

# **Transfer of Evacuee Property (Agriculture Plots and Abadi Sites) Rules, 1977**

GOA

India

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### **Rule**

### **TRANSFER-OF-EVACUEE-PROPERTY-AGRICULTURE-PLOTS-AND-ABADI-SITES-RULES-1977**

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Transfer of Evacuee Property (Agriculture Plots and Abadi Sites) Rules, 1977Published vide Notification No. HD. 33/13588/71-P(2), dated 11th March, 1977HD. 33/13588/71-P(II). - In exercise of the powers conferred by clause (f) of sub-section (2) of section 46 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (6 of 1964), and in supersession of the Government Notification No. HD. 33/17964/67 dated 6-1-1968 published in the Government Gazette, Series I, No. 41 dated 11-1-1968, the Government of Goa, Daman and Diu hereby makes the following rules, namely:-

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

(1)These rules may be called "Transfer of Evacuee Property (Agriculture Plots and Abadi Sites) Rules, 1977."(2)They shall come into force at once.

#### **2. Transfer of Evacuee Property on payment of 20 times annual Rent.**

- The Custodian of Evacuee Property may with the previous approval of the Government transfer any agricultural property declared as Evacuee Property under the provisions of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (hereinafter called the Act), to a tenant who is in continuous and uninterrupted possession and occupation of such property from a date prior to 6-12-1961, on payment of 20 times of the annual rent.

### **3. Transfer of Property on payment of 25 times annual Rent.**

- The Custodian of Evacuee Property may, with the previous approval of the Government, transfer any agricultural property declared as Evacuee Property under the provisions of the Act to an occupant who has occupied such property after 6-12-1961 but before 6-12-1966 and is in continuous and uninterrupted possession of the said property on the date of transfer, on payment of 25 times of the annual rent.

### **4. Disposal of non-agriculture plot contiguous to agricultural property.**

- The Custodian of Evacuee Property may, with the previous approval of the Government, offer to sell any non-agricultural plot contiguous to agriculture property on which the tenants have constructed dwelling houses before 6-12-1961 to the occupants of such lands at the upset price fixed by the Custodian. In case they do not wish to purchase the said plot, suitable rent will be fixed and they are liable to pay such rent till the plots are finally disposed off.

### **5. Period of notice.**

- The Custodian of Evacuee Property shall give notice in writing to the tenant or occupant mentioned in Rule 2 or 3 or 4, as the case may be, requiring such tenant or occupant to intimate within 30 days from the date of service of the said notice whether he is willing to purchase the property or not.

### **6. Determination of purchase price.**

- If the tenant or occupant intimates his willingness to purchase the land within the period specified in the preceding Rule, the Custodian shall determine the price of the land to be paid by the tenant or occupant in consultation with any other Government Department or officer, if deemed fit.

### **7. Mode of payment of purchase price.**

(1) On the determination of purchase price by the Custodian under the preceding rule, the tenant or occupant shall have the option to deposit the purchase price either in lumpsum or in twenty equal annual instalments. (2) The first instalment of the purchase price shall be paid by the tenant or occupant within thirty days from the date of allotment order and the subsequent instalment shall be paid within a period of one year from the date on which the previous instalment was due. (3) Where the purchase price is payable in lumpsum under sub-rule (1), the lumpsum shall be paid within a period of six months from the date of allotment order. (4) The Government may vary the period of payment, laid down under this rule, in cases or class of cases wherever Government feels appropriate. (5) Where the tenant or occupant fails to intimate his willingness within the period specified in Rule 5 or having intimated his willingness fails to pay lumpsum or first instalment, the tenant or occupant shall be deemed to have relinquished his right to purchase the property and he shall forthwith forfeit all his rights, title and interest in the property and the same shall be offered to

any other person as per the rules.(6)Where the tenant or occupant deposits the first instalment but fails to pay any subsequent instalment within the due date, the Custodian may, at his discretion decide either to grant him extension of time limit as may be considered reasonable with the previous approval of the Government and the amount in default shall carry interest at the rate of six per cent per annum:Provided that nothing shall prevent the Custodian to recover the defaulted amount together with any interest due as arrears of land revenue.

## **8. Determination of rent.**

- The amount of rent payable by the tenant or occupant, whichever the case may be, for the purposes of these Rules, shall be determined by the Custodian of Evacuee Property, in the case where it has not already been fixed, and the decision of the Custodian of Evacuee Property thereon shall be final.

## **9. Fixation of upset price and mode of payments in respect of non-agricultural land intended for constructing dwelling houses.**

- If the tenants of the agricultural property desire to purchase the non-agricultural land contiguous to the agricultural land held by them for the purpose of constructing the dwelling houses, such lands may be offered to them by the Custodian, with the previous approval of the Government at the upset price, in such a case or cases, that may be fixed by the Custodian. The cost of the land shall be paid in the same manner as provided in rule 7.

## **10. Disposal of land and trees contiguous to agricultural property.**

(1)The rest of the land and trees contiguous to agricultural property which are not specifically covered under these rules may be disposed of by the Custodian with the previous approval of the Government to the freedom fighters, to the serving members of the Armed Forces and/or ex-Servicemen who are ordinarily resident in the Union territory of Goa, Daman and Diu for not less than fifteen years, to persons who are mundcars and who have been evicted from the site of their dwelling house, and to the Government servants of the Union territory of Goa, Daman and Diu, on receipt of an application in that behalf, without auction in occupancy rights.(2)Such grant may be made on inalienable tenure on payment of occupancy price as may be determined by the Government, if the Custodian, after necessary enquiries, is satisfied that these persons do not own any building plot or a building either in their own name or in name of any member of their family or dependent anywhere in the Union territory of Goa, Daman and Diu or outside it.(3)A serving member of the Armed Forces or an ex-Serviceman (or if he is dead or he is unable to write for any reason, then his wife, major son, father, mother or brother in undivided family) may make an application for grant of land for residential use to the Custodian. Such application shall be made through the Chairman, Goa, Daman and Diu Rajya Sainik Board, Panaji, having jurisdiction over the concerned District.

## **11. Extent of land which may be granted.**

(1) For the purpose of these Rules, the extent of allocable land which may be granted to any one person shall not exceed an economic holding: (2) No allocable land shall be granted.-(a) to any individual-(i) who (not being a serving member of the Armed Forces or a freedom fighter) does not reside within a radius of eight kilometres of the village in which such land is situated, or-(ii) who holds land equal to or more than one economic holding. (b) to a joint farming society or a farming society if -(i) the majority of its members do not reside within a radius of eight kilometres of the village in which the land is situated, or (ii) any members thereof hold land equal to or more than one economic holding: Provided that, this condition may be relaxed in favour of a society if its total holding does not exceed the area determined under sub-rule (4) of this rule by two hectares: Provided further that, as between persons residing in the village where the allocable land is situated and persons residing outside such village but within a radius of eight kilometers thereof, preference in granting land may be given to the residents of the village. (3) While granting land, the Custodian shall as far as possible ensure that the total land held by an individual after the grant of land does not exceed one economic holding. (4) In case of a joint farming society or a farming society the extent of land which may be granted shall be determined by multiplying the number of members of the society by the area corresponding to one economic holding per each member of a society minus the area of the land already held by such members: Provided that, any such society may, for the purpose of full and efficient use of the land for agriculture and its efficient management and for maintaining the integrity of any area in one or more compact blocks, be granted land in excess of the area so determined so however that, except the previous sanction of the Government, the total area of the land so granted does not exceed twice the area determined as aforesaid.

## **12. Economic holding.**

- For the purpose of these rules, the term "Economic holding" means:-(i) one hectare of paddy land, or (ii) one hectare of land used for coconut garden, or (iii) one hectare of land used for arecanut garden, or (iv) one hectare of land used for cultivation of sugarcane, or (v) one hectare of land under perennial irrigation, or (vi) two hectares of any other land. Explanation I. - Where total land held by a person consists of two or more of the aforesaid six clauses of lands, the area of economic holding shall be determined on the basis of one hectare of paddy land being equal to one hectare of land used for coconut garden or one hectare of land used for cultivation of sugarcane or one hectare of land used under perennial irrigation or two hectares of any other land. Explanation II. - "Irrigation" means irrigated by any irrigation work whether constructed or maintained by the Government or not.