

# Rajasthan Disposal of Surplus Evacuee Property Rules, 1975

RAJASTHAN

India

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### Rule

### RAJASTHAN-DISPOSAL-OF-SURPLUS-EVACUEE-PROPERTY-RULES of 1975

- Published on 16 October 1975
- Commenced on 16 October 1975
- [This is the version of this document from 16 October 1975.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Disposal of Surplus Evacuee Property Rules, 1975 Published vide Notification No. G.S.R. 158(61), dated September 22, 1975 - Rajasthan Gazette Part 4-C, dated 16.10.1975, page 530(107-115)G.S.R. 158(61). - Certain rural and urban houses sites and plots of evacuees situated in Rajasthan were or deemed to have been declared as evacuee property under the Administration of Evacuee Property Act, 1950 and whereas the Government of Rajasthan have purchased the said residual properties from out of compensation pool with effect from 1.9.1969 from the Government of India. Now, therefore, the State Government hereby makes the following rules for disposal of the said properties, namely:-

#### 1. Short title and Commencement.

- (i) These rules may be called the Rajasthan Disposal of Surplus Evacuee Property Rules, 1975. (ii) They shall come and deemed to have come into force with effect from 1-9-1969.

#### 2. Interpretations.

- In these rules, unless the context otherwise requires:- (i) "Residual Property" means rural and urban evacuee houses, shops, vacant plots and other sites transferred to the State Government by the Government of India from time to time out of the compensation pool vide order No. 6(14)/68 L&R dated 11th August, 1969 and includes those already transferred to the State Government prior to 11-8-1969. (ii) "Displaced Persons" includes Claimant and Non-claimant displaced persons as defined in the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. (iii) "Locals" means person other than the Displaced Persons. (iv) "Reserve Price" means the price of the property fixed by the Competent Authority in consultation with the Collector concerned. (v) "Competent Authority"

means the State Government in the Rehabilitation Department or such other officers as may be appointed on its behalf from time to time.(vi)"Settlement Commissioner" means the Officer so appointed under section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.(vii)"Managing Officer" means an Officer so appointed under section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

### **3. Rights not be acquired except under these rules.**

- No person who is or has been in temporary occupation of any evacuee property to which these rules apply shall acquire any right, title or interest therein except in accordance with the provisions of these rules.

### **4. Criteria for disposal of properties.**

- The disposal of the above properties shall be made in accordance with the following criteria:-(i)Local Muslims, who had left their property as a result of partition and have subsequently returned and are in possession of their original property under section 7 of the Administration of Evacuee Property Act, 1950 may be restored their original property after verification of their ownership and possession on the basis of the records transferred by the Custodian Department and after such enquiry as may be deemed necessary by the State Government.(ii)All properties in occupation of persons, locals and displaced on 1.9.1969 may be transferred to them after realising due rent and reserve price in such manner as the competent authority may decide.(iii)Properties in occupation of persons other than those mentioned in sub-para (i) above shall be disposed of by public auction in the manner hereinafter laid down:Provided that where such property is in possession of a third person and if such third person is prepared to purchase the said property at the highest bid offered at the time of auction and he deposits the sum equal to 25% of the highest bid at the time of auction with the officer conducting the auction sale, the Settlement Commissioner shall allow the sale of such property to the person in possession of the property at his discretion and such purchaser shall be bound by all the terms and conditions of these Rules. In such cases the occupant shall have to give in writing an application to the officer conducting (he auction sale expressing his willingness to purchase the property at the highest bid and he shall also submit alongwith the application necessary documentary and other proof in support of his present occupation of the property to the satisfaction of the Settlement Commissioner.

### **5. Publication of lists.**

- At least 10 days before the date of auction the Settlement Commissioner shall publish the list of properties proposed to be auctioned in a recognised local news paper specifying therein place and date and time of the auction. A copy of the said notice shall also be pasted on the notice board of the concerned Panchayat and on the notice board of the office of the concerned Managing Officer and another copy shall be pasted at a prominent place on the concerned property.

## 6. Auction Committees.

- All auctions shall be held by the following Committees:- (a) For urban evacuee properties in Cities of Jaipur, Jodhpur, Kota, Udaipur, Bikaner and Ajmer. - The Committee shall consist of the following:-

1. Collector	Convener
2. Representative of Rehabilitation Department	Member
3. Representative of Finance Department	Member
4. Executive Engineer, P.W.D.	Member
5. Treasury Officer	Member

(b) For urban evacuee properties at. - Places other than Jaipur, Jodhpur, Udaipur, Kota, Ajmer, Bikaner the Committee shall consist of the following:-

1. Additional Collector	Chairman
2. Treasury Officer	Member
3. S.D.O. of the area where the property is situated	Member
4. Asstt. Engineer of the area where the property is situated	Member

(c) For rural evacuee properties. - The Committee shall consist of the following:-

1. S.D.M.	Convener
2. Sub-Treasury Officer-cum-Managing Officer	Member
3. Representative of P.W.D. not below the rank of Assistant Engineer	Member

(d) The Committee for urban evacuee properties shall have full powers to finalise the auction and sales but the sale by the Committee for rural properties shall be subject to confirmation by the Collector who shall have the powers to cancel the auction without assigning any reason, provided further that the Committee or the Collector shall not accept any offer which is below the reserve price without prior approval of the State Government. The Government reserves the right to withdraw any property from auction at any time without assigning any reason. (e) Every bidder at the auction shall have to deposit Rs. 100/- in case of rural properties, Rs. 250/- in the case of Abadi sites in urban areas and rural areas as security money before he is allowed to bid at auction. (f) The Security money of unsuccessful bidders will be refunded at the close of auction. (g) The highest bidder shall have to deposit 25% of the amount of bid minus the amount already deposited as security with the officer conducting the auction and in default of such deposit the security money shall be forfeited and the property may be offered to the second highest bidder provided the competent authority feels for reasons to be recorded that no higher prices are likely to come by re-auction. (h) The balance amount of final sale and rent if any in the case of person referred to in proviso to Rule 4(iii) shall be deposited by the purchaser within 30 days from the date of approval of auction by the Competent Officer. (i) In case the purchaser or the person in possession of the property does not pay the amount referred to in clause (h) above along with rent he will be disposed from the property by the Tehsildar and the amount already deposited by him shall be forfeited and such property shall be put to auction again. (j) Any encumbrances created on or after 1-9-1969 on any acquired evacuee property shall be null & void and such illegal tress passer shall be ejected by the Tehsildar and the property shall be treated as vacant and sold by auction. (k) In addition to the price

and rent of the property, the allottee or the purchaser shall be liable to pay and shall pay on the due date all other taxes, cesses and such other charges that are imposed or may be imposed in future by any competent authority including local authorities and local bodies under any law for the time being in force.

## 7. Grant of deed of conveyance or sale certificate.

- The deed or the certificate in case of purchase shall be given in prescribed Form A & B as appended, by the Collector after full payment of the price and all Government dues, taxes on the property. Form 'A' Government of Rajasthan Rehabilitation Department Office of the Tehsildar-cum-Managing Officer, Rajasthan. Deed of Conveyance (Free hold properties-Rule 33) This Indenture made the ... day of ... 19.. Between The Governor of Rajasthan hereinafter called the vendor (which expression shall unless repugnant to the context or meaning thereof, be deemed to include his successors and assigns) of the one part and ..... S/o..... called the "purchaser" (which expression shall, unless repugnant to the context or meaning thereof, be deemed to include his heirs, successors in interest executors and administrators) of the other part. Whereas the property more particularly described in Schedule-I hereunder written (hereafter called the property) being an acquired evacuee property under section 12 of the Displaced Persons (Compensation and Rehabilitation) Act No. XLIV of 1954 (hereafter called the Act) vesting absolutely vide letter No. 6 (14)/68 L & R dated 11.8.69 from Joint Secretary to the Government of India, Ministry of Rehabilitation in the Rajasthan Government free from all encumbrances and the Vendor is seized and possessed thereof, and Whereas the purchaser who has declared himself to be a displaced person from West Pakistan/Local person is an authorised occupant of the property, as described in Schedule-I, and Whereas the property has been assessed to a total value of Rs..... (Rupees.....) and the purchaser on that account has deposited, Rs..... in cash and produces the original treasury receipt and the remaining amount of Rs has been set off as provided in section 8 of the Act and the rules framed thereunder against Compensation payable to him and his associates as shown in Schedule-II written hereunder, and Whereas the said associate(s) has/have agreed to the property being exclusively granted, released, conveyed and assured unto the purchaser, the Vendor both in pursuance of rule 33 of the rules framed under the Act and the Rajasthan..... Rules 19, hereby grant, release, convey and assure unto the purchaser, the property more particularly described in Schedule 1 hereunder the written together with all buildings, commons, fences, hedges, ditches, ways, waters, water courses, liberties, privileges, easements and appurtenance whatsoever to the said property belonging to or in any way appertaining on usually held or enjoyed therewith or reputed to belong, or appurtenant thereto and All the Estate, right, title, interest, claim whatsoever of the Vendor into and upon the property and every part thereof to Have and to Hold the property hereby granted, released, conveyed and assured or expressed so to be unto and to the use of purchaser with effect from subject nevertheless to the payment of such land revenue, cesses, taxes and levies as are or may be assessed or imposed on the said property and that the said purchaser shall and may at all times peaceably and quietly possess and enjoy the said property and receive the benefits thereof without any interruption claim or demand whatsoever, from the Vendor or any person lawfully or equitably claiming from, under, or in trust for him and Reserving to the Vendor all mines and minerals whatever nature as lie to, in or under the said property together with full liberty at all times for the Vendor, his agents and

workmen to enter upon all or any part of the said property to search for, make merchantable and carry away the said mines and minerals under or upon the said property or any adjoining lands of the Vendor and to let down the surface of all or any part of the said property and any building standing thereon or hereafter to be erected thereon, making fair compensation to the purchaser for damage done thereby.

I

All that piece or parcel of land or House/Shop/Plot.....bearing Municipal No.....situated in Ward.....at Custodian No..... Moholla containing by admeasurement an area of Sq. Yds. or thereabout and bounded on the-North..... East.....South..... West.....

II

Name	Amount set off
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1. ....s/o .....Rs.

2. ....s/o .....Rs.

3. ....s/o .....Rs.

Total Rs.

Signed by the said ..... Tehsildar-cum-Managing Officer for and on behalf of the President of India.....Governor of RajasthanIn the presence of:

1. ....

2. ....

Tehsildar-cum-Managing Officer. Form 'B' Government of Rajasthan Office of the Tehsildar cum-Managing Officer, District.....Certificate of Sale This is to certify that.....s/o..... having given the highest bid at a sale by Public Auction held in pursuance of the provisions of the Rajasthan ..... Rules, 19 .., and the Rules framed thereunder on the.....of 19 ..., of the property described below in part of the Schedule and the bid having been approved and the value thereof having been paid by him and his associates in cash Rs..... and Rs..... by adjustment of compensation due on his/their claims total Rs the aforesaid ..... and his associates Has Have Declared The Purchasers of the Property with Effect From The day of .....19 ..., and the extent of other interest in the property will be shown in the Part II of the Schedule.

## Schedule 3

**Part I – All that piece of parcel of land and/or house/shop/plot.....bearing Municipal No./Custodian No.....situate in Ward/ Mohalla .....**

**at.....containing by admeasurement an area .....Sq.  
Yds. or there about together with all buildings privileges  
easements and appurtenances whatever to the property  
belonging or usual hold or enjoined and bounded on the:-**

North..... East.....South..... West.....

## **Part II**

Name of purchaser Share

- 1.
- 2.
- 3.

Given under my hand seal of office this..... day of 19....Tehsildar cum-Managing  
Officer,District .....Copy to:-Collector/Sub Registrar ..... with the request that  
it may please be filed in book No.1 maintaining by him for purpose of section 89(4) of the Indian  
Registration Act of 1908.Tehsildar cum-Managing Officer,District .....