

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

MADHYA PRADESH

India

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Rule

THE-M-P-MUNICIPAL-CORPORATION-TRANSFER-OF-IMMOVABLE-PROPERTY-RULES-1994

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The M.P. Municipal Corporation (Transfer of Immovable Property) Rules, 1994 Published vide Notification No. F-7-1-18-3, dated 31-3-1995, M.P. Rajpatra (Asadharan) dated 31-3-1995 at page 343 In exercise of the powers conferred by Section 433 read with Section 80 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), the State Government hereby makes the following rules for regulating the transfer of immovable properties, namely :-

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Municipal Corporation (Transfer of Immovable Property) Rules, 1994. (2) These rules shall come into force from the date of their publication in the "Madhya Pradesh Rajpatra".

2. Definitions.

- In these rules, unless the context otherwise requires :- (a) "Act" means the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956); (b) "Section" means a section of the Act; (c) "Commissioner" means a Commissioner as defined in clause (11) of Section 5.

3.

No immovable property which yields or is capable of yielding an income shall be transferred by sale, or otherwise conveyed except to the highest bidder at a public auction or by inviting offers in a

sealed cover :Provided that if the Corporation is of the opinion that it is not desirable to hold a public auction or to invite offers in sealed covers the Corporation 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 Corporation may with the previous sanction of the State Government and for the reasons to be recorded in writing, transfer any immovable property to a bidder other than the highest bidder:Provided also that for any such transfer by lease a reasonable premium shall be payable at the time of granting the lease and annual rent shall also be payable in addition during the total period of the lease.

3A. [[Inserted by Notification No. 3-XVIII-3-98, dated 22-1-1998.]

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 (I).][Proviso ... omitted.] [Omitted by Notification, No. F-10-35-02-XVIII-2, dated 14-7-2005.]

3B. [[Insert by Notification No. 393-XVIII-3-99, dated 5-10-1999.]

Notwithstanding anything contained in Rule 3, the allotment of land to the political office building may be made, subject to the following rates and conditions namely :-(i)Rate -

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| (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 10,000 sq. 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 for the construction of office building only. The list of the recognised political parties in 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 Corporation 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 Corporation 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 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.

If 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 Corporation and the amount which was paid by such party or institution to the Municipal Corporation shall not be refundable.]

4.

When a transfer is to be effected by a public auction or by inviting offers in sealed covers, the information regarding the time, date, place and conditions of auction or the date for receipt of the offers shall be widely made-known to the public not less than 15 days prior to such auction or such date by publishing the same in one or more local daily newspapers and in such manner as may be prescribed by the Corporation.

5.

The auction sale shall be conducted under the supervision of the Commissioner or such officials, as may be, authorised by the Commissioner in this behalf.

6.

The auction sale or the offer, as the case may be, in addition to other conditions which the Corporation may think fit to impose shall be subject to the following conditions :-(1)An amount being security deposit, as may be determined by the Corporation, subject to the condition that such amount shall not be less than twenty five per cent of the estimated price of the immovable property, shall necessarily be deposited in cash or through bank draft by bidders or the officers, as the case may be, before participating in the auction or tendering sealed offers, otherwise no person shall be entitled to take part in the auction sale and similarly the offers received without the said security deposit shall not be entertained.(2)The highest bid/offer shall be subject to the acceptance by the authority specified in Section 80.(3)The authorities referred to in condition (2) above shall not be bound to accept the highest bid/offer.(4)The highest bidder/offerer shall deposit cent percent, amount of the bid/offer, within 30 days from the date of receipt of the notice to the effect that his bid/offer has been accepted by the authority referred to in condition (2) above, provided that the amount of security deposit shall be adjusted in the said amount. If such amount is not deposited within the specified period, the amount of security deposit shall be forfeited.(5)Except the amount of security deposit of first two highest bidders/offerers, the security deposit of all the remaining bidder offerers shall be refunded immediately after the auction is over or the offers are accepted, as the case may be.(6)As soon as the full amount of auction/offer is deposited by the highest bidder or the offer the security deposit of the remaining one bidder/offerer shall be refunded.(7)In case the highest bidder/offerer, whose bid/offer has been accepted, does not deposit the amount of

auction/offer within the time prescribed, the authority referred to in condition (2) above may accept the second highest bid/offer, and on intimation if such bidder/offerer also does not deposit the amount of auction/offer within the prescribed time, the security deposit of such second highest bidder/offerer shall also be forfeited.(8)If the Authority referred in condition (2) is of the opinion that instead of accepting the second highest bid/offer re-auction or re-inviting the offers is necessary, the security deposit of such second highest bidder or offerer shall be refunded and auction to re-auction or re-inviting the sealed offers shall be taken.

7.

For the purpose of proviso (ii) of sub-section (5) of Section 80 "the value of land exceeding [Rupees five lakhs] [Substituted for 'Rupees one lakh' by Notification No. 14-F-4-116-04-XVIII-3, dated 5-5-2005.] is prescribed in case the resolution is passed by the Corporation, in this respect the Commissioner shall forward the proposal to the State Government with the following informations :-(1)Nature of the property, Le. Land. Shop, Building etc.(2)Area of such property along with its site plan.(3)In case of land is acquired/purchased by the Corporation, the purpose for which it was acquired/purchased be shown.(4)The purpose for which such land/property is earmarked in the city Master Plan.(5)For what purpose the property is being used at present.(6)The purpose for which such property shall be used by the person whose bid/offer has been recommended for acceptance.(7)In case of building/shop, the cost of construction and the date of completion of its construction.(8)The date of publication of notice in the local newspapers, and the date of auction sale or the last date fixed for the receipt of offers, as the case may be.(9)Upset price/market value determined for Auction/Sale/Sealed Offers.(10)Condition of Auction Sale Offers.(11)The total number of person participated in the auction sale/the total number of offerers who tendered their offers.(12)The names of the first two highest bidders/offerers and the amount of auction sale/offer price as quoted by them.

8. [Reservation of Shops. [Substituted by Notification No 107-XVIII-3-97, dated 30-9-1997.]

(1)Out of the shops constructed by the Corporation 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 of the municipal 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.] [9- 'kgjh vif'k"V ds izcU/ku vkSj fujkdj.k ds vk'k; ls mi;ksx dh tkus okyh Hkwfe dk vkoaVu %& bu fu;eksa dh dksbZ Hkh ckr 'kgjh vif'k"V ls tSfod [kkn cukus vFkok mtkZ mRiUu djus ds fy;s la;a= LFkkfir djus vFkok 'kgjh vif'k"V ds vU;Fkk fujkdj.k ,oa izca/ku ds vk'k; ls vkoaVr dh tkus okyh Hkwfe ij ykxw ugha gksxhA ,sls ekeyksa esa uxj fuxe dks fudk; ds fgr dks /;ku esa j[krs gq, vius foosd ls Lo;a fu.kZ; ysus ds fy;s iw.kZ Lok;Rrrk jgsxhA
[Inserted by Notification No. F-10-16-01-XVIII-2-2002, dated 15-2-2002]]