

The Pondicherry Vacant Lands in Urban
Areas (Prohibition of Alienation)
Regulation, 1976

**THE PONDICHERRY VACANT LANDS IN URBAN AREAS (PROHIBITION OF ALIENATION)
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No. 2 of 1976

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

A Regulation to prohibit alienation of certain vacant lands in certain areas in the Union territory of Pondicherry.

In exercise of the powers conferred by the second provision to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

Short title, extent, commencement and duration.

1. (1) This Regulation may be called the Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall come into force at once.

(4) It shall remain in force for a period of one year and upon its expiry, the provisions of section 6 of the General Clauses Act, 1897 as made applicable under section 2 of the Pondicherry General Clauses Act, 1965, shall apply as if this Act had then been repealed by a Pondicherry Act.

Definitions

2. In this Regulation, unless the context otherwise requires—

(a) " appointed day " means the date of commencement of this Regulation;

(b) " Collector " means the Secretary to Government Revenue Department, Pondicherry and includes the Sub-Collector (Revenue), Assistant Collector (Revenue) and Deputy Collector (Revenue) having jurisdiction in any of the regions of Pondicherry, Karaikal, Mahe and Yanam in the Union territory of Pondicherry;

(c) " compact block " means any block of vacant land in an urban area, exceeding five hundred square metres in extent;

(d) " Government " means the Administrator of the Union territory of Pondicherry appointed by the President under article 239 of the Constitution;

(e) " person " includes an individual, an undivided Hindu family, a trustee, a company, a society or an association of individuals, whether incorporated or not;

(f) " prescribed " means prescribed by rules made under this Regulation;

(g) " trust " includes a trust created for public purposes of a charitable or religious nature;

(h) " urban area " means—

(1) any area which is comprised in any planning area declared as such by the Government under section 8 of the Pondicherry Town and Country Planning Act, 1969;

(2) any other area which the Government may, by notification in the Official Gazette, declare to be an urban area, having regard to any project existing in that area on the appointed day or having regard to the possibility in the near future of any such project, being established in that area where any such project, in the opinion of the Government, has led to, or is likely to lead to, urbanisation of that area;

(i) " vacant land " means land in an urban area, agricultural or non-agricultural, other than land on which any building has been or is being constructed in accordance with any law regulating such construction and the land appurtenant to such building, to the minimum extent required under such law or under the provisions of the Pondicherry Town and Country Planning Act, 1969, or any other corresponding law for the time being in force.

Explanation.— For the purpose of this clause, any land which is vacant on the appointed day shall be deemed to be vacant land, notwithstanding that the construction of any building thereon has been commenced on or after the said day.

Prohibition of alienation, etc.

3. (1) No person who owns any vacant land shall, on or after the appointed day, alienate such land by way of sale, gift, exchange, usufructuary mortgage, lease or otherwise, or effect a partition or create a trust of such land; and any alienation made, or partition effected, or trust created in contravention of this section shall be null and void:

Provided that nothing in this sub-section shall apply to the alienation by any person of any one plot of vacant land owned by him not exceeding five hundred square metres in extent and not forming part of a compact block or to the effecting of a partition or creation of a trust of any such plot.

(2) The provisions of sub-section (1) shall apply to any sale, partition or creation of trust of vacant land of any person in execution of a decree or order of a civil court or any award or order of any other competent authority.

Restrictions on registration of documents

4. Notwithstanding anything contained in the Registration Act, 1908— (Act 16 of 1908)

(a) no document relating to alienation of a vacant land or to partition or creation of a trust of such land shall be registered on or after the appointed day by any registering officer appointed under the said Act unless the person presenting the document furnishes a declaration by the transferor in the prescribed form, which shall be subject to verification in the prescribed manner—

(i) that the plot of vacant land owned by him and intended to be alienated or partitioned, or, as the case may be, in respect of which a trust is intended to be created does not exceed five hundred square metres in extent;

(ii) that such vacant land does not form part of a compact block; and

(iii) that no other plot of vacant land or no plot of vacant land, other than a plot of vacant land to which the provisions of this Regulation do not apply under section 3, section 5 or section 6, owned by him has been alienated or partitioned on or after the appointed day, or that no trust has been created in respect of such plot on or after the appointed day;

(b) a document relating to alienation or partition of any vacant land or the creation of any trust for any vacant land registered on or after the appointed day, shall, for the purposes of section 3, take effect and operate only from the date of such registration.

Regulation not to apply in certain cases

5. (1) Nothing in this Regulation shall apply to any transfer of vacant land by or in favour of—

(a) the Government of the Union territory of Pondicherry, or a State Government or the Central Government or a local authority;

(b) a Government Company as defined in section 617 of the companies Act, 1956;(Act No:1 of 1956)

(c) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by the Government of the Union territory of Pondicherry or a State Government or the Central Government;

(d) such co-operative house building societies established for the purpose of providing housing accommodation to weaker sections of the people, as may be approved by the Government in this behalf:

Provided that in giving such approval, the Government shall have regard to the income of the members of such societies or their social backwardness or such other considerations:

Provided further that, in giving such approval, the Government may impose such conditions as to the alternation in the constitution of the society or in the number of its members, the nature of construction of houses by the society, the area of the land to be obtained and used by the society or its members and such other matters as it may think fit to impose:

Provided also that if any time the Government satisfied that the approval accorded to any society has not served the purpose for which it was accorded, it may withdraw such approval, after giving an opportunity to the society, for making a representation against the proposed withdrawal;

(e) a bank.

(2) Notwithstanding any thing contained in sub-section (2) of section 3, nothing in this Regulation shall apply to the deposition by sale or other transfer or vacant land directed to be made in execution of a decree or an order of a civil court relating to the recovery of any amount due to the Government or any local authority or bank or in enforcement of any order made or any process employed by any officer or authority under any law for the time being in force for the recovery of such amount.

Explanation.— In this section, a " bank " means—

(i) a banking company as defined in section 5 of the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act,1959;

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of under takings) Act, 1970; and

(v) any other financial institution notified by the Government as a bank for the purpose of this Regulation.

Power to exempt.

6. (1) The Government may, by general or special order in writing and for reasons to be recorded therein, exempt any area from the provisions of this Regulation.

(2) The Government may, if it considers it necessary so to do for avoiding any hardship, exempt, by order in writing any alienation or other transfer of any vacant land from the provisions of this Regulation.

(3) Subject to any rules that may be made in this behalf or to any general or special orders of the Government, the Collector may, by order in writing, exempt any alienation or other transfer or any vacant land from the provisions of this Regulation in case the land is being or is to be used for educational, scientific, industrial or commercial purpose or for such other purpose as may be prescribed.

(4) Every order issued by the Government under sub-section (1) or sub-section (2) and by the Collector under sub-section (3) shall be laid before the Legislative Assembly as soon as possible after it is issued.

Alienations, etc., made on or after 1st July, 1975 but before the appointed day

7. (1) Where, on or after the 1st day of July, 1975 but before the appointed day, any person has alienated, whether by way of sale, gift, exchange, usufructuary mortgage, lease or otherwise, any vacant land owned by him or has effected a partition or created a trust of any such land, then notwithstanding anything contained in any law for the time being in force, such alienation, partition, or, as the case may be, trust shall, unless it is proved to the contrary, be deemed to have been made, effected, or, as the case may be, created in anticipation in order to defeat the object of this Regulation or any law that may be enacted in future for imposing restrictions on holding property in excess of certain limits in urban areas (hereinafter referred to as the ceiling law), if such alienation, partition, or, as the case may be, trust would have been null and void under the provisions of this Regulation had it been made, effected, or, as the case may be, created on or after the appointed day.

(2) Any person affected by the provisions of sub-section (1) may, within such period, in such form, and on payment of such fees, as may be prescribed, make an application to the Collector for a declaration that the alienation, partition, or, as the case may be, trust was not made, effected, or, as the case may be, created in anticipation to defeat the object of this Regulation or of the ceiling law.

(3) On receipt of such application, the Collector hold an inquiry and after giving an opportunity to the alienator and the alienee, to the parties to the partition or, as the case may be, to the creator of the trust and persons interested in the trust, to be heard, by serving them a notice

in such manner as may be prescribed after considering the evidence which may be produced by them, decide whether the alienation, partition, or as the case may be, trust was or was not made, effected or as the case may be, created in order to defeat the object of this Regulation or of the ceiling law, and accordingly may,—

(i) reject the application, or

(ii) by order in writing make a declaration that the alienation, partition, or trust was not made, effected, or as the case may be, created in anticipation to defeat the object of this Regulation or of the ceiling law.

(4) Where no such application has been made within the prescribed period, or where any such application is rejected, the vacant land in respect of which such alienation, partition, or trust was made, effected, or as the case may be created shall, for the purposes of the ceiling law, be deemed to belong to the owner thereof to whom it belonged immediately before such alienation, partition, or trust was made, effected, or as the case may be, created, as if such alienation, partition or trust was made, effected or as the case may be, created, unless the ceiling law provides otherwise.

Supply of information

8. The Government or the Collector may, by general or special order, call upon any person to furnish to it or him such information as would in its or his opinion be useful for, or relevant to, any of the purposes of this Regulation and as may be stated in such order and it shall be the duty of such person to furnish true and correct particulars relating to the information called for.

Appeal against orders of Collector

9. (1) Any person aggrieved by an order of the Collector under sub-section (3) of section 6 or sub-section (3) or section 7 may, within such period, in such form, and on payment of such fees, as may be prescribed, prefer an appeal to the Government.

(2) On receipt of an appeal under sub-section (1) the Government shall, after giving notice to the parties concerned for making representation in the matter, decide the appeal.

Bar of jurisdiction

10. No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Regulation required to be settled, decided or dealt with by the Collector or the Government.

Penalty for contravention, etc.

11. (1) If any person contravenes any of the provisions of this Regulation or the rules made thereunder or makes a declaration or furnishes information which he knows or has reason to believe to be false, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) No court shall take cognizance of an offence punishable under this Regulations except with the previous sanction of the Collector.

Power to make rules

12. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which any notice or order issued or made under this Regulation is to be served or the conditions under which such notice or order shall be deemed to have been served;

(b) the form in which a declaration under clause (a) of sub-section (1) of section 4 shall be furnished and the manner in which such declaration shall be verified;

(c) the period within which, and the form in which, an application under sub-section (2) of section 7 or an appeal under sub-section (1) of section 9 shall be made or, as the case may be, preferred and the fees payable on such application or appeal;

(d) such other matters as are required to be, or may be prescribed.

(3) Every rule made under this Regulation shall, as soon as possible after it is made, be laid before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decided that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, or as the case may be, so, however, that any such modification annulment shall be without prejudice to the validity of any thing previously done under that rule.

Regulation over-ride other laws

13. The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force, or any agreement, or any decree or order of a court, tribunal or other authority or any custom or usage to the contrary.