

**THE PONDICHERRY
VACANT LANDS IN URBAN AREAS
(PROHIBITION OF ALIENATION)
RULES, 1976.**

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GOVERNMENT OF PONDICHERRY

Revenue Department.

No. 13197/75/C

Pondicherry, the 28th February, 1976.

NOTIFICATION

G. S. R. No. 2.— In exercise of the power conferred by section 12 of the Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976 (No. 2 of 1976), the Lieutenant-Governor, Pondicherry hereby the following rules, namely : —

1. These Rules may be called the Pondicherry Vacant lands in Urban Areas (Prohibition of Alienation) Rules, 1976.

2. In these rules unless the context otherwise requires—

(a) " Regulation " means, the Pondicherry Vacant Lands in Urban Area (Prohibition of Alienation) Regulation, 1976;

(b) " Form " means a form included in the Schedule;

(c) " Schedule " means the Schedule appended to these rules;

(d) " Section " means a section of the Regulation.

3. (1) A declaration by the transferor which is required to be furnished by a person presenting a document referred to in clause (a) of section 4 be in Form 'A'.

(2) The plan to be attached to Form 'A' shall be certified by a person who prepared it by endorsing thereon as follows, namely:—

" Certified that the above plan is made by me after personally seeing the vacant land and its surroundings, I have got the land measured in my presence and the above plan indicates the true and correct position and area of the vacant land and its surroundings ".

(3) The registering officer shall verify the facts stated in the declaration made by the transferor and also the facts stated in the document presented for registration and if the facts stated in the declaration as well as the document are found to be in order, he may make an order of acceptance of the document for registration. Where the facts stated in the declaration to document are not found to be in order he shall make an order refusing to register the document specifying the reasons therefor in the order of refusal and shall forward a copy of such order to the Collector.

4. (1) An application for approval of a Co-operative house building society established for the purpose of providing housing accommodation to the weaker sections of the people under clause (d) of sub-section (1) of section 5 may be made in Form 'B' to the Collector within whose limits the place mentioned in the society's registered address is situate.

(2) (a) On receipt of an application made under sub-rule (1), the Collector may enquire himself or cause an enquiry to be made by an officer not below the rank of a Deputy Tahsildar as to whether the society is a house building society for weaker sections of the people, as to the income of its member and their social backwardness and as to existence of such other factors as may be specified by the Government from time to time and shall submit a report to the Government.

(b) In an enquiry under clause (a), the Secretary or the President, or an officerbearer of the Society empowered by the Society to act on its behalf may adduce such evidence in support of the application made under sub-rule (1) as he may consider necessary.

(c) On receipt of a report from the Collector, the Government, having regard to the income of members of such Society, or social backwardness of its members or such other considerations, stated in the report, shall by an order either approve or disapprove the society.

5. (1) The Collector shall not exempt under sub-section (3) of section 6 any alienation or other transfer of any vacant land from the provisions of the Regulation unless the land is to be used—

(a) for an educational purpose by an educational institution recognised by the Government and in case—

(i) such educational institution not being the one established and administered by a majority based on religion or language; or

(ii) such educational institution which being so established and administered is the maintained by the State

as defined in Article 12 of the Constitution or receives aid out of State funds, admission of students to or membership for which is not prohibited on grounds of religion, race or cast or any of them;

(b) for a scientific purpose by an institution doing scientific research work beneficial to the general public and recognised as such by the Government;

(c) for an industrial purpose by an industry established or to be established in the Union territory requiring land urgently for use for the purpose of expansion programme of an industry already established, or as the case may be, for the purpose of establishment of an industry to be established, where such expansion programme, or as the case may be, establishment has been approved by the Central or the Union territory Government, wherever necessary.

(d) for a commercial purpose by a person requiring land urgently for such purpose.

(e) for construction of a hospital by any institution requiring land urgently for such purpose;

(f) for an agricultural purpose including dairy farming, horticulture and poultry farming, by any agriculturist requiring land urgently for such purpose.

(2) Any person desirous of obtaining an exemption under sub-section (3) of section 6 shall make an application in Form 'C' to the Collector within whose limits the land is situate.

6. (1) An application under sub-section (2) of section 7 shall be made in Form 'D' within a period of sixty days from the date of publication of these rules in the Official Gazette.

(2) The notice under sub-section (3) of section 7 shall be served in the following manner, namely:—

(a) by delivering or tendering it to the person concerned, or

(b) by post in a letter addressed to the person named therein, at the last known residence or place of business and registered under Part III of the Indian Post Office Act, 1898.

7. An appeal under section 9 shall be made in Form 'E' within a period of thirty days from the date of the order of the Collector.

SCHEDULE

FORM 'A'

[See Rule 3 (1)]

Declaration under clause (a) of section 4 of the Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976.

I son/wife/widow ofresiding atdo hereby declare that the plot of vacant land described in the appendix hereto owned by me and intended * to be alienated/* to be partitioned or in which a trust is intended to be created by me by writing signed by me and dated and evidenced in the form of the document of(lease, sale, mortgage, partition, etc.) does not exceed five hundred square metres in extent. I further declare that the said vacant land does not form part of a compact block within the meaning of the term defined in clause (c) of section 2 of the Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976 and that no other plot of the vacant land or no plot of vacant land other than a plot to which the provisions of the said Regulation do not apply under section 3, 5 or 6 and which is owned by me has been alienated or partitioned on or after theand that no trust has been created in respect of such plot on or after the

* Strike off, if not applicable.

APPENDIX

1. Name of the owner making the declaration
2. Manner of alienation whether, lease, sale, mortgage or otherwise partitioning or creation or trust.
3. Revenue Survey Number, Town Planning Scheme No. and Block No./Ward No.
4. Area of the vacant land (in words and figures)
5. * Description
- East
- West

South

North

Note :— * (1) A plan drawn to scale is appended showing the location of the vacant land together with its boundaries clearly marked, indicating further whether lands appurtenant to and surrounding the said vacant land were vacant or built upon on or after

(2) The said plan is certified by a person who has prepared the plan, as prescribed in sub-rule (2) of rule 3.

Dated day

Signature of the transferor.

Solemnly affirmed before me bywho is personally known, to me/who is identified before me, bywhom I personally known.

Dated day

Signature of the Magistrate.

Seal.

FORM 'B'

[See Rule 4 (1)]

Form of application for approval of a Co-operative House Building Society under sub-section (1) of section 5 of the Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976.

1. (a) Name of applicant Co-operative society
 - (b) Registration Number and date of registration
 - (c) Registered address
 - (d) Name of the person authorised to apply on behalf of the society (Secretary/President)
-
2. (a) Whether it is a Co-operative House Building Society.

(b) Whether the house-building is exclusively for weaker sections of the people or socially backward people (give details).

(c) What is the average yearly income of each person for whom the house is to be built.

(d) Whether the society is promoted for providing housing accommodation to its members only.

3. Whether all members of the Society belong to weaker sections of the people. If not state the basis for admitting members.

4. Any other facts in support of the application.

I agree to furnish such other evidence as I may be called upon by the Collector or the State Government to furnish in support of this application for approval of the above Society under the first proviso to clause (d) sub-section (1) of section 5 of the Regulation.

Dated day of 197.....

Signature of the applicant.

I hereby declare that the particulars given above are true and correct to the best of my knowledge and information.

Dated day of 197.....

Signature of the applicant.

FORM 'C'

[See Rule 5 (2)]

Form of application for exemption under sub-section (3) of section 6 of the Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976.

1. Name of the applicant

2. Grounds on which exemption applied for

3. (a) Whether the application is by or on behalf of _____ an educational institution/a scientific research institution; if so, annex a certified copy of such recognition.

(b) Whether the application is by/or on behalf of an industrial/commercial institution.

4. What is the purpose of obtaining the land ?
5. Is there any agreement, with the transfer ? If so, mention the date of agreement and annex a true copy of the agreement.
6. What are the rules for admission to the educational/scientific research institution?
7. (a) Area of the vacant land for which exemption is applied.
 (b) Survey/City Survey No.
 (c) Town Planning Plot No., Name of Village, Taluk and Region.
 (d) Name of the transferor.
 (e) A scale map of the vacant land showing its boundaries and surrounding built up/un-built areas.
8. (a) If the applicant is an Industrialist/Industrial Company, mention whether it is partnership, private or public limited company.
 (b) Annex a certified copy of the approval of expansion programme by Central/Union territory Government.

I hereby declare that the particulars given above are true and correct to the best of my knowledge and information.

Dated day of197.....

Signature of the applicant.

FORM 'D'

[See Rule 6 (1)]

Form of application for a declaration under sub-section (2) of section 7 of the Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976.

1. Name and address of the applicant
2. Nature of applicant's interest
3. Name of alienator/alienee or parties to partition, or, maker of trust and his address.

4. Names of other parties interested/beneficiaries and their present addresses.

5. Nature or transaction, sale, gift, exchange, usufructuary mortgage, lease or otherwise.

6. Survey No., City Survey Number, Town Planning No. and area of the Vacant Land (in words). Annex a scale map showing the vacant land, its boundaries and state whether it forms part of a compact block with other land.

(a) Date of making of document for which declaration is applied for (Produce a true copy of the document).

(d) Date of registration of the document.

7. State whether the alienator has transferred other vacant land or parties to the partition have effected other partitions or the settlor of trust has created other trusts in respect of any vacant lands between
and
If yes, give details.

8. State the grounds on which the applicant applies for a declaration under sub-section (2) of section 7 of the Regulation.

I hereby declare that the particulars given above are true and correct to the best of my knowledge and information.

Dated day of 197

Signature of the applicant.

FORM 'E'

[See Rule 7]

Form of Appeal under section 9 of the Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976.

1. Name of the appellant and his present address.

2. Whether the appellant holds or held any vacant lands elsewhere in the State in a compact block or other-wise exceeding one thousand square metres and whether he had disposed of any such vacant lands. on or after

3. The person in whose favour the vacant lands are alienated (give names and present address). Details of vacant lands alienated, for which declaration is applied for.

4. The Survey Number, Municipal Number or Town Planning Block Number including its parts, if any. The place where it is situated (i.e. Village/town).

5. The manner in which the vacant lands have been alienated. Mention the names and address of parties to the alienation.

6. Whether there was any valid agreement to sell, made prior to or as the case may be prior to the and whether the documents of a agreement for alienation is registered. (Attach a true copy of the registered document).

7. The grounds of appeal. Certified copy of Collector's order rejecting the application with a true copy of the application made to the Collector shall be attached to the appeal.

8. Date of Collector's order under appeal mentioning how it is within the period prescribed for appeal.

9. Any other relevant facts which the appellant desires to be considered.

Signature of the applicant.

Enclosures :

(i)

(ii)

(iii)