

# **Haryana Management of Municipal Properties and State Properties Rules, 2007**

HARYANA

India

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### **Rule**

### **HARYANA-MANAGEMENT-OF-MUNICIPAL-PROPERTIES-AND-STATE of 2007**

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Haryana Management of Municipal Properties and State Properties Rules, 2007Published vide Haryana Government, Notification No. S.O. 89/H.A. 24/1973/Section 257/2007, dated 2nd November, 2007No. S.O. 89/H.A. 24/1973/Section 257/2007. - In exercise of the powers conferred by clause (n) of sub-section (1) of Section 257 of the Haryana Municipal Act, 1973 (24 of 1973), and with reference to Haryana Government, Urban Development Department Notification No. S.O. 90/H.A. 24/1973/Section 257/2006, dated the 8th September, 2006, the Governor of Haryana hereby makes the following rules, namely :-

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

(1)These rules may be called the Haryana Management of Municipal Properties and State Properties Rules, 2007.(2)The shall apply to all the municipalities.(3)They shall come into force at once.

### **2. Definitions.**

(1)In these rules, unless the context otherwise requires. -(a)"Act" means the Haryana Municipal Act, 1973(24 of 1973);(b)"building bye-laws" means the Haryana Municipal Building Bye- laws, 1982;(c)"Commissioner" means Commissioner of the Division;(d)"due date" means the 10th day of the month following the month in which the amount becomes payable according to the English Calendar;(e)"Executive Officer" means the Executive Officer of the Municipal Council or Secretary of Municipal Committee, as the case may be;(f)"Form" means a form appended to these Rules;(g)"institutional purposes" means Social/Educational/Cultural/Charitable or religious

purposes;(h)"premium" means the price paid or promised for the transfer of a right to enjoy immovable property on lease hold basis;(i)"prescribed mode of payment" means payment by Demand Draft, drawn on any Scheduled Bank situated within the municipal area in favour of the Executive Officer or the amount paid in cash, representing 25% of the sale price/premium at the time of auction;(j)"transfer" means a sale or lease by creation of any easement right or privilege of land/building;(k)"transferrer" means a person, including a firm or other body of individuals, whether incorporated or not, to whom land or building is sold, leased or transferred in any manner whatsoever under these rules and includes his successors and assignees;(l)"sale price" means the amount paid or promised for the sale of immovable property on free hold basis;(m)"site" means any land which is transferred by the municipality under these rules;(2)Words and expressions used in these rules, but not defined shall have the same meanings as respectively assigned in the Act.

### **3. Mode of disposal.**

- Subject to any directions issued by the State Government, Municipality may dispose of any site/building belonging to it by way of sale or lease or exchange or by creation of any easement right or privilege or on tehbazari or otherwise as per provisions of these rules.

### **4. Fixation of sale price/premium.**

(1)In the case of sale/lease by allotment, the sale Price/premium shall be the market price to be determined by the State Government, on the recommendation of the Deputy Commissioner :Provided that the State Government may fix the sale price/premium less than the market price for allotment of a site/building under rules 8(2), 8(3) and 9(1) by recording reasons in writing :Provided further that the Deputy Commissioner, before making any recommendation shall consult District Town Planner, Executive Engineer (Public Works Department Building and Road) and Executive Officer and shall record reasons for such recommendations.(2)In the case of sale/lease by auction, the sale price/premium shall be the reserve price or any higher price/premium determined as a result of bidding in open auction.(3)Development charges as fixed by the State Government from time to time shall also be levied along with sale price/premium.

### **5. Sale of plots/land in sanctioned schemes.**

- Municipality may sell plots/land in the colonies/schemes which are duly approve/sanctioned and after getting the reserve price of the first auction approved from the State Government. Reserve price of subsequent auctions shall be determined on the basis of average of the bids of the preceding auction. This auction shall be held with the prior approval of and in the presence of nominee of Deputy Commissioner.

### **6. Sale of site/building by auction.**

(1)A municipality may sell a site/building with the prior approval of the Deputy Commissioner by auction :Provided this site/building -(a)is not reserved for any public purpose and is not being used

for common purposes;(b)is not a part of any town planning scheme;(c)cannot be utilized for the benefit of the people or in the interest of the municipality; and(d)is not part of street/road and its disposal shall not hinder the smooth movement of the traffic/people.(2)Any proposal under sub-rule (1) shall be accompanied by a resolution of the municipality, a plan of the proposed site/building to be sold with a statement in Form A.(3)The Deputy Commissioner shall record in writing an order on the proposal in consultation with District Town Planner -(a)sanctioning it subject to such conditions, as he thinks fit; or(b)refusing to sanction it.(4)When the Deputy Commissioner has accorded sanction to a sale by auction, the Form A as aforesaid shall in due course be resubmitted to Deputy Commissioner with the details regarding the auction shown in Form B. The Deputy Commissioner shall thereon either confirm the sale or refuse to confirm it. When the Deputy Commissioner has accorded sanction to sell, he shall depute an officer, not below the rank of Extra Assistant Commissioner to supervise the auction on behalf of the State Government.(5)Any orders passed by the Deputy Commissioner under sub-rules (3) and (4) shall be subject to the prior approval of the State Government.

## **7. Lease of site/building by auction.**

(1)The municipality may be authorized to lease out municipal shops for a period of five years each through open auction which may be renewed after the expiry of the said period on a revised rent by increasing it at the rate of 25% of the existing rent for a further period of not more than five years and so on. Such auction shall be held in the presence of President or Executive Officer, Deputy Commissioner or his nominee. Reserve price of each shop shall be got approved from the Deputy Commissioner.(2)With the prior approval of the State Government the municipality may lease out any vacant land falling in their area by auction for a period of not more than five years in the first instance, which may be renewed after the expiry of the said period on a revised rent by increasing it at the rate of 25% of the existing rent for a further period of not more than five years and so on.(3)The municipality shall move the case to Deputy Commissioner after ascertaining the building/site in question in the same manner as provided as sub-rules (2) to (4) of rule 6 :Provided the building/site -(a)is not reserved for any public purpose and is not being used for common purposes;(b)is not a part of any town planning scheme;(c)cannot be utilized for the benefit of the people or in the interest of the municipality; and(d)is not part of street/road and its disposal shall not hinder the smooth movement of the traffic/people.(4)Deputy Commissioner shall recommend the lease along with Collector's and market rates, with the condition that the lessee after expiry of lease period shall remove malba at his risk and cost.

## **8. Sale of site/building by allotment.**

(1)A municipality may allot a site with the prior approval of the State Government to the owner of the adjoining plot/house holder at market rates, on an application made in this behalf, if, -(a)the size of the plot is less than 100 yards;(b)it cannot be sold by auction as a separate and independent unit;(c)it is not reserved for any public purpose and is not being used for common purposes;(d)it is not a part of any scheme;(e)it cannot be utilized for the benefit of the people or in the interest of the municipality; and(f)it is not part of street/road and its disposal shall not hinder the smooth movement of the traffic/people.(2)A municipality may sell a site/building by allotment with the

prior approval of the State Government to the occupier of the site/building, on an application made in this behalf, if -(a)he is occupying it for more than 20 years;(b)it was allotted either on rent, lease or tehbazari initially;(c)the municipality is earning only nominal revenue from it;(d)it is difficult to take back the possession or to increase the rent/lease money :Provided that if the present occupier is other than the original allottee, he shall have to pay 25% of the sale price as additional amount;(e)it is not a part of street/road and its disposal shall not hinder the smooth movement of the traffic/people.(3)A municipality may sell a site/building to a Government Department or a Board or a Corporation wholly owned by the Government with the prior approval of the State Government on an application made in this behalf in the interest of the municipality.(4)Any application under sub-rules (1) to (3) shall be forwarded to the State Government through the Deputy Commissioner and it shall be accompanied by a resolution of the municipality, plan of the site/building with a statement in Form C.(5)The Deputy Commissioner may recommend the application to the State Government through the Director in Form D along with the resolution and documents submitted by the municipality, if he deems fit, or refuse to recommend it and may return it with such observations as he deems fit.(6)The State Government may accord its sanction, on receipt of the proposal through the Director may or refuse to sanction it.(7)When the State Government has accorded its sanction to a sale by allotment, the municipality shall take further action as per provisions of these rules.(8)Shops, which were constructed and leased by the municipality more than thirty years back may be sold to the lessee at the market rate with the approval of the Deputy Commissioner concerned.(9)For the sale of leased land with permanent structure may be sold at market rates to the owner of the building/premises, if -(a)he is occupying it for more than 20 years;(b)it was allotted either on rent, lease or tehbazari initially;(c)the municipality is earning only nominal revenue from it;(d)it is difficult to take back the possession or to increase the rent/lease money :Provided that if the present occupier is other than the original allottee he shall have to pay 25% of the sale price as additional amount;(e)it is not part of street/road and its disposal shall not obstructing the smooth movement of the traffic/people; and(f)prior approval of Deputy Commissioner is required before the sale of land.

## **9. Lease of site/building for Institutional purposes.**

(1)A municipality may allot a site/building on lease hold basis to an applicant for a period of ninety-nine years with the prior approval of the State Government to a registered society for institutional purposes, if -(a)it is a duly constituted registered society under the Societies Registration Act, 1860, or with the Haryana Cooperative Societies Act, 1984 (22 of 1984) with the Registrar of Societies, Haryana;(b)it is of non proprietary character, that is, its constitution does not vest control in a single individual or members of a family;(c)it has been in existence for the last five years and is providing services without any profit to the people of the area;(d)it has made significant contribution in the field of activities for which it has made application for allotment of land;(e)it has sound financial position and have capacity to meet 25% of the cost of land and construction thereupon. (The Society shall have to submit audited financial statements of the last five years and evidence of having necessary funds to prove its financial position);(f)its membership is open to all and its management is elected one. The election of the office-bearers shall have to be held once in three years;(g)there is no dispute regarding its management, assets, election of the office bearers etc.;(h)it has no land in its name for the same purpose within the same municipal area either on

lease hold basis or free hold basis;(i)1/3rd of the construction is completed within three years after obtaining the approval of the plan by the municipality. In case of failure to do so, the lease will be liable to be cancelled;(j)the building plan fits in with municipal rules and bye-laws.(k)the land/building constructed on the land is not to be used for any commercial purpose;(l)the price of the land is 50% of the prevailing market price in the vicinity as determined by the Collector plus development cost if any, required (to be assessed by municipality concerned or 50% of similar works done by Haryana Urban Development Authority in the neighbourhood, whichever is more, payable either in lump sum or in four equated installments). A sum equivalent to 25% of the total price shall be payable within one month from the date of allotment and the remaining 75% in the three equal annual installments, with rate of interest on fixed deposit given by the bank. In case full payment is not made within three years, the lease shall be liable to be cancelled.(2)Any application under sub-rule (1) shall be made in the same manner as provided in sub-rules (4) to (7) of rule 8.

## **10. Permission to use land on Tehbazari.**

- A municipality may grant permission to use such lands/sites on Tehbazari with the prior approval of the Deputy Commissioner, only on festival occasion for a period not exceeding one week if the land is not required by it for its own use and it does not obstruct the public thoroughfare. The amount to be charged for such use shall be fixed by the Deputy Commissioner time to time. No construction of any kind shall be allowed on such lands.

## **11. Sale/lease of nazul properties.**

(1)A municipality may lease out nazul properties in its charge after obtaining of the previous sanction of -(a)the Deputy Commissioner, when it is leased out by open auction. Any application under this sub-rule shall be made in the same manner as provided in sub-rules (2) to (5) of rule 6 and shall be governed by the same conditions as provided under rule 7;(b)the State Government when it is leased out by allotment. Any application under this sub-rule shall be made in the same manner as provided in sub-rules (4) to (7) of rule 8 and shall be governed by the same conditions as provided under rule 9(1).(2)A municipality may sell nazul properties of the State Government in its charge after obtaining the previous sanction of -(a)the Deputy Commissioner, if the property is to be sold by open auction;(b)the State Government when it is being sold by allotment.(3)Any application under clause (a) of sub-rules (1) and (2), shall be made in the same manner as provided in sub-rules (2) to (5) of rule 6 and any application under clause (b) of sub-rules (1) and (2), shall be made in the same manner as provided in sub-rules (4) to (7) of rule 8 and shall be governed by the same conditions as provided under sub-rule (1), (2) or (3) of rule 8, as the case may be.

## **12. Mode of payment.**

- The sale price/premium shall be paid by the prescribed mode of payment in the following manner :- (a)In the case of allotment, 25% of the sale price/premium shall be paid within thirty days of the issue of letter of intent. The remaining 75% of the premium along with development charges shall be paid after approval of Deputy Commissioner of State Government as provided in sub-rule (2) or sub- rule (3) of rule 11, as the case may be;(b)In case of auction, 25% of the bid accepted by the

Auctioning Officer shall be paid on the spot by the intending buyer;(c)In addition to payment of 25% under sub-rule (b) the remaining 75% along with development charges may be paid in the lumpsum within thirty days from the date of allotment/auction without any interest;(d)If payment is not made in accordance with rule 12(a) the balance 75% shall be paid in three annual equated instalments along with interest chargeable on fixed deposit. The first instalment shall become payable after one year from the date of allotment/auction;(e)In case any installment is not paid by the date on which it is payable, the transferee shall be liable to pay in respect of that installment or part thereof, as the case may be, penal interest at the rate of 3% per annum along with interest on fixed deposit from the date on which the instalment became payable till such date it is actually paid;(f)In case any instalment or interest thereupon is not paid by the due date on which it was payable, the Executive Officer may cancel the allotment/lease and resume the site/building; forfeit the whole or any part of the money already paid in respect, thereof, which in no case shall be less than 10% of the sale price/premium :Provided that no order of cancellation or resumption shall be made without giving the allottee a reasonable opportunity of being heard.(g)Each instalment shall be paid by the prescribed mode of payment. Each such payment shall be accompanied by a letter showing full particulars of the site/building to which the payment pertains.

### **13. Delivery of possession.**

- The possession of the site/building shall be given to the transferee on payment of 25% of the sale price/premium or the first instalment or the first instalment of rent as the case may be.

### **14. Execution of conveyance deed/lease deed.**

- The conveyance deed/lease deed shall be executed after the transferee/lessee has made full and final payment of sale price/premium and interest thereof. The transferee/lessee shall pay all expenses in respect of execution and registration, including the stamp duty and registration fees payable therefor.

### **15. Rent and consequences on non-payment.**

- In case of disposal of land/building on lease hold basis for ninety nine years by allotment for institutional purposes, in addition to the premium and development charges the lessee shall pay rent as under -(a)Annual rent shall be 5% if the premium for the first thirty- three years which shall be enhanced to 10% for the next thirty-three years and it will be further enhanced to 20% after sixty six years for the remaining period;(b)Rent shall be paid annually on the due date without any demand from the municipality;(c)If the rent is not paid by the due date, interest calculated on fixed deposit and 3% penal interest shall be charged for the delayed amount.

### **16. Time within which building is to be erected.**

- In the case of site, the building shall be constructed within three years from the date of allotment/auction in accordance with the building bye-laws. The State Government may extend the

period for construction on payment of extension charges as determined by it from time to time.

## **17. General conditions of lease/transfer.**

- General conditions of lease/transfer shall be as follows :-(i)The lessee/transferee shall not be entitled to sub-divide the site;(ii)The lessee/transferee shall not be allowed to place empty packing cases, baskets or jinx or another material on the roof of the building or in the open site around it;(iii)The covered passage (verandah) in front of or on the sides of the building shall not be encroached upon or used any purpose other than a public passage;(iv)The right of displaying advertisement on and of use of end walls of the end sites and the benefits derived therefrom shall vest in the municipality;(v)The lessee/transferee shall be liable to pay all such fee or tax as may be levied by the State Government/municipality in respect of sites or buildings or both under any law;(vi)The municipality shall not be responsible for levelling the uneven sites or for filling in sites which are at the lower level than the other sites;(vii)The Executive Officer shall be entitled at all convenient times to enter upon and inspect the site or building with a view to ensure that no provision of the Act or of the rules/by-laws made thereunder including these rules is being violated. Executive Officer may authorize any person subordinate to him to carry out the above said inspection;(viii)The lessee/ transferee shall not be entitled to transfer the site or the building without the permission of Executive Officer; provided that such permission shall not be granted in a case where site/building has been allotted for institutional purposes on lease hold basis for ninety nine years or allotted under any rehabilitation scheme like auto market etc. on reserve price and such lessee/allottee or his partner/family member shall not be permitted to reopen his old shop from where he was shifted under rehabilitation scheme. In case of failure action shall be taken under Section 131 of the Act;(ix)No building, whether existing or to be constructed on any site leased out/transferred under these rules, shall be used for a purpose other than that for which it has been leased/transferred;(x)No obnoxious trade shall be permitted on or in any site or building;(xi)The State Government may in its absolute discretion prescribe such further conditions, as may be consistent with the provisions of the Act in the allotment letter and lease deed/ conveyance deed either generally or under particular scheme;(xii)The allotment/lease shall be governed by the provisions of the Act as amended from time to time and the rules made thereunder.

## **18. Powers of Executive Officer.**

(1)Notwithstanding and without prejudice to other provisions of these rules, the Executive Officer may be notice in writing, resume the site or cancel the lease and forfeit the whole or part of the sale price/premium and rent paid in respect thereof which in no case shall be less than 10% of the total amount of sale price/ premium and other dues payable in respect of the site or building or both, as the case may be, on the ground of default, breach or non-compliance of any of the terms and conditions of allotment/lease or for furnishing in writing incorrect information :Provided that no order regarding cancellation of lease/resumption/ forfeiture, under this rule shall be made unless the transferee/lessee has been given a reasonable opportunity of being heard.(2)In the event of resumption or cancellation the transferee/lessee shall remove the structure at his own expense within two months and restore the possession of the site on the condition in which he took the same at the time of transfer. If he fails to do so within this period, Executive Officer shall be competent to

take possession without any further notice.

## 19. Appeal.

(1) Any person aggrieved by an order of Executive Officer made under these rules, may within thirty days of the date of communication to him of such order prefer an appeal to the Deputy Commissioner. (2) The Deputy Commissioner may, after hearing the appeal, confirm, modify or reverse the order appealed from and may pass such orders as he deems fit.

## 20. Revision.

- Any person aggrieved by an order of the Deputy Commissioner under rule 19, within thirty days of the date of communication to him such decision, make an application in writing to the Commissioner of the Division for revision against the said order/decision and the Commissioner may confirm, vary or reverse the decision of the Deputy Commissioner.

## 21. Interpretation of rules.

- If any question arises as to the interpretation of these rules, it shall be decided by the State Government. The State Government may further give directions and issue instructions from time to time for the proper implementation of these rules.

## 22. Relaxation of rules.

- The State Government may for reasons to be recorded in writing relax all or any of the provisions of these rules in public interest.

## 23. Repeal and savings.

- The Haryana Municipalities Management of Municipal Properties and State Properties Rules, 1976, are hereby repealed : Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules. Form-A [See rule 6(2)] Statement of municipal property proposed to be alienated

Description, details and situation of the property	The original price of the property, if any	Estimated present value of the property	Reasons for alienation	Estimated sale price of the consideration for which the property is to be alienated	Order of the Deputy Commissioner	Conditions
1	2	3	4	5	6	7

Form-B [See rule 6(4)] Statement of municipal property sold



Description of the property	Hour, date and place of sale/auction	Name of the officer conducting the sale/auction	Name of bidders	Amount	Sale/bid price	Order of the Deputy Commissioner
1	2	3	4	5	6	7

Form-C[See rule 8(4)]Statement of municipal property proposed to be sold in the..... Municipality

Serial number of the property in the property register	Description, details and situation of the property	Present income, if any, from the property	Estimated present value of the property	Reasons for which sale is proposed	Special condition, if any, of the sale	Remarks and reserve price proposed by Deputy Commissioner	Orders of Government
1	2	3	4	5	6	7	8

Form-D[See rule 8(5)]Statement of sale of municipal property forwarded for confirmation by the State Government

Serial number of the property in the property register	Name of property to correspond with name given in column 2 of Form C	Hour, date and place of sale and the name of the officer who conducted the sale	Name of bidders	Amount of bids	Remarks of the Deputy Commissioner	Orders of Government, if any
1	2	3	4	5	6	7