

# **The M.P. Municipalities (Transfer of Immovable Property) Rules, 1996**

MADHYA PRADESH

India

## **The M.P. Municipalities (Transfer of Immovable Property) Rules, 1996**

### **Rule**

### **THE-M-P-MUNICIPALITIES-TRANSFER-OF-IMMOVABLE-PROPERTY-F of 1996**

- Published on 6 February 1996
- Commenced on 6 February 1996
- [This is the version of this document from 6 February 1996.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Municipalities (Transfer of Immovable Property) Rules, 1996Published vide Notification No. 8-18-3-96, dated 6-2-1996In exercise of the powers conferred by Section 355 read with Section 109 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the State Government hereby makes the following rules namely :-

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

(1)These rules may be called the Madhya Pradesh Municipalities (Transfer of Immovable Property) Rules, 1996.(2)These rules shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette".

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

- In these rules unless the context otherwise requires ;-(a)"Act" means the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);(b)"Section" means the section of the Act.

#### **3.**

No immovable property which yields or is capable of yielding an income shall be transferred by sale, or lease or otherwise conveyed except to the highest bidder at a public auction or offer in a sealed cover :Provided that if the Council is of the opinion that it is not desirable to hold a public auction or to invite offers in sealed covers for such transfer, the Council may, with the previous sanction of the

State Government, effect such transfer without public auction or inviting offers in sealed covers :Provided further that the Council may, for reasons to be recorded in writing, transfer such immovable property to a bidder other than the highest bidder, with the previous sanction of the State Government :Provided also that in any such transfer by lease, a reasonable premium shall be payable at the time of granting lease and annual rent shall also be payable during the whole term of the lease.

**3A. [ Notwithstanding anything contained in Rule 3, the transfer of any immovable property to a public institution for the purpose of educational, charitable, religious or general public shall be made with the prior sanction of the State Government in accordance with the terms and rates as determined in the Revenue Book Circular IV (1).] [Inserted by Notification No. 5-XVIII-3-98, dated 22-1-1998.]**

[3B. Notwithstanding anything contained in Rule 3, the allotment of land to the political parties recognised at the National and State level, for the construction of office building may be made, subject to the following rates and conditions namely ;-(i)Rate ;-

- |  |   |
|--|---|
| (a) Land upto 4000 sq. ft.                             | By taking 10 per cent value of total premium and 5 per cent annual lease rent of the payable premium. |
| (b) Land more than 4000 sq. ft. and upto 10,000 sq. ft | By taking 25 per cent value of total premium and its 5 percent annual lease rent.                     |
| (c) Land more than 10,000sq. ft.                       | On total premium and lease rent.  |

(ii)Conditions .(a)The land may be allotted to the National level and State level recognised political parties only for the construction of office building. The list of the recognised political parties from the office of the State Chief Electoral Officer (Election Commission) shall be deemed to be valid. Simultaneously in the State, the basis of allotment of land of the Council shall be the State recognition viz., the political party may be of National level, yet its recognition in the State shall be necessary. This list shall be obtained from the Election Commission's State Office, every year.(b)The parties, who have been allotted land by the Government or Municipal Council, Nagar Panchayat in any city, shall not be allotted land again to them in the same city viz., the allotment of land to any party for the construction of office building may be made only once and only one piece of land in a city.(c)The application for the allotment of land shall be made only by the President or General Secretary of the State Working Committee of the political party concerned. The application made directly by the district or block units of the party shall not be considered.(d)The allotment of piece of land shall not be made on the name of any particular person or any office-bearer but may be made only on the name of the National level or state level party.(e)The construction of office building shall have to be completed within a period of one year from the date of execution of the lease of the land.

### **3C.**

It is found that the land allotted under Rule 3-A or Rule 3-B is not being used for the purpose for which the land was allotted or the concerned party or institution on the name of which the allotment was made is not in existence due to any reason, then the allotment shall be deemed to be cancelled automatically and the allotted land together with the structure constructed thereon shall be vested in the Municipal Council/Nagar Panchayat and the amount which was paid by such party or institution to the Municipal Council, Nagar Panchayat shall not be refundable.] [Inserted by Notification No. 395-XVUI-3-1999. dated 5-10-1999.]

### **4.**

When a transfer is to be made by a public auction or by inviting offers, the time, the date, the place and the conditions of the auction or offer shall, not less than 15 days prior to the date of auction or last date for the receipt of offers, be advertised in one or more local news-papers and shall be widely made known in the manner as determined by the Council.

### **5.**

The auction shall take place under the supervision of the Chief Municipal Officer, or such officials, as may be authorised by the Chief Municipal Officer in this behalf.

### **6.**

The auction or the offers, as the case may be, in addition to other conditions which the Council may think fit to impose shall be subject to the following conditions, namely :-(i)An amount of security deposit, as determined by the Council subject to the condition that such amount shall not be less than ten per cent of the estimated auction/offer price in cash or through Demand Draft, shall necessarily be deposited by bidders or the offerers as the case may be, before participating in the auction or giving sealed offers, otherwise no person shall be entitled to take part in the auction, similarly the offers without the said Security deposit shall not be entertained.(ii)The highest bid/offer shall be subject to sanction by the authorities as referred to in Section 109 of the Act.(iii)The authorities as referred to in condition (ii) above shall not be bound to sanction the highest bid/offer.(iv)The highest bidder or the highest offerer as the case may be, shall deposit 100% of the auction/offer price, within 30 days from the date of receipt of the notice of intimation that his bid/offer has been accepted by the authority as referred to in the condition number (ii) above. However, the amount of security deposit shall be adjusted in the said auction/offer price. If he fails to pay such amount within the said period, the security deposit shall be forfeited.(v)Leaving the security deposit of first 2 highest bidders/offerers, the Security deposit of all the remaining bidders/offerers shall be refunded immediately after the auction is over or the offers are opened, as the case may be.(vi)As soon as the full auction/offer price is received, the Security deposit of the remaining one bidder/offerer shall also be refunded.(vii)In case, bidder/offerer, whose bid/offer has been accepted, does not deposit the auction/offer price within the time prescribed as above, the

authority as referred to in condition (ii), may accept the second highest bid/offer, and on intimation, such bidder/offerer also does not deposit the auction/offer price within the prescribed time, the security deposit of such bidder/offerer shall also be forfeited.(viii)If the authority as referred in condition (ii), is of the opinion that instead of accepting the second highest bid/offer, re-auction or re-inviting the offers is necessary, then the Security deposit of such second bidder/offerer shall be refunded and auction to re-auction or re-inviting the scaled offers shall be taken.

## 7.

When a resolution is passed by the Council for the purpose of the proviso (ii) of sub-section (3 ) of Section 109, the Chief Municipal Officer shall forward the proposal to the State Government enclosing the following information ;-(i)nature of the property, i.e., land, shop, building, etc.:(ii)area of such property alongwith its site plan;(iii)in case of land acquired/purchased, by the Council the purpose for which it was acquire/purchased;(iv)the purpose for which such land/property is earmarked in the city Master Plan;(v)for what purpose the property is being used at present;(vi)the purpose for which such property shall be used by the person whose bid/offer has been recommended for acceptance;(vii)in case of building/shop, the cost of construction and the date of completion of its construction;(viii)the date of publication of notice in the local news-papers, and the date of auction or the last date fixed for the receipt of offers, as the case may be;(ix)Upset price/market value determined for auction/offers;(x)conditions of auctions/offers;(xi)the number of persons participated in the auction or the number of the offerers who gave their offer, as the case may be;(xii)the name of the first two highest bidders/offerers as the case may be, and the auction/offer price as quoted by them.

## 8. [ Reservation of shops. - (1) Out of the shops constructed by the Municipalities to transfer on sale or lease the reservation shall be made as follows-

- |   |  |
|---|--|
| (i) For Scheduled Castes and Scheduled Tribes.                              | In proportion of their population in the total population ofMunicipalities area. |
| (ii) For Other Backward Classes.  | fifteen per cent.  |
| (iii) For widows and abandoned women  | Three per cent.  |
| (iv) For handicapped persons (blind handicapped shall be given preference). | Two per cent.  |
| (v) For retired members of defence services                                 | Two per cent.  |
| (vi) For freedom fighters   | Two per cent.  |
| (vii) For educated unemployed   | Five per cent.   |
| (viii) For ladies   | Ten per cent.  |
- (2)The allotment of reserved shops shall be made by holding auction between the relevant reserve category.(3)The reserve category shops shall neither be transferred nor given on rent and if happened so, the allotment shall be cancelled.] [Substituted by Notification No. 33-XVIII-3-99, dated 24-4-1999.]

## **9. Repeal and Savings.**

- All rules/bye-Laws/orders corresponding to these rules in force immediately before the commencement of these rules and applicable to any Council are hereby repealed ;Provided that any order or action taken under the rules/bye-Laws/orders so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

## **10.**

These rules shall be common to all Councils.