

# **The M.P. Vinirdishta Bhrashta Acharan Nivaran (Registration and Development of Colonies) Rules, 1982**

MADHYA PRADESH

India

## **The M.P. Vinirdishta Bhrashta Acharan Nivaran (Registration and Development of Colonies) Rules, 1982**

### **Rule**

### **THE-M-P-VINIRDISHTA-BHRASHTA-ACHARAN-NIVARAN-REGISTRAT of 1982**

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The M.P. Vinirdishta Bhrashta Acharan Nivaran (Registration and Development of Colonies) Rules, 1982 Published vide Notification No. 7362-82-10-1, M.P. Rajpatra (Ashadharan), dated 14-12-1982 In exercise of the powers conferred by sub-section (1) of Section 44 read with first proviso to clause (a) of Section 24 and sub-section (1) of Section 31 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982 (No. 36 of 1982), the State Government hereby makes the following rules for registration of colonizers, granting licences to them and taking over the management of the colonies, namely :-

## **Part I – Preliminary**

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

- These rules may be called the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran (Registration and Development of Colonies) Rules, 1982.

### **2. Definitions.**

- In these rules, unless the context otherwise requires, -(1)"Act" means the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982 (No. 36 of 1982);(2)"Development Authority" means a Town and Country Development Authority or Special Area Development

Authority constituted respectively under Section 38 or Section 65 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) or the Town Improvement Trust constituted under Section 5 of the Madhya Pradesh Town Improvement Trust Act, 1960 (No. 14 of 1961), as the case may be;(3)"Form" means a form appended to these rules; and(4)"Section" means a section of the Act.

## **Part II – Licence and Permission**

### **3. Application for Licence.**

- Any person who intends to undertake the establishment of colony within the meaning of clause (a) of Section 24 shall apply in Form I to the Collector within whose jurisdiction the land is situated for the grant of a licence. The application should be accompanied by the treasury challan in token of payment of licence fee in the treasury.

### **4. Enquiry by Collector.**

- The Collector may get such inquiry made as he deems fit. In particular, he should satisfy himself on the following accounts. Firstly, the application should be bona fide. Secondly, the applicant's financial status should be adequate and he should be solvent to the extent of at least ten per cent of the total cost of development. Thirdly, the applicant has not been convicted for any offence involving moral turpitude.

### **5. Grant or Refusal of Licence.**

- When the Collector decides to grant licence, he shall grant the same in Form II subject to such terms, conditions and restrictions, if any, as he may deem fit to specify in the licence. Reasons for grant or refusal of licence shall be recorded in writing.

### **6. Development of Colonization.**

- The licence shall entitle the licensee to undertake the development of colonization in the district to which it relates subject to the provisions of the Act and these rules.

### **7. Fee for Licence.**

(1)The fee for licence shall be Rs. 500.(2)The fee shall be credited in the treasury under the head "804-urban development-C-other receipts-4-Licence fees for Colonization."(3)The fee so credited shall be refunded after deducting a sum of Rs. 100 where the application for licence is rejected.

## **8. Cancellation of Licence.**

- The Collector on his own motion or on information for any source and for reasons to be recorded in writing, may cancel the licence for contravention of any of the terms, conditions or restrictions of licence :Provided that no licence shall be cancelled unless an opportunity of being heard is given to the licensee.

## **9. Maintenance of Register.**

- The Collector shall maintain a register in Form II wherein shall be entered the full details of the licences issued under these rules, together with terms, conditions or restrictions, subject to which licence is granted and it shall contain full address of the applicant. The licensee shall inform the Collector in case of any change in the address.

## **10. Establishment of colony.**

- Whenever any licensee intends to undertake the establishment of colony within the meaning of clause (a) of Section 24, he shall be required to take permission of the Collector for which purpose he shall intimate in Form IV to the Collector of the district for which he holds the licence. Such an intimation shall reach the Collector at least 90 days before he takes up development or sale of plots in the colony.

## **11. Presumption as to permission of Collector.**

- In case no reply is received by the applicant from within a period of 90 days of the receipt of intimation, permission shall be presumed to have been granted. If the Collector decides to make any inquiry, he shall inform the licensee to await his orders. In such a case, the licensee shall not proceed with colonization without Collector's permission.

## **12. Effect of non-compliance of Rule 10.**

- If intimation is not sent as per the provisions of Rule 10, the Collector may cancel the licence and initiate such other legal action as he decides under the law :Provided that such cancellation shall not make illegal the colonization initiated under a valid licence and which satisfies the provisions of the Act and these rules :Provided further that a licence shall not be cancelled under this rule unless an opportunity of being heard is given to the licensee and the Collector shall record in writing reasons for the cancellation of licence.

## **Part III – Management of Colonies**

### **13. Notice of show-cause.**

(1) Whenever the fact of transfer or agreement of transfer of plots made by a colonizer in an area of illegal diversion or illegal colonization comes to the notice of the Collector and he considers it desirable to take over the management of such land under clause (b) of sub-section (1) of Section 31, he shall issue a public notice [x x x] [Omitted by Notification No. 2660-973-83-X-1, dated 10-5-1983.] and publish it in at least two local news papers, of which one must be in Hindi language, calling upon all the persons interested in the said land to show-cause within such period as may be specified therein, why the management of the said land should not be taken over by him. (2) If the address of any party interested is known to the Collector, he shall cause a copy of the said notice to be sent to his address.

### **14. Consideration of replies to show-cause notice.**

- On the expiry of the period specified in the notice, the Collector shall consider the objections or suggestions, if any, received in relation to the notice, or otherwise and he may, if considered necessary, require any person who has filed any objection to present himself in person or through authorised agent with all relevant documents for oral hearing.

### **15. Taking over the Management of the land or dropping the proceedings.**

- After hearing the parties if present on date fixed for that purpose and after making any further enquiry in the matter, which he may think proper, the Collector may-(a) take over the management of the land, if he finds any illegal diversion or illegal colonization therein; (b) drop the proceedings, if he is satisfied that the land is not subjected to illegal diversion or illegal colonization.

### **16. Aid of Police in taking over the management.**

- If the Collector apprehends any resistance or obstruction to the taking over of the management of land by or on behalf of the colonizer or any person claiming through colonizer, the Collector may take or cause to be taken aid of the police for effectively taking over the management of the land to such an extent as the circumstances of the case may warrant.

### **17. Assistance for management.**

(1) In the discharge of the duty for management of land, the Collector may confer upon one or more Officer subordinate to him or any other officer whose services may be placed at the disposal of the Collector by the State Government, such power or authority as may be necessary for proper management, protection and preservation of the property and wherever necessary, for the collection of rents and profits, for bringing defending any suit or prosecution or any other legal proceeding for management, protection and preservation of the property. (2) The Collector may in addition appoint any agent, servant or watchman for due management, protection and preservation of the property. (3) The officers, agent, servant and watchman shall be paid such remuneration, allowances

or commission as the case may be, and at such rates, as may be approved by the State Government by general or special order.

### **18. Preparation of scheme for Development and allotment of land.**

- Where the management of any land is taken over by the Collector, he may direct the local authority or the Development Authority, if there is any, for the local area in which the land is situate to draw up a scheme for the development and allotment of land to individual plot-holders, if any. The scheme submitted by the local authority or the Development Authority may be approved by the Collector without any modification or with such modifications as he may consider fit.

### **19. Publication of scheme.**

- The scheme as finally approved by the Collector shall be published by putting it in his office for public inspection.

### **20. Recovery of expenses incurred by the Collector.**

- The expenses incurred by the Collector in the management of the land shall be included in the development charges of the land and shall be recoverable on "Pro-rata" or on any other reasonable and fair basis from persons to whom the plots have been allotted under the scheme.

## **Part IV – Procedure for Grant of Sanction for Prosecution**

### **21. Procedure for issue of direction or grant of sanction for prosecution.**

(1) No officer whose duty is to issue any direction on behalf of the State Government and on other officer or authority shall prepare a case for issuing any direction under the first proviso to Section 39 of the Act in any case in which he may be directly or indirectly interested. In all such cases, the matter shall be reported to the State Government for such orders as it may deem fit to pass for compliance. (2) No officer of the State Government shall process a case relating to grant of any sanction or authenticate any sanction in a case under Section 197 of the Code of Criminal Procedure, 1973 (No. 2 of 1974), in the result whereof he may be directly or indirectly interested. Such case shall be reported by him to the State Government for such orders as it deem fit to pass for compliance. Form-I [See Rule 3] Form of Application for A Licence Under Section 24 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982 Dated ..... day of ..... 19.... To The Collector, District.....

**1. I/We request that a licence be granted to me/us under the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982.**

**2. A sum of Rs. 500 being the fees in respect of this application has been deposited.**

**3. The required particulars are given below :-**

(i) Name of the applicant with complete present address and permanent address. (ii) Is the applicant a private individual/private company/public company/firm or association? (iii) In case applicant is-(a) an individual, his nationality; (b) a private company, the nationality of all members of the company alongwith place of registration; (c) a public company, the nationality of directors, the percentage of share capital held by Indian nationals, alongwith place of incorporation; (d) a firm or association, the nationality of all the partners of the firm or of the association; (e) a society, details thereof. (iv) Profession or nature of business of applicant; (v) Details of immovable and movable property owned by the applicant; (vi) Whether he has developed any land before the date of this application? If yes, give details thereof; (vii) Whether applicant, has financial resources to establish colony (State sufficient particulars); (viii) Whether applicant has ever been convicted for any offence? If yes, give details; (ix) Income tax permanent account number (copy of the statement for the last year for which account has been filed should be enclosed); (x) Nature of joint interest, if any; (xi) If the applicant intends to supervise the works, his previous experience should be explained. If he intends to appoint a manager, the name of the manager, his qualifications, nature and extent of his previous experience should be specified and his consent letter should be attached. I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required to you. Yours faithfully,.....Place.....Dated.....Signature and designation of the applicant. Form-II[See Rule 5] Licence Under Section 24 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982. Licence No.....Subject to the terms, conditions and restrictions specified below and the rules made under the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982, licence is hereby granted under the first proviso to clause (a) of Section 24 of the said Adhiniyam to Shri .....son of.....Address.....for establishment of colonies in district.....Date .....Collector District Form-III[See Rule 9] Register

**1. Date and year of issue of licence.....**

**2. Number of licence.....**

**3. Name of person to whom licence is issued**

**4. Father's name.....**

**5. If firm, company or association or society, names of all the partners/ members.....**

## 6. Terms, conditions and restrictions, subject to which licence is granted

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## 7. Date of cancellation of licence and brief reasons for cancellation.....

## 8. Dates of intimations received under Rule 10.....

## 9. Dates of permissions granted under Rule 10.....

Form IV[See Rule 10]Intimation of ColonizationToThe Collector,District.....I/We am/are sending intimation of colonization as follows :-(1)Full name of applicant (State whether individual, firm, cooperative society or other class of society, company).....(2)Licence number.....(3)Present address.....(4)Details of land including survey numbers which is intended to be developed.....(5)the right in which the land is held by the applicant.....(6)Details of immovable and movable property owned by applicant.....(7)Whether he has developed any land before the date of this application. If yes, provide details thereof.....(8)Details of financial resources for establishment of colony.....(9)Whether applicant has ever been convicted of any offence? If yes, give details.....(10)I am enclosing the following with this intimation :- (1)True copy of each document, evidencing right, title or interest [in relation to land in regard to which permission for colonization under Section 24 of the Act is sought] [Substituted by Notification No. 45-4-83-C-1, dated 8-9-1983.], (2)Certified copies each of no objection certificate or prior permission in writing by whatever name called, under the relevant enactments referred to in clause (a) of Section 24 of the Act; and (3)Proposed development plan. (1)I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required by you. Kindly grant me/us permission to undertake the colonization.Yours faithfully,.....Place.....Dated.....Signature and designation of the applicant.