

Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Alienation of Immovable Property Rules, 1987

ANDHRA PRADESH

India

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Rule

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Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Alienation of Immovable Property Rules, 1987Last Updated 18th October, 2019In exercise of the powers conferred by Section 80 read with Sec.153 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No.30 of 1987) the Governor of Andhra Pradesh hereby makes the following rules as the same having been previously published as required by sub- section (1) of Section 153 of the said Act.

1. Short title.

- These rules may be called the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Alienation of Immovable Property Rules, 1987.

2.

(1)Notice of any sale, exchange or mortgage of any immovable property belonging to or given or endowed for the purpose of any charitable or religious institution or endowment shall contain the following particulars namely:-(a)nature of the proposed transaction.(b)correct description of the property relating to the proposed transaction with information regarding the survey number, extent and boundaries and ward number and door number also, in the case of property within the limits of municipality, or any local body;(c)the revenue assessed on the property relating to the proposed

transaction by way of land revenue, cess, quit-rent ground rent, property tax, and the like;(d)any encumbrances to which the property relating to the proposed transaction is subject to;(e)in the case of mortgage, the amount for which the property is proposed to be mortgaged;(f)in the case of sale, the price that is expected for the property on the basis of the actual price prevailing in the locality after making due enquiries.(2)The notice shall specify a reasonable time, not being less than thirty days from the date of the issue of the notice, within which objection and suggestions may be sent It shall also specify the date on which an inquiry, if any, is proposed to be held to consider the said objections and suggestions. A copy of the notice shall either be served in person, or sent by registered post with acknowledgment due to the trustee or trustees of the religious or charitable institution or endowment concerned, and where the property belongs to a specific endowment, such notice shall also be sent to the trustee or trustees of the religious or, charitable institution or endowment or math to which the specific endowment is attached. Refusal or evasion to receive the notice shall be deemed to be sufficient notice.

3.

A copy of notice shall be published in the Andhra Pradesh Gazette, and also in the following manner.(i)by affixture on the notice board of the Office of the Commissioner, Regional Joint Commissioner, the Deputy Commissioner or Assistant Commissioner, as the case may be, having jurisdiction over the area in which the math or the charitable or religious institution or endowment concerned is situate;(ii)by affixture on the notice board or the front door of the math, charitable or religious institution or endowment concerned;(iii)by affixture on the notice board of the Municipal Office of the Gram Panchayat Office and in some other public places in the village in which the math or religious or charitable institution or endowment concerned is situate;(iv)by publication in the daily newspaper in the language of the locality where the math or charitable or religious institution or endowment concerned and village in or villages in which the property concerned is situate and such publication shall be deemed to be sufficient intimation to persons having interest:Provided that the Commissioner may dispense with the publication in the daily newspapers in cases where the cost of the publication will not be commensurate with the value of the transaction.Provided further that the Commissioner shall have power with due regard to the financial condition of the institution to order recovery of the cost of publication from the funds of the institution concerned.

4.

(1)A copy of the order according permission for any sale, exchange or mortgage, in addition to being communicated to the trustee or trustees and persons having interest, if any, who appeared in the proceedings shall also be published in the manner laid down in Rule 3 as in the case of publication of notification of notice.(2)The publication of the order in the manner laid down in sub- rule (1) shall be deemed to be sufficient intimation to the persons having interest.

5.

If any transaction of sale, exchange or mortgage for which sanction has been accorded by the Commissioner in accordance with the provisions of Section 80, the sale or exchange or mortgage

shall not be effected until the expiry of the time for preferring an appeal, provided in sub-section (5) of Section 80, and where such appeal has actually been preferred, the sale or exchange or mortgage shall be effected only after the appeal is disposed of.

6.

Every sale of any immovable property permitted by the Commissioner under clause (b) of sub-section (1) of Section 80 shall be effected by tender-cum-publication by the Executive Officer of the institution or where there is no Executive Officer, by the Chairman of the Board of Trustees in the presence of the Assistant Commissioner, in whose jurisdiction the property is situate where the probable value of the sale does not exceed Rupees one lakh and where the probable value exceeds Rupees one lakh such sale shall be conducted in the presence of the Deputy Commissioner, in whose jurisdiction the property is situate. Sale of immovable property situated outside the State, shall be conducted in the presence of such officer authorised by the Commissioner in this behalf. Provided that where the actual bid amount secured at the auction exceeds rupees one lakh in the presence of the Assistant Commissioner, it shall not be deemed to be invalid.

7.

The Executive Officer or the Chairman of the Board of trustees shall invite sealed tenders for the purchase price of the property specifying the particulars prescribed in Rule 2. Fifteen days notice prior to the date of sale shall be given for submitting the sealed tenders and such tender shall be opened after the completion of the auction. The highest price offered in the tenders or auction, as the case may be, shall be taken into consideration for the purpose of finalising the highest bid obtained in the tender-cum-public auction. The up-set price at the auction shall be fixed taking into consideration the value as per the basic value register or the valuation certificate given by the Mandal Revenue Officer.

8.

The publication of tender notice shall be in accordance with clauses (ii) to (v) of Rule 3.

9.

The Executive Officer or the Chairman of the Board of Trustees, as the case may be, shall before conducting the sale, cause publication of the notice thereof in the manner provided in Rule 3 of these rules.

10.

Where the sale is not conducted by public auction for want of bidders or due to any other reason, it shall be conducted on such date as may be decided upon the trustee/Executive Officer after following the procedure laid down in these rules for publication of notice, securing the presence of

the Departmental Officer and also after obtaining the approval of the Commissioner as to the sale conditions. Provided that the Commissioner while approving the sale conditions may order for the publication of notice under Rules 2 and 3 notwithstanding the earlier publication of such notice, if he considers the re-publication is in the interest of the institution or endowment.

11.

The sale shall be conducted in a conspicuous place in the locality where the property is situated. [Provided that the Government, may if it is satisfied that in case the holding of auction at a place other than the one in which the properties proposed to be sold are situated will not be detrimental to secure a proper bid or it will be held to secure a better bid or to prevent local collusion among the bidders, permit such auction other than the place where the property is situated.] [Added by Notification No. G.O.Ms. No. 346, dated 26.5.2001.]

12.

The Executive Officer or the trustees shall, before the auction is conducted, specify the conditions of sale after getting the same approved by the Commissioner.

13.

No representation for stopping or postponing the sale shall be entertained at the time of auction unless a stay order from the Commissioner or the Government, as the case may be, has been obtained for stoppage or postponement of sale. Objections received, if any, at the time of auction shall be forwarded to the Commissioner along with the sale papers for confirmation by the Commissioner for orders.

14.

The Commissioner within three months, from the date of sale shall either confirm or refuse the same and such confirmation or refusal shall be communicated to the Executive Officer or the Trustee concerned.

15.

The expenses for registration of sale, exchange or mortgage shall be borne entirely by the person or persons in whose favour the sale, exchange or mortgage is effected.

16.

Immediately after the transaction of the sale is effected shall be the duty of, the Executive Officer or the Chairman of the Trust Board to invest the amount covered by sale proceeds in the interest yielding deposits in such forms or bank or Treasury keeping in view the provisions of Income Tax

Act and as per the rules in force and the said investment shall be sent to the Regional Joint Commissioner for safe custody after making necessary entries in the register of investments.

17.

The Departmental Officer who supervises the sale in public auction shall be ensured and satisfy himself about the investment of the sale proceeds as per rules immediately after the transaction is effected and he shall report to the Regional Joint Commissioner and Commissioner.