price of the property with the officer conducting the auction as an earnest money;(b)the highest bid shall be accepted subject to the confirmation by the Panchayat :Provided that the lower bid may be accepted with the sanction of the State Government or any other officer authorised by it under Section 65.(c)the person whose bid is accepted shall deposit twenty-five per cent of the auction price immediately after his bid is accepted. The deposit of earnest money shall be adjusted in this amount. If he fails to deposit twenty five per cent of the auction price as required by this rule the earnest money deposited by him shall be forfeited in favour of the Panchayat concerned and the auction shall be treated as cancelled.(d)The balance shall be paid and the deed of transfer executed within thirty days of the confirmation of the bid being notified to him. If he fails to deposit the balance within thirty days of confirmation of bid the twenty-five per cent amount deposited by him shall stand forfeited in favour of the Panchayat concerned and the auction shall be treated as cancelled.

11. Refund of earnest money.

(1)The amount of earnest money of the rest of the bidders shall be refunded to the persons concerned.(2)Where a lower bid is proposed to be accepted under proviso to clause (b) of Rule 10 the amount deposited under clause (c) of the said rules shall be refunded to the person concerned as soon as may be, after the approval of the lower bid by the State Government or the officer authorised.

12. Register of Immovable property.

- The Panchayat shall maintain a, register of immovable property vested in or belonging to it in the form appended to these rules.

13. Reauction of immovable property.

- Immovable property whose auction has been cancelled under Rule 10 shall be reaucted in the manner provided by these rules.

14. Repeal and Saving.

- All rules previously made in this behalf are hereby repealed except as respects the thing done or omitted to be done under the rules so repealed. Form (See Rule 12) (Register of Immovable Property)

1. Serial No.
2. Name of village or town in which property is situated.
3. Description, situation and boundaries of the property.
4. Settlement number or number in the Nazul Register in Land Record Department (in case of land).
5. Area in hectares.
6. Valuation.
7. Number and date of Government order transferring the management to the Panchayat.
8. Description of the property held :
 - (1) Under direct management :
 - (i) Date of acquiring.
 - (ii) No. and date of order authorising such occupation.
 - (2) Received in donation-
 - (i) the name of the donor.
 - (ii) the approximate value.
 - (3) Purchased or constructed-
 - (i) date of purchase or sanction of construction.
 - (ii) value of the property.
9. Name of the tenant or lessee, if any, and term of lease.
10. Date of termination of lease.
11. Rent per annum.
12. Method of final disposal of property with number and date of Government order sanctioning sale, etc. name of purchaser, if any, and amount for which sold.
13. Whether registration has been done, if yes, give registration number and date, etc.
14. Signature of the Secretary of the Gram Panchayat/Chief Executive Officer, Janapad Panchayat/Zila Panchayat.

15. Remark.

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