

The Himachal Pradesh Transfer of Land (Regulation) Rules, 1969

HIMACHAL PRADESH

India

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Rule

THE-HIMACHAL-PRADESH-TRANSFER-OF-LAND-REGULATION-RULES of 1969

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The Himachal Pradesh Transfer of Land (Regulation) Rules, 1969Published vide Notification No. 22-1/69-Wel-Sectt, dated 6th December, 1969Welfare DepartmentNo. 22-1/69-Wel-Sectt. - In exercise of the powers conferred by sections 4 and 10 of the Himachal Pradesh Transfer of Land (Regulation) Act, 1968, the Lieutenant Governor, Himachal Pradesh is pleased to make the following Rules:-

1. Title and Commencement.

(1)These rules may be called the Himachal Pradesh Transfer of Land (Regulation) Rules, 1969.(2)These shall come into force at once.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context,-(a)"Act" means the Himachal Pradesh Transfer of Land (Regulation) Act, 1968(15 of 1969);(b)All words and expressions used in these rules and not defined herein shall have the same meaning as are respectively assigned to them in the Act.

3. Application form and fees.

(a)A member of scheduled tribe who intends to transfer his interest in any land to a person not belonging to such tribe may make an application to the Deputy Commissioner in Form I (Attached

to these Rules) for the grant of permission for such transfer.(b)The rate of application fee will be rupee one for each applications in the form of court fee stamp to be affixed on the application submitted by the applicant under section 4(1) of the Act.

4. Mode of enquiry.

- The Deputy Commissioner shall make or cause to make an enquiry on the receipt of application on the following lines:-(i)The Enquiry Officer should satisfy himself that the object of transfer stated by the applicant is the true object and that all other information given in the application is correct.(ii)Has the officer advised the applicant to apply for a loan from the Government or any Co-operative Land Mortgage Bank, or to any co-operative Society of the kind mentioned in clause 3(b) of the Act.(iii)The officer should report whether the applicant agrees to take a loan from the Government and if so, whether transfer would still be necessary?If he disagrees to take such loan, reasons should be mentioned(iv)Is the applicant has been induced by anybody to sell the land?(v)Is the officer satisfied that the permission if granted would be in the best interest of the applicant.

5. Orders of the Deputy Commissioner.

- [(a) After the enquiry has been made, the Enquiry Officer who shall not be below the rank of the Sub-Divisional Magistrate or Revenue Assistant, shall return the application to the Deputy Commissioner along with his recommendations] [substituted for the original clause by not No. 223/62 wel. sectt. dated the 17th march 1971 published in R.H.P. dated 3rd April. 1971. page 436.](b)On receipt of the application with the recommendations of the Enquiry Officer, the Deputy Commissioner shall pass orders, thereby granting or refuse permission to transfer of land and inform the applicant in writing.Form[Application for the transfer of land under rule 3(a) of the Himachal Pradesh transfer of land(Regulation) rules, 1969] [Substituted by Not No. 22-3/69 1W Wel.sectt. dated 11th January 1972, published in R.H.P. dated 24th January 1972, P. 94.]

1. Name of the applicant in (block letters).....

2. Father's name.....

3. Address.....

4. Tribe of the applicant.....

5. Description of land to be transferred (areas of land, field number, village, wet or dry areas).....

6. Total area of land held by the applicant at the time of submitting application, with location of each piece of land, along with name of village.....

7. The number of family members dependent on him.....

(i)Description of each family member with age and his relationship.....(ii)Age and physical condition of the applicant.....

8. Total income of the applicant per annum from land and other sources separately.....

9. Name, caste and residence of the person(s) to whom the land is to be alienated.....

10. Kind of transfer proposed by the applicant (mortgage, sale etc.) and his object in asking for the transfer.....

11. Present market value of the land proposed to be alienated.....

**12. Amount at which the applicant proposed to make the transfer
.....**

**13. Whether there is no other Scheduled Tribes person prepared to have the land alienated in his favour for the market value of the land.....
.....**

14. Purpose of transfer.....

15. On how many former occasions has the applicant applied for permission under section 4(3) of the Act.....

Signature of the applicant.....N.B. - The assessment of the market value will be assessed by the Deputy Commissioner concerned in accordance with the rules/instructions on the subjectOrders of The Deputy

CommissionerStation.....
dated the 27th December 1969 Pages 1560-1561.