

Nagpur Improvement Trust (Land Disposal) Rules, 1983

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Nagpur Improvement Trust (Land Disposal) Rules, 1983

PART 1 PERLIMINARY

1. Short title, extent and commencement :-

(1) These Rules may be called the Nagpur Improvement Trust Land Disposal Rules, 1983.

(2) They shall apply to the land vested in or acquired by the trust under the Act.

(3) They shall come into force from the date of their final publication in the Official Gazette.

2. Definitions :-

In these Rules, unless the context otherwise requires,-

(i) "Act:" means the Nagpur Improvement Trust Act, 1936 (C.P. and Berar Act No. XXXVI of 1936);

(ii) "Chairman" means Chairman of the Nagpur Improvement Trust;

(iii) "Government" means the Government of Maharashtra;

(iv) "Grant of land" means grant of land by lease;

(v) "Lease", "Lessee", "Lessor", shall have the same meanings respectively assigned to them by section 105 of the Transfer of Property Act, 1882 (4 of 1882);

(vi) "plot" means a continuous individual portion of land set apart for allotment to an individual person or a body of persons for construction of a building or for any other purpose and shown as such in the layout of the scheme prepared by the Trust;

(vii) "Trust" means the Nagpur Improvement Trust created and incorporated under the Nagpur Improvement Trust Act, 1936 (C.P. and Berar Act No. XXXVI of 1936);

(viii) all other terms and expressions used but not defined in these rules which are used and defined in the Act shall have the meanings respectively assigned to them in the Act.

PART 2 DEMARCATION AND ALLOTMENT OF PLOTS

3. Division of land into plots :-

The Trust shall divide the land vested in it or acquired by it to which these rules apply into disposable plot or plots having regard to its size or use and shall demarcate it accordingly.

4. Eligibility for allotment of plots for residential purpose :-

Plots for residential purpose may be allotted by the Trust to-

(a) any major person-

(i) who has been domiciled in the State of Maharashtra for 15 years immediately before the last date fixed by the Trust for receiving application for allotment of plot; or

(ii) who is gainfully employed in any company or establishment or institution situated within the limits of the Nagpur Municipal Corporation or within the local limits to which the Act extends, continuously for a period of one year immediately preceding the last date fixed by the Trust for receiving application for allotment;

Provided that, any such person or any member of his family does not possess any plot or building within the limits of the Nagpur Municipal Corporation or the local limits to which the Act extends;

Provided further that, the Trust may relax this condition in respect of persons in possession of a residential plot or tenement less than 50 square metres within the limits of the Nagpur Municipal Corporation or the local limits to which the Act extends.

(b) a Co-operative Society registered under the Maharashtra Cooperative Societies Act, 1960 (Mah. XXIV of 1961); consisting entirely of persons eligible under clause (a) of this rule;

(c) (i) Government, local authorities;

(ii) establishments, institutions or bodies in public sector or constituted under any law for the time being in force.

PART 3 MANNER OF DISPOSAL OF LAND

5. General :-

(1) No piece of Government land vested in or managed by the Trust shall be transferred except with the general or special sanction of the Government given in that behalf.

(2) Except as otherwise provided in sub-rule (1) and in Part VI of these rules, all other lands vested in and acquired by the Trust shall be disposed of by the Trust by -

- (i) holding public auction; or
- (ii) inviting tenders by public advertisement; or
- (iii) making offers to or accepting offers from any Government, Local Authority, Public Sector Undertaking or a body corporate which is owned or controlled by Government;
- (iv) inviting applications from persons or bodies of persons who are eligible for allotment of plots under rule 4, by public advertisement to be published at least in one leading local news paper each in Marathi, Hindi and English on the basis of predetermined premium or other considerations or both and deciding these applications by drawing lots, if necessary, as it may determine, from time to time in accordance with the rules hereinafter appearing.
- (v) Land for public amenities such as for primary school, vehicle stand, public latrine or urinal, public library, reading room, hospital, dispensary or such other purpose may be transferred to the Corporation of the City of Nagpur, either free of premium and ground rent or at nominal premium and ground rent as the Trust may determine in each case.

(3) Except as otherwise provided in sub-rule (i) and in Part VI of these rules, the buildings vested in and acquired by the Trust shall be disposed of by the Trust by -

- (i) inviting applications; or
- (ii) calling for public tenders; or
- (iii) auction; along with such land and on such terms as may be agreed to by the Trust and the transferee having regard to the use for which the building is intended, by public advertisement to be published at least in one leading newspaper each in Marathi, Hindi and English on the basis of predetermined premium or other considerations or both by deciding these applications by drawing of lots, if necessary.

6. Disposal of land for commercial residential and industrial purposes :-

(1) The land earmarked for use for commercial, residential or industrial purposes shall be disposed of by inviting tenders or by public auction to be held after giving due publicity to the date, time and place of auction and particulars of the Trust land to be auctioned in the same manner as laid down in clause (iv) of sub-rule (2) of rule 5.

(2) The land earmarked for use for residential purpose shall be disposed of by public auction or by inviting tenders or applications.

However, in case of grant of land to Co-operative Housing Societies, when the size of the plot to be allotted to each member does not exceed 300 square meters and grant of individual plots of land where the size of the plot does not exceed 300 square meters, the same shall be disposed of on predetermined premium by the Trust by draw of lots. Publicity to the holding of auction and for inviting tenders and other applications shall be given in the same manner as laid down in clause (IV) of sub-rule (2) of rule

(3) Irregular pieces of land not exceeding 300 square meters which cannot be sold as individual plots may be transferred to a holder of an adjacent larger plot who has asked for such adjacent irregular pieces of land; or lands to be exchanged with adjoining private or Government land for the purposes of making layout regular or for adjustment of boundaries of private properties the acquisition of which is proposed to be abandoned or has been abandoned, shall be allotted by special allotment with the previous sanction of the State Government. The premium for transfer or such land shall be determined by the Committee constituted under sub-rule (2) of rule 7.

PART 4 MODE OF FIXATION OF PREMIUM

7. Premium at disposal of land by public auction of tenders

:-

(1) Where it is proposed to dispose of any land by public auction or by inviting tenders, the premium for grant of such lands shall be determined on the basis of highest bid received in the auction or tender subject to fixation of the upset price which shall not be less than the cost incurred on account of acquisition and development of such land. If no fair bid is forthcoming, or for any other valid reasons to be recorded in writing, the Chairman or the officers duly authorised by the Chairman may withdraw the land from auction or cancel the tender and put it up for auction of tender on a future date.

(2) In case of disposal of land on predetermined premium, the premium shall be fixed by the Committee consisting of -

(a) the Chairman, Nagpur Improvement Trust;

(b) the Collector of Nagpur District, Nagpur and,

(c) the Deputy Director of Town Planning, Nagpur Division, Nagpur.

(3) For determining the premium, the Committee shall take into account sale of similar or similarly situated land in the vicinity during the year immediately preceding the fixation of premium. If

no transactions have taken place during that year, the sale in other similar locations may be taken into consideration. The rate of premium shall not be less than the cost incurred on account of acquisition and development of the land.

PART 5 CONDITIONS OF LEASE

8. Term of lease :-

(1) The Trust may dispose of plots of land only on lease in consideration of premium or ground rent or both premium and ground rent for a term not exceeding 99 years.

(2) In cases where the lease period below 99 years is over and the leasee by an application made to the Trust has requested for extension of the lease period, the Trust may extend the lease period in favour of the lessee on payment of the lease rent at market price prevalent at the time of renewal of the lease period up to 99 years only without having recourse to calling of fresh tenders of auction.

9. Payment of ground rent :-

Where the land is disposed of on the basis of premium in the manner laid down in the earlier part, ground rent shall be payable at the rate of 2 per cent of the premium.

10. Payment of taxes and other charges :-

The lessee shall, during the continuance of the lease, pay the rents, taxes and other charges due and which would become due in respect of the demised land.

11. Payment of land revenue :-

The lessee shall during the continuance of the lease pay the land revenue N.A. assessment and cesses assessed or which may be assessed on the demised land.

12. User of land :-

Every lease shall specify user of the demised land which shall be applied only to the specified user and to no other user.

13. To build according to building regulations and development control rules in force from time to time :-

The lessee shall not at any time during the lease, erect any building, erection or structure on any portion of the demised land except in accordance with the building regulations or development control rules in force from time to time.

14. Delivery of possession on determination of lease :-

The lessee shall, on determination of the lease, deliver possession of the demised land to the Trust in as good a condition as it was when he obtained possession subject to the change caused by reasonable wear and tear.

15. Forfeiture of lease and power of re-entry :-

In case -

(a) the lessee fails or neglects to pay the premium or rent or commit breach of any of these rules or any of the conditions of lease, or

(b) the lessee renounces his character by setting a title in a third person or by claiming title in himself, or

(c) the lessee is adjudicated as insolvent, the Trust shall be entitled to re-enter upon the demised land and to determine the lease.

16. Time for making payment of premium :-

Half the amount of the premium shall be paid within 30 days of the allotment of land and the balance of the premium shall be paid within another 30 days thereafter. The Chairman may grant extension of time for payment of balance upto maximum of 6 month on payment of interest equal to 15 per cent per annum thereof.

17. Time limit for completion of building :-

(1) The lessee shall commence the construction of building within one year from the date on which the possession of the plot is offered to him and shall complete the same within 3 years of such date, such building, structure or work for which plans have been approved to the entire satisfaction of the Trust.

(2) The Chairman may, in his discretion, permit extension of time prescribed for completion of building, structure or other works on payment of additional premium at this following rates -

Up to 1 year 5% of the premium.

Between 1-2 years 10% of the premium.

Between 2-3 years 25% of the premium.

18. Determination of lease on the incapacity of Lessee to use the land in the prescribed manner :-

If the Chairman is satisfied that it is beyond that it is beyond the capacity of the lessee to use the demised land in the prescribed manner, he may determine the lease and the premium paid by him shall be refunded after deduction of such service charges as may be fixed by the Chairman but not exceeding 10 per cent of the premium.

PART 6 GRANT OF LAND FOR RELIGIOUS, EDUCATIONAL, CHARITABLE AND PUBLIC PURPOSES

19. Grant of land for religious purposes :-

No land shall be granted for construction of any temple, church, synagogue mosque or for any other religious purpose nor shall permission be granted for change of user of the demised land for construction of any such building except with the previous sanction of Government.

20. Grant of land for educational, charitable and public purposes :-

The Trust may, with the previous approval of the Government, grant the lease of land for promotion of educational, medical, religious, social and charitable purposes, to Charitable Trusts or Government departments or semi-Government bodies on payment of such concessional premium as the Trust may, in its discretion, determine, from time to time, and such lease shall be subject to such conditions as may be approved by the Government.

21. Grant of land for playground and gymnasium :-

The Trust may grant lease of land at a nominal annual ground rent of Rs.100 to be used as playground or other recreational purposes to educational institutions or charitable institutions or gymnasiums which are recognised by Government, for a term not exceeding 15 years.

22. Allotment of land for residential purpose to persons belonging to economically weaker section :-

The Trust may allot the land on concessional premium to a person belonging to economically weaker section of the society, normally residing within the limits of the Nagpur Municipal Corporation and who does not own any house or does not possess any premises suitable for residential purpose and whose total annual income from all sources does not exceed Rs.4200/- provided the size of the plot to be allotted to him does not exceed 50 square metres.

23. Allotment of land for residential purposes to persons who have been affected by land acquisition by the Trust :-

The Trust may allot a plot of land not exceeding 500 square meters to a person affected by acquisition (which means a person whose land has been compulsorily acquired by the Trust and includes a tenant in occupation of such land immediately before such acquisition), at a concessional premium. Area to be allotted to such a person at concessional premium shall not exceed the area of his land acquired by the Trust subject to the maximum limit laid down in the rule. However, such premium shall not be less than the cost of the land acquisition and that of its development. Such person shall not be entitled for a plot under this rule if he has already in his possession another plot of land or a tenement within the limits of the Nagpur Municipal Corporation or within the area of jurisdiction of the Trust.

24. Additional conditions to be annexed to concessional grant of land :-

There shall be annexed to every concessional grant of land made under this part, the following conditions, namely. -

(a) that the land, any part thereof or any interest therein shall not be transferred except with the previous sanction of the Chairman;

(b) that the land with all fixtures and structures thereon shall be liable to be resumed by the Trust if not used for the specific purpose or purposes for which it is granted by such date as the Trust may fix in this behalf or if used for any purposes other than the specified purpose or purposes for which it is granted or is required by Government for its own purpose or any public purpose and that a declaration by the Chairman that the land is so required shall as between the grantee and the Government be conclusive.

(c) that if the land is at any time resumed under condition (b) above, the compensation payable therefor shall not exceed the

amount, if any, paid to the Trust for the grant together with the market cost or market value at the rate of resumption (whichever is less) for any building or other works authorisedly constructed or erected on the land by the lessee. If the question arises as to the inadequacy of the amount of such compensation to be paid under this condition, such question shall be referred to Government for decision.

(d) that if the land is at any time used for holding a circus, carnival, fete, exhibition, performance or other show, to which public or a section of public are admitted on payment of fees or charges, the lessee shall pay to the Trust a sum of fees or charges, the lessee shall pay to the Trust a sum equivalent 1/10th of the fees or charges collected by him.

PART 7 MISCELLANEOUS

25. Conflict between the rules and provisions of the lease-deed :-

In the event of there being any conflict between the provisions of these rules and the provisions of the lease deed entered into by the Trust, the provisions of the rules shall prevail.

26. Relaxation of rules :-

The Government may, for the reasons to be recorded in writing, relax any of these rules in respect of a case which, in its opinion, is of a special nature.