

Rules for the Sale of Surplus Rural Properties

PUNJAB

India

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Rule

RULES-FOR-THE-SALE-OF-SURPLUS-RURAL-PROPERTIES of 1800

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Rules for the Sale of Surplus Rural Properties Rules framed regarding Sales of rural evacuee properties purchased from the Central Government. Sales of rural evacuee properties purchased from the Central Government.

1.

In these rules unless the context otherwise required :-(a) Surplus Evacuee Property means the acquired rural evacuee property which is not required for allotment to unsatisfied claimants and which has been purchased by the State Government from the Central Government under a Package Deal. (b) Rural Area means any area outside the limits of Corporation, A Municipal Committee or a town area Committee, a Small Town Committee, a Notified Area or a Cantonment. (c) Petty Property shall mean in the case of individual house/site/shop etc. when the reserved price does not exceed Rs. 250/-. In the case of agricultural land when the reserved price does not exceed auction or transfer at fixed price.

2. Appointment of Settlement Commissioner etc.

(a) The State Government may, by notification in the official gazette, appoint a Settlement Commissioner, a Settlement Officer, Additional Settlement Officer, a Deputy Settlement Officer, Tahsildar (Sales) and Naib Tahsildar (Sales) etc. as may be necessary for the disposal of surplus rural evacuee property provided that the Officer for the time being holding the post of Deputy Secretary to Government of Punjab, Rehabilitation Department, will be ex-officio Settlement Commissioner and no separate Notification appointing him as such would be necessary. (b) All Officers shall perform the function assigned to them by or under these rules under the general superintendence and control of the Settlement Commissioner and the Secretary to Government

Punjab, Rehabilitation Department. The Secretary to Government Punjab, Rehabilitation Department/Settlement Commissioner, may be general or special order, provide for the distribution or allocation of work to be performed under these rules.

3. Mode of Sale Property.

Any surplus evacuee property purchased by the State Government may be disposed of in any of the manners set out below :-(i)By public auction;(ii)By inviting tenders;(iii)By transfer to such class of occupants and at such price as the State Government may be general or special order specify.(iv)By transfer at agreed price to other Government Departments, Local Bodies including Panchayats, Block Samities and Zila Parishads, Industrial concerned, Companies and other Private Institutions for public, Industrial and any other common purposes.

4. Certain persons not eligible for purchase property.

No Officer or other person having any duty to perform in connection with the valuation or sale of any property of having any official connection with the Rehabilitation Department shall either directly or indirectly bid for, or otherwise acquire or attempt to acquire any interest in such property, except with the proper permission of Government.

5. Procedure for sale of property public auction.

Where any property is to be sold by public auction : (a)The property shall be sold through the officers appointed by the State Government in this behalf;(b)The Settlement Commissioner or any other officer empowered to sell any such property shall cause a proclamation of the intended sale to be made in the language of the principal civil Court of the ordinary jurisdiction within whose jurisdiction property is situated.(c)Notice of the 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 the proposed sale, the description of property to be sold, its location and boundaries where possible, the terms and conditions of the sale and other particulars which the State Government or other Officer considers material. One copy of the notice shall be affixed in a conspicuous place in the village(s) where the property is situated e.g. Panchayat Ghar, Gurdwara, Mandir, School etc. It shall be within the discretion of the Settlement Commissioner or other office to advertise the sale in news paper and in such other manner as he deem fit.(d)No sale shall take place until after the expiry of a period of fifteen days from the date of publication of the notices.(e)Every auction of a property shall be subject to a reserve price fixed in respect of the property, but such reserve price shall not be disclosed.(f)The officer conducting the auction may, in his discretion, withhold sale of any property without assigning any reasons therefor.(g)The officer conducting the sale may, at the discretion for reasons to be recorded in writing, adjourn the sale to a specified date and hour and an announcement to that effect shall be made at the time of adjournment of the sale. Provided that where a sale is adjourned for a period exceeding fifteen days, a fresh notice shall be published.(h)The person declared to be the Highest Bidder at the Public Auction shall pay in cash immediately at the fall of hammer the whole amount of the highest bid if it does not exceed Rs. 500/- and if it exceeds this figure, an amount equal to 25% of the highest bid, as earnest money.If this amount is not paid, the bid shall be

cancelled and the property put to re-auction. The loss, if any, resulting from the re-auction shall be recoverable from the previous bidder. The highest bid in respect of which an initial deposit has been made shall be subject to the approval of the Settlement Commissioner or an Officer appointed by him for the purpose. Provided that no bid shall be accepted until after the expiry of fifteen days from the date of auction. (i) Procedure for acceptance of the highest bid. (1) The Settlement Commissioner or any Other Officer shall not be bound to accept the highest or other bid and shall not be bound to disclose his reasons therefor. Every bidder shall be bound by his bid and shall, if he resiles from such bid, be liable to forfeit his deposit of earnest money. The decision of the Settlement Commissioner with regard to the forfeiture of the deposit shall be final. (2) When a bid has been accepted by the Settlement Commissioner or other Officer, the bidder shall produce before the Tehsildar (Sales) or any other Officer appointed by the Settlement Commissioner for the purpose, within thirty days of the receipt of such intimation to him of the acceptance of the bid, a challan showing a deposit into the Treasury of the balance of the purchase money. (3) The Settlement Officer (Sales) may in deserving cases extend the aforesaid period of 15 days such period not exceeding one month, as he may think fit. (4) The Settlement Commissioner may in exceptional and really hard cases grant such further extension for the payment of balance price as he may consider reasonable. (5) If the balance of the purchase money is not deposited with the period specified in sub-para 2 and 2 above, the initial deposit made by the purchaser shall be liable to forfeiture and he shall not have any claim to the property. Further, if in re-auction any loss is caused to Government, that loss may also be recovered from the defaulting bidder.

6. Procedure for sale of property by tender.

(a) Where any property is to be sold by inviting tenders the Settlement Commissioner or any other Officer authorised by him, shall invite sealed tenders for the property and the invitation for tenders shall specify :- (i) The amount to be deposited by the tenders as earnest money. (ii) a brief description of the property to be sold its location and boundaries where possible, any other particulars which may be material. (iii) the period within which tenders are to be received. (iv) the date, time and place fixed for the opening of tenders. (v) the terms and conditions of tenders as set forth in the provisions hereinafter appearing; and (vi) any other relevant information. (b) The tenders shall be opened by the Settlement Commissioner or any other authorised officer on the date and at the time and place fixed for the opening tenders in the presence of all those tenderers who may wish to be present. (c) Procedure for acceptance of tender

1. The Settlement Commissioner or other Officer shall not be bound to accept the highest or any other tender and shall not be bound to disclose his reasons therefor. Every tenderer shall be bound by his offer and shall, if he resiles from such offer, be liable to forfeit his deposit of earnest money. The decision of the Settlement Commissioner or the Officer with regard to the forfeiture of the deposit shall be final.

2. When a tender has been accepted by the Settlement Commissioner or other Officer, the tenderer shall produce before the Tehsildar (Sales), or any other Officer, appointed by the Settlement Commissioner for the purpose, within fifteen days of the receipt of the tender, such intimation to him of the acceptance of the tender, a challan showing a deposit into the Treasury of the balance of the purchase money.

3. Provided that the Settlement Commissioner or any other officer appointed by him in his behalf may, for reasons to be recorded in writing, extend the aforesaid period of fifteen days by such period not exceeding one month, as the Settlement Commissioner or such other office may think fit.

4. If the balance of the purchase money is not deposited within the period specified in sub-paras 2 and 3 above, the initial deposit made by the purchaser shall be liable to forfeiture and he shall not have any claim to the property. Further if in the re-auction any loss is caused to Government that loss may also be recovered from the defaulting tenderer.

7. Procedure for the transfer of surplus evacuee property at fixed rates.

(a) Any person claiming to be entitled to transfer of surplus evacuee land at fixed price under any general or special order, of the Government passed under rule 3 shall apply to the Tehsildar Mahal/Sales within the time which may be prescribed by the Government from time to time. The sale will be subject to the condition that the applicant pays all the outstanding dues including rent of the land. (b) The eligibility of every applicant shall be determined by the Tehsildar/Naib Tehsildar (Sales) strictly in accordance with the entries in the Revenue record and no oral evidence with regard to the possession of the applicant shall be allowed to be adduced. (c) After making necessary enquiries Tehsildar/Naib Tehsildar (Sales) arrives at the conclusion that the applicant is not eligible for the transfer of the property, he shall reject the application, recording in brief the reasons of such rejection. (d) Every person whose application is rejected may within 15 days of the date of the order, file an appeal against that order before S.O. (Sales) whose orders thereon, subject to the provisions of Review and Revision as provided in these rules shall be final. (e) If the Tehsildar/Naib Tehsildar (Sales) holds the applicant eligible for the transfer of the land, he shall pass an order accordingly giving full particulars of the land to be transferred and the price payable for the same. (f) Every transfer of land under this rule shall be subject to the approval of the Settlement Commissioner or any other officer appointed by him for the purpose, provided that no transfer shall be approved till after the expiry of 15 days from the date of the order under clause (e) of this rule. (g) Every person declared provisionally by the Tehsildar (Sales) eligible shall pay in cash an amount equal to 25% of the price as determined by the Tehsildar/Naib Tehsildar immediately after the order granting his application is passed. The deposit will be treated as Earnest Money. (h) When the transfer is approved by the Settlement Commissioner or other officer empowered to do so, the transferee shall

produce before the Tehsildar (Sales) within 30 days of the receipt of the intimation by him of such approval, a challan showing a deposit into the treasury of the balance price. Provided that the Settlement Commissioner or other Officer appointed by him may extend the aforesaid period of 30 days by such period as he may think fit and reasonable in each particular case. (i) If the balance is not paid within the period specified in the foregoing clause, the initial deposit made by the purchaser shall be liable to forfeiture and he shall have no claim to the property which the Government may dispose of in any manner as it may think fit.

8. Delivery of possession and issue of Sale Deed/Conveyance Deed.

When the purchase money has been realised in full from the purchaser, he shall be issued a sale certificate/conveyance deed which shall entitle him to take possession of the property sold to him. A certified copy of the sale deed/Conveyance deed shall be sent to the Registering Officer of the area where the whole or any part of the property is situated.

9. Complaints.

Where a person desires that the sale of any property should not be approved under Rule 5(i)(2) or Rule 6(c)(2) or Rule 7(h) because of any alleged irregularity or fraud in the conduct of the sale (including the case of a sale by public auction in the notice of the sale) or on the ground of any transferee not being eligible to purchase the land in his occupation at fixed price, he may make an application to that effect to the High Court or any other officer authorised by him in this behalf to approve the acceptance of the bid or tender, as the case may be: Provided that every such application for setting aside a sale shall be made: a. Within 10 days of the said auction or order of the Tehsildar/Naib Tehsildar, (Sales) under Rule 7(a). b. If the objection relates to a sale by auction, the applicant shall deposit a sum equivalent to the highest bid plus 20% as earnest money and undertake to buy the property at this enhanced value, if as a result of re-auction the property does not fetch a price higher than the enhanced value referred to above. c. Objections against auctions, restricted to the members of scheduled castes, should be entertained from Harijans without insisting on deposit of challenge money. d. On the receipt of such an application accompanied by the deposit, the sale shall not be approved till after a decision has been made in the application. e. If after consideration of the facts alleged; the Officer to whom the application is made, is satisfied that any material irregularity or fraud has been committed in the publication or the conduct of the sale, or the transfer, he may withhold approval and make an order that the property be re-auctioned or re-sold that the property be re-auctioned or re-sold by inviting fresh tenders or pass such other order as may be appropriate.

10. Powers of Review.

Settlement Commissioner/Settlement Officer (Sales) Tehsildar and Naib Tehsildar, Sales, will have the powers to review the orders passed by them for correcting and rectifying any clerical arithmetical or other material mistake or any other patent error. Provided that:-(i) When an officer below to the rank of a Settlement Officer intends to review his order he shall obtain the permission of the officer next above him. (ii) When it is proposed to pass an order in review adversely affecting

the rights of a person, such person shall be given an opportunity of being heard.

11. Powers of Revision.

Settlement Commissioner may call for the record of any case pending before or decided by a subordinate Officer and pass such order as may be deemed fit including the resumption of property, provided that the party affected by the proposed order shall be given an opportunity of being heard.

12. Supply of copies of final orders

. An interested person can obtain copies of final orders passed by Naib Tehsildar/Tehsildar (Sales), S.O. (Sales) and the Settlement Commissioner on the prescribed form bearing a Court Fee Stamp of Rs. 1-25. The copies will be supplied to him on the payment of the following fees in the shape of court-fee :-

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| (a) for a copy of the order passed by a Tehsildar/NaibTehsildar (Sales) | Rs. 1/- |
| (b) for a copy of the order passed by S.O. (Sales) | Rs. 2/- |
| (c) for a copy of the order passed by Settlement Commissioner | Rs. 3/- |

13. Inspection of Records.

An interested person desiring to inspect the records of the proceedings requires to transfer of any property may be allowed to so on payment of a fee of Rs. 2/- only in the form of Court Fee Stamps.

14. Service of Notices etc.

Service of any notice or letter may be affected through registered post or by personal service through a messenger or by publication in the press etc.

15. Arbitration.

In the event of any dispute about the sale the matter may be referred to the Secretary to Government, Punjab, Rehabilitation Department, whose decision shall be final.

16. General.

The Settlement Commissioner may pass appropriate orders to carry out the intention of these Rules relating to the interpretation and incidental matters in implementing the provisions of these Rules.

17. Audit of Accounts.

The sale/transfer files would be subject to audit by the Accountant General, Punjab, as well as by the Departments audit parties.-----