

[From Punjab Government Gazette, dated the 19th July, 1985]

DEPARTMENT OF REVENUE

NOTIFICATION

The 19th June, 1985

No. 14/26/81/LR-III/8610 – The President of India is pleased to make the following amendments in Nazool Land (Transfer) Rules, 1956 notified by the Revenue Department of erstwhile State of Pepsu, - vide Notification No. RDI(42)-SS/56-24, dated 28th May, 1956 and thereafter extended to the areas of erstwhile Punjab State, - vide Punjab Government Notification No. J.S. (IV)-67/3813, dated the 8th August, 1957.

- (1) For rules 2(d)(i) of Rules *ibid*, the following shall be substituted, namely:-
 - (i) "The land situated beyond two miles of the Municipal limits, which has escheated to the State Government and has not already been appropriated by the State Government for any purpose".
- (2) In rule 3(b) of the said Rules regarding transfer of Nazool lands the following shall be added after existing clause (c), namely:-
 - (d) In the village where agricultural nazool land has not been allotted and for which no eligible persons are available for allotment under Clause (a), (b) or (c) above should be sold in restricted auction, according to the procedure prescribed in Annexure 'A' amongst the Scheduled Castes who are dependent 10 acres on agriculture and do not own more than 10 acres of land. A member of the Scheduled Castes who owns less than 10 acres of land will be allowed to bid only to the extent that the land for which the bid is given, together with the land owned by him does not exceed 10 acres.
 - (e) A landless person dependent on agriculture who is a member of the Scheduled Caste and resides in village in which the land offered for sale is situated shall once be permitted to participate in the auction, provided that if after the proceedings of restricted auction sale as above more land is available for sale in the village, a landless dependent on agriculture who is a member of the Scheduled Castes and resides in the other village of the same Patwar Circle shall be permitted to participate in the auction of the land provided further, that if after the auction of the land as here-in-before laid down still more land is available for sale a landless person dependent on agriculture who is a member of the Scheduled Castes and resides in other villages of the same Kanungo Circle shall be permitted to participate in the auction.
- (3) In rule 11 of the said Rules, the following shall be added clause (1A), namely:-

- (1-A) In respect of land which is sold in restricted auction, -vide rule 3(d) and sale has been confirmed by the authority competent to sanction sale, the District Collector shall put the person declared to be purchaser into possession of the property sold after payment of first instalment of the bid amount. The sale certificate conferring the Proprietary Rights in this case shall be issued on completion of the payment of all instalments and any other dues in respect of this land by the Collector under his signatures and seal in the form 'B-I' appended to these rules.

Chandigarh,
dated the 3rd June, 1985

USHA VOHRA
Financial Commissioner, Revenue &
Secretary to Govt. Punjab,
Revenue Department

FORM B - I

Certificate of transfer of Nazool land to the auction purchaser under Rules 11-A of the Nazool Lands Transfer Rules, 1956.

Whereas Nazool land measuring and comprising field Nos..... situated in village Tehsil District was agreed to be sold by the Governor of Punjab in favour of the auction purchaser Sh. on the terms and conditions contained in agreement dated executed between the Government and the auction purchaser.

2. And whereas the said Sh. auction purchaser has paid whole amount of bid in respect of said Nazool land and other Government dues in respect of this land, that is to say the whole of the price amounting to Rs.
3. Now therefore, in pursuance of Rule 11 of the Nazool Lands (Transfer) Rules, 1956, it is hereby certified that the Government has transferred absolutely to the bidder Sh. all rights, title and interest in the said nazool land in lieu payment of Rs. which has been paid by the said bidder, -vide Treasury receipt(s) No.(s) dated
4. This certificate is given under my hand and seal this day of 198 .

Collector District,
for and on behalf of the Governor of Punjab

ANNEXURE 'A'

PROCEDURE FOR SALE OF LAND THROUGH OPEN AUCTION

When inferior evacuee land, evacuee agricultural land, nazool land and Provincial Government land are to be disposed of through open auction according to the conditions laid down in policy, the approval of competent authority in each case as laid down in the Punjab Financial Rules, Vol. 1, may please be obtained before the sale is confirmed.

When it is decided to sell any piece of land through open auction, then the following directions should be followed:-

FIXATION OF RESERVE PRICE

- (i) Every auction of the land under these instructions shall be subject to a reserve price fixed in respect of the land. In case of sale of inferior evacuee nazool (escheated) land situated within the Municipal limits and upto two miles beyond these limits, and evacuee agricultural land situated within 5 miles of the Indo-Pak Border a reserve price shall be fixed at the current market price to be determined after taking into account the average price of land of similar kind in the village or locality concerned during the last one year as per registered sale deeds, the location of the land and other relevant factors. Where adequate No. of transactions of land of the kind being sold had not taken place in the village/locality concerned during the last one year, the average price of transactions for the previous year or for the neighboring village/locality may be taken into consideration, as may be considered to be appropriate in a particular case. When the reserve price works out to Rs. 10 lacs or below it may be approved by the District Collector; or when it exceeds Rs. 10 lacs but is upto Rs. 50 lacs by the Divisional Commissioner and when it exceeds Rs. 50 lacs the Financial Commissioner Revenue.
- (ii) In case of sale of agricultural nazool (escheated) land in rural areas which cannot be allotted and for which no eligible persons are available for its allotment under the Nazool Land (Transfer) Rules, 1956 and which have, therefore, to be sold in restricted auction as laid in paragraph 7 of this Department Memo under reference, the reserve price shall be 75% of the current market price to be determined in accordance with the procedure laid down in sub-paragraph (i) above,
- (iii) Vide publicity shall be given to the notice of intended sale through open auction at least 15 days before the proposed sale in the area not only by proclamation through beat of drum through the local Revenue officials but also through notice in two or three leading newspapers of the area. One copy of the notice shall be fixed at a conspicuous public place near the land to be auctioned.

- (iv) The proclamation and notice of sale, shall be issued in all the villages comprising the Kanungo circle or the city/town in which the land is situated. Every such notice shall state the date, time and place of proposed auction, the description of land to be sold, the terms and conditions of the sale and any other particulars which the Sub-Divisional Officer(C) considers material. The details of such lands shall be provided to the persons interested to give the bid, on demand.
- (v) No sale shall take place until after the expiry of a period of 15 days from the date of publication of the notice.
- (vi) The auction shall be supervised by an officer not lower than the rank of Addl. Deputy Commissioner or the S.D.O.(C) as may be decided by the Distt. Collector, who before starting the auction of land, shall ensure that all the formalities of proper advertisement, fixation of reserve price of the land to be auctioned, etc., have been completed.
- (vii) The officer who is supervising the auction, may withhold sale of any land if he finds that the auction held is not in the best interest of Government and also in the event of any dispute arising between bidders, after recording the reasons, in writing, which may not be made public.
- (viii) The Additional Deputy Commissioner or Sub-Divisional Officer(C) as the case may be, if the situation so demands, for reasons to be recorded in writing may adjourn the sale to a specific date and an announcement about the next date of sale shall be made at time of adjournment of the sale provided that where the sale is adjourned for a period exceeding 15 days, a fresh notice shall be given.
- (ix) The person declared to be the highest bidder shall deposit with the officer conducting the sale on the spot, at the fall of hammer 25% of the total amount of the final bid, if the auction is open to all, and 5% of the bid if agricultural nazool (escheated) land in rural areas is sold in restricted auction to the Scheduled Castes, or the evacuee agricultural land situated within 5 miles of the Indo-Pak Border is sold in an auction restricted to the Scheduled Castes, Rai Sikhs, Ex-Servicemen, small land owners and sitting tenants. In the case of default of such deposit, the bid will be treated to have been cancelled and the land may be sold again. The bids received after the fall of hammer should not be considered.
- (x) The officer, supervising the auction shall record the receipt of the deposit mentioned in (ix) above, on the auction bid statement and also give a receipt to the person tendering the amount. The amount may be paid either by cash or by bank draft or partly by cash and partly by bank draft on any scheduled bank.
- (xi) Where the highest bidder, whose bid is provisionally accepted, resiled from the bid before its final approval or rejection is communicated to him, the amount deposited by him under clause (ix) above shall be forfeited.

- (xii) No bid shall be approved until after the expiry of 15 days of the auction.
- (xiii) As soon as the sale is confirmed or rejected by the competent authority mentioned in para 2 above, an intimation of the approval of the bid or its rejection shall be given to the highest bidder. The highest bidder whose bid is accepted (hereinafter referred to as the auction purchaser) shall deposit the balance amount of the bid money within 15 days from the receipt of the notice to him to this effect if the land is sold to him in an auction open to all. However, in case of agricultural nazool (escheated) land in rural area sold to the Scheduled Castes in restricted auction, the price shall be payable in 20 equal six monthly instalments in accordance with the provisions of rule 9 and 9(A) of the Nazool Land Transfer Rules, 1956, including the one already paid at the fall of the hammer. Similarly in the case of evacuee agricultural land situated within 5 miles of the Indo-Pak Border, the price shall be payable in 20 equal six monthly instalments including the one already paid at the fall of the hammer. The possession of the land purchased by an auction purchaser shall be handed over to him after the whole of the bid amount has been deposited by him in the Government Treasury if the land is sold to him in an open auction. In the case of agricultural nazool (escheated) land in rural areas and evacuee agricultural land situated within 5 miles of the Indo-Pak Border, sold in restricted auction, it shall be handed over on confirmation of sale and after payment of first instalment.
- (xiv) If the auction purchaser in case of land, other than the agricultural nazool (escheated) land in rural areas and evacuee agricultural land situated within 5 miles of the Indo-Pak Border sold in restricted auction, does not deposit the balance of the purchase money within 15 days of receipt of intimation regarding confirmation of the sale. The Deputy Commissioner, shall be competent to cancel the sale and forfeit the amount already paid after giving due notice to the defaulting person.
- (xv) The auction purchaser in case of agricultural nazool (escheated) land in rural areas or evacuee agricultural land situated within five miles of the Indo-Pak Border sold in restricted auction shall pay normal interest at the rate of 10% on the instalments due. If he does not deposit the six monthly instalment on due date, he shall be liable to pay a further amount of penal interest at the rate of 3½% for the defaulted period and upon the defaulted amount upto the date he clears the arrears of such instalments, over and above ordinary rate of interest. If such auction purchaser fails to make the payment of such outstanding instalments, alongwith interest and the penal interest before the payment of seventh instalment becomes due, the Deputy Commissioner shall be competent to cancel the sale and forfeit the amount already paid after giving due notice to the defaulting person.
- (xvi) In case the highest bid is less than the reserve price, the property must be withdrawn from the sale and if the officer incharge of the auction considers the reserve price

excessive taking into account the market price, he should refer the matter to the District Collector or through him to the authority which fixed the reserve price as the case may be, who may then fix a lower reserve price, if considered necessary.

- (xvii) The auction in the District should be spread over a suitable period and care should be taken that as far as possible auction in rural areas take place when harvesting or sowing seasons are over. The agricultural land should be sold in a reasonable number of plots.
- (xviii) The lands and buildings given on temporary lease should be put to auction after the expiry of the current terms of the leases, if these are liable to auction under the above instructions.

3. Procedure for Appeal and Review:

- (i) Where any person is aggrieved by an order of the District Collector, he may prefer an appeal to the Commissioner of the Division within 30 days from the date of such orders. The orders of the Commissioner shall be final and binding and subject to the no other appeal.
- (ii) Any person aggrieved by an order of the Commissioner of the Division, except an order passed on appeal against the order of the Collector, may prefer an appeal to the Financial Commissioner (Revenue) within 30 days of the date of such order whose decision thereon shall be final.
- (iii) Any person aggrieved by an order of the Financial Commissioner (Revenue), except an order passed on appeal, may prefer an appeal to the State Government within 30 days of such order whose decision thereon shall be final.
- (iv) The Commissioner, Financial Commissioner, Revenue or the State Government may entertain an appeal after the expiry of 30 days, if he/it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.
- (v) The provisions of section 15 of the Land Revenue Act, 1887 will apply in regard to review of orders by the Collector, Commissioner, Financial Commissioner, Revenue or the State Government.

4. POWER TO CALL TO EXAMINE AND REVISE PROCEEDINGS OF REVENUE OFFICERS:

The Financial Commissioner, Revenue, the Commissioner or District Collector may call for the record of any case and pass such order as he may think fit. No order which adversely affects a person should, however, be passed whether on appeal, review or revision without giving him an opportunity of being heard.