

UP Avas evam Vikas Parishad (Acquisition and Disposal of Land) Rules, 1969

[Vide Noti. No. 997-k/XXXVII-16(IX)-12-66, dated Nov. 18, 1969,
Published in U.P. Gazette, Part I-ka, dated Nov. 29, 1969]

1. Short title and commencement.- (1) These Rules may be called the U.P. Avas Evam Vikas Parishad (Acquisition and Disposal of Land) Rules, 1969.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

2. Definitions.-In these rules unless there is anything repugnant in the subject or context-

(1) 'Act' means the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965.

(2) "Board" means the Uttar Pradesh Avas Evam Vikas Parishad constituted under Section 3 of the Adhiniyam.

3. Condition and limitation.- (1) The Board may enter into agreement with any person for purchase, lease or exchange or any land or interest therein required by it for any of the purposes of the Act:

Provided that where the value of such land or interest exceeds five lakhs of rupees, prior approval of the State Government shall be necessary.

(2) The Board shall, in each case, cause an estimate of cost of acquisition of the land or interest prepared and the title of the party concerned investigated.

(3) In case the price proposed to be paid by the Board exceed the estimated cost of acquisition of the land or interest therein the reasons there for shall be recorded in writing by the Board.

(4) Whenever any proposal is submitted to State Government for their approval in terms of the proviso to sub-rule (9) the Board shall furnish complete details including those referred to in sub-rules (2) and (3) above. The Board may, subject to the following conditions and restrictions retain or sell, exchange, lease or otherwise, dispose of any land vested in or acquired by it:

(1) Land for the purpose of building shall be given on lease provided that in special circumstances lands may be sold with the previous approval of the State Government.

(2) Lease of land for building purpose may be granted by putting the premium to auction or on pre-determined rate or premium:

Provided that premium of lands meant for commercial use shall be put to auction:

Provided also that annual rent in either case shall be the prevailing annual rent in the locality for similar class of land:

Provided further that no premium shall be charged in leases for charitable and educational purposes.

(3)(a) The period or lease given under sub-rule (2) shall be thirty years with a right of renewal for two further periods of thirty years each subject to enhancement of rent not exceeding 50 percent of each renewal.

(b) No perpetual leases shall be given.

(4)(a) The Board may earmark a number of residential plots in any scheme for allotment to special categories or classes or persons at per-determined rates.

(b) The various categories who may be considered for such allotment shall be confirmed to the following list:

- (1) Those whose land or building has been acquired for any scheme of the Board.
- (2) Non-gazetted Government servants/Class III and Class IV employees of Local Bodies including the Board.
- (3) Gazetted Government servant/Class I and Class II employees of Local Bodies including the Board.
- (4) Professional men like teachers, doctors, lawyers.
- (5) Defence personnel.
- (6) Those belonging to low income group but not specified above.
- (7) Those belonging to middle income group but not specified above.
- (8) Others not covered by the above categories:

Provided that a person whose land or building has been acquired for any scheme of the Board shall be given preference in the matter, of allotment of a plot of suitable size on pre-determined premium which shall, in no circumstances be less than the actual total cost, and the annual rent also shall be the same as for other plots:

Provided further that 15 percent of the house plots developed by the Board under the Land Acquisition and Development Scheme any be reserved for allotment on no profit no loss basis to defence personnel in the following order of priority:

- (1) Disabled service personnel who have no proper accommodation of their own;
- (2) Widows or other dependents of defence personnel who have been killed in military action;
- (3) Families of service personnel posted in field areas who have no accommodation of their own;
- (4) Other serving personnel.

- (c) (i) If the number of applicants of any special category or class exceeds the number of plots to be allotted lots shall be drawn from all those applicants to the extent of the number of plots available plus 25 percent thereof to serve as a waiting list.
- (ii) In the event of a person or persons not accepting an offer of allotment the plots shall be allotted to the person or persons on the waiting list in the order specified therein.
- (iii) Such applicants who desire to be present at the drawing of lots shall be allowed to do so.

(5) Ordinarily no lease of land at concessional rates shall be allowed for purposes other than charitable (such as for hospitals, educational institution or orphanages) and the concession so allowed shall not exceed half of the annual rental thereof.

Provided that if the total amount of concession, i.e. the amount of premium and capitalised value of rent not to be charged, exceeds Rs. 15,000 in value in KAVAL cities

and Rs. 10,000 in other cities, the proposal shall be referred to the State Government for approval.

(6) Notwithstanding anything contained in sub-rule (5), the Board may, with the prior approval of the State Government, sanction a lease or sale of land for such purposes and at such rates as it may, having regard to the special circumstances of the case, consider proper.

(5) Every allottee/purchaser shall execute a lease –cum sale deed in such form as may be prescribed by the Board. The form may be prescribed in the Rule itself.

(6) Every lease or sale of land shall be subject to the following besides such other conditions as may be laid down by the Board.

(i) No plots shall be allotted to a person who or whose wife/husband or any of his/her dependent relations including unmarried children owns a house or residential plot of land in the city or town where the plot to be allotted lies or already owns more than one house or residential plot of land in any other city or town in Uttar Pradesh.

(ii) The allottee of a plot shall be required to construct the house in accordance with the sanctioned plans within three years from the date of allotment, failing which the land would be liable to be resumed.

1[(iii)(a) The allottee of the plot shall not sell or transfer his right in the plot except with the previous approval of the Board if the transfer is contemplated during the period of first ten years of the date of allotment and with the permission of the Housing Commissioner if the transfer is contemplated after 10 years after date of allotment. In every such case the allottee shall be liable to pay to the Board forty percent of the amount of profit to be calculated by subtracting the amount paid by the allottee for the purchases of the plot from the current value of the plot:

Provided that in case of sale or transfer of small size plot having a house with one room, bathroom, and a kitchen, or a large size plot having a house with 2 rooms, bathroom, and a kitchen, the allottee shall not be liable to pay any such amount.

(b) In this clause sized plot means a plot having an area of 112 square meters or less and large size plot means a plot having an area exceeding 112 square meters.]

1. Subs by Noti. No. 1671 XI-588-31-G-88, dated 31/8/1999999988, published in U.P. Gazette (extra), part 4-kha, dated 31 Aug., 1988