

# **Andhra Praesh Panchavat Raj (Sale of usufruct and trees vested in Gram Panchayat) Rules, 2000**

ANDHRA PRADESH

India

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### **Rule**

### **ANDHRA-PRAUESH-PANCHAVAT-RAJ-SALE-OF-USUFRUCT-AND-TREES-VESTED IN GRAM PANCHAYAT) RULES, 2000**

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Andhra Praesh Panchavat Raj (Sale of usufruct and trees vested in Gram Panchayat) Rules, 2000Published vide Notification No. G.O. Ms. No. 76, Panchayat Raj and Rural Development (Rules), dated 13.03.2001Last Updated 28th August, 2019No. G.O. Ms. No. 76. - In exercise of the powers conferred by Section 58 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994) and in supersession of the rules issued in G.O.Ms. No. 107 Panchayat Raj, dated 7-3-1968, the Governor of Andhra Pradesh hereby makes the following rules, namely:-

#### **1. Short title.**

- These Rules may be called the Andhra Praesh Panchavat Raj (Sale of usufruct and trees vested in Gram Panchayat) Rules, 2000.

#### **2. Definitions.**

- In these Rules, unless the context otherwise requires, "Act" means the Andhra Pradesh Panchayat Raj Act, 1994.

#### **3. Applicability of rules.**

- The trees (except those granted under tree tax system) standing on any public road or the porambores namely grazing grounds, threshing floors, burning and burial grounds, cart stands, cattle stands under Section 58 of the Act any communal property issued under Section 55, and all

public water courses, springs reservoirs, tanks, cisterns, fountains, wells, standpipes and other water works under Section 80 of the said Act shall vest in the Gram Panchayat and be administered by it, for the benefit of the villagers or holders.

#### **4. Maintenance of register.**

- The Gram Panchayat shall maintain a register of all locations, areas or spaces where trees are planted and the date of plantation on the public lands by obtaining the particulars from Revenue, Forest and Irrigation Departments.

#### **5. Inspecting Officers.**

(1)The Gram Panchayat shall get the plantations inspected by an Officer not below the rank of a Forest Range Officer who would advise on:-(i)the probable time by which the plantations under silviculture species would grow;(ii)the month or months when it would be desirable to conduct sale of usufruct the Gram Panchayat shall also have the right to sell the usufruct of trees on the road margins of National Highway and State Highway;(iii)the cost of mature silviculture trees in market and market value of usufruct.(2)The Gram Panchayat shall also have the right; -(i)to sell, withered, wind fallen trees;(ii)trees which cause obstruction for traffic or such trees which stand on the bunds of the tanks the leaves of which fall into and pollute the drinking water in the tank, but shall not cut such trees which are avenue plantations shade giving trees and such plants whose leaves are fed to the sheep during unfavourable seasonal conditions in drought prone areas.

#### **6. Upset price for usufruct of trees depends on the market value.**

(a)The upset price for the usufruct of trees in the Gram Panchayat and the upset price for selling mature silviculture plantations would be arrived by fixing 70% of the market value of such usufruct or timber or fuel wood value in the market depending on the market value and care should be taken to get the value of different species in the market.(b)Proposals should be submitted to the District Panchayat Officer for the approval of the proposals of the Gram Panchayat. The District Panchayat Officer should approve the proposals and return the same within seven (7) days from the receipt of proposals. If he wants to make any changes, he would obtain prior approval of the District Collector and return the proposals so approved.(c)After receiving the approval for the upset price, the Executive authority shall cause a notice of auction-cum-tender to be published in the largest circulated Telugu daily besides affixing on the notice Boards of Graip Panchayat and other Gram Panchayats in the Mandal and all Government Offices in Mandal including Mandal Parishad and Mandal Revenue Offices and also by beat of drum in the village. The sale of both usufruct and sale of trees should be the basis of auction-cum-tender.(d)The notice should also contain the varieties of usufruct yielding trees like Mango, Coconut, Sapota, Guava, Tamarind, Amla, Neredu, location number of plants etc., In respect of mature silviculture plantations, similar description like Eucalyptus, Bamboo, Subabulu, babul etc., and their number and location should be given so that interested parties can inspect the plantations. Whenever there are clusters of plantations. Gram Panchayats should fix up identification of the blocks and areas conspicuously so as to enable the parties to inspect them.(e)The notice should contain the venue, time and date for hold auctions, the

upset price, the dates during which tender forms are available for sale and the last date for filing tender scheduled. Tender schedules should be received up to 2 hours prior to the time of commencement of auction. Publication in the News paper may be dispensed with, in case the upset price is less than Rs. 2,500/- (Rupees two thousand and five hundred only).

## **7. Eligibility for participation in auction or tender.**

(a) All persons who produce solvency certificate up to one and a half times, of the value of upset price are entitled to participate both in auction and tender. (b) 25% of the upset price should be deposited by participants in auction and tender. Tenders have to enclose Demand Drafts in favour of Gram Panchayat. The persons participating in auction can deposit cash. (c) Those who are defaulters to Gram Panchayat or Forest Department shall not be eligible to participate.

## **8. Postponement auction and presence of Officers .**

(1) The date of auction once notified shall not be postponed except under the Court or Government Orders. If the Panchayat wants to postpone the dates for just and sufficient reasons, there should be an interval of not less than 5 days enable them to give sufficient notice to all. The postponement should be done in the same manner in which the earlier notice was published. (2) The following Departmental Officers shall be present as observers during auction proceedings.

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|----------------------------------|--|
| (a) Extension Officer            | Where the upset price is less than Rs. 25,000/-                                |
| (b) Divisional Panchayat Officer | Where the upset price is not below Rs. 25,000/- but not exceeding Rs. one lakh |
| (c) District Panchayat Officer   | Where the upset price is more than Rs. one lakh.                               |

## **9. Commencement of auction.**

- The auction should commence in time and should be presided over by the Executive Authority in the presence of Sarpanch. (a) The tender box should be brought and kept in the meeting hall before auction is commenced. (b) Only such of those who have paid security deposit shall be allowed to enter into auction hall. (c) The Sarpanch has the right to suspend a person from further participation in case he tries to obstruct the proceedings.

## **10. Confirmation of Higher Bidder.**

(a) After the highest bid amount is announced the Executive Authority should open the tender box and read out the names of the tenderers and the amount tendered by them, the higher of these two amounts shall be accepted subject to confirmation. (b) Within 2 weeks from the date of auction, Executive Authority shall convene a meeting of the Gram panchayat and get the sale confirmed. (c) The lessee shall pay the balance amount of 75% and enter into the property to cut the trees. In case of usufruct, he shall have the right to enjoy the produce for a period of one (1) year from taking possession of the property. (d) In case of usufruct of trees, the Panchayat can renew the lease for a further period of two years an Annual increase of 7 1/2% -

## **11. Precautions to be taken by the lessee.**

- The lessee should not cause damage to other existing plantations in the location. He should make his own arrangements to cut and remove the sale property. He should not cause any damage to any structure of private or public while transporting the tember he should remove all sale property before the date mentioned or on the date of taking over possession within 1 ½ months of time.

## **12. Auction to be taken by the Sarpanch for replantation.**

- Soon after the land is cleared, the Sarpanch should approach the Forest Officers for supply of suitable species for plantations and take steps to plant them by the time of onset of monsoons.