The M.P. Gram Panchayat (Registration of Coloniser Terms and Conditions) Rules, 1999

MADHYA PRADESH India

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Rule

THE-M-P-GRAM-PANCHAYAT-REGISTRATION-OF-COLONISER-TERM of 1999

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The M.P. Gram Panchayat (Registration of Coloniser Terms and Conditions) Rules, 1999Published vide Notification No. F. 1-15-98-22-P-2, M.P. Rajpatra (Asadharan), dated 12-4-1999 at page 596 (13)-(25). In exercise of the powers conferred by sub-section (1) of Section 95 read with Sections 61-A to 61-G of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby, makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely;-

1. Short title, commencement and extent.

- These rules may be called the Madhya Pradesh Gram Panchayat (Registration of Colonizer Terms and Conditions) Rules, 1999.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Colonizer" means Development Authority, Society registered by the Registrar, Firms and Societies, Co-operative Society/ Institution or any other registered institution and person or institution who intends to take up the work of establishment of the colony by developing that area for the purpose of dividing any land, including agriculture land, into plots and intend to transfer such plots to the persons desirous to construct residential or non-residential or group housing (minimum plot area 5000 sq. meter) for in habitation and whose registration as colonizer has been done by the competent authority under

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these rules;(c)"Gram Panchayat Area" means such area which is situated in the Gram Panchayat within the distance of,-(i)sixteen kilometres from the limits of any Municipal Corporation constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956);(ii)eight kilometres from the limits of any Municipal Council or Nagar Panchayat constituted under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);(iii)three kilometres from the limits of any urban area, other than as specified in (one) and (two) above, or (iv) one kilometre from the side of the National Highway specified or declared under the National Highways Act, 1956 (No. 17 of 1956) or public road notified under Section 2 of the Madhya Pradesh Highways Act, 1936 (No. 36 of 1936);(d)"Gram Panchayat" means any Gram Panchayat duly constituted under the Act;(e)"Municipality" means Municipal Corporation, Municipal Council or Nagar Panchayat, as the case may be;(f)"Sub-Divisional Officer (Revenue)" means the Sub-Divisional Officer appointed under the Land Revenue Code, 1959 (No. 20 of 1959);(g)"Plot Holder" means any such person who holds any plot to construct colony from any person under any transfer documents or under any transfer agreement in any area of the Gram Panchayat;(h)"Form" means the Form appended to these rules;(i)"Competent Authority" means such Sub-Divisional Officer who has jurisdiction over the Gram Panchayat concerned;(j)"Internal Development Work" means the following development works to be done within the limits of the colony under the prescribed standards :-(i)Leveling,(ii)Demarcation of the proposed roads and plots sanctioned in the layout,(iii)Construction of the proposed roads (as per IRC standard),(iv)The construction or widening of existing road, if any, on the basis of sanctioned layout (as per IRC standard),(v)Construction of culverts (as per IRC standard),(vi)Construction of proposed drain, or cabalisation or existing drain, as the case may be (as per PHE standard),(vii)Execution of internal water supply system (as per Public Health Engineering standard),(viii)Construction of internal sewage line (as per Public Health Engineering standard),(ix)Construction of septic tank (if proposed) (as per Public Health Engineering standard),(x)Fixation of electric polls etc., under the internal electricity system (as per the standards prescribed by the MPEB),(xi)Construction of overhead water tank,(xii)Development of proposed open area in the colony,(xiii)Plantation at the road side.(k)"External Development Work" means the following development works in the prescribed criteria:-(i)Construction of new road between the outer limit of colony and existing road of village,(ii)If a road exists as in Clause (one), the widening of existing road,(iii)Laying electric line from the limits of the colony to the existing electrical energy point, (iv) Connection of existing underground sewerage with the system of colony, (v) Laying of new water pipe line from the limits of the colony to the existing pipeline of rural water system.(1)"Development expenses" means the expenditure to be incurred for the completion of the works as mentioned above under Clauses (j) and (k), (as per the prescribed specifications) as

3. Registration of the Colonizer.

(1)Such colonizer who in any Gram Panchayat Area -(i)intends to take-up the work of establishment of the colony by developing that area for the purpose of dividing any land into plots,(ii)intends to transfer such plot to the persons desirous lo construct residential or non-residential or group housing for inhabitation, shall apply to the competent authority for registration in Form 1 appended to these rules.(2)It shall be essential to enclose the following documents with each application for registration under sub-rule (1):-(i)Copy of the receipt of depositing the registration fee in the Gram

Panchayat, as specified in Rule 4.(ii)Bank Guarantee of Rupees Fifty Thousand, Bank Guarantee shall be necessary for the full term of the registration.(3)In case the application of registration is not accepted, after deducting twenty percent of the registration fee deposited under sub-rule (2), the balance alongwith the Bank Guarantee shall be refundable to the applicant.(4)In case the application of registration is rejected, the reasons thereof shall be recorded in writing and the proceedings to sanction or to reject the application, as the case may be, shall necessarily be completed within thirty days from the date of receipt of the application.(5)In case the application of registration is rejected, an appeal may be filed to the Collector, within thirty days from the date of such order.(6)The registration certificate shall be issued in Form 2 appended to these rules and the competent authority shall have power to mention other conditions looking lo the local circumstances, apart from the terms and conditions as mentioned in these rules or Act.(7)The registration certificate shall be valid for five years, thereafter it may be renewable.(8)For each colony, separate registration certificate shall not be necessary in any "Gram Panchayat Area".(9)The competent authority shall publish the list of the names of registered colonisers at every three month on the notice board of its office and office of the Collector.

4. Registration and Renewal Fee.

- The registration fee shall be Rs. 5,000/- (Rupees Five thousand) and the renewal fee shall he Rs. 2,000/-(Rupees Two thousand) which shall be deposited in the fund of the Gram Panchayat and the receipt thereof shall have to be obtained.

5. Disqualifications for registration.

- Any person, registered society registered by Registrar, Firms and Societies, Co-operative Society, in case of any other Society Director elected by the Society shall not be eligible for registration, if-(a) any information given in the application is not correct or the information is incomplete.(b) The financial condition of the applicant is not satisfactory.(c)(i)has been convicted of an offense punishable under Section 153-A of the Indian Penal Code, 1860 (No 45 of 1860) or under the Protection of Civil Rights Act, 1955 (No. 22 of 1955) or under Section 125 of the Representation of the Peoples Act, 1951 (No. 43 of 1951) or Sections 3 and 4 of the Dowry Prohibition Act, 1961 (No. 28 of 1961) or Section 10 or Section 11 of the Madhya Pradesh Local Authorities (Electoral Offenses) Act, 1964 (No. 13 of 1964), unless a period of six years has elapsed since his release. (ii) has been convicted by a Court in India,-(a)for an offense not falling under sub-clause (i) and convicted and sentenced to imprisonment for a period of not less than six months; or(b)for contravention of any provisions of the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (No. 15 of 1984), or of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs unless a further period of six years had elapsed since his release. Explanation. - In this clause, -(a)"Law providing for the prevention of hoarding or profiteering" means any law or any order, rule or notification having the force of law provided for,-(i)the regulation of production or manufacture of any essential commodity,(ii)the control of price at which any essential commodity may be bought or sold, (iii) the regulation of acquisition, possession, storage, transportation, distribution, disposal, use or consumption of any essential commodity, (iv) the prohibition of the withholding from sale of any essential commodity,

ordinarily kept for sale,(b)"Drug" shall have the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (No. 23 of 1940),(c)"Essential Commodity" shall have the same meaning as assigned to it in the Essential Commodities Act, 1955 (No. 10 of 1955),(d)"Food" shall have the meaning, assigned to it in the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954),(d)If the registration certificate of the applicant was cancelled earlier under Rule 7 or 13,(e)The competent Court has declared him as of unsound mind.

6. Maintenance of Register.

- The competent authority shall maintain a Register in Form 3 wherein the full details of the registration certificate, issued under these rules shall be entered together with terms or conditions, subject to which registration certificate has been granted and it shall contain lull address of the applicant. Every person who has obtained the registration certificate shall inform the competent authority in case of any change in his address.

7. Cancellation of Registration Certificate.

- The competent authority on his own motion or on information from any source and for reasons to be recorded in writing, may cancel the registration certificate for contravention of the terms or conditions or any provision of the Act or these rules; Provided that no registration certificate shall be cancelled unless a reasonable opportunity of being heard is given to the holder of the registration certificate. An appeal may be filed to the Collector within thirty days from the date of the order of cancellation of registration certificate; Provided further that if any coloniser constructs more than one colony and out of which one colony is constructed lawfully and in the other one some irregularities are committed, then for this reason the registration certificate shall not be cancelled and in the colony in which irregularities are found, action shall be taken for these irregularities only :Provided that if it is found that the coloniser is repeatedly committing irregularities, then his registration may be cancelled.

8. Application tor the development of the colony and permission fee.

(1)When a coloniser registered under Rule 3 wants to establish any colony and take up its development work, then he shall submit an application to the competent authority in Form 4 together with the fee prescribed under sub-section (2), at least ninety days before the proposed date for starting the development work of the colony or sale of plots.(2)The fee for the permission of development of the colony shall be payable at the rate of Rs. 1000/- (Rupees one thousand) per hectare, which shall be deposited by the coloniser in the treasury of Gram Panchayat and the true copy of the receipt shall be enclosed with the application to be submitted under sub-rule (1).

9. No objection certificate to be obtained.

(1)On receipt of the application under Rule 8, the competent authority shall obtain the following No Objection/Permissions, from the concerned department officer:-(a)Under the Urban Land Ceiling

Act, 1976;(b)Under the Madhya Pradesh Town and Country' Planning Act, 1973;(c)From the Tehsildar or Nazul Officer, (d) From Sub-Divisional Officer, under Section 172 of Madhya Pradesh Land Revenue Code, 1959.(2) If the No Objections/Permissions described in sub-rule (1) arc not issued by the concerned department/office within a period of forty-live days from the date of the receipt of letter from the competent authority, it shall be deemed their sanction and the application shall be disposed off within ninety days from the date of the receipt of the application under Rule 8.(3) If after the period prescribed under sub-rule (2), the applicant coloniser do not receive the information from the competent authority about the disposal of application, the coloniser shall inform the competent authority in writing in this behalf. In case the competent authority docs not issue the necessary No Objection Certificate/Permission within thirty days from the receipt of the information, permission of development to the applicant coloniser shall be deemed to have been given after expiry of the aforesaid period, provided that in calculating the aforesaid period the period between the dale on which additional information or documents are called from the applicant and the date on which such information or document were received from the applicant shall be excluded. This deemed permission shall be admitted up to the extent where there has been no violation of any Act/Rules/Bye-laws for the time being in force, viz. the deemed permission shall only be admitted subject to the Act/Rules/Bye-laws for the time being in force.

10. In residential colonies, availability of plots/houses for the weaker sections of the society.

(1) In every residential colony of an area of one acre or more fifteen percent of fully developed plots shall be handed-over to the competent authority for the persons of the economically weaker sections. All such plots shall be allotted at the rate prescribed by the competent authority to the persons of the economically weaker sections. The list of the persons of the economically weaker sections eligible shall be maintained by the Chief Executive Officer of Janpad Panchayat and the same shall be up to date of every year.(2)The selection of eligible persons under sub-rule (1) shall be made by the following committee under the Chairmanship of the Sub-Divisional Officer :-(i)Sarpanch of Gram Panchayat,(ii)President of the Janpad Panchayat,(iii)An officer, not below the rank of Assistant Director, Town and Country Planning, (iv) Secretary, Gram Panchayat, (v) Chief Executive Officer, Janpad Panchayat.(3)The list of eligible persons selected under sub-rule (2) shall be made available to the colonizer. In accordance with the aforesaid list, the competent authority shall allot the plots to the eligible persons under sub-rule (1)-(4)Colonizer who wish to offer constructed residential houses instead of developed plots in his residential colony for the persons of the economically weaker sections under sub-rule (1), he shall handover to the competent authority the houses built-up on the area equal to one-fourth of the total area of developed plots duly constructed in the size prescribed by HUDCO for EWS and shall be allotted to the eligible persons at the rate prescribed by the competent authority. (5) The colonizer shall be entitled to sell the other plots/houses excluding the residential plots/ houses for economically weaker sections as above.(6)Such colonizer who do not wish to develop plots or construct houses under sub-rule (1) or (4) in their residential colony for the people of economically weaker sections, they will have option to handover the developed plots/houses of the prescribed size and in the prescribed number, built by themselves or purchased within a radius of one Kilometre from their colony to the competent authority for allotment to the people of economically weaker sections which shall be allotted to the

eligible persons at the rate prescribed by the competent authority.(7)The amount received from allotment of plots/houses to the people of economically weaker sections under sub-rule (1) or sub-rule (4) or sub-rule (6), shall be paid to the colonizer by the competent authority.(8)If, within a period of two years, the competent authority fails to allot the plot/houses to the eligible persons, then such plots/houses shall be returned back to the colonizer by the competent authority.(9)At the time of submission of the application described in Rule 8, the colonizer shall have to clarify that out of the options shown in sub-rule (1), (4) or (6) which he would like to select and shall have also submit the details of the option as selected alongwith the application. This option shall be got technically examined by the competent authority and at the time of giving permission for the construction of colony, shall mention in respect of the option also.

11. Availability of the urban land and its optimal use.

(1)In the areas falling under the purview of Urban Land Ceiling Act, 1976, if holders or cooperative societies agree to execute the housing scheme approved by (he Government and it is ready to make available atleast twenty-five percent of total developed land inform plots to the Chief Executive Officer, Janpad Panchayat for the economically weaker sections, til the rate of compensation fixed for lands declared excess under Urban Land Ceiling Act, 1976 the exemption under the Section 20 of Urban Land Ceiling Act, 1976 may be granted by the State Government for the remaining land.(2)It shall be obligatory to commence the implementation of the scheme within a period of one year and to complete it within a period of three years from the date of approval of scheme by the State Government.(3)Apart from taking over the aforesaid prescribed developed plots, no plots will be taken over for the people of economically weaker sections under any other provision.(4)In respect of the above sub-rules, the instructions given by the Government from time to time, shall be deemed to be applied.

12. Permission tor the development works of the colony.

- On receipt of the application under Rule 8, subject to the provisions mentioned in Rules 9, 10 and 11, alter fulfillment of the following conditions, the permission for the development of the colony in Form 5 shall be given by the competent authority,-(i)The coloniser shall have to mortgage 25% of total developed plot excluding the plots reserved for economically weaker sections, with the concerned Gram Panchayat released from mortgage and will be available to the colonise; for sale on the completion of internal development works of the colony, subject to sub-rule (2) of Rule 13. The notice regarding the numbers of the plots/houses as mortgaged shall be got published in newspapers for the information of the general public by the competent authority and a copy of such notice shall also be sent to the Sub-Registrar. (ii) The coloniser shall have to deposit an amount equal to two percent of the estimated cost to be incurred on the internal development of the colony as supervision fee in the fund of the concerned Gram Panchayat.(iii) The coloniser shall have to comply with the criteria prescribed by the State Government in respect of the handing over of the colony to the Gram Panchayat for maintenance. (iv) The notice of completion of the development work of the colony shall be given by the coloniser to the competent authority and the Grain Panchayat. On receipt of the notice, the work completion certificate shall be issued by the competent authority within a period of fifteen days, if the development works have found to be completed on inspection.

It shall be deemed that the concerned colony has been transferred to the Gram Panchayat for maintenance on the date of issue of such certificate.(v)External development cost, at the rate of Rupees Ten per square meter shall be deposited by the coloniser in the fund of Gram Panchayat for the total area of the colony.(vi)The Gram Panchayat shall complete the development works within a period of one year from the date of deposit of the amount under Clause (v).

13. Period for completion of the internal development works of the colony.

(1)It shall be compulsory to complete the internal development works of the colony by the coloniser within a maximum period of three years from the date of issue of the permission of development of the colony under Rule 12.(2)If within the stipulated period in sub-rule (1), any coloniser docs not complete the internal development works of the colony of competent authority, after giving reasonable opportunity of being heard to the works of the colony and shall cause to complete the development works. The expenditure incurred thereon shall be recouped by selling of twenty-five per cent plots mortgaged under Clause (i) of Rule 12.

14. Effect of non-compliance of Rule 12.

- If prior to the receipt of permission under Rule 12, any coloniser starts the development work of the colony or sells the plots, or prepares to sell the plots, in such circumstances, the competent authority may cancel the registration of the coloniser and may lake such legal action as he decides to take under the law: Provided that the registration shall not be cancelled until such coloniser has been given a reasonable opportunity of presenting his case: Provided further that the reasons for cancellation of registration shall be recorded.

15. Management of the colony.

(1) If the fact of transfer or agreement to transfer of plots made by the coloniser in an area of illegal diversion or illegal colonisation comes to the notice of the competent authority and he considers it desirable to takeover the management of such land, he shall issue a notice and publish it in atleast two daily news papers of which one must be of Hindi language and call 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)On the expiry of the period specified in the notice, the competent authority shall consider the objections or suggestions, if any received with reference to the notice or otherwise, and if considers necessary, require any such person who has raised any objection to present himself or through(3)After hearing the parties, if present, on the date fixed for hearing and after making any further inquiry in the matter, which he may think proper, the competent authority-(a)may takeover the management of the land, if he finds any illegal diversion or illegal colonisation thereon,(b)may drop proceedings if he is satisfied that the land is not subjected to illegal diversion or illegal colonisation. (4) The competent authority may confer upon one or more officers subordinate to him, such powers as he may think necessary for proper management, protection and preservation of the properly and wherever necessary, for the collection of rents and profits, for any suit or prosecution of the other legal proceedings for management, protection and preservation of the property. (5) Where the management of land is

taken over by the competent authority, he shall draw-up a scheme for the development of such land and for allotment of such land to individual plot holders, if any, and the scheme so prepared shall be published for the information of general public in the manner as he may deem fit.(6)The expenses incurred by the competent authority on 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 fair basis from persons to whom the plots have been allotted under the scheme.

16. Repeal.

- On or from the date of commencement of these rules, all rules and bye-laws corresponding to these rules, in force immediately before the commencement of these rules shall stand repealed :Provided
that anything done or any action taken under the rules and bye-laws so repealed, shall, unless such
thing or action is inconsistent with the provisions of these rules, be deemed to have been done or
taken under the corresponding provisions of these rules. Form 1[See Rule 3 (1)] Application for
RegistrationTo,The Competent Authority,Sub-Divisional Officer (Revenue)Application for
registration as a coloniser is submitted as per the following details :-(1)Prescribed fee for
registration Rs has been deposited in the Gram Panchayat Fund vide receipt No dated
(true copy is enclosed), A copy of Gram Panchayat resolution is attached herewith(2)Bank
Guarantee for Rs is enclosed.(3)Other required details are as follows:-
1. Name of the applicant with complete present address and permanent
address
2. Is the applicant a private person/public company/private company/ firm/
union or society
3. If the applicant is,-
(a)a person, his nationality?(b)a private company, or a public company, the place of registration together with the nationality of all members of company
(c)a firm or union, the nationality of all members of firm or
union(d)a society, the details thereof
4. The profession or nature of business of the applicant
4. The profession or nature of business of the applicant

yes, give details thereof.....

7. Whether applicant has sufficient financial resources for the es of colony (give sufficient particulars)	stablishment
8. Whether applicant has been convicted for any offense? If yes, details	, give
9. Income-tax permanent account number, enclose copy of return income submitted in the last three years	n of the
10. Nature of joint interest, in any	
11. If the applicant himself intends to supervise the works, his p experience be mentioned. If he intends to appoint a manager, the manager, his qualifications, nature and extent of his previous ex should be mentioned and his consent letter should be attached	e name of the perience
I/We hereby declare that the particulars furnished above are correct and I/We am/furnish any other details as may be required by you.	are ready to
Place : Yours faithfully.	
Date:	
of the applicant). Form 2[See Rule 3 (4)]Registration CertificateDateRegistration No Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994) and the Madhya Fanchayat (Registration of Coloniser Terms and Conditions) Rules, 1999 made thereunder,-Shri/Shrimati/MessersSon	
of	tion is limited to ablishment of to start ent work, sale of pment of colony
1. Date and year of issue of Registration Certificate	
2. Registration Certificate Number	
3. Name of the person to whom Registration Certificate is issued	
4. Father's Name	
Name of all the partners office-bearers if the firm is companyor organisation or 5. society	

6.	Terms and conditions under which the Registration Certificate	is granted	
_	Date of cancellation of Registration Certificate and thereasons in brief	for cancellation	
8.	Date of receipt of application under Rule 8		
9.	Date of issue of permission under Rule 11		
Fo	rm 4[See Rule 8]Application for Development of ColonyTo,The	e Sub-Divisional	
Of	ficer,(Revenue)(Competent Authority)DistrictApplication	for permission for	development of
col	ony is submitted with the following details :-		
1.	Full name of applicant (specify whether a person, firm,co-ope company or society of any other category)	erative society or	
2.	Registration number and date		
3.	Present address		
4.	Details of survey number of the land to be developed		
5.	Right under which the applicant holds the land		
6.	Details of immovable property owned by the applicant		
7.	Whether he has developed any land prior to submission of the so, state the details	sapplication if	
8.	Details of financial resources for establishment of colony		
9.	Whether the applicant has been convicted of any offense. If so	state the details	
	Following documents are enclosed with the application:-	,state the details	
	For the permission of development of colony, prescribed fee of	Da (Dungaa) has been
	posited in the Gram Panchayat fund vide Receipt Noda		
	py of Gram Panchayat resolution is attached herewith.(2)True	_	•
_	cuments of registration issued by the Sub-Registrar regarding t		
	nich permission to establish the colony is sought.(3)True copy o	_	
	nd to be developed.(4)Proposed development plan.(5)Details of		*
	nd/plots to the weaker sections of the society, under Rule 10	-	-
	ortgaged according to Rule 10(1)(7)Statement of approxi	* *	-
	orks of the colony, which have been certified by any qualified en	_	_
	ecifying number and date of deposit of the amount equal to 2%	-	
fur	nd(8)Solvency certificate.I/ We do hereby declare t	hat the details giv	en above are true
an	d I/We am/arc ready to furnish any more details required by yo	ou. Kindly I/We m	nay be permitted
to	establish the colony.Yours faithfully,Signature of the applicant.	Form 5[See Rule	12]Permission
for	Development of Colony		
Da	tePermission Number		
Un	der the Madhya Pradesh Panchayat Raj Adhiniyam. 1993 (No.	1 of 1994) and the	e Madhya
	adesh Gram Panchayat (Registration of Coloniser Terms and Cereunder-	onditions) Rules,	1999 made
	;	Shri	
		Shrimati/	•••••

Messers

	Son of	•••
	Resident of	•••
	Mohalla	•••
	Village/ Ward	•••
	Town	•••
	Tehsil	•••
	District	•••
is permitted to start the development work in the residentialcolony		
	Khasra	
	Number	•••
	Total Area	•••
	in village	•••

subject to following conditions:-

- 1. Conditions mentioned in the No objection Certificate issued by the competent authority under the provisions of the Urban Land Ceiling and Control Act, 1976, have to be obeyed.
- 2. Conditions stated for land diversion under the Madhya Pradesh Land Revenue Code have to be obeyed.
- 3. Conditions stated under the permission for development under Madhya Pradesh Town and Country Planning Act, 1973 have to be obeyed.
- 4. Firstly development/construction of plots/houses for economically weaker sections have to be done.

Sub-Divisional Officer(Revenue)(Competent Authority).