

## Urban land (Ceiling and Regulation) Act, 1976

### STATEMENT OF OBJECT AND REASONS

There has been a demand for imposing a ceiling on urban property also, especially after the imposition of a ceiling on agricultural lands by the State Governments. With the growth of population and increasing urbanization, a need for orderly development of urban area has also been felt. It is, therefore, considered necessary to take measures for exercising social control over the scarce resource of urban land with a view to ensuring its equitable distribution amongst the various sections of society and also avoiding speculative transactions relating to land in urban agglomerations.

With a view to ensuring uniformity in approach Government of India addressed the State Governments in this regard, eleven States have so far passed resolutions under Article 252(1) of the Constitution empowering Parliament to undertake legislation in this behalf. The present proposal is to enact a parliamentary legislation in pursuance of these resolutions.

The Bill is intended to achieve the following objectives :

(i) to prevent concentration of urban property in the hands of a few persons and speculation and profiteering therein;

(ii) to bring about socialization of urban land in urban agglomerations to subserve the common good by ensuring its equitable distribution;

(iii) to discourage construction of luxury housing leading to conspicuous consumption of scarce building materials and to ensure the equitable utilisation of such materials; and

(iv) to secure orderly urbanization. The Bill mainly provides for the following :

(i) Imposition of a ceiling on both ownership and possession of vacant land in urban agglomerations, the ceiling being on a graded basis according to the classification of the .urhajrj

agglomeration;

(ii) acquisition of the excess vacant land by the State Government with powers to dispose of the vacant land to subserve the common good;

(iii) payment of an amount for the acquisition of the excess vacant land, in cash and in bonds;

(iv) granting exemptions in respect of certain specific categories of vacant land;

(v) regulating the transfer of vacant land within the ceiling limit;

(vi) regulating the transfer of urban or urbanizable land with and building (whether constructed before or after the commencement of the proposed legislation) for a period of 10 years from the commencement of the legislation of the construction of the building, whichever is later;

(vii) restricting the plinth area for the construction of future residential buildings; and

(viii) other procedural and miscellaneous matters.

### **ACT 33 OF 1976**

The Urban Land (Ceiling and Regulation) Bill was passed by both the Houses of Parliament and came on the statute books as the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976).

An Act to provide for imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few person sand speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good.

WHEREAS it is expedient to provide for the imposition of a ceiling on vacant land in urban agglomerations for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good;

AND WHEREAS Parliament has no power to make laws for the states with respect to the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution resolutions have been passed by all the Houses of Legislatures of the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal that the matters aforesaid should be regulated in those States by Parliament by law;

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY  
CHAPTER II DEFINITIONS  
CHAPTER III CEILING ON VACANT LAND  
CHAPTER IV REGULATION OF TRANSFER AND USE OF URBAN PROPERTY  
CHAPTER V MISCELLANEOUS

## CHAPTER --1

### PRELIMINARY

**1. Short title, application and commencement** :--(!) This Act may be called the Urban Land (Ceiling and Regulation) Act, 1976.

(2) It applies in the first instance to the whole of the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal and to all Union territories and it shall also apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(3) It shall come into force in the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal and in the Urban territories at once and in any other State which adopts this Act under clause (1) of the article 252 of the Constitution, on the date of such adoption; and, save as otherwise provided in this Act, any reference .in this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

## CHAPTER -- II

### DEFINITIONS

**2. Definitions** :-In this Act, unless the context otherwise requires,-

(a) "*appointed day*" means,-

(i) in relation to any State to which this Act applies in the first instance, the date of introduction of the Urban Land (Ceiling and Regulation) Bill, 1976 in Parliament; and

(ii) in relation to any State which adopts this Act under clause (1) of article 252 of the Constitution, the date of such adoption;

(b) "*building regulations*" means the regulations contained in the master plan, or the law in force governing the construction of buildings;

(c) "*ceiling limit*" means the ceiling limit specified in section 4;

(d) "*competent authority*" means any person or authority authorised by the State Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification and different persons or authorities may be authorised to perform different functions;

(e) "*dwelling unit*", in relation to a building or a portion of a building, means a unit of accommodation, such building or portion, used solely for the purpose of residence;

(f) "*family*", in relation to a person, means the individual, the wife or husband, as the case may be, of such individual and their unmarried minor children.

*Explanation* :-For the purpose of this clause, "*minor*" means a person who has not completed his or her age of eighteen years;

(g) "*land appurtenant*", in relation to any building means-

(i) in an area where there are building regulations, the minimum extent of land required under such regulations to be kept as open space for the enjoyment of such building, which in no case shall exceed five hundred square meters; or

(ii) in an area where there are no building regulations, an extent of five hundred square meters contiguous to the land occupied by such building, and includes, in the case of any building constructed before the appointed day with a dwelling unit therein, an addition extent not exceeding five hundred square meters of land, if any, continuous to the minimum extent referred to in sub-clause (i) or the extent referred to in sub-clause (ii), as the case may be;

(h) "*master plan*", in relation to an area within an urban agglomeration or any part thereof, means the plan

(by whatever name called) prepared under any law for the time being in force or in pursuance of an order made by the State Government for the development of such area or part thereof and providing for the stages by which such development shall be carried out;

## COMMENTS

Merely because the land was entered in the revenue records and shown in Master Plan as agricultural, it would not mean that it was being mainly used for agricultural purposes. It is immaterial if a small portion of the land was being used for the purpose of agriculture as well. *State of U.P. vs. Nand Kumar Agarwal*.<sup>1</sup> Development & town planning are ongoing processes and they go on changing from time to time depending upon the local needs. *State of A.P. vs. N. Audikesava Reddy*.<sup>2</sup> Also see *Her Highness Maharani Shantidevi P. Gaikwad vs. Savyibhai Haribhai Patel*.<sup>3</sup>

(i) "*person*" includes an individual, a family, a firm, a company, or an association or body of individuals, whether incorporated or not;

(j) "*prescribed*" means prescribed by rules made under this Act;

(k) "*State*" includes a Union territory and "State Government", in relation to any land or building situated in a Union territory or within the local limits of a cantonment declared as such under Section 3 of the Cantonments Act, 1924 (2 of 1924), means the Central Government ;

(1) "*to hold*" with its grammatical variations, in relation to any vacant land, means-

(i) to own such land; or

(ii) to possess such land as owner or as tenant or as mortgage or under an irrevocable power of attorney or under a hire-purchase agreement or partly in one of the said capacities and partly in

any other of the said capacity or capacities.

*Explanation* .—Where the same vacant and is held by one person in one capacity and by another person in another capacity, then for the purposes of this Act, such land shall be deemed to be held by both such persons;

1. (1997) 11 SCC 754.
2. 2002(1) SCC 227 = AIR 2002 SC 5.
3. (2001) 5 SCC 101.

(m) "*Tribunal*" means the Urban Land Tribunal constituted under section 12;

(n) "*urban agglomeration*",-

(A) in relation to any State or Union territory specified in column (1) of Schedule I, means,-

(i) the urban agglomeration specified in the corresponding entry in column (2) thereof and includes the peripheral area specified in the corresponding entry in column (3) thereof; and

(ii) any other area which the State Government may, with the previous approval of the Central Government, having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Official Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in that Schedule and the peripheral area therefor shall be one kilometer;

(B) in relation to any other State or Union territory, means any area which the State Government may, with the previous approval of the Central Government, having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Official Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in Schedule I and the peripheral area there shall be one kilometre;

## **C O M M E N T S**

Merely because the land was entered in the revenue records and shown in Master Plan as agricultural, it would not mean that it was being mainly used for agricultural purposes. It is immaterial if a small portion of the land was being used for the purpose of agriculture as well. *State of U.P. vs. Nand Kumar Agarwal*.<sup>1</sup>

(o) "urban land" means,-

(i) any land situated within the limits of an urban agglomeration and referred to as such in the master plan; or

- - -

1. (1997) 11 SCC 754.

- - -

(ii) in a case where there is no master plan, or where the master plan does not refer to any land as urban land, any land within the limits of an urban agglomeration and situated in any area included within the local limits of a municipality (by whatever name called), a notified area committee, a town area committee, a city and town committee, a small town committee, a cantonment board or a panchayat,

but does not include any such land which is mainly used for the purpose of agriculture.

*Explanation* —For the purpose of this clause and clause (q),-

(A) "agriculture" includes horticulture, but does not include-

(i) raising of grass, (ii) dairy farming, (iii) poultry farming, (iv) breeding of live-stock, and

(v) such cultivation, or the growing of such plant, as may be prescribed;

## COMMENTS

Merely because the land was entered in the revenue records and shown in Master Plan as agricultural, it would not mean that it was being mainly used for agricultural purposes. It is immaterial if a small portion of the land was being used for the purpose of agriculture as well. *State of U.P. vs. Nand Kumar Agarwal*.<sup>1</sup> The land which is mainly used for the purpose of agriculture, even if it is situated within the limits of urban agglomeration or is not shown in the master plan as urban land, does not become urban land.<sup>2</sup>

(B) land shall not be deemed to be used mainly for the purpose of agriculture, if such land is not entered in the revenue or land records before the appointed day as for the purpose of agriculture:

Provided that where on any land which is entered in the revenue or land records before the appointed day as for the

- - -

1. (1997) 11 SCC 754.
2. Sri Bhavanarishi Co-operative House Building Society vs. Joint Collector, 2003 (1) ALT 182.

- - -

purpose of agriculture, there is a building which is not in the nature of a farm-house, then, so much of the extent of such land as is occupied by the building shall not be deemed to be used mainly for the purpose of agriculture:

Provided further that if any question arises whether any building is in the nature of a farm-house, such question shall be referred to the State Government and the decision of the State Government thereon shall be final;

(C) Notwithstanding anything contained in clause (B) of this Explanation, land shall not be deemed to be mainly used for the purpose of agriculture if the land has been specified in the master plan for a purpose other than agriculture;

(p) "*urbanisable land*" means land, situated within an urban agglomeration, but not being urban land;

(q) "*vacant land*" means land, not being land mainly used for the purpose of agriculture, in an urban agglomeration, but does not include-

(i) land on which construction of a building is not permissible under the building regulations in force in the area in which such land is situated;

(ii) in an area where there are building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day with the approval of the appropriate authority and the land appurtenant to such building; and

(iii) in an area where there are no building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day and the land appurtenant to such building:

Provided that where any person ordinarily keeps his cattle, other than for the purpose of dairy farming or for the purpose of breeding of livestock, on any land situated in a village within an urban agglomeration (described as a village in the revenue records), then, so much extent of the land as has been ordinarily used for the keeping of such cattle immediately before- the appointed day shall not be deemed to be vacant land for the purposes of this clause.

## COMMENTS

Once exemption is granted under Section 20; it is not permissible for any other authority to require to exemptee to obtain an order of conversion of that land for non-agricultural purposes.<sup>1</sup>

Where a land was classified as agricultural land by the Tahsildar under the A. P. Land Reforms Act and the same was corroborated by the report of the Special Dy. Collector and further the land with a number of fruit bearing trees, was in possession of the tenant, the said land cannot be treated as 'vacant land'<sup>1</sup> and therefore it has to be excluded from the provisions of the Act.<sup>2</sup>

### CHAPTER -- III

#### CEILING ON VACANT LAND

**3. Persons not entitled to hold vacant land in excess of the ceiling limit** :-Except as otherwise provided in this Act, on and from the commencement of this Act, no person shall be

entitled to hold any vacant land in excess of the ceiling limit in the territories to which this Act applies under sub-section (2) of Section 1.

## COMMENTS

If the person is holding the balance of the vacant land of what is excluded under Sec. 2(q) which is regarded as vacant land and if that balance land is less than the permissible ceiling limit, then the other provisions of the Act with regard to surrender, does not apply.<sup>3</sup>

**4. Ceiling limit** :--(!) Subject to the other provisions of this section, in the case of every person, the ceiling limit shall be,-

(a) where the vacant land is situated in an urban agglomeration falling within category A specified in Schedule I, five hundred square metres;

(b) where such land is situated in an urban agglomeration falling within category B specified in Schedule I, one thousand square metres;

(c) where such land is situated in an urban agglomeration falling within category C specified in

---

1. Hubli Dharwad Urban Development Authority vs. Vidyaranya Sangha, (1998) 8 SCC 365.
2. Govt. of A.P. vs. A.V.P. Sastry, 2000 (4) ALD 191 = 2000 (4) ALT 69 (D.B).
3. AIR 1988 Del. 60.

---

Schedule I, one thousand five hundred square metres;

(d) where such land is situated in an urban agglomeration falling within category D specified in schedule I, two thousand square metres.

(2) where any person holds vacant land situated in two or more categories of urban agglomeration specified in Schedule I then, for the purpose of calculating the extent of vacant land held by him,-

(a) one square metre of vacant land situated in an urban agglomeration falling within category A shall be deemed to be equal to two square metres of vacant land situated in urban agglomeration falling within category B, three square metres of vacant land situated in an urban agglomeration falling within category C and four square metres of vacant land situated in an urban agglomeration falling within category D;

(b) one square metre of vacant land situated in an urban agglomeration falling within category B shall be deemed to be equal to one and one-half square metres of vacant land situated in an urban agglomeration falling within category C and two square metres of vacant land situated in an urban agglomeration falling within category D; and

(c) one square metre of vacant land situated in an urban agglomeration falling within category C shall be deemed to be equal to one and one-third square metres of vacant land situated in an urban agglomeration falling within category D.

(3) Notwithstanding anything contained in sub-section (1), where in respect of any vacant land any scheme for group housing has been sanctioned by an authority competent in this behalf immediately before the commencement of this Act, then, the person holding such vacant land at such commencement shall be entitled to continue to hold such land for the purpose of group housing:

Provided that not more than one dwelling unit in the group housing shall be owned by one single person:

Provided further, that the extent of vacant land which such person shall be entitled to hold shall, in no case, exceed-

(a) the extent required under any building regulations governing such group housing; or

(b) the extent calculated by multiplying the number of dwelling units in the group housing and the appropriate ceiling limit referred to in sub-sec. (1),

whichever is less.

*Explanation* :—For the purposes of this sub-section and subsection (10),-

(i) "*group housing*" means a building constructed or to be constructed with one or more floors, each floor consisting of one or more dwelling units and having common service facilities;

(ii) "*common service facility*" includes facility like staircase, balcony and verandah.

(4) (a) In any State to which this Act applies in the first instance, if, on or after the 17th day of February, 1975, but before the appointed day, any person has made any transfer by way of sale, mortgage, gift, lease or otherwise (other than a bona fide sale under a registered deed for valuable consideration) of any vacant land held by him and situated in such State to any other person, whether or not for consideration, then, for the purposes of calculating the extent of vacant land held by such person the land so transferred shall be taken into account, without prejudice to the rights or interests of the transferee in the land so transferred :

Provided that the excess vacant land to be surrendered by such person under this chapter shall be selected only out of the vacant land held by him after such transfer.

(b) For the purpose of clause (a), the burden of proving any sale to be a bona fide one shall be on the transferor.

*Explanation* :—Where in any State aforesaid, there was or is in force any law prohibiting transfer of urban property in that State except under the .circumstances, if any, specified therein, then, for the purposes of this sub-section, any transfer by way of sale of such property, being vacant land, made by any person under a registered deed for valuable consideration in accordance

with the provisions of such law or in pursuance of any sanction or permission granted under such law, shall be deemed to be a bona fide sale.

(5) Where any firm or unincorporated association or body of individuals holds vacant land or holds any other land on which there is a building with a dwelling unit therein or holds both vacant land and such other land, then, the right or interest of any person in the vacant land or such other land or both, as the case may be, on the basis of his share in such firm or association or body shall also be taken into account in calculating the extent of vacant land held by such person.

(6) Where a person is beneficiary of a private trust and his share in the income from such trust is known or determinable, the share of such person in the vacant land and in any other land on which there is a building with a dwelling unit therein, held by the trust, shall be deemed to be in the same proportion as his share in the total income of such trust bears to such total income and the extent of such land apportionable to his share shall also be taken into account in calculating the extent of vacant land held by such person.

(7) Where a person is a member of a Hindu undivided family, so much of the vacant land and of any other land on which there is a building with a dwelling unit therein, as would have fallen to his

share had the entire vacant land and such other land held by the Hindu undivided family been partitioned amongst its members at the commencement of this Act shall also be taken into account in calculating the extent of vacant land held by such person.

(8) Where a person, being a member of a housing cooperative society registered or deemed to be registered under any law for the time being in force, holds vacant land allotted to him by such society, then, the extent of land so held shall also be taken into account in calculating the extent of vacant land held by such person.

(9) Where a person holds vacant land and also holds any other land on which there is a building with a dwelling unit therein, the extent of such other land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person.

(10) Where a person owns a part of a building, being a group housing, the proportionate share of such person in the land occupied by the building and the appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person.

(11) For the removal of doubts it is hereby declared that nothing in sub-sections (5), (6), (7), (9) and (10) shall be construed as empowering the competent authority to declare any land referred to in sub-clause (ii) or sub-clause (iii) of clause (q) of section 2 as excess vacant land under this Chapter.

*Explanation/*--For the purposes of this section and sections 6, 8 and 18 a person shall be deemed to hold any land on which there is a building (whether or not with a dwelling unit therein) if he-

(i) owns such land and the building; or

(ii) owns such land but possesses the building or possesses such land and the building, the possession, in either case, being as a tenant under a lease, the unexpired period of which is not less than ten years at the commencement of this Act, or as mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities and partly in any other of the said capacity or capacities; or

(iii) possesses such land but owns the building, the possession being as a tenant under a lease or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities or partly in any other of the said capacity or capacities.

**5. Transfer of vacant land :--** (1) In any State to which this Act applies in the first instance, where any person who had held vacant land in excess of the ceiling limit at any time during the period commencing on the appointed day and ending with the commencement of this Act, has transferred such land or part thereof by way of sale, mortgage, gift, lease or otherwise, the extent of the land

so transferred shall also be taken into account in calculating the extent of vacant land held by such person and the excess vacant land in relation to such person shall, for the purposes of this Chapter, be selected out of the vacant land held by him after such transfer and in case the entire excess vacant land cannot be so selected, the balance, or where no vacant land is held by him after the transfer, the entire excess vacant land, shall be selected out of the vacant land held by the transferee:

Provided that where such person has transferred his vacant land to more than one person, the balance, or, as the case may be, the entire excess vacant land aforesaid, shall be selected out of the vacant land held by each of the transferees in the same proportion as the area of the vacant land transferred to him bears to the total area of the land transferred to all the transferees.

(2) Where any excess vacant land is selected out of the vacant land transferred under sub-section (1), the transfer of the excess vacant land so selected shall be deemed to be null and void.

(3) In any State to which this Act applies in the first instance and in any State which adopts this Act under clause (1) of article 252 of the Constitution, no person holding vacant land in excess of the ceiling limit immediately before the commencement of this -Act shall transfer any such land or part thereof by way of sale, mortgage, gift, lease or otherwise until he has furnished a statement under Section 6 and a notification regarding the excess vacant land held by him has been published under sub-section (1) of section 10; and any such transfer made in contravention of this provision shall be deemed to be null and void.

**6. Persons holding vacant land in excess of ceiling limit to file statement** :--(!) Every person holding vacant land in excess of the ceiling limit at the commencement of this Act shall, within such period as may be prescribed, file a statement before the competent authority having Jurisdiction specifying the location, extent, value and such other particulars as may be prescribed of all vacant land and of any other land on which there is a building, whether or not with a dwelling unit therein, held by him (including the nature of his right, title or interest therein) and also specifying the vacant land within the ceiling limit which he desires to retain:

## COMMENTS

Obligation to file statement under the Act arises when a person comes to hold any vacant land in excess of the ceiling limit. It would all depend on the facts and circumstances of each case.<sup>1</sup> The

crucial date for determination, of excess land in possession of the declarant is the date of declaration and the question of intestate or testamentary succession to his property by his L.R.s. would not affect the same.<sup>2</sup>

---

1. State of A.P. vs. N. Audikesava Reddy, 2002(1) SCC 227 = AIR 2002 SC 5.
2. State of U.P. vs. Sher Singh, (1997) 2 SCC 680.

---

The land which is not the subject-matter of declaration cannot be taken possession of by the authorities under the garb of excess vacant land.<sup>1</sup>

The date of commencement of the Act in a case where the land, which was not vacant earlier, would be the date on which such land becomes vacant land.<sup>2</sup>

Provided that in relation to any State to which this Act applies in the first instance, the provisions of this sub-section shall have effect as if for the words "Every person holding vacant land in excess of the ceiling limit and the commencement of this Act", the words, figures and letters "Every person who held vacant land in excess of the ceiling limit on or after the 17-02-1975 and before the commencement of this Act and every person holding vacant land in excess of the ceiling limit at such commencement" had been substituted.

*Explanation* :—In this section, "commencement of this Act" means,-

- (i) the date on which this Act comes into force in any State;
  - (ii) where any land, not being vacant land, situated in a State in which this Act is in force has become vacant land by any reason whatsoever, the date on which such land becomes vacant land;
  - (iii) where any notification has been issued under clause (n) of sec. 2 in respect of any area in a State in which this Act is in force, the date of publication of such notification.
- (2) If the competent authority is of opinion that—

(a) in any State to which this Act applies in the first instance, any person held on or after the 17th day of February, 1975 and before the commencement of this Act or holds at such commencement; or

(b) In any State which adopts this Act under clause (1) of article 252 of the Constitution, any person holds at the commencement of this Act,

vacant land in excess of the ceiling limit, then, notwithstanding anything contained in sub-section (1), it may serve a notice upon

- - -

1. Kothuru Babu Surendra Kumar vs. Special Officer & Competent Authority, U.L.C., 2000 (4) ALD 596 = 2000 (4) ALT 694 = 2000 (3) LS 209.

2. Government of A.P. vs. J. Sridevi, (2002) 5 SCC 37.

- - -

such person requiring him to file, within such period as may be specified in the notice, the statement referred to in sub-section (1).

(3) The competent authority may, if it is satisfied that it is necessary so to do, extend the date for filing the statement under this section by such further period or periods as it may think fit; so, however, that the period or the aggregate of the periods of such extension shall not exceed three months.

(4) The statement under this section shall be filed,-

(a) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or any other person competent to act on his behalf;

(b) in the case of a family, by the husband or wife and where the husband or wife is absent from India or is mentally incapacitated from attending to his or her affairs, by the husband or wife who is not so absent or mentally incapacitated and where both the husband and the wife are absent from India or are mentally incapacitated from attending to their affairs, by any other person competent to

act on behalf on the husband or wife or both;

(c) in the case of a company, by the principal officer thereof;

(d) in the case of a firm, by any partner thereof;

(e) in the case of any other association, by any member of the association or the principal officer thereof; and

(f) in the case of any other person, by that person or by a person competent to act on his behalf.

*Explanation* :--For the purposes of this sub-section, "principal officer"-

(i) in relation to a company, means the secretary, manager or managing-director of the company;

(ii) in relation to any association, means the secretary, treasurer, manager or agent of the association, and includes any person connected with the management of the affairs of the company or the association, as the case may be, upon whom the competent authority has served a notice of his intention of treating his as the principal officer thereof.

## COMMENTS

Merely because the land was entered in the revenue records and shown in Master Plan as agricultural, it would not mean that it was being mainly used for agricultural purposes. It is immaterial if a small portion of the land was being used for the purpose of agriculture as well.<sup>1</sup>

**7. Filling of statement in cases where vacant land held by a person is situated within the jurisdiction of two or more competent authorities:--(I)** Where a person holds vacant land situated within the jurisdiction of two or more competent authorities, whether in the same State or in two or more States to which this Act applies, then, he shall file his statement under sub-section (1) of section 6 before the competent authority within the jurisdiction of which the major part thereof is situated and thereafter all subsequent proceedings shall be taken before that competent authority to the exclusion of the other competent authority or authorities concerned and the competent authority, before which the statement is filed, shall send intimation thereof to the other competent authority or authorities concerned.

(2) Where the extent of vacant land held by any person and situated within the jurisdiction of two

or more competent authorities within the same State to which this Act applies is equal, he shall file his statement under sub-sec. (1) of sec. 6 before any one of the competent authorities and send intimation thereof in such form as may be prescribed to the State Government and thereupon, the State Government shall, by order, determine the competent authority before which all subsequent proceedings under this Act shall be taken to the exclusion of the other competent authority or authorities and communicate that order to such person and the competent authorities concerned.

(3) Where the extent of vacant land held by any person and situated within the jurisdiction of two or more competent authorities in two or more States to which this Act applies is equal, he shall file his statement under sub-section (1) of section 6 before any one of the competent authorities and send intimation thereof in such form as may be prescribed to the Central Government and thereupon, the Central Government

- - -

1. . State of U.P. vs. Nand Kumar Agarwal, (1997) 11 SCC 754.

- - -

shall, by order, determine the competent authority before which all subsequent proceedings shall be taken to the exclusion of the other competent authority or authorities and communicate that order to such person, the State Governments and the competent authorities concerned.

**8. Preparation of draft statement as regards vacant land held in excess of ceiling limit :-(!)**  
On the basis of the statement filed under sec. "6 and after such inquiry as the competent authority may deem fit to make the competent authority shall prepare a draft statement in respect of the person who has filed the statement under Section 6.

(2) Every statement prepared under sub-section (1) shall contain the following particulars, namely :-

(i) the name and address of the person;

(ii) the particulars of all vacant land and of any other land on which there is a building, whether or not with a dwelling unit therein, held by such person;

(iii) the particulars of the vacant lands which such person desires to retain within the ceiling limit;

(iv) the particulars of the right, title or interest of the person in the vacant land; and

(v) such other particulars as may be prescribed.

(3) The draft statement shall be served in such manner as may be prescribed on the person concerned together with a notice stating that any objection to the draft statement shall be preferred within thirty days of the service thereof.

(4) The competent authority shall duly consider any objection received, within the period specified in the notice referred to in sub-section (3) or within such further period as may be specified by the competent authority for any good and sufficient reason, from the person whom a copy of the draft statement has been served under that sub-section and the competent authority shall, after giving the objector a reasonable opportunity of being heard, pass such orders as it deems fit.

## COMMENTS

Service of notice on persons likely to be affected is mandatory and therefore non-issue of notice vitiates the entire proceedings under Section 8 (4) of the Act.<sup>1</sup>

---

1. Kothuru Babu Surendra Kumar vs. Spl. Officer and Competent Authority, ULC, Vijayawada, 2000 (4) ALD 596 = 2000 (4) ALT 694 = 2000 (3) LS 309.

---

**9. Final Statement :-** After the disposal of the objections, if any, received under sub-section (4) of section 8, the competent authority shall make the necessary alterations in the draft statement in accordance with the orders passed on the objections aforesaid and shall determine the vacant land held by the person concerned in excess of the ceiling limit and cause a copy of the draft statement as so altered to be served in the manner referred to in sub-section (3) of section 8 on the person concerned and where such vacant land is held under a lease, or a mortgage, or a hire-purchase agreement, or an irrevocable power of attorney, also on the owner of such vacant land.

## COMMENTS

When a statutory authority is vested with the power to determine the question as to the applicability of the provisions of the Act, it is ordinarily desirable to leave the question to be decided by such authority.<sup>1</sup>

### **10. Acquisition of vacant land in excess of ceiling limit.-**

(1) As soon as may be after the service of the statement under section 9 on the person concerned, the competent authority shall cause a. notification giving the particulars of the vacant land held by such person in excess of the ceiling limit and stating that-

(i) such vacant land is to be acquired by the concerned State Government; and

(ii) the claims of all person interested in such vacant land may be made by them personally or by their agents giving particulars of the nature of their interests in such land, to be published for the information of the general public in the Official Gazette of the State concerned and in such other manner as may be prescribed.

(2) After considering the claims of the persons interested in the vacant land, made to the competent authority in pursuance of the notification published under sub-section (1), the competent authority shall determine the nature and extent of such claims and pass such orders as it deems fit.

(3) At any time after the publication of the notification under sub-section (1) the competent authority may, by

- - -

1. Govt. of A.P., vs. J. Sridevi, (2002) 5 DSCC 37.

- - -

notification published in the Official Gazette of the State concerned, declare that the excess vacant land referred to in the notification published under sub-section (1) shall, with effect from such date as may be specified in the declaration, be deemed to have been acquired by the State Government and upon the publication of such declaration, such land shall be deemed to have vested absolutely in the State Government free from all encumbrances with effect from the date so specified.

(4) During the period commencing on the date of publication of the notification under sub-section (1) and ending with the date specified in the declaration made under sub-section (3)-

(i) no person shall transfer by way of sale, mortgage, gift, lease or otherwise any excess vacant land (including any part thereof) specified in the notification aforesaid and any such transfer made in contravention of this provision shall be deemed to be null and void; and

(ii) no person shall alter or cause to be altered the use of such excess vacant land.

(5) where any vacant land is vested in the State Government under sub-section (3), the competent authority may, by notice in writing, order any person who may be in possession of it to surrender or deliver possession thereof to the State Government or to any person duly authorised by the State Government in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5), the competent authority may take possession of the vacant land or cause it to be given to the concerned State Government or to any person duly authorised by such State Government in this behalf and may for that purpose use such force as may be necessary.

*Explanation* :—In this section, in sub-section (1) of sec. 11 and in sections 14 and 23, "State Government", in relation to-

(a) any vacant land owned by the Central Government, means the Central Government;

(b) any vacant land owned by any State Government and situated in the Union territory or within the local limits of a cantonment declared as such under section 3 of the Cantonments Act, 1924, means that State Government.

### **11. Payment of amount for vacant land acquired.- (1)**

Where any vacant land is deemed to have been acquired by any State Government under sub-section (3) of section 10, such State Government shall pay to the person or persons having any interest therein,-

(a) in a case where there is any income from such vacant land, an amount equal to eight and one-

third times the net average annual income actually derived from such land during the period of five consecutive years immediately proceeding the date of publication of the notification issued under subsection (1) of Section 10; or

(b) in a case where no -income is derived from such vacant land, an amount calculated at a rate not exceeding-

(i) ten rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category A or category B specified in Schedule I; and

(ii) five rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category C or category D specified in that Schedule.

(2) The net average annual income referred to in clause (a) of sub-section (1) shall be calculated in the manner and in accordance with the principles set out in Schedule II.

(3) For the purpose of clause (b) of sub-section (1), the State Government shall-

(a) divide, by notification in the Official Gazette, every urban agglomeration situated within the State into different zones, having regard to the location and the general use of the land situated in an urban agglomeration, the utility of the land in that urban agglomeration for the orderly urban development thereof and such other relevant factors as the circumstances of the case may require; and

(b) fix, subject to the maximum rates specified in that clause, the rate per square metre of vacant land in each zone, having regard to the availability of vacant land in the zone, the trend of price rise of vacant land over a period of twenty years in the zone before the commencement of this Act, the amount invested by the Government for the Development of the zone, the existing use of vacant land in the zone and such other relevant factors as the circumstances of the case may require.

(4) Different rates may be fixed under clause (b) of subsection (3) for vacant land situated in different zones within each urban agglomeration.

(5) Notwithstanding anything contained in sub-section (1) where any vacant land which is deemed to have been acquired under sub-section (3) of section 10 is held by any person under a grant, lease or other tenure from the Central Government or any State Government and-

(i) the terms of such grant, lease or other tenure do not provide for payment of any amount to such person on the termination of such grant, lease or other tenure and the resumption of such land by the Central Government or the State Government, as the case may be; or

(ii) the terms of such grant, lease or other tenure provide for payment of any amount to such person on such termination and resumption,

then,-

(a) in a case falling under clause (i), no amount shall be payable in respect of such vacant land under subsection (1); and

(b) in a case falling under clause (ii), the amount payable in respect of such vacant land shall be the amount payable to him under the terms of such grant, lease or other tenure on such termination and resumption or the amount payable to him under subsection (1), whichever is less.

(6) Notwithstanding anything contained in sub-section (1), or sub-section (5), the amount payable under either of the said sub-sections shall, in no case, exceed two lakhs of rupees.

(7) The competent authority may, by order in writing, determine the amount to be paid in accordance with the provisions of this section as also the person, or, where there are several persons interested in the land, the persons to whom it shall be paid and in what proportion, if any.

(8) Before determining the amount to be paid, every person interested shall be given an opportunity to state his case as to the amount to be paid to him.

(9) The competent authority shall dispose of every case for determination of the amount to be paid as expeditiously as possible and in any case within such period as may be prescribed.

(10) Any claim or liability enforceable against any vacant land which is deemed to have been acquired under sub-section (3) of section 10 may be enforced only against the amount payable under this section in respect of such land and against any other property of the owner of such land.

## COMMENTS

Absence of provision for making payment for excess vacant land acquired, at market rate is not violative of second proviso to Article 31-A (I).<sup>1</sup>

**12. Constitution of Urban Land Tribunal and appeal to Urban Land Tribunal.-** (1) The State Government may, by notification in the Official Gazette, constitute one or more Urban Land

Tribunal or Tribunals.

(2) The Tribunal shall consist of a sole member who shall be an officer of the rank of a Commissioner of a division or a member of the Board of Revenue.

(3) The Tribunal shall have jurisdiction over such area as the State Government may, by notification in the Official Gazette, specify.

(4) If any person is aggrieved by an order of the competent authority under section 11, he may, within thirty days of the date on which the order is communicated to him, prefer an appeal to the Tribunal having jurisdiction over the area in which the vacant land (in relation to which the amount has been determined) is situated or where such land is situated within the jurisdiction of more than one Tribunal to the Tribunal having jurisdiction over the area in which a major part of such land is situated or where the extent of such land situated within the jurisdiction of two more Tribunals, is equal, to any of those Tribunals:

- - -

1. Shivagonda Anna Patil vs. State of Maharashtra, (1999) 3 SCC 5 1999 SC 2281. AIR

- - -

Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) In deciding appeals the Tribunal shall exercise all the powers which a civil court has and follow the same procedure which a civil court follows in deciding appeals against the decree of an original court under the Code of Civil Procedure, 1908.

**13. Second appeal to High Court** :--Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, an appeal shall lie to the High Court from the decision of the Tribunal under section 12.

**14. Mode of payment of amount** :--(!) The State Government shall, within a period of six months from the date of the order of the competent authority determining the amount to be paid under section 11, or, in a case where an appeal has been preferred against such order under Section 12 or under Section 13, within a period of six months from the date of the final appellate order, pay the amount referred to in section 11 to the person entitled thereto.

(2) Twenty-five percent of the amount or twenty-five thousand rupees, whichever is less, shall be paid in cash and the balance in negotiable redeemable after the expiry of twenty years carrying an interest at the rate of five percent, per annum with effect from the date on which the vacant land is deemed to have been acquired by the State Government under sub-section (3) of section 10.

**15. Ceiling limit on future acquisition by inheritance, bequest or by sale in execution of decrees, etc., :- (1)** If, on or after the commencement of this Act, any person acquires by inheritance, settlement or bequest from any other person or by sale in execution of a decree or order of a civil court or of an award or order of any other authority or by purchase or otherwise, any vacant land the extent of which together with the extent of the vacant land, if any, already held by him exceeds in the aggregate the ceiling limit, then he shall, within three months of the date of such acquiring, file a statement before the competent authority having jurisdiction specifying the location, value and such other particulars as may be prescribed of all the vacant lands held by him and also specifying the vacant lands within the ceiling limit which he desires to retain.

(2) The provisions of sections 6 to 14 (both inclusive) shall, of are as may be, apply to the statement filed under this section and to the vacant land held by such person in excess of the ceiling limit.

**16. Certain persons to file statements when the Act is adopted subsequently by any State :-(!)** Where any person holds any vacant land in any State to which this Act does not apply in the first instance but which subsequently adopts this Act under clause (1) of article 252 of the Constitution and the extent of such land together with the extent of the vacant land, if any, already held by him in any other State to which this Act applies in the first instance, exceeds in the aggregate the ceiling limit, then he shall, within three months of the commencement of this Act in the State first mentioned, file a statement before the competent authority having Jurisdiction specifying the location, extent, value and such other particulars as may be prescribed of all vacant land held by him in that State and in such other State and also specifying the vacant land within the ceiling limit which he desires to retain.

(2) The provisions of section 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the vacant land held by such person in excess of the ceiling limit.

**17. Power to enter upon any vacant land :-** The competent authority or any person acting under the orders of the competent authority may, subject to any rules made in this behalf and at such reasonable times as may be prescribed, enter upon any vacant land or any other land on which there is a building with such assistance as the competent authority such person considers necessary and make survey and take measurements thereof and do any other act which the competent authority or such person considers necessary for carrying out the purposes of this Act.

**18. Penalty for concealment, etc., of particulars of vacant land :-(!)** If the competent

authority, in the course of any proceedings under this Act, is satisfied that any person has concealed the particulars of any vacant land or of any other land on which there is a building, whether or not with a dwelling unit therein, held by him or furnished inaccurate particulars of such land or of the user thereof, it may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any the penalty to which he may be liable under this Act, such person shall pay, by way of penalty, a sum which shall not be less than, but which shall not exceed twice, the amount representing the value of the vacant land or of such the land or both, as the case may be, in respect of which particulars have been concealed or in respect of which inaccurate particulars as aforesaid have been furnished.

(2) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue.

**19. Chapter not to apply to certain vacant lands :- (1)** Subject to the provisions of sub-section (2), nothing in this Chapter shall apply to any vacant land held by-

(i) the Central Government or any State Government or any local authority or any Corporation established by or under a Central or Provincial or State Act or any Government Company as defined in section 617 of the Companies Act, 1956 (1 of 1956);

(ii) any military, naval or air force institution; (iii) any bank;

*Explanation* :—In this clause, "bank" means any banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949), and includes-

(a) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934);

(b) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(c) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959 (38 of 1959);

(d) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);

(e) the Industrial Finance Corporation of India, established under the Industrial Finance Corporation Act, 1948 (15 of 1948), the Life Insurance Corporation of India, established under the Life Insurance Corporation Act, 1956 (31 of 1956), the Unit Trust of India, established under the Unit Trust of India Act, 1963 (52 of 1963), the Industrial Development Bank of India, established under the Industrial Development Bank of India Act, 1964 (18 of 1964), the Industrial Credit and Investment Corporation of India, the Industrial Reconstruction Corporation of India and any other

financial institution which the Central Government or the State Government concerned may, by notification in the Official Gazette, specify in this behalf;

(iv) any public charitable or religious trust (including wakf) and required and used for any public charitable or religious purposes:

Provided that the exemption under this clause shall apply only so long as such land continues to be required and used for such purposes by such trust;

## COMMENTS

A Wakf land, partly meant for the benefit of settlor and his family and partly for other religious/charitable purposes, is not exempted under the Act.<sup>1</sup>

(v) any co-operative society, being a land mortgage bank or a housing co-operative society, registered or deemed to be registered under any law relating to co-operative societies for the time being in force:

Provided that the exemption under this clause, in relation to a land mortgage bank, shall not apply to any vacant land held by it otherwise than in satisfaction of its dues;

(vi) any such educational, cultural, technical or scientific institution or club [not being a Co-operative society established under a Central or Provincial or State Act referred to in clause (i) or a society referred to in clause (vii)] as may be approved for the purposes of this clause by the State Government by general or special order, on application made to it in this behalf by such institution or club or otherwise:

Provided that no approval under this clause shall be accorded by the State Government unless that Government is satisfied that it is necessary so to do having regard to the nature and scope of the activities of the institution or club concerned,

- - -

1. Raizur Rehman Khan vs. State of U.P., (1997) 2 SCC 248.

- - -

the extent of the vacant land required bona fide for the purposes of such institution or club and other relevant factors;

(vii) any society registered under the Societies Registration Act, 1860, or under any other

corresponding law for the time being in force and used for any non-profit and non-commercial purpose;

(viii) a foreign State for the purpose of its diplomatic and consular missions or for such other official purposes as may be approved by the Central Government or for the residence of the members of the said missions;

(ix) the United Nations and its specialised agencies for any official purpose or for the residence of the members of their staff;

(x) any international organisation for any official purpose or for the residence of the members of the staff of such organisation:

Provided that the exemptions under this clause shall apply only if there is an agreement between the Government of India and such international organisation that such land shall be so exempted.

(2) The provisions of sub-section (1) shall not be construed as granting any exemption in favour of any person, other than an authority, institution or organisation specified in sub-section (1), who possesses any vacant land which is owned by such authority, institution or organisation or who owns any vacant land which is in the possession of such authority, institution or organisation:

Provided that where any vacant land which is in the possession of such authority, institution or organisation, but owned by any other person, is declared as excess vacant land under this Chapter, such authority, institution or organisation shall, notwithstanding anything contained in any of the foregoing provisions of this Chapter, continue to possess such land under the State Government on the same terms and conditions subject to which it possessed such land immediately before such declaration.

*Explanation* :—For the purposes of this sub-section, the expression "to possess vacant land" means to possess such land

either as tenant or as mortgagee or under a hire-purchase agreement or under an irrevocable power of attorney or partly in one of the said capacities and partly in any other of the said capacity or capacities.

**20. Power to exempt** :- (1) Notwithstanding anything contained in any of the foregoing provisions of this Chapter—

(a) where any person holds vacant land in excess of the ceiling limit and the State Government is satisfied, either on its own motion or otherwise, that, having regard to the location of such land, the purpose for which such land is being or is proposed to be used and such other relevant factors as the circumstances of the case may require, it is

necessary or expedient in the public interest so to do, that Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this Chapter;

(b) where any person holds vacant land in excess of the ceiling limit and the State Government, either on its own motion or otherwise, is satisfied that the application of the provisions of this Chapter would cause undue hardship to such person, that Government may by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this Chapter:

Provided that no order under this clause shall be made unless the reasons for doing so are recorded in writing.

## COMMENTS

Where the land owner and the society to whom exemption was granted, violated the conditions subject to which exemption was granted, cancellation of such exemption is justified. *Tulsi Co-operative Housing Society vs. State of A.P.*'

Application for grant of exemption can be maintained even after the vesting of excess land in Government under Section 10.<sup>2</sup>

---

1. (2000) 1 SCC 533.
2. Special Officer and Competent Authority, Urban Land Ceilings, Hyd., vs. P.S. Rao, 2000 (2) ALD 48 (SC) = AIR 2000 SC 843.

---

(2) If at any time the State Government is satisfied that any of the conditions subject to which any exemption under clause (a) or clause (b) of sub-sec. (1) is granted is not complied with by any person, it shall be competent for the State Government to withdraw, by order, such exemption after giving a reasonable opportunity to such person for making a representation against the proposed withdrawal and thereupon the provisions of this Chapter shall apply accordingly.

## COMMENTS

Once exemption is granted under Section 20, it is not permissible for any other authority to require to exemptee to obtain an order of conversion of that land for non-agricultural purposes.<sup>1</sup> The Repeal of the Act in 1999 would not have any effect on a transaction pertaining to sale of excess land under the original Act of 1976.

**21. Excess vacant land not to be treated as excess in certain cases** :--(!) Notwithstanding anything contained in any of the foregoing provisions of this Chapter, where a person holds any vacant land in excess of the ceiling limit and such person declares within such time, in such form and in such manner as may be prescribed before the competent authority that such land is to be utilised for the construction of dwelling units (each such dwelling unit having a plinth area not exceeding eighty square meters) for the accommodation of the weaker sections of the society, in accordance with any scheme approved by such authority as the State Government may, by notification in the Official Gazette, specify in this behalf, then, the competent authority may, after making such inquiry as it deems fit, declare such land not to be excess land for the purposes of this Chapter and permit such person to continue to hold such land for the aforesaid purpose, subject to such terms and conditions as may be prescribed, including a condition as to the time limit within which such building are to be constructed.

(2) Where any person contravenes any of the conditions subject to which the permission has been granted under subsection (1), the competent authority shall, by order, and after giving such person an opportunity of being heard, declare such land 'to be excess land and thereupon all the provisions of this Chapter shall apply accordingly.

**22. Retention of vacant land under certain circumstances** :--(!) Notwithstanding anything contained in any

- - -

1. Hubli Dharwad Urban Development Authority vs. Vidyaraiya Sangha, (1998) 8 SCC 365.

- - -

of the foregoing provisions of this Chapter, where any person demolishes any building on any land held by him or any such building is destroyed or demolished solely due to natural cause and beyond the control of human agency and as a consequence thereof, in either case, the land on which such building has been constructed becomes vacant land and the aggregate of the extent of such land and the extend of any other vacant land held by him exceeds the ceiling limit, then, he shall, within three months from the date of such jurisdiction specifying the location, value and such other particulars as may be prescribed, of all the vacant land held by him.

(2) Where, on receipt of a statement under sub-section (1) and after such inquiry as the competent authority may deem fit to make, the competent authority is satisfied that the land which

has become vacant land is required by the holder for the purpose of redevelopment in accordance with the master plan, such authority may, subject to such conditions and restrictions as it may deem fit to impose, permit the holder to retain such land in excess of the ceiling limit for such purpose and where the competent authority is not so satisfied and does not so permit, the provision of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under sub-section (1) and to the vacant land held by such person in excess of the ceiling limit.

## COMMENTS

The Repeal of the Act in 1999 would not have any effect on a transaction pertaining to sale of excess land under the original Act of 1976.

**23. Disposal of vacant land acquired under the Act:--**(1) It shall be competent for the State Government to allot, by order, in excess of the ceiling limit any vacant land which is deemed to have been acquired by the State Government under this Act or is acquired by the State Government under any other law, to any person for any purpose relating to, or in connection with, any 'industry' or for providing residential accommodation of such type as may be approved by the State Government to the employees of any industry and it shall be lawful for such person to hold such land in excess of the ceiling limit.

*Explanation :—* For the purposes of this section-

(a) where any land with a building has been acquired by the State Government under any other law and such building has been subsequently demolished by the State Government, then, such land shall be deemed to be vacant land acquired under such other law;

(b) "industry" means any business, profession, trade, undertaking or manufacture.

(2) In making an order of allotment under sub-section (1), the State Government may impose such conditions as may be specified therein including a condition as the period within which the industry shall be put in operation or, as the case may be, the residential accommodation shall be provided for:

Provided that if, on a representation made in this behalf by the allottee, the State Government is satisfied that the allottee could not put the industry in operation, or provide the residential accommodation, within the period specified in the order of allotment for any good and sufficient reason, the State Government may extent such period or periods as it may deem fit.

(3) Where any condition imposed in an order of allotment is not complied with by the allottee, the State Government shall, after giving an opportunity to the allottee to be heard in the matter, cancel the allotment with effect from the date of the non-compliance of such condition and the land

allotted shall revert in the State Government free from all encumbrances.

(4) Subject to the provisions of sub-sections (1), (2) and (3), vacant land deemed to have acquired by the State Government under this Act shall be disposed of by the State Government to subserve the common good on such terms and conditions as the State Government may deem fit to impose.

(5) Notwithstanding anything contained in sub-sections (1) to (4), where the State Government is satisfied that it is necessary to retain or reserve any vacant land, deemed to have been acquired by that Government under this Act, for the benefit of the public, it shall be competent for the State Government to retain or reserve such land for the same.

**24. Special provisions regarding disposal of vacant land in favour of certain persons :--(1)** Notwithstanding anything contained in section 23, where any person, being the owner of any vacant land, has leased out or mortgaged with possession such land or had given possession of such land under a hire-purchase agreement to any other person and as a consequence thereof he has no vacant land in his possession or has vacant land in his possession less in extent than the ceiling limit, and where the land so leased or mortgaged or given possession of is deemed to have been acquired by the State Government under this Chapter, then, such person shall be entitled to make an application to the State Government in such form and containing such particulars as may be prescribed within a period of three months from the date of such acquisition of the assignment to him-

(a) in a case where he has no land in his possession, of so much extent of land as is not in excess of the ceiling limit; or

(b) in a case where he has land in his possession less in extent than the ceiling limit, of so much extent of land as is required to make up the deficiency:

Provided that nothing in this sub-section shall be deemed to entitle a person for the assignment of land in excess of the extent of the land leased or mortgaged with possession or given possession under a hire-purchase agreement as aforesaid by such person.

(2) On receipt of an application under sub-section (1), the State Government shall, after making such inquiry as it deems fit, assign such land to such person on payment of an amount equal to the amount which has been paid by the State Government for the acquisition of the extent of land to be assigned.

## **CHAPTER--IV**

### **REGULATION OF TRANSFER AND**

## USE OF URBAN PROPERTY

**25. Definition** :-In this Chapter, "plinth area", in relation to-

(i) a dwelling unit in a building consisting of only one floor, means the area of the dwelling unit at the floor level and includes the thickness of the outer walls thereof;

(ii) a dwelling unit in a building consisting of two or more floors, means the area of the dwelling unit at the floor level where the dwelling unit is proposed to be situated and includes the thickness of the outer walls thereof and the proportionate area intended for any common service facility at the floor level aforesaid.

*Explanation* --For the purposes of this clause, "common service facility", shall have the same meaning as in sub-clause (ii) of the Explanation below sub-section (3) of section 4.

**26. Notice to be given before transfer of vacant land.-** (1)

Notwithstanding anything contained in any other law for the time being in force, no person holding vacant land within the ceiling limit shall transfer such land by way of sale, mortgage, gift, lease or otherwise except after giving notice in writing of the intended transfer to the competent authority.

(2) Where a notice given under sub-section (1) is for the transfer of the land by way of sale, the competent authority shall have the first option to purchase such land on behalf of the State Government at a price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force and if such option is not exercised within a period of sixty days from the date of receipt of the notice, it shall be presumed that the competent authority has no intention to purchase such land on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like :

Provided that where the competent authority exercises within the period aforesaid the option to purchase such land the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such option is exercised.

(3) For the purpose of calculating the price of any vacant land under sub-section (2), it shall be deemed that a notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 or under the relevant provisions of any other corresponding law for the time being in force, had been issued for the acquisition of such vacant land on the date on which the notice was given under sub-section (1) of this section.

**27. Prohibition on transfer of urban property** :--(!) Notwithstanding anything contained in any other law for the time being in force, but subject to the provisions of sub-section (3) of section 5 and sub-section (4) of section 10, no person shall transfer by way of sale, mortgage, gift, lease for a period exceeding ten years, or otherwise, any urban or urbanisable land with a building (whether constructed before or after the commencement of this Act) or a portion only of such building for a period of ten years of such commencement or from the date on which the building is constructed, whichever is later, except with the previous permission in writing of the competent authority.

(2) Any person desiring to make a transfer referred to in sub-section (1), may make an application in writing to the competent authority in such form and in such manner as may be prescribed.

(3) On receipt of an application under sub-section (2), the competent authority may, after making such inquiry as it deems fit, by order in writing grant or refuse to grant the permission applied for:

Provided that the competent authority shall not refuse to grant the permission applied for unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of sixty days of the date of receipt of an application under this section the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent authority shall be deemed to have granted the permission applied for.

(5) (a) Where the permission applied for is for the transfer of the land with the building or, as the case may be, a portion only of such building referred to in sub-section (1) by way of sale, and the competent authority is of the opinion that such permission may be granted, then, the competent authority shall have the first option to purchase such land with building or a portion only of such building on behalf of the State Government at such price as may be agreed upon between the competent authority and the applicant or, in a case where there is no such agreement, at such price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force.

(b) If the option referred to in clause (a) is not exercised within a period of sixty days from the date of receipt of the application under this section, it shall be presumed that the competent authority has no intention to purchase such land with building or a portion only of such building on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like:

Provided that where the competent authority exercises within the period aforesaid the option to purchase such land with building or a portion only of such building, the execution of the sale deed

shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such option is exercised.

(6) For the purpose of calculating the price of the land and building or, as the case may be, a portion only of such building under clause (a) of sub-section (5), it shall be deemed that a notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 or under the relevant provision of any other corresponding law for the time being in force, had been issued for the acquisition of that land and building or, as the case may be, a portion only of such building on the date on which the application was made under sub-section (2).

**28. Regulation of registration of document in certain cases:-** Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clauses (a) to (e) of sub-section (1) of section 17 of the Registration Act, 1908 (16 of 1908), purports to transfer by way of sale, mortgage, gift, lease or otherwise any land or any building (including any portion thereof), -

(a) in the case of any transfer referred to in section

26, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer evidence to show that he has given notice of the intended transfer to the competent authority under that section and, where such transfer is by way of sale, the period of sixty days referred to in sub-section (2) of that section has elapsed;

(b) in the case of any transfer referred to in section 27, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer the permission in writing of the competent authority for such transfer or satisfies the registering officer that the period of sixty days referred to in sub-section (4) of that section has elapsed.

**29. Regulation of construction of building with dwelling units.-** No person shall construct any building with a dwelling unit having a plinth area,-

(a) where the building proposed to be constructed is situated in an urban agglomeration falling within category A or category B specified in Schedule I, in excess of three hundred square meters.

(b) where the building proposed to be constructed is situated in an urban agglomeration falling within category C. or category D specified in Schedule I, in excess of five hundred square meters.

**30. Demolition and stoppage of building in certain cases and appeal :-**(!) Where the construction of a building has been commenced on or after the commencement of this Act, and is carried on and completed in contravention of the provisions of section 29, the competent authority

having jurisdiction over the area in which the building is situated may make an order directing that such construction shall be demolished, either wholly or partly, or modified by the person at whose instance the construction has been commenced and is being carried on and completed, to the extent such demolition or modification does not contravene the provisions of that section, within such period (not being less than fifteen days and more than thirty days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person) as may be specified in the order for the demolition or modification:

Provided that no order for the demolition or modification shall be made unless the person has been given by means of a notice served in such manner as the competent authority may think fit, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that, where the construction has not been completed, the competent authority may, by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the construction until the expiry of the period within which an appeal against the order for the demolition or modification, if made, may be preferred under sub-section (2).

(2) Any person aggrieved by an order of the competent authority made under sub-section (1) may prefer an appeal against the order to the Tribunal having jurisdiction over the area in which the building is situated within the period specified in the order for the demolition or modification of the construction to which it relates.

(3) Where an appeal is preferred under sub-section (2) against the order for the demolition or modification, the Tribunal may stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that, where the construction of any building has not been completed at the time of the making of the order for the demolition or modification, no order staying the enforcement of the order for the demolition or modification shall be made by the Tribunal unless security, sufficient in the opinion of the Tribunal, has been given by the appellant for not proceeding with such construction pending the disposal of the appeal.

(4) The provisions of sub-section (5) of section 12 and of section 13 shall apply to or in relation to an appeal preferred under sub-section (2) as they apply to or in relation to an appeal preferred under sub-section (4) of section 12.

(5) Save as provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the competent authority to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(6) Where no appeal has been preferred against an order for the demolition or modification made by the competent authority under sub-section (1), or where an order for the demolition or modification made by the competent authority under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period if any, fixed by the Tribunal or High Court on appeal on the failure of the person to comply with the order within such period, the competent authority may himself cause the construction to which the order relates to be demolished or modified and the expenses of such demolition or modification shall be recoverable from such person as an arrear of land revenue.

## CHAPTER -- V

### MISCELLANEOUS

**31. Powers of competent authority** :--The competent authority shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely :-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits.
- (d) requisitioning any public record or copy thereof for any court or office;
- (e) issuing commissions for the examination of witness or documents; and
- (f) any other matter which may be prescribed.

**32. Jurisdiction of competent authorities and Tribunals in special cases** :--Where under sub-section (2) or sub-section (3) of section 7, the State Government or the Central Government, as the case may be, determines the competent authority or where, for the reason that the extent of the vacant land situated within the jurisdiction of two or more Tribunals is equal, an appeal has been preferred to any one of the Tribunal under sub-section (4) of section 12, then, such competent authority or Tribunal, as the case may be, shall, notwithstanding that any portion of the vacant land to which the proceedings before the competent authority or the appeal before the Tribunal relates, is not situated within the area of its jurisdiction, exercise all the powers and functions of the competent authority or Tribunal, as the case may be,

having jurisdiction over such portion of the vacant land under this Act in relation to such proceedings or appeal.

**33. Appeal** :--(!) Any person aggrieved by an order made by the competent authority under this Act, not being an order under section 11 or an order under sub-section (1) of section 30, may, within thirty days of the date on which the order is communicated to him, prefer an appeal to such authority as may be prescribed (hereafter in this section referred to as the appellate authority):

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such orders thereon as it deems fit as expeditiously as possible.

(3) Every order passed by the appellate authority under this section shall be final.

**34. Revision by State Government** :--The State Government may, on its own motion, call for and examine the records of any order passed or proceeding taken under the provisions of this Act and against which no appeal has been preferred under section 12 or section 30 or section 33 for the purpose of satisfying itself as to the legality of propriety of such order or as to the regularity of such procedure and pass such order with respect thereto as it may think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

**35. Power of State Government to issue orders and directions to the competent authority** :--The State Government may issue such orders and directions of a general character as it may consider necessary in respect of any matter relating to the powers and duties of the competent authority and thereupon the competent authority shall give effect to such orders and directions.

**36. Power to give directions to State Government** :--(!) The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule made thereunder.

(2) The Central Government may require any State Government to furnish such returns, statistics, accounts and other information, as may be deemed necessary.

**37. Returns and reports** :--The competent authority shall furnish to the State Government concerned such returns,

statistics, accounts and other information as the State Government may, from time to time, require.

**38. Offences and punishment** :--(!) If any person who is under an obligation to file a statement under this Act fails, without reasonable cause or excuse, to file the statement within the time specified for purpose, 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) If any person who, having been convicted under subsection (2) continues to fail, without reasonable cause or excuse, to file the statement, he shall be punishable with fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(3) If any person who is under an obligation to file a statement under this Act files a statement which he knows or has reasonable belief 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 one thousand rupees or with both.

(4) If any person contravenes any of the provisions of this Act for which no penalty has been expressly provided for, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

**39. Offences by companies** :--(!) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

*Explanation* ;—For the purposes of this section,-

(a) "*company*" means any body corporate and includes a firm or other association of individuals;

and

(b) "*director*", in relation to a firm; means a partner in the firm.

**40. Indemnity** :--No suit or other legal proceeding shall lie against the Government or any officer of Government in respect of anything which is in good faith done or intended to be done by or under this Act.

**41. Cognizance of offences** :--No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the competent authority or any officer authority by the competent authority in this behalf and no court inferior to that-of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any such offence.

**42. Act to override other laws** :--The provisions of this Act shall have effect notwithstanding anything contained therewith in any other law for the time being in force or any custom, usage or agreement or decree or order of a court, tribunal or other authority.

**43. Court-fees** :—Notwithstanding anything contained in the Court-fees Act, 1870 (7 of 1870), every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

**44. Certain officers to be public servants** :--Every officer acting under, or in pursuance of, the provisions of this Act or under the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**45. Correction of clerical errors** :—Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by such officer or authority either on his or its own motion or on an application received in this behalf from any of the parties.

**46. Power to make rules** :--(!) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(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 cultivation or growing of plant which will not be agriculture under clause (A) of the Explanation to clause (o) of section 2;

(b) the period within which the statement may be filed under section 6;

(c) the form of intimation under sub-section (2) and (3) of section 7;

- (d) the particulars to be mentioned in the statement referred to in sub-section (1) of section 6, subsection (2) of section 8, sub-section (1) of Sec. 15 and sub-section (1) of Sec. 16;
- (e) the manner of serving the draft statement under sub-section (3) of section 8;
- (f) the manner of publishing the notification under subsection (1) of section 10;
- (g) the time which the competent authority shall dispose of a case under sub-section (9) of section 11;
- (h) the times during which the competent authority or any person acting under the orders of such authority may enter upon any vacant land under section 17;
- (i) the time within which and the form and manner in which declaration under sub-section (1) of section 21 shall be made before the competent authority.
- (j) the terms and conditions subject to which a person permitted under sub-section (1) of section 21 may hold land in excess of the ceiling limit;
- (k) the particulars to be mentioned in the statement referred to in sub-section (1) of section 22;
- (l) the form in which an application under sub-section (1) of section 24 may be made and the particulars to be mentioned in such application;
- (m) the form and the manner in which an application for transfer of land may be made under sub-sec. (2) of Section 27;
- (n) the powers of the competent authority under clause (f) of section 31;
- (o) the appellate authority under sub-section (1) of Sec. 33;
- (p) the value of the court-fee stamp to be affixed on an application, appeal or other proceeding under section 43;
- (q) any other matter which is to be, or may be, provided for by rules under this Act.
- (3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case

may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**47. Power to remove difficulties** :--(!) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act.

## SCHEDULE -- I

*[See Section 2(n) 4, 11, and 29]*

**Note I** :~An Urban Agglomeration is made up of main town together with the adjoining areas of urban growth and is treated as one urban spread. The population covered by such spreads is categories as urban. Each such agglomeration may be made up of more than one statutory town, adjoining one another such as a Municipality and the adjoining Cantonment, etc., and also other urban growths such as a Railways Colony, University Campus, etc. Such outgrowth (O.G.) which did not qualify to be treated as individual towns in their own right and have pronounced urban characteristics are shown as constituents of the agglomeration.

**Note II** :--The following abbreviations have been used in this Schedule:-

C.	- - -	Corporation
Cantt.	- - -	Cantonment
C.B.	- - -	Cantonment Board
C.T.	- - -	Census Town
E.G.	- - -	Estate Office
G.P.	- - -	Gram Panchayat
M.	- - -	Municipality
M.B.	- - -	Municipal Board
M.C.	- - -	Municipal Committee

M. Corp.	- - -	Municipal Corporation
N. or N.C.	- - -	Notified Committee
N.A.C.	- - -	Notified Area Committee
N.A.	- - -	Notified Area
N.M.	- - -	Non-Municipal
N.P.	- - -	Nagar Panchayat
O.G.	- - -	Outgrowth
P.	- - -	Panchayat
S.B.	- - -	Sanitary Board
S.A.	- - -	Special Area
T.A.	- - -	Town Area
T.B.	- - -	Town Board
T.C.	- - -	Town Committee
T.P.	- - -	Town Panchayat
T.S.	- - -	Township
U.C.	- - -	Union Committee
U.A.	- - -	Urban Agglomeration
V.P.	- - -	Village Panchayat

\*\*\*\*

*State/ Union  
territory*

*Towns*

*Peripheral  
area*

*Category*

(1)

(2)

(3)

(4)

STATES

1. Andhra Pradesh	1. Hyderabad U.A.	M. Corp.	5 Kms.	B
	(a) Hyderabad		C	
	(i) Hyderabad Division	P.		
	(ii) Secunderabad Division	P.		
	(b) Secunderabad Cantonment	P.		
	(c) Malkajgiri	P.		
	(d) Alwal	P.		
	(e) Uppal Khalsa	P.		
	(f) ' Balanagar			
	(g) Fatehnagar			
	(h) Macha Bolaram			
	(i) Osmania University			
	(j) Lalaguda			
	(k) Kukatpalle			
	(1) Moosapet			
	(m) Bowenpalle			
	(n) Zamistanpur			
	2. Visakhapatnam U.A.			
	(a) Visakhapatnam (i) Visakhapatnam	M.		
	(ii) Gajuvaka (O.G.)	P.		
	(b) Gopalapatnam			

3. Vijayawada U.A. M. P P 5 Kms. C  
 (a) Vijayawada  
 (b) Patamata  
 (c) Gunadala

4. Guntur M 1 Km. D

5. Warangal M 1 Km. D

2. Assam Gauhati U.A. M  
 (a) Gauhati-(i) Gauhati

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
(1)	(2)	(3)	(4)

(ii) New Gauhati Railway Colony (O.G.)

(iii) Bamunimaidan (O.G.) (iv) Japarigog (Part) (O.G.)  
 (v) Noonmati (O.G.) (vi) Ulubari (O.G.) (vii) Refinery Colony (O.G.) (viii) Dispur (O.G.)  
 (ix) Maligaon (O.G.)  
 (x) Ramchahil Grant (O.G.)

(b) Pandu-(i) Pandu

(ii) Gauhati University (Uttar  
Maj & Panchim

Jhalukbari) (O.G.) (iii) Maligon  
(O.G.) (iv) Sadilapu (O.G.)  
(v) Garpandu Kumarpara (O.G.)  
(c) Kamakhya

3. Bihar      1. Patna U.A.— (a) Patna      5Kms. C  
(i) Patna (ii) Pataliputra Housing  
Colony (b) Phulwari      M.  
Corp.

2. Ranchi U.A.-(a)      M      1Km. D  
Ranchi      (b) Jagannathnagar  
(c) Doranda      N

3. Dhanbad U.A.-(a) Dhanbad M      5 Kms C  
(b) Kerkand      N N  
(c) Sindri (d) Jharia

*State/ Union      Town      Category*  
*territory*      *Peripheral*  
*area*

(1)	(2)	(3)	(4)
	(e) Jorapokhar (f) Tisra (g) Bhowrah (h) Bhuli (i) Loyabad (j) Bhagatdih (k) Jamaboda (1) Sijua (m)Pathardih (n) Kenduadih (o) Bera		
	4. Jamshedpur U.A.-(a) Jamshedpur-(i) Jamshedpur Notified Area (ii) Railway Colony (O.G.) (b) Adityapur (c) Bagbera (d) Jugsalai (e) Kalimati	N. N: N.	5 Kms. C
4. Gujarat	1. Jamnagar U.A.-(a) Jamnagar (i) Jamnagar (ii) Jamnagar (iii) Railway Colony (O.G.) (iv) Port Area (O.G.) (b) Bedi	M. N.P.	1 Km. D
	2. Rajkot	M	5 Kms. C
	3. Bhavnagar U.A.-(i) Bhavnagar (ii) Ruva (O.G.)	M	1 Km. D
	4. Ahmedabad U.A.-(a)	M. Corp	5 Kms. B

Ahmedabad-(i) Ahmedabad .

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	(ii) Rajpur Hirpur (O.G.) Bagefardosh (O.G.) Rakhial (O.G.) (O.G.)	(iii) N.A.C. (iv) N.P. (v) V.P. Asarwa V.P. Cantt. V.P.	
	(vi) Khokhara Mehmedabad (O.G.)		
	(b) Sardarnagar Bogha Danilimbda Ahmedabad Cantonment		
	(c) Sahijpur (d) Naroda (e) Odhav (g) Ahmedabad Cantonment		
	(h) Ranip		
	5. Vadodara U.A.- Vadodara (O.G.)	(a) M. Corp.	5 Kms. C
	(b) Makarpura		
	6. Surat U.A.- Udhana (O.G.)	(a) M. Corp. (b) V.P.	5 Kms. C
	(c) Katargam	V.P.	

5. Jammu and Kashmir	Srinagar U.A.-(a) Srinagar-(i) Srinagar (ii) Natipora (O.G.) (iii) Bagat Barzala (O.G.) (iv) Bemina (O.G.) (v) Kursu Padshahi BaghO.G.  (b) Badamibagh Cantonment	M.C.       Cantt.	5 Kms. C
----------------------	---	--	----------

6. Karnataka	1. Bangalore U.A.-(a) Bangalore City Corporation and Trust Board Area  (b) H.A.L. Sanitary Board (excluding H.A.L. Township)	; M. Corp.       ) S.B.	5 Kms. B
--------------	---	--	----------

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	(c) Devarajeevanahalli (d) H.A.L. Township	T.P. S.A.	
	(e) Jalahalli (excluding H.M.T. Township)	P. S.A.	
	(l) H.M.T. Township	N.A.C. S.A. P.	
	(g) I.T.I. Notified Area		

Committee (Duravaninagar)

- (h) B.E.L. Township  
(i) Kadugondanahalli

2. Mysore M. 5Kms. C

3. Mangalore U.A.-(a) M. 1 Km. D  
Mangalore (b) Ullal (c) Padavu T.P.  
(d) Kankanadi (e) Derebail T.P. P.  
P.

4. Belgaum U.A.-(a) Belgaum M. 1 Km. D  
(b) Belgaum Cantonment C.B.

5. Hubli-Dharwar 5 Kms. C  
M.Corp.

7. Kerala I.Calicut 2. Cochin 3. C. C. 5 Kms. C  
Trivandrum C. 5 Kms. C 5  
Kms. C

8. Madhya Pradesh 1. Gwalior U.A.-(i) Gwalior (ii) 5 Kms. C  
Morar (O.G.) (iii) Jaderua M.Corp.  
Kalan (O.G.) (iv) Mudia Pahad  
(O.G.) (v) Giwai (O.G.) (vi)  
Ajaipur (O.G.) (vii) Birpur  
(O.G.) (viii) Bhoderi (O.G.) (ix)  
Jaderua Khurd (O.G.)  
(x) Melara (O.G.)

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	(xi) Sewage Farm (O.G.) (xii) Kishenbag (O.G.) (xiii) Rajman (O.G.) (xiv) Kalyanbag (O.G.)		
	2. Ujjain U.A.— (i) Ujjain (ii) Railway Colony (O.G.) (iii) Nagziri (O.G.) (iv) Panwasa (O.G.) (v) Malanwasa (O.G.) .. (vi) Lalpur (O.G.) (vii) Goyala (O.G.)	M.Corp. 1 Km.	D
	3. Indore U.A.-(i) Indore (ii) Piplaya Hana (O.G.) (111) Sukliya (O.G.) (iv) Bijalpur (O.G.) (v) Khajrana (O.G.) (vi) Savind Nagar (O.G.) (vii) Sirpur (O.G.) (viii) Banganga (O.G.) (ix) Hukumkhedi (O.G.)..	M.Corp. 5 Kms.	C
	4. Bhopal U.A.-(i) Bhopal (ii) Bhopal (iii) Sevania Gond (O.G.) (iii) Hatiakheda (O.G.) (iv) Singarcholi (O.G.) (v) Halapur (O.G.) (vi) Chhola	M.Corp. 5 Kms. 30	C

- (O.G.) (vii) Neori (O.G.)
- (viii) Kararia urf Sajidabad (O.G.)
- (ix) Nareea Shankri (O.G.)
- (x) Nishatpura (O.G.)

<i>State/ Union territory</i>	<i>Towns</i>	<i>Periphera l area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	(xi) Bhanpur (O.G.)	N.M.	
	(xii) Kolua Khurd (O.G.)		
	(xiii) Nayapura (O.G.)	N.A.	
	(xiv) Semra Kalan (O.G.)		
	(xv) Kohphija (O.G.) (b)		
	Govindpura (H.E.L.) (c)		
	Bairagarh — (i) Bairagarh		
	(ii) Bairagarh Kalan (O.G.)		
	(iii) Gondermau (O.G.)		
	(iv) Laukhedi (O.G.)		
	(v) Pipalner (O.G.)		
	5. Jabalpur U.A.-(a)	M.Corp.	5 Kms. C
	Jabalpur-(i) Jabalpur		
	(ii) Heavy Vehicle Factory Area (Richhai-Madhai) (O.G.)	Cantt.	
		N.M.	
	(iii) Manegaon (O.G.)		
	(iv) Maharajpur (O.G.)		

(v) Bilpura (O.G.) (vi) Amkhera (O.G.) (vii) Suhagi (O.G.) (viii) Karmeta (O.G.) (ix) Regwa (O.G.) (x) Kheri (O.G.) (xi) Pipariya (O.G.) (b) Jabalpur Cantonment (c) Khamaria — (i) Khamaria (O.F.A.) (ii) Khamaria (G.C.F.) (O.G.) (iii) Pipariya (O.G.) (iv) Tighra (O.G.) (v) Ghana (O.G.)

<i>State/ Union territory</i>	<i>Towns</i>	<i>Periphera l area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	6. Durg-Bhilainagar U.A.-(a) Bhilainagar —	N.M. M.	1 Km. D
	(i) Bhailainagar		
	(ii) Bhailaigaon (O.G.)		
	(iii) Supela (O.G.)		
	(iv) Kohka (O.G.)		
	(v) Chhaoni (O.G.)		
	(b) Durg-		
	(i) Durg		

(ii) Urla (O.G.)

(iii) Baghera (O.G.) ..

7. Raipur U.A.-(i) Raipur M.Corp. 1 Km. D

(ii) Railway Colony (O.G.)

(iii) Telebandha (O.G.O

(iv) Pandri-Tarai (O.G.)

(v) Khamtarai (O.G.)

(v) Khamtarai (O.G.)

(vi) Kota (O.G.)

(viii) Chirhuldih (O.G.)

(ix) Dumartalab (O.G.)

(x) Mowa (O.G.)

(xi) Dunganja (O.G.)

(xii) BSD Kapa (O.G.)

(xiii) Tatibandh (O.G.)

(xiv) Hirapur (O.G.)

(xv) Lalpur (O.G.)

9.  
Maharashtra

1. Greater Bombay

M.Corp. 8 Kms. A 5  
Kms. C

2. Ulhasnagar U.A.-

(a) Ulhasnagar

M. M. M.  
M. M.

- (b) Kalyan
- (c) Ambaranath
- (d) Dombivli
- (e) Mohone
- (f) Katemanivali

<i>State/ Union territory</i>	<i>Towns</i>	<i>Periphera l area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	3. Poona U.A.-(a) Poona	M.Corp.	5 Kms. B
	(b) Pimpri-Chinchwad New Township	M. Cantt.	
	(c) Poona Cantonment	Cantt.	
	(d) Kirkee Cantonment ..	Cantt.	
	(e) Dehu Road Cantonment		
	(f) Lohagaon		
	(g) Khadakvasla		
	(h) Dehu		



*territory*

*Peripher  
al area*

(1)

(2)

(3)

(4)

(i) Cuttack

M.

(ii) Cuttack Industrial Estate  
(O.G.)

(iii) Cuttack C. R.R.I. and  
other Government Colony  
(O.G.)

11 . Punjab

1. Amritsar U.A.-(a) Amritsar  
(i) Amritsar (ii) Adarsh Nagar  
(O.G.) (iii) Rajinder Nagar  
(O.G.) (iv) Batala Road (O.G.)  
(v) Khanna Nagar (O.G.) (vi)  
Dolunji (O.G.)

M.C.

5 Kms. C

M.C.

C.B.

(vii) Quarters Rattan Chand  
and Bihari Lai & Power  
House (O.G.)

(viii) Kotmit Singh (O.G.) (ix)  
Gobind Nagar  
(O.G.) (x) Mohkamura (O.G.)  
(xi) Gopal Nagar (O.G.) (xii)  
Kangar Colony (O.G.) (xiii)  
Kot Amar Singh (xiv) Dhaipai  
(O.G.) (xv) Jura Phatik (O.G.)

(xvii) Mustafabad Tuni Pain  
(O.G.)

(xviii) Quarter Railway Line  
Kot Khalsa (O.G.)

(xx) Guru Arjan Nagar  
(O.G.)

(xxi) Mustafabad (O.G.)  
(xxii) Vijay Nagar (O.G.) (xxiii)  
Anand Nagar (O.G.) (b)  
Chheharta

(c) Amritsar Cantonment

<i>State/ Union territory</i>	<i>To urns</i>	<i>Periphera l area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	2. Ludhiana U.A.-(i) Ludhiana  (ii) Basti Jodhewai (O.G.)  (iii) Industrial Area A & C (O.G.)  (iv) Janta Colony (O.G.)  (v) Railway Huts (O.G.)  S.Jullundur	M.C.	5 Kms. C
		M.C.	1 KM. D
12. Rajasthan	1. Bikaner U.A.-(a) Bikaner (b) Gangashahar (c) Bhinasar M.	M. M.	1 Km. D

2. Jaipur U.A. (a) Jaipur (b) M. C.T. 5 Kms. D  
Sanganer (c) Amber M.

3. Ajmer U.A.-(i) Ajmer M. 1 Km. D

(ii) Subhash Nagar (O.G.)

(iii) Regional College (O.G.)

4.. Jodhpur 5. Kota M. M. 5 Kms. C 1  
Km D

13. Tamil Nadu 1. Madras U.A.-(1) Madras M.Corp 8 Kms. A  
(2) Thiruvattiyur (3) Avadi M. T.S.  
(4) Alandur (5) Tambaram M. M. M.  
(6) Pallavapuram (7) Ambattur T.S. P.  
(8) Villivakkam

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
(1)	(2)	(3)	(4)

(9) St. Thomas Mount-  
cum- Pallavaram  
Cantonment. Cantt.

(10) Madhavaram P.

(11) Poovirundhavalli P.

(12) Thiruvanmiyur P.

(13) Kunrathur P.

(14) Anakapathur P.

(15) Kodambakkam P.

(16) Naravarikuppam P.

(17) Thirumazhisai P.

(18) Pammal P.

(19) Saligramam P.

(20) Velacheri P.

(21) Virugambakkam P.

(22) Kodungaiyur P.

(23) Oragadam P.

(24) Thiruninravur P.

(25) Polal P.

(26) Erukkancheri P.

(27) Thiruneermalai P.

(28) Chithalapakkam P.

- |                     |    |
|---------------------|----|
| (29) Nerkundram     | P. |
| (30) Koyambedu      | P. |
| (31) Perungalathur  | P. |
| (32) Vallanur       | P. |
| (33) Peerkankaranai | P. |
| (34) Sennirkuppam   | P. |
| (35) Nazarethpettai | P. |
| (36) Sembarambakkam | P. |
| ..                  | P. |
| (37) Polichalpur    | P. |
| (38) Kannapalayam   | P. |
| (39) Meenabakkam    | P. |
| (40) Rallikaranai   | P. |
| (41) Thirusulam     | P. |

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	(42) Thirumanglam	P.	

- (43) Kattupakkam P.
- (44) Kathivakkam P.
- (45) Melmanarnbedu P.
- (46) Soranjeri P.
- (47) Kathirvedu P.
- (48) Perungudi P.
- (49) Nadukkuthagai P.
- (50) Mathur P.
- (51) Varadharajapuram .. P.
- P.
- (52) Thiruverkadu P.
- (53) Veeraragavapuram .. P.
- (54) Vengavasal P.
- (55) Nemilicheri P.
- (56) Sadyankuppam p.
- (57) Mudichur P.
- (58) Madipakkam

2. Salem U.A.— (a) Salem M. 5 Kms. C

- P.
- (b) Sufamanglam P.
- (c) Jarikondalampatti P.

(d) Annandanapatti	P.
(e) Ammapalayam	P.
(f) Ammapet (g) Puthur	P.
(h) Kondalampatti	P.
(i) Thadampatti	P.
(j) Alagapuram	P.
(k) Neikarapatti	P.
(1) Sivadampuram	P.
(m) Meyyanur	P.
(n) Komarasamipatti	P.
(o) Kandampatti	P.
(p) Reddipatti	P.

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
-------------------------------	--------------	------------------------	-----------------

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
------------	------------	------------	------------

(q) Narasojipatti	P.
(r) Pallapatti	P.

3. Coimbatore U.A.-	M.	5 Kms. C
(a) Coimbatore	M.	
(b) Singanallur	P.	
(c) Kurichi	P.	
(d) Telungupalayam	P.	
(e) Sanganur	P.	
(f) Kuniamuthur	P.	
(g) Ganpathy	T.S.	
(h) Madukkarai	P.	
(i) Komarapalayam	P.	
(j) Vellalore	P.	
(k) Sulur	P.	
	P.	
(1) Perianaickenpalayam..	P.	
	P.	
(m) Kurudumpalayam	P.	
(n)	P.	
Kavundampalayam ..	P.	
	P.	
(o) Vilankuruchi	P.	
	P.	
(p) Veerakeralam	P.	
	P.	
(q) Perur Chettipalayam ..	P.	
	P.	
(r) Perur	P.	

- |  |  |
|--|--|
| (s) Chinnavedampatti                     | N.M.                                       |
| (t) Narasimhanaic-<br>enpalayam          | Southern<br>Railway<br>Adminis-<br>tration |
| (u) Pallapalayam                         |  |
| (v) Coimbatore                           |  |
| (w) Muthugounden Pudur<br>Railway Colony |  |

- |                          |    |          |
|--------------------------|----|----------|
| 4. Madurai U.A.-         | M. | 5 Kms. C |
| (a) Madurai              | C. |          |
| (b) Madakulam            | P. |          |
| (c) Avaniapuram          | P. |          |
| (d) Tirupparankundram .. | P. |          |
| (e) Thallakkulam         | P. |          |

<i>State/ Union</i>	<i>territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
-------------------------	------------------	--------------	----------------------------	-----------------

(1)	(2)	(3)	(4)
-----	-----	-----	-----

(f) Ponmeni	P
-------------	---

(g) Pravai	P	
(h) Vilangudi	P	
(i) Samayanallur	P	
(j) Sathamangalam	P	
(k) Beebikulam	P	
(1) Harveypatti	T.S.	
(m) Tirunagar	P	
(n) Thathaneri	P	
(o) Thaigarajar Colony	P	
5. Tiruchirapalli U.A.-	M.	5 Kms. C
(a) Tiruchirapalli	M.	
(b) Srirangam (c) Ponmalai	P.	
(d) Golden Rock Railway Colony	P.	
(e) Ariyamangalam	P.	
(f) Alathur	P.	
(g) Abishekpuram	P.	
(h) Pirattiyur	P.	
(i) Ulkadi Ariyamangalam		
6. Tirunelveli U.A.-		1 Km. D

- |                          |       |
|--------------------------|-------|
| (a) Tirunelveli          | M.    |
| (b) Palayambkottai       | M     |
| (c) Thatchanallur        | P.    |
| (d) Naranammalpuram ..   | P.    |
|                          | N.    |
| (e) Thalaisyuthu         | M.    |
| (f) Palayamkottai (N.M.) | T.S.  |
| ..                       |       |
| (g) Sankarnagar          | P. P. |
| (h) Alganeri             | P.    |
| (i) Melanatham           |       |
| (j) Pettai               |       |

14. Uttar Pradesh 1. Moradabad U.A.- 1 Km. D

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral Category area</i>	
(1)	(2)	(3)	(4)
	(a) Moradabad	M.B.	
	(b) Moradabad Railway	N.A.	

Settlement

2. Bareilly U.A.- M.B.

(a) Bareilly M.B. and Cantt.  
Northern Railway Colonies- N.A.

(i) Bareilly

fii) Northern Railway  
Colony

(b) Bareilly Cantonment ..

(c) Izatnagar Railway  
Settlement

3. Dehra Dun U.A.- M.B. 1 Km. D

(a) Dehra Dun M.B. 66 Cantt.  
Forest Research Institute &  
College Area

(i) Dehra Dun

(ii) Forest Research  
Institute and College Area

(b) Debra Dun Cantonment

4. Meerut U.A.- 5 Kms. C

(a) Meerut M.B.

(b) Meerut Cantonment Cantt.

(c) Malyana

5. Agra U.A.- 5 Kms. C

(a) Agra M.C.

(b) Agra Cantonment Cantt.

(c) Dayalbagh T.A. T.A.

(d) Swamibagh

6. Kanpur U.A.- 5 Kms. B

(a) Kanpur M.C., Rawatpur  
Station-yard and Central  
Railway Colony-

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral Category area</i>	
-----------------------------------	--------------	-------------------------------------	--

(1)	(2)	(3)	(4)
-----	-----	-----	-----

(i) Kanpur	M.C. Cantt.
------------	----------------

(ii) Rawatpur Stationyard

(iii) Central Railway  
Colony

(b) Kanpur Cantonment

(c) Armapur Estate

(d) Northern Railway  
Colony

(e) Chakeri (f) I.I.T.  
Kanpur

7. Allahabad U.A.- M.C. 5 Kms. C  
Cantt.

(a) Allahabad (M.C.) and  
Subedarganj Railway  
Colony-(i) Allahabad

(ii) Subedargang Railway  
Colony

(b) Allahabad Cantonment

8. Lucknow U.A.-(a) M.C. 5 Kms. C  
Lucknow Cantt.

(b) Lucknow Cantonment

N.A.

(c) Charbagh Alambagh ..

9. Gorkhpur M.B. 1 Kms. D

10. Varanasi U.A.- M.C. 5 Kms. C  
Cantt.

(a) Varanasi M.C. and  
Varanasi Railway Colony-

(i) Varanasi

(ii) Varanasi Railway  
Colony

(b) Banaras Hindu University

(c) Varanasi Cantonment

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral Category area</i>	
(1)	(2)	(3)	(4)
	11 . Aligarh 12. Saharanpur		
15. West Bengal	1. Calcutta U.A.		8 Kms. A
	(1) Calcutta	M.	
	(2) Howrah	C.	
	(3) South Suburban	M.	
	(4) Bhatpara	C.	
	(5) South Dum Dum ..	M.	
	(6) Kamarhati	M.	
	(7) Garden Reach	M.	
	(8) Panihati	M.	
	(9) Baranagar	M.	

- (10) Hooghly Chinsura .. M.  
M.  
(11) Serampore M.  
(12) Barrackpur M.  
(13) Tiragarh M.  
(14) Naihati M.  
(15) Kanchrapara M.  
(16) North Barrackpur .. M.  
(17) Chandannagar M.  
(18) Halisahar M.  
(19) Uttarpara-Kotrung .. C.  
(20) North Dum Dum .. M.  
(21) Rishra C.  
(22) Bansberia M.  
(23) Panchur M.  
(24) Champdani M.  
(25) Baidyabati M.  
(26) Bhadreswar M.  
(27) Garulia N.M.  
(28) Baly M.  
(29) Konnagar M.

(30) Khardaha M. N.

(31) Dum Dum M.

M.

M.

M.

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
-------------------------------	--------------	------------------------	-----------------

(1)

(2)

(3)

(4)

(32) Deulpara N.M.

(33) Barrackpur  
Cantonment Cantt.

N.M.

(34) Kasba

N.M.

(35) Garfa

N.M..

(36) Sultanpur

N.M.

(37) Kalyani

N.M.

(38) Bansdroni

N.M.

(39) Santoshpur

N.M.

(40) Rajapur	N.M.
(41) Jadabpur	N.M,
(42) Bademasar	N.M.
(43) Ichhapur Defence Estate	N.M.
(44) Jagannathgarh	N.M.
(45) Sarenga	N.M.
(46) Makhla	N.M.
(47) Nabagram Colony ..	N.M.
(48) Sankrail	N.M.
(49) Kolara	N.M.
(50) Bankara	N.M.
(51) Nibra	N.M.
(52) Kambahari	N.M.
(53) Manikpur	N.M.
(54) Banupur	N.M.
(55) Patulia	N.M.
(56) Chakapara	N.M.
(57) Mahiari	N.M.
(58) Dhuiya	N.M.
(59) Garui	N.M.

(60) Gardaha	N.M.
(61) Krishnagar	N.M.
(62) Jhorhat	N.M.
(63) Madrail Fingapara ..	
(64) Chakdaha	

<i>State/ Union territory</i>	<i>Towns</i>	<i>Peripheral area</i>	<i>Category</i>
(1)	(2)	(3)	(4)
	(65) Masila	N.M.	
	(66) P,urba Putiari	N.M.	
	(67) Bisarpara	N.M.	
	(68) Panpur	N.M.	
	(69) Bandra	N.M.	
	(70) Kerulia	N.M.	
	(71) Dum Dum Aerodrome Area	N.M.	
	(72) Podara	N.M.	

(73) Andul N.M.

(74) Narayanpur

2. Asansol U.A.- 1 Km. D

(a) Asansol M.

(b) Outer Burnpur N.M.

(c) Burnpur N.M.

UNION  
TERRITORIES:

3. Durgapur 1 Km. D 1

Km. D

Chandigarh U.A.- N.M.

1 . Chandigarh (a) Chandigarh (b) E.G. P.  
Manimajra

2. Delhi Delhi U.A. (a) Delhi (b) M. Corp.  
New Delhi (c) Delhi M.C. C.B.  
Cantonment

## **SCHEDULE -- II**

*[See Section 11(2)]*

### **Principles for Determination of the**

#### **Net Average Annual Income**

1. The competent authority shall first determine the gross income actually derived by the holder of the vacant land acquired during the period of five consecutive years referred to in clause (a) of sub-section (1) of section 11 including any income from any produce derived from cultivation of the land during the said period.

2. For such determination the competent authority may-

(a) hold any local inquiry and obtain, if necessary, certified copies of extracts from the property tax assessment books of the municipal or other local authority concerned showing the rental value of such land;

(b) estimate the income from any produce from such land, after holding such local inquiry and taking such evidence as it thinks fit and after giving an opportunity to the person concerned of being heard in the matter

.3. The net average annual income referred to in clause (a) of sub-section (1) of section 11 shall be sixty per cent, of the average annual gross income which shall be one-fifth of the gross income during the five consecutive years as determined by the competent authority under paragraph 1.

4. Forty per cent, of the gross annual income referred to above shall not be taken into consideration in determining the net average annual income but shall be deducted in lieu of the expenditure which the holder of the vacant land would normally incur for payment of any tax to the

municipal or other local authority and for collection and other charges including cultivation charges.

## THE URBAN LAND

(CEILING AND REGULATION)

RULES, 1976

**G.S.R. 85(E), dated 17th February, 1976.**<sup>1</sup> :—In exercise of the powers conferred by sub-section (1), read with sub-section (2) of Section 46 of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), the Central Government hereby makes the following rules, namely :

**1. Short title and commencement** :—(1) These rules may be called the Urban Land (Ceiling and Regulation) Rules, 1976.

(2) They shall come into force on the date<sup>2</sup> of their publication in the Official Gazette.

**2. Definition** :—In these rules, unless the context otherwise requires,—

(a) "Act" means the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976);

(b) "Form" means a form as given in the First Schedule;

(c) "Schedule" means a schedule appended to these rules;

<sup>3</sup>[(cc) "scheme" means a scheme referred to in sub-section (1) of Section 21 and approved by the authority specified by the State Government under that sub-section];

(d) "section" means a section of the act.

**3. Statement by person holding excess lands** :—Every statement under section 6 shall be filed within <sup>4</sup>[two hundred and twelve days] from the commencement of the Act and such statement shall contain the particulars specified in Form I];

Provided that where any vacant land exempted by Clause (iv) of subsection (1) of section 19 or sub-section (1) of section 26 ceases to be so exempted, the statement referred to in sub-section (1) of section 6 in relation to such vacant land shall be filed within ninety days from the date on which such vacant land ceases to be so exempted.

*Explanation* :—In this rule, "commencement of the Act" shall have the meaning assigned to the expression "commencement of this Act" in the explanation to sub-section (1) of section 6.

- - -

1. Published in the Gazette of India, Extraordinary, Pt.II, Section 3(i), dated 17th February, 1976.
2. Enforced w.e.f. 17th February, 1976.
3. Inserted by G.S.R.No.765(E), dated 19th December, 1977, published in the Gazette of India, -Extraordinary, Pt.II, Sec. 3(i), dt. 19th Dec., 1977.
4. Substituted by G.S.R.1262, dated 20th August, 1976, for "one hundred and eighty days" published in the Gazette of India, Section 3(i), dated 29th August, 1976, p.2290.

- - -

**4. Intimation by person holding vacant lands equal in extent within the jurisdiction of two or more competent authorities :—**The intimation to be sent to the State Government or the Central Government under sub-section (2) or sub-section (3), as the case may be, of section 7 shall be in Form II.

**5. Particulars to be contained in draft statement as regards vacant lands and manner of service of the same :—**(1) Every draft statement prepared under sub-section (1) of section 8 shall contain the particulars specified in Form III.

(2) (a) The draft statement shall be served, together with the notice referred to in sub-section (3) of section 8, on—

(i) the holder of the vacant lands, and

(ii) all other persons, so far as may be known, who have, or are likely to have, any claim to, or interest in the ownership, or possession, or both, of the vacant lands, by sending the same by registered post addressed to the person concerned—

(i) in the case of the holder of the vacant lands, to his address as given in the statement filed in pursuance of sub-section (1) of section 6, and

(ii) in the case of other person at their last known addresses.

(b) Where the draft statement and the notice are returned as refused by the addressee, the same shall be deemed to have been duly served on such person.

(c) Where the effects to serve the draft statement and the notice, on the holder of the vacant

lands or, as the case may be, any other person referred to in (a), in the manner specified in that clause is not successful for reasons other than the reason referred to in clause (b), the draft statement and notice shall be served by affixing copies of the same in a conspicuous place in the office of the competent authority and also upon some conspicuous part of the house (if any) in which holder of the vacant lands or, the case may be, the other person is known to have last resided or carried on business or personally worked for gain.

**Draft statement not to be served on all interested persons :—**If a person could not be said to be an aggrieved person under section 33(1) of the Central Act, he would not be entitled to notice under Rule 5(2) of the rules. The requirement of notice under Rule 5(2) of the Rules must be tested with reference to the nature of the adverse interest the person has, who is required to the nature of the adverse interest the person has, who is required to be given notice. State differently, if a person has no adverse interest vis-a-vis that of the declarant, he is not entitled to notice.

**Person interested :—**When a transfer converted by section 4(4)(a) of the Central Act is liable to be ignored for purposes of the Act, the Society cannot contend that *it* is entitled for a notice as required under the Rules as a 'person interested'. The land in question was sought to be transferred after 17-2-1975 under an unregistered ante dated agreement of sale which cannot create any right or interest in favour of the alleged transferee-society. Durga Society cannot take shelter under the decree of the Civil Court in O.S.No.208/91 as the same is *noe est in law* as per Section 42 of the Central Act. Though a suit for specific performance is maintainable against the declarant, the same has to be ignored for purpose of the Act under section 4(4)(a) of the Central Act and the land so transferred has to be computed, for arriving at the excess vacant land held by the declarant. Hence the society cannot contend that it is entitled for a notice as required under Rules as a 'person interested'.

**6. Manner of publication of notification giving particulars of vacant lands :—**The notification under sub-section (1) of section 10 shall be published for the information of the general public, in addition to the publication to be made in the Official Gazette of the State concerned, also in the following manner, namely :

(a) by affixing copies of the notification in a conspicuous place in the office of the competent authority; and

'[(b) by affixing copies of the notification in a conspicuous place in the office of the District Collector, Tehsildar and Municipal Commissioner within the local limits of whose jurisdiction the vacant land to which the notification relates is situated :

Provided that where such vacant land is situated within the local limits of the jurisdiction of more than one District Collector, Tehsildar or Municipal Commissioner, the notification shall be affixed in a conspicuous place in the offices of all such District Collectors, Tehsildars or Municipal Commissioners.

*Explanation 1:*—For the purposes of this rule "Municipal Commissioner" means the Chief Executive Officer by whatever name called of any municipal corporation, municipal committee or board, a town area committee, a notified area committee or cantonment board, as the case may be.]

<sup>2</sup>[\*\*\*]

**7. Time within which competent authority shall dispose of cases under sub-section (9) of section 11 :—**Every case for determination of the amount to be paid to the person or persons having any interest in any vacant land shall be disposed of by the competent authority within one year from date on which such vacant land is deemed to have been acquired by the State Government.

**8. Particulars to be mentioned in statements by person acquiring vacant lands by inheritance, etc. on. or after the**

- - -

1. Subs, by G.S.R.1049, dated 8th July, 1976, published in the Gazette of India, dated 17th July, 1976.

2. Omi. by G.S.R.1049, dated 8th July, 1976, published in the Gazette of India, dated 17th July, 1976.

- - -

**commencement of the Act :—**Every statement under sub-section (1) of Section 15 shall contain the particulars specified in Form IV.

**9. Particulars to be mentioned in statements under sub-section (1) of section 16 :—**Every statement under sub-section (1) of section 16 shall contain the particulars specified in Form 1.

**10. Times during which the competent authority or any person acting under the orders of such authority may enter upon any vacant land under section 17 :—**The competent authority or any person acting under the orders of the competent authority may enter upon any vacant land or any other land on which there is building for the purposes referred to in that section between sunrise and sunset.

**11. The time within which, and form in which, declaration under sub-section (1) of section 21 shall be made :—**Every declaration under sub-section (1) of section 21 by a person holding vacant land shall be made within '[one thousand, one hundred and thirty-nine days] from the commencement of the Act and shall be in Form V :

Provided that—

(a) where, on or after the commencement of the Act, any person acquires any vacant land in the manner provided in sub-section (1) of section 15, and on such acquisition, the extent of the land so acquired together with the extent of the vacant land, if any, already held by him exceeds in the aggregate the ceiling limit, then, the time within which such person may file the declaration referred to under sub-section (1) of section 21 shall be '[one thousand, one hundred and thirty-nine days] from the date on the which he acquires such vacant land in the manner aforesaid;

(b) where any vacant land held by any person and exempted by clause (iv) of sub-section (1) of section 19 or sub-section (1) of section 20 ceases to be so exempted and as a consequence thereof the extent of such land, together with the extent of the vacant land, if any, already held by him, exceeds in the aggregate the ceiling limit, then the time within which such person may file the declaration referred to under sub-section (1) of section 21 shall be '[one thousand, one hundred and thirty-nine days] from the date on which such vacant land ceases to be so exempted.

**<sup>2</sup>[11-A. Terms and conditions subject to which a person may be permitted to continue to hold excess vacant land under sub-section (1) of section 21 :—**The terms and conditions subject to which the competent authority may permit a person to continue to hold vacant land, in excess of the ceiling limit, under sub-section (1) of section 21, for the construction of

- - -

1. Subs, by G.S.R.580(E), dated 18th December, 1978.
2. Ins. by G.S.R.765(E), dt. 19th December, 1977, published in the Gazette of India, Extraordinary, Pt.II, section 3(i), dt. 19th Dec., 1977.

- - -

dwelling units for the accommodation of the weaker sections of the society in accordance with any scheme shall be the terms and conditions specified in Schedule I-A.]

## **12. Particulars in a statement under sub-section (1) of section**

22 :—Every statement under sub-section (1) of section 22 shall contain the particulars specified in Form VI.

**13. Form of and particulars in an application under sub-section (1) of section 24 :—**Every application under sub-section (1) of section 24 shall be made in Form VII and shall contain the particulars specified therein.

**14. Form of application under sub-section (2) of section 27 :—**

Every application under sub-section (2) of section 27 shall be in Form VIII.

**15. Supply of certified copies :—**The competent authority may supply a party to any proceeding before it with certified copies of any document in relation to or produced in, that proceeding on an application made therefor '[which shall bear court-fees stamp of the value] as are specified in the Second Schedule in relation to that application.

<sup>2</sup>**[15-A. Appellate authority :—**(1) The authority to whom an appeal may be preferred, in the States or Union territories mentioned in col.(I) of the Second Schedule from an order referred to in col. (2) of the said schedule may by any competent authority under the Act [not being an order under section 11 of sub-section (1) of section 30] shall be, for the urban agglomerations specified in col.(3) of the said schedule, the authority specified in the corresponding entry in col. (4) thereof :

**Provided** that the authority so specified in col. (4) of the Second Schedule shall have no jurisdiction in relation to lands or buildings in cantonments declared as such under the Cantonments Act, 1924 (2 of 1924).

(2) The authority to whom an appeal may be preferred from the order [not being orders under section 11 or sub-section (1) of section 30] of the competent authorities, appointed for cantonments under the Act, mentioned in col.(I) of the Third Schedule shall be the authorities specified in the corresponding entry in col.(2) thereof.]

**16. Court-fees :—**Every application, appeal or other proceeding under the Act, mentioned in the <sup>2</sup>[the Fourth Schedule] shall bear court-fee stamps of the value specified against each such application, appeal or other proceeding in Col.3 of the said Schedule.

**Shall**

It is a well-known principle that in the interpretation of statutes that where the situation and the context warrants it, the word "shall" used in a section or rule of a statute has to be construed as "may".

---

1. Subs. w.e.f.9th February, 1977 by G.S.R.183, dated 27th January, 1977.
2. Ins. w.e.f.24th July, 1976 by G.S.R.I 107, dated 11th July, 1976.

---

<sup>1</sup>[Schedule I]

**Form I (To be furnished in triplicate)**

*(See rules 3 and 9)*

**Statement under sub-section (1) of section 6**

**Part A**

**Abstract of the total vacant land held by a person**

1. Name and address of the person filing the statement.
2. Whether the statement relates to an individual or an association or body of individuals whether incorporated or not.
3. The urban agglomeration in which the vacant land is situated—
  - (a) The urban agglomeration in which the major part of the vacant land is situated.
  - (b) The urban agglomeration/urban agglomeration in which the other portions of the vacant land is situated.
4. The extent of each of the vacant lands referred to above and its location.
5. State if the vacant land is—
  - (i) only a vacant land, (ii) land with a building, or
  - (iii) land with a building with a dwelling-unit therein.
6. Have you made any transfer of any vacant land held by you as provided in section 4 of the Act after 17th February, 1975 and before the 28th January, 1976? If so, the extent, location, mode and other details thereof (applicable only where the land is situated in a State to which the Act applies in the first instance).
7. Have you made any transfer of any vacant land held by you as provided in section 5(1) of the Act during the period beginning with the 28th January, 1976

---

1. Subs. w.e.f. 19th December, 1977 by G.S.R. 765 (E), dt. 19th Dec. 1977.

- - -

and ending with the commencement of the Act If so, the extent, location, mode and other details thereof (applicable only where the land is situated in a State to which the Act applies in the first instance).

8. Have you acquired any vacant land on or after commencement of the Act under section 15(1) of the Act? If so, give details and particulars.

9. Is any exemption from 'the ceiling limit being claimed or sought by you in respect of any vacant land held by you under section 19 or section 20? If so, give details thereof.

10. (a) Have you made any declaration under

sub-section (1) of section 21 in respect of any vacant land? If so, give particulars of that declaration.

(b) Have you attached a copy of the declaration to this statement?

## **Part B**

### *Statement under sub-section (1) of section 6 of the Act*

1. Name and address of the person filing the statement.

2. Whether the statement relates to an individual, a family, a firm, a company or an association or body of individuals, whether incorporated or not.

3. Name and address of the person by whom the land is owned or held.

4. (a) If the person specified in item 3 is mentally incapacitated from attending to his affairs, is the person specified in item 1—

(i) his guardian ; or

(ii) competent to act on his behalf?

(b) If the return relates to a family, is the person specified in item 1, the husband/wife/other person competent to act on behalf of husband or wife or both.

(c) In the case of any other person, is the person referred to in item 1 competent to file the statement if not, what is the nature of his authority, to file the statement?

5. If the return relates to a family, particulars of the members of the family:

(i) Husband

(ii) Wife

(iii) Unmarried minor children 1. 2.

6. Have particulars of all vacant lands, with building proposed to be demolished and agricultural land owned; or possessed as owner or tenant or a mortgagee or under an irrevocable power-of-attorney or under a hire-purchase agreement or in any other capacity in the State, including lands transferred after the 17th February, 1975 and lands exempted under section 19, by the person to whom the statement relates, been furnished in Annexure A.

7. (a) If there are any encumbrance on the lands included in Annexure A and, if so,

(b) have particulars of the encumbrances been furnished in Annexure B ?

8. (a) Is there any litigation pending in respect of any land included in Annexure A and if so,

(b) have particulars of the litigation been furnished in Annexure C ?

9. (a) Is there any arrears of land revenue or other amounts recoverable as arrears of land revenue or attachment or restraint or alienation in respect of any land included in Annexure A and, if so,

(b) have particulars of such arrears and of the proceedings pending for collection of such arrears or the particulars of such attachment or restraint on alienation been furnished in Annexure D ?

10. (a) Is any land included in Annexure A in the possession of other persons by way of mortgage or otherwise and, if so,

(b) have particulars of such land been furnished in Annexure E ?

11. (a) Is any land in respect of which exemption under section 19 of the Act is claimed included in Annexure A and, if so,

(b) have particulars of such land been furnished in Annexure F ?

12. (a) Is any land in respect of which exemption is sought under section 20 of the Act included in Annexure A and, if so,

(b) have particulars of such land been furnished in Annexure G ?

13. Have you filed a declaration under subsection (1) of section 21? If so, give particulars of the declaration and attach a copy of the same.

14. Is there any other person interested in such land and if so have the name/ names and address/addresses and nature of interest of such person/ persons indicated in Annexure A ?

15. (Applicable only where the land is situated in a State to which the Act applies in the first instance.)

(a) Whether any vacant land included in Annexure A has been transferred by you by way of sale, mortgage, gift, lease or otherwise —

(i) after the 17th February, 1975 and before the 28th January, 1976;

(ii) during the period beginning with the 18th January, 1975 and ending with the commencement of the Act, and if so;

(b) have particulars of each such transaction and the land or interest involved in such transaction been furnished in Annexure H.

16. Have the particulars of land which is desired to be retained and the land which is proposed to be surrendered been furnished in Annexure I ?

I hereby declare that to the best of my knowledge and belief the information furnished in this form and in Annexures A to I is the full and complete information of the entire holding of the person specified in item 3 within the State(S) of ..... and that the said person do not own or hold any other land either individually or jointly with others within any other State. In case any further clarification on any item is required, I shall furnish the same.

Signature of the person furnishing the statement.

Place :

Date :

To

The Competent Authority.

## Annexure A

Sl. No.	State	District	Taluk	Survey Village number	Class of land, i.e.	Extent in hect	How acquire
---------	-------	----------	-------	--------------------------	------------------------	-------------------	----------------

No	1	2	3	4	5	6	7	8	9	
						and sub-division number or other identification number given for revenue purpose	vacant land/and with building/ agriculture land	area and square metres		

Approved land use	Value in Rs.	In the case of land building the nature of building (i) whether residential or non-residential or group housing building-(ii) area occupied by that building and the area allowed for convenient enjoyment of the building, (iii) whether single storeyed or multi-stored	Nature with of interest in the land	Name & address of other persons, any, having interest in such lands and the nature of such interest

Particulars of all *vacant* lands, with building, land with building proposed to be demolished and agricultural land owned or possessed as owner or tenant mortgaged or under an irrevocable power-of-attorney or under a hire-purchase agreement or in any other capacity including lands transferred after the 17th February, 1975, by the person concerned.

Section I Land held as owner.

Section II Land held as tenant.

Section III Land held as mortgagee.

Section IV Land held under an irrevocable power-of-attorney.

Section V Land held under a hire-purchase agreement.

Section VI Land held in any other capacity.

Section VII The right or interest of the person in land held by any firm or unincorporated association individuals on the basis of his share in such firm or association of individuals and the particulars of land held by such firm or association of individuals.

Section VIII : Share of the person in the land held by a private trust, if he is a beneficiary of the private trust and his income from the private trust and the particulars of land held by the private trust.

Section IX : Share of the person in the land by a Hindu undivided family, if he is a member of the Hindu undivided family and the particulars of the land held by the Hindu undivided family.

Section X : Share of the person in the land held by a housing co-operative society and the particulars of land held by the housing co-operative society.

**Notes :**

- (1) The particulars should be furnished under different sections as shown above.
- (2) If the land for which particulars are furnished is not a registered sub-division, boundaries of it for easy identification should be mentioned against such each Serial No. in the remarks column.
- (3) A plan showing the location of the land should be furnished.
- (4) Attested copies of documents proving the title to the land should be attached.

Place : \_\_\_\_\_ Signature of the person furnishing the statement

Date :

### **Annexure B**

Particulars of encumbrances on the land included in Annexure A (Details of lands mortgaged to Government/Cooperative Societies and other bodies or Corporations as security for loans also be shown in this Annexure)

<i>Sl. No.</i>	<i>District</i>	<i>Taluk</i>	<i>Village</i>	<i>Survey</i>	<i>Extent in</i>	<i>Particulars of</i>	<i>Remarks</i>
	<i>State</i>			<i>number and sub-division number or other identification number given for revenue purposes</i>	<i>hectares and square metressuch as the</i>	<i>encumbrances such as the names and addresses of the creditors, details of amount and document creating encumbrances</i>	
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>
							<i>9</i>

Place :

*Signature of the person furnishing the statement.*

Date :



## Annexure C

Particulars of any pending litigation in respect of the land included in Annexure A

<i>Sl. No.</i>	<i>State</i>	<i>District Taluk</i>	<i>Village</i>	<i>Survey number and sub-division number or other identification number given for revenue purposes</i>	<i>Extent in hectares and square metres</i>	<i>Particulars of the litigation pending, the case number with the year, the name of the Court and the names of parties</i>	<i>Remarks</i>
----------------	--------------	-----------------------	----------------	--	---	---	----------------

1      2      3      4      5      6      7      8      9

Place :  
*furnishing the statement.*

*Signature of the person*

Date :

## **Annexure D**

Particulars of arrears of land revenue and other amounts recoverable as arrears of land revenue or attachment or restraint on alienation in force respect of land included in Annexure A

<i>Sl.</i>				<i>Survey</i>
<i>No.</i>	<i>Stat</i>	<i>District</i>	<i>Taluk</i>	<i>Villagenumber and</i>
	<i>e</i>			<i>sub-division</i>

*number or  
other  
identification  
number  
given for  
revenue  
purposes*

1      2      3      4      5      6

<i>Extent in hectares and square metres</i>	<i>Amount of of arrears in Rs. P.collection of arrears of land revenue</i>	<i>Particulars of proceedings pending for P.collection of arrears of land revenue</i>	<i>Particulars of attachment of restraint on alienation</i>	<i>Particulars</i>	<i>Remarks</i>
---	--	---	---	--------------------	----------------

7                      8                      9                      10                      11                      12

Place :

Signature of the person furnishing the statement.

Date :

Place :

*Signature of the person furnishing the statement.*

Date :

**Annexure E**

Particulars where the land or any building in the land is in the possession of others by way of lease on mortgage or otherwise

<i>Sl. No.</i>	<i>State</i>	<i>District Taluk</i>	<i>Village</i>	<i>Survey number and sub-division number or other identification number given for revenue purposes</i>
----------------	--------------	-----------------------	----------------	--

1	2	3	4	5	6
---	---	---	---	---	---

<i>Extent in</i>	<i>Name and</i>	<i>The nature of the</i>	<i>Remarks</i>
------------------	-----------------	--------------------------	----------------

*hectares and square metres*    *address of the person in possession*    *possession with details of document under which the person possesses*

7                      8                      9                                      10

**Annexure F**

Particulars of land in respect of which exemption under section 19 of the Act is claimed

*Sl. No.*    *State*    *District*                                      *Taluk*                                      *Village*

*No.*

1    2    3                                      4                                      5

<i>Survey number and sub-division number or other identification number given for revenue purposes</i>	<i>Extent in hectares and square metres</i>	<i>Purpose for which the land is now being used and from what date</i>	<i>Provision in section 19 under which exemption is claimed</i>	<i>Reason for claiming such exemption</i>	<i>Remarks</i>
6	7	8	9	10	11

Place :

*Signature of the person furnishing the statement.*

Date :

**Annexure G**

Particulars of land for which exemption has been sought under section 20 of the Act

<i>Sl. No.</i>	<i>State District</i>		<i>Taluk</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>

<i>Village</i>	<i>Survey number and sub-division number or other identification number given for revenue purposes</i>	<i>Extent in hectares and square metres</i>	<i>Purpose for which exemption is sought, and particulars of application, if any, field for such exemption</i>
<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>

Place :  
*furnishing the statement.*

*Signature of the person*

Date :

## Annexure H

Particulars of land or interest which have been disposed of on or after the 17th February, 1975/28-1-76/Commencement of the Act

Sl. No.	State	District	Taluk	Village	Survey number and sub-division number or other identification number given for revenue purposes	Extent in hectares and square metres
---------	-------	----------	-------	---------	---	--------------------------------------

1	2	3	4	5	6	7
---	---	---	---	---	---	---

How disposed of	di	To whom disposed of and	Reason for disposal	Date of disposal	If by gift, the name (of	Remark
-----------------	----	-------------------------	---------------------	------------------	--------------------------	--------

his  
address

of the do person),  
cument and the  
the nameaddress  
of sub- to whom  
Registry the gift  
Office was  
given

8      9      10      11      12      13

Place : *Signature of the person furnishing the statement.*

**Annexure I**

Particulars of land desired to be retained and particulars of land proposed to be surrendered

**Section (1)**

**Land Desired to be retained**

Sl. No.      District Taluk Village  
State

1      2      3      4      5

<i>Survey number and sub-division number or other identification number given for revenue purposes</i>	<i>Extent in hectares and square metres</i>	<i>Whether mortgaged to Government or Co-operative Societies or other bodies or Corporations as security for loan</i>	<i>Remarks</i>
--	---	---	----------------

6	7	8	9
---	---	---	---

Place : *Signature of the person furnishing the statement.*

Date :

### **Section (2)**

#### **Land Proposed to be surrendered**

<i>Sl.</i>	<i>Village</i>
<i>State District Taluk</i>	

*No.*

1 2 3 4 5

<i>Survey number and sub-division number or other identification number given for revenue purposes</i>	<i>Extent in hectares and square metres</i>	<i>Whether mortgaged to Government or Co-operative Societies or other bodies or Corporations as security for loan</i>	<i>Remarks</i>
--	---	---	----------------

6 7 8 9

**FORM – II**

*(See rule 4)*

**[Intimation to State Government/Central Government  
regarding filing of statement, under sub-section  
(2)/(3) of section 7]**

To

The Secretary to the Government of

...../India

..... Department

..... Place

Sir,

I am to inform you that I held vacant land situated within the jurisdiction of the following competent authorities within the State/States of..... — I have already filed a statement (copy enclosed) under sub-section (2) of section 6 before the competent authority (indicate which competent authority).

I request the State Government/Central Government to determine the competent authority before which subsequent proceedings under the Act shall be taken to the exclusion of the other competent authority or authorities.

Yours faithfully

Place : .....  
: .....

(Name of the holder of the the vacant land) Date

Addres :

**FORM -- III**

(See rule 5)

**Draft Statement prepared by the competent authority of lands held by -**

**General**

- (a) Number assigned to the case by the competent authority.
- (b) Name and address of the person who filed statement.
- (c) To which person does the statement relate.

**Part A**

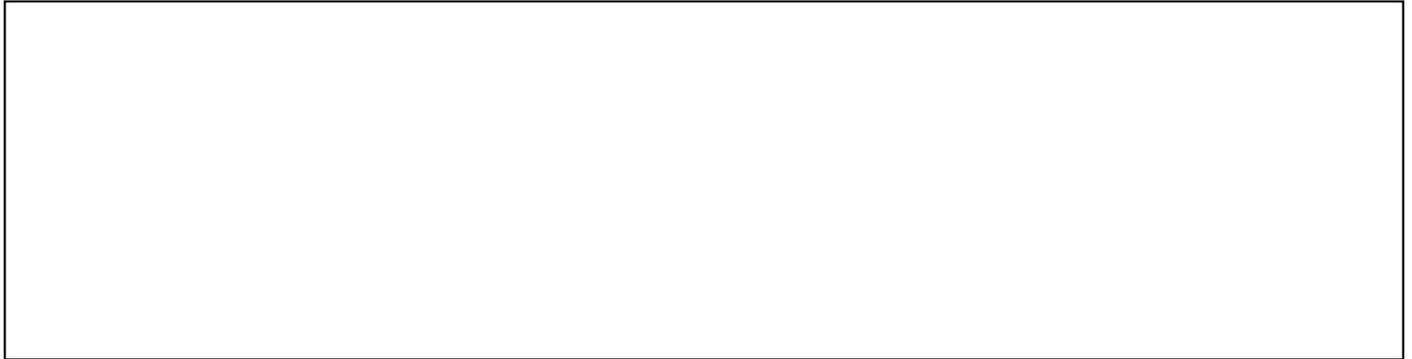
Description and other details of the person whom this draft statement relates (Figures in cols. 4 to 9 to be given in hectares and square metres)]

1. To which person does the draft statement relate.
2. The name(s) and address(es) of such person(s).
3. Particulars of the person(s) [See Section 2(i) for definition of a person]
  - 1.
  - 2.
  - 3.
  - 4.
  - 5.
  - 6.
  - 7.
4. Total extent of vacant land owned or held as tenant or possessed under a mortgage, etc.
5. Ceiling area applicable to the person to whom the statement relates.
6. Total extent of vacant land to which exemption under section 19 applies.
7. Extent of vacant land exempted under section 20,
8. Extent of vacant land the person concerned has been permitted to continue to hold under sub-section (1) of section 21.
9. Extent of vacant land to be surrendered.

## **Part B**

Particulars of all vacant lands, with building, land with building proposed to be demolished and agricultural land owned or held as a tenant or possessed under mortgage or under an irrevocable power of attorney or under a hire-purchase agreement or in any other capacity on the 17th

February, 1975, by the person concerned



- Section I : Land held as owner.
- Section II : Land held as tenant.
- Section III : Land held as mortgagee.
- Section IV : Land held under an irrevocable power-of-attorney.
- Section V : Land held under a hire-purchase agreement.
- Section VI : Land held in any other capacity.

Section VII : The right or interest of the person in land held by any firm or unincorporated association individuals on the basis of his share in such firm or association of individuals and the particulars of land held by such firm or association of individuals.

Section VIII : Share of the person in the land held by a private trust, if he is a beneficiary of the private trust and his income from the private trust and the particulars of land held by the private trust.

Section IX : Share of the person in the land by a Hindu undivided family, if he is a member of the Hindu undivided family and the particulars of the land held by the Hindu undivided family.

Section X : Share of the person in the land held by a housing co-operative society and the particulars of land held by the housing co-operative society.

**Notes :**

(1) The particulars should be furnished under different sections as shown above.

(2) If the land for which particulars are furnished is not a registered sub-division, boundaries of it for easy identification should be mentioned against such each Serial No. in the remarks column.

(3) A plan showing the location of the land should be furnished.

(4) Attested copies of documents proving the title to the land should be attached.

### Part C

Details of the total extent (in hectares and square metres) of the lands (including lands exempt under section 19 and lands transferred by the person concerned after 17th February, 1975, and in respect of which the transfer is treated as invalid under section 4(4)(a) owned, or held as tenant or possessed under a mortgage, etc. as provisionally assessed for the purpose of determining the extent of land to be surrendered

State	Taluk	Village	Survey number or other identification given for revenue purposes	Extent (in hectares and square metres) and description sufficient to identify) [where in respect of any land any voluntary transfer is treated as invalid under section 4(4)(a) the name of the registry and the year and number of the document effecting such transfer should be specified and the words "Invalid under section 4(4)(a)" noted against such description)
1	2	3	4	5

**Part D**

Details of vacant land which the person concerned desires to retain

<i>State</i>	<i>Taluk</i>	<i>Village</i>	<i>Survey number and sub-division number or other identification number given for revenue purposes</i>	<i>Extent (</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>

## Part E

Details of land eligible for exemption under section 19 and land exempted

<i>State</i>	<i>Taluk</i>	<i>Village</i>	<i>Survey number and sub-division number given for revenue purposes</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>

## Part F

Particulars of the extent (in hectares and square metres) and identity of the lands to be surrendered (as provisionally assessed).

State

Taluk

Village

Survey number and sub-division number  
identification number given for revenue p

1

2

3

4

Place :

*Signature of the person furnishing the statement.*

Date :

**Form -- IV**

**(To be furnished in triplicate)**

(See rule 8)

**(Statement by person acquiring vacant land on or after the commencement of the Act)**

1. Name and address of the person making the statement :
2. Whether vacant land acquired by-(a) inheritance, or
  - (b) settlement, or
  - (c) bequest from any other person, or
  - (d) sale in execution of a decree, or
  - (e) order of a civil court, or
  - (f) order of an award, or
  - (g) order of any other authority. (Strike out whichever is inapplicable)

3. Extent of acquisition :

(i) Vacant land (ii) Land with building

4. Date of acquisition :

5. Acquired from whom :

(i) Name (ii) Address

6. Particulars of vacant lands already held :

[If a statement under section 6(1) had been filed a certified copy of the same may please be attached. If such vacant lands are not covered by a statement under section 6(1) the particulars may be furnished as in Form 1].

7. By how much the aggregate exceed the ceiling limit :

8. Specify the vacant land within ceiling limit desired to be retained:

**Notes**

(1) A plan showing the vacant land/land with building acquired along with its boundaries should be enclosed.

(2) Attested copies of documents in support of the acquisition should be enclosed.

**Declaration**

I....., son/daughter of.....

hereby do solemnly declare and affirm that the particulars furnished above and in Form I attached herewith are true to the best of my knowledge and belief.

Place :

Signature of the vacant land-holder

Date :

**Form V**

**(To be furnished in triplicate)**

*(See rule 11)*

**Declaration under section 21(1)**

1. Name of the holder of vacant land and full address, in block letters;
2. Description of vacant land proposed to be utilized for the construction of dwelling-units for the accommodation of weaker sections of society :
  - (i) State
  - (ii) District
  - (iii) Taluk
  - (iv) Village or town
  - (v) Survey No. and Sub-division No. or other identification number given for revenue purposes :
  - (vi) Extent
  - (vii) Boundaries of the land-East : South : West : North :

Note :—A plan of the vacant land proposed to be utilised, drawn to scale showing the location of the vacant land, in boundaries and the lands immediately adjoining shall be attached to the declaration duly signed.

3. Approved use of the land referred to above as per master plan or Government orders :
4. Details of the scheme for the construction of dwelling-units : (i) What is the total cost of the scheme ?
  - (ii) How is it proposed to finance the scheme ?
  - <sup>1</sup>[(iii)Is the proposed scheme consistent with the provisions of Schedule 1-A ?]

(1)1.....d.o./S.o....., do hereby solemnly declare and affirm that the particulars furnished above are true to the best of my knowledge and belief.

(2)1 also certify that <sup>2</sup>[the dwelling-units are proposed to be constructed] in accordance with a

scheme approved by the authority specified by the Government.

(3) I further agree to abide by the terms and conditions <sup>3</sup>[specified in Schedule 1-A appended to the Urban Land (Ceiling and Regulation) Rules, 1976].

(4) I further agree to furnish such other evidence as I may be called Upon to furnish in support of this application.

Place : Signature of the holder of vacant land

Date :

- - -

1. Subs, for items (iii),(iv) and (v) by G.S.R.765(E), dated 19th December, 1977, published in the Gazette of India, Extraordinary, Pt.II, Section 3(i), dated 19th December, 1977.

2. Subs, w.e.f. 19th December, 1977 by G.S.R. 765(E), dated 19th December, 1977.

3. Ibid.

- - -

### **Form VI**

**(To be furnished in triplicate)**

**(See rule 12)**

#### **Statement under Section 22**

1. Name and address of the holder of vacant land:
2. Particulars of statement regarding vacant land already filed with the competent authority under Sec. 6, Sec. 15 or section 16: (Please enclose and attested copy of the statement already filed.)
3. Notification made by the competent authority on item 2 : (Please enclose attested copy of the notification.)
4. Particulars of vacant land, with building or structure which has been demolished or destroyed:

State	District	Taluk	Village	Survey number and sub-division number or other identification number given for revenue purposes	Extent in area
1	2	3	4	5	6

Note :— An attested copy of the order of the local authority authorizing demolition of the building on the land and the re-development of the land so fallen vacant should be attached.

I hereby do solemnly declare that to the best of my knowledge and belief the information furnished above is full and correct. I also agree to furnish any other information in respect of the land referred to above that I may be called upon to furnish.

I request that the land referred to in item 4 above be treated as vacant land and that I may be allowed to retain it for redevelopment, in excess of the ceiling.

Place :

Signature of holder of the land

Date :

## Form VII

**(To be furnished in triplicate)**

(See rule 13)

**Application for assignment of vacant land under sub-section (1) of section 24**

1. Name of applicant :
2. Vacant land/Land with building already held by him :

<i>State</i>	<i>District</i>	<i>Taluk</i>	<i>Village</i>	<i>Survey number and sub-division identification number given for</i>
1	2	3	4	5

(A) Vacant lands as held as owner, [Please indicate in col.(10) the nature of right, title or interest clearly.]

(B) Vacant land held as a mortgagee.

(C) Vacant lands held under an irrevocable power-of-attorney.

(D) Vacant lands leased out to tenants. (Please indicate to whom the land has been leased out and his address.)

(E) Vacant lands held as tenant under a lease agreement (where the period of lease exceeds ten years.)

(F) Land with building. (Please indicate the area of the building, open space for the enjoyment of the building, allowed for the building, as per building regulations). Please also indicate whether the building is single or multi-storied and is a Group Housing Building.

(G) Vacant land/Land with building transferred after the 17th of February, 1975:

(i) Name and address of the transferee, (ii) Date of transfer, (iii) Particulars of the land/land with building transferred?

3. Vacant land acquired by State Government.

**Note** :—Attested copies of documents evidencing the transfer should be enclosed.

4. Particulars of vacant land which is equal to or less than the ceiling limit and which the applicant wishes to be assigned to him.

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

I request that the vacant land referred to against item 4 above be assigned to me under sub-section (2) of section 24.

Place  
:  
*the applicant.*

*Signature of*

Date

**Form -- VIII**

**(To be furnished in triplicate)**

**(See rule 14)**

**Application under sub-section (2) of section 27 for permission for transfer of Urban Property**

I,.....son/wife/window of.....

do hereby declare that the urban/urbanizable land with a building/or a portion only of such building described in the '[Annexure I] hereto attached, held by me, is intended to be transferred by me by sale/mortgage/gift/lease <sup>2</sup>[if the transfer is in any other manner, specify the same] for a period exceeding ten years to (give the particulars- of the prospective transferee).....

The building was constructed on.....

<sup>3</sup>[2. Applicable only where the transferor is not an authority, institution or organization specified in Cls.(i),(ii),(iii) or (v) of sub-section (1) of section 19.-In addition to the urban property intended to be transferred by me as stated in para 1,1 hold the vacant land/land with building described in Annexure II/I do not hold any vacant land/land with building.]

<sup>4</sup>[(3) I request that the permission of the competent authority under sub-section (2) of section 27 of the Urban Land (Ceiling and Regulation) act, 1976 (33 of 1976), may be granted to me for the aforesaid transfer.

<sup>4</sup>[(4) <sup>5</sup>[I enclose/I do not enclose] a statement from the prospective transferee containing particulars of the urban property held by him.

Place :

Signature of transferor

Date

#### <sup>6</sup>[Annexure I]

1. Name of the holder of urban or urbanizable land with a building or a portion only of such building making the application.

2. Date of construction of building (whether constructed before or *after* the commencement of the Act).

- - -

1. Subs, by G.S.R. 1049, dated 8th July, 1976.

2. Ins. by G.S.R. 718, dated 10th May, 1976.

3. Ins. by G.S.R.1049, dated 8th July, 1976, published in the Gazette of India, Pt.II, Section 3(i), dated 17th July, 1976.

4. Re-numbered by G.S.R.1949, dated 8th July, 1976.

5 Subs, by G.S.R.718, dated 10th May, 1976.

6 Subs, by G.S.R. 1049, dated 8th July, 1976.

- - -

3. Manner of transfer (whether by way of sale, mortgage, gift, lease for a period exceeding ten years or otherwise).

<sup>1</sup>[4. (a) Name and address of the prospective transferee.

(b) (i) Whether the prospective transferee is an authority, institution or organization specified in sub-section (i) of section 197; and

(ii) whether Chapter III of the Act shall/shall not apply to the lands intended to be transferred to it.]

5. Description of the urban property proposed to be transferred :

(a) Revenue Survey No.

(b) Town Planning Scheme No.

(c) Block No.

(d) Ward No. (e) Plot No.

(f) Municipal No.

6. Area of the urban property proposed to be transferred (in words and figures).

### **Notes**

1. A site-plan drawn to sale 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 lands were vacant or built upon or not after 17th February, 1975.

2. A copy of the document to be executed in regard to the transfer is enclosed.

### **<sup>2</sup>[Annexure II**

Description of vacant land/land with building (other than the property intended to be transferred as per this application) held by the applicant :

1. State

2. District

3. Taluk

4. Survey No. and Sub-division No. or other Identification No. given for revenue purposes.

5. Extent in hectares and square metres.

1. Subs. by G.S.R. 718, dt. 10th May, 1976.

2. Ins. by G.S.R. 1049, dated 8th July, 1976, published in the Gazette of India, Pt.II, Section 3(i), dated 17th July, 1976.

6. Whether there is any building in such land and if so particulars of such building.

7. Nature of right under which the land with or without building is held.

**Note** :—This Annexure need not be filed in where the prospective transferor is an authority, institution or organization specified in Cls. (i),(ii),(iii) of sub-section (1) of section 19.

Signature of the transferor.]

**STATEMENT**

I,....., son of....., residing at

....., do hereby declare that I do not hold any urban

or urbanizable <sup>1</sup>[land with/without building] holding urban or urbanizable <sup>1</sup>[land with/without building] as mentioned below :

<sup>1</sup>[Particulars of urban or urbanizable land with or without building.]

State District Taluk	Survey No. and Sub-division No. or other identification number given for revenue purpose	Extent in hectares and square metres	Urban or land with/without building	<sup>2</sup> [Nature of right under which the land with/without building is held]
----------------------	--	--------------------------------------	-------------------------------------	---



or made under sub-section (1) of section 21, shall be consistent with the Master Plan, if any, for the urban agglomeration or that part of the urban agglomeration wherein such land is situated or, if there is no Master Plan for the urban agglomeration or such part thereof such directions as the State Government may give in relation to land used in the urban agglomeration, or such part have regard to the planned development of the urban agglomeration, or any part thereof.

2. Not less than fifty per cent of the total number of dwelling-units constructed by any person under the scheme shall have plinth area not exceeding forty square metres.

3. The construction of the dwelling units shall be completed within five years from the date on which the declaration is made by the competent authority under sub-section (1) of section 21, permitting the person concerned to continue to hold the vacant land for the purpose specified in that sub-section.

4. (1) The dwelling-units constructed under the scheme shall be sold by outright sale or on hire-purchase or shall be let out on rent to the weaker section of the society.

[(2) Where any dwelling unit is sold by outright sale, price which such person shall be entitled to receive shall not exceed a sum consisting of,—

(i) the actual cost of construction of the dwelling-unit;

(ii) either ten times the net average annual income actually derived from the land for the period of five consecutive years referred to in clause (a) of sub-section (1) of section 11 or five times the amount he would be entitled to under clause (b) of sub-section (1) of that section whichever is higher, in respect of the land occupied by such dwelling-unit and the land appurtenant, thereto, if such land is deemed to have been acquired by the State Government under sub-section (3) of section 10; and

(iii) a sum calculated at the rate of fifteen per cent on cost of construction and such cost of land referred to in (ii) above.]

*Explanation* :—Where the dwelling-unit is part of a building, being a group housing, the proportionate share in relation to the dwelling-unit in the amount paid in relation to the land occupied by the building and the

- - -

1. Subs. w.e.f. 22nd February, 1979 by G.S.R. 79(E), dt. 22nd Feb., 1979.

- - -

land appurtenant thereto, determined on the basis of the ratio of the plinth area of the dwelling-unit to the total plinth area of the building, only shall be taken into account in determining the sale price of the dwelling-unit under this paragraph.

(3) Where any dwelling unit is sold on hire-purchase, such person shall be entitled to get, in addition on the sale price determined in accordance with sub-paragraph (2), interest calculated at the rate of ten per cent per annum on the unpaid portion of the sale price.

(4) Where any dwelling unit is let-out on rent, the rent shall be worked out in such a way that such person would get a return not exceeding ten per cent per annum on the sale price of the dwelling-unit determined in accordance with sub-paragraph (2).

*Explanation* :—For the removal of doubts it is hereby declared that in working out the return on the sale price which such person may get under this sub-paragraph by way of rent the fact that the year shall not be taken into account.

5. Between the date on which a declaration in relation to the vacant land is made by the competent authority under sub-section (1) of section 21 and the date of completion of the construction of the dwelling-units, the person concerned shall not transfer the land by way of sale, gift, lease or otherwise;

Provided that such person may mortgage it without possession to the State Government or Central Government or a Bank as defined in section 19 for getting a loan for the purpose of constructing such dwelling-units.]

<sup>1</sup><sup>2</sup>[Schedule II]

<sup>1</sup>[See rule 15(1)]

Name of the State Union territory

Provision of the Act under which the order ha

1

2

<sup>3</sup>[1. Andhra Pradesh  
2. Assam <sup>5</sup>[2-A. Gujarat

PART -- I

## STATES

Every order under the Act other than an order  
(1) of sec. 30

Every order under the Act other than an order  
(1) of section 30.

Every order under the Act other than as order  
(1) of section 30.

- - -

1. Ins. w.e.f. 24th July, 1976, by G.S.R. 1107, dated 15th July, 1976.
2. Subs. w.e.f. 19th December, 1977 by G.S.R. 765(E), dt. 19th Dec., 1977.
3. Subs. by G.S.R. 1049, dated 30th July, 1977.
4. Subs. by G.S.R. 477(E), dt. 31st July, 1981, published in the Gazette of India, Extraordinary, Pt. II, Section 3(i), dt. 6th August, 1981.
5. Ins. by G.S.R. 33, dt. 23rd December, 1979.
6. Subs. by G.S.R. 757, dt. 5th Sept. 1988, (w.e.f. 24th Sep. 1988), published in the Gazette of India, Pt. II, Sec. 3(i), dt. 24th Sept. 1988.

- - -

1

2

3. Karnataka <sup>2</sup>[3-A. Madhya Pradesh

<sup>1</sup>[Every order under the Act other than an order under

Every order under the Act other than an order under



---

1. Subs. w.e.f. 18th Feb. 1978 by G.S.R. 273, dt. 6th Feb. 1978.
2. Ins. by G.S.R. 33, dt. 23rd Dec. 1976.
3. Subs. by G.S.R. 4051, dt. 22nd August, 1995.

---

1

2

<sup>2</sup>[4. Maharashtra

1. To every order under the Act other than an  
1 or subsection (l)of section 30.

---

1. Subs. by G.S.R. 1033, dt. 11th Sept. 1984.
2. Subs. by G.S.R. 405, dt. 22nd August, 1995.

---

1

2

II. Every order I, under section 21 of the Act

4-A. Bihar

Every order under the Act other than an order of section 30.

1

2

5. Orissa <sup>1</sup>[6. Punjab

Every order under the Act other than an order  
of section 30.

Every order under the Act other than an order  
of section 30.

1. Subs. w.e.f. 22nd August, 1978 by G.S.R. 1016, dt. 2nd August, 1978.

1

2

3

4

<sup>1</sup>[7. Rajasthan <sup>2</sup>[8. Uttar Pradesh

Every order under the Act other than an order  
of section 30

Every order under the Act other than an order  
of section 30

---

1. Subs. by G.S.R. 324, dt. 13th April, 1987.

2. Subs. w.e.f. 18th Feb. 1978 by G.S.R. 273, dt. 6th Feb. 1978.

---

1

19. West Bengal

2

Every order under the Act other than an order  
(1) of section 30.

---

1. Subs. by G.S.R. 655, dt. 20th June, 1981, Pub. in the Gazette of India, Pt. II, Section 3, dt. 11th July, 1981.

2. Subs. by G.S.R. 408, dt. 25th August, 1992.

---

1 30.	Chandigarh	Every order under the Act other than an	Chandigarh Urban Agglomeration.	Finance
2. 30.	Delhi	Every order under the Act other than an tonment.	Delhi Urban Agglomeration tration, Delhi.]	<sup>1</sup> [Secretar
<sup>2</sup> [3 30.	Pondicherry	Every order under the Act other than an	Pondicherry Urban Ag- Pondicherry.	Secretary to

### Competent Authorities

1

1. (a) Military Estate Officer (Urban Land Ceiling), Secunderabad.

(b) Military Estates Officer, Bombay and Gujarat Circle, Bombay.

(c) Military Estate, Officer, Karnataka Circle, Bangalore, (d) Military Estates Officer, (Urban Land Ceiling) Military Estates Officer Rajasthan Circle, Jaipur. 2. (a) Military Estates Officer, (Urban Land Ceiling), Agra, (b) (Urban Land Ceiling), Lucknow. (c) Military Estates Officer (Urban Land Ceiling), Meerut. (d) Military Es Pradesh Circle, Jabalpur. (e) Military Estates Officer, Bihar Circle, Dinapore. <sup>1</sup>(f) Military Estate Officer, M Jabalpur.

3. (a) Military Estates Officer, Delhi Circle, (b) Military Estate Officer, Jullundur Circle, Jullundur.

4. Military Estates Officer, Calcutta Circle Calcutta.

1. Subs. w.e.f. 24th June, 1978 by G.S.R. 571, dt. 8th June 1978.
2. Subs. w.e.f. 20th May, 1989 by G.S.R. 371, dt. 8th May, 1989.

<sup>1</sup>[Schedule IV]

**Court-fee stamp, which applications, appeals and other proceedings under the Act should bear. (See rule 16)**

Provision under which the application, appeal or other proceeding is filed	Description of the application appeal or o
1	2
Section 12(4) Section 19(1)	Appeal to the Tribunal against an order o
Section 20 Section 21(1)	An application for exemption of vacant la
Section 23(1) Section 24(1) Section 27(1) Section 30(2) Section 33	Application for exemption of vacant land
Rule 15	Declaration by the person holding excess society of enable such person to be permi
	Application for allotment of vacant land in property Appeal to the Tribunal against an
	Appeal against any order of the compete

Application for copy of any document

1. Subs. w.e.f. 19th Dec. 1973 by G.S.R. 765(E), dt. 19th Dec. 1977.

## **THE URBAN LAND (CEILING & REGULATION)**

### **ACT, 1976, POLICY GUIDELINES**

#### **GOVERNMENT OF ANDHRA PRADESH**

#### **ABSTRACT**

Urban Land (Ceiling & Regulation) Act, 1976 - Allotment of excess lands under Section 23 of the Act which are already under occupation of 3rd parties - Policy guidelines - Issued.

#### **REVENUE (U.C.I) DEPARTMENT**

**G.O. Ms. No. 455**

**Dated : 29-7-2002.**

#### **Read the following :**

1. G.O. Ms. No. 840, Revenue (UC.II) Department, Dated : 16-6-1982.
2. Judgement of High Court of A.P. in W.P. No. 19344/1995 and batch, dated: 3-2-1997.

#### **ORDER**

Orders were issued in the G.O. 1st read above creating a centralised pool of excess vacant lands taken over by Government under the provisions of Urban land (Ceiling & Regulation) Act, 1976 and indicating the priorities for allotting such excess vacant lands, after meeting the needs of the Government Departments,

2. It has come to the notice of Government that the excess land holders themselves or their successors or other interested persons have been questioning the determination of excess land, on

various grounds resulting in continuous litigation even for decades. There have also been several instances of such persons protracting the litigation by filing Appeals/W.Ps. etc. on one ground or the other and obtaining stay orders. Taking advantage of such long drawn litigations, in many cases the excess land holders have resorted to sell the excess land to 3rd parties by executing a variety of documents and entering into transactions unknown to the law or illegal under the law. While doing so, the fact that such land has been declared surplus already or is the subject matter of pending proceedings before the statutory authorities under the Act or before the Courts of Law in respect of the such lands has been concealed by the excess landholders or their successors. Many person, driven by the need for a plot of land and to have a shelter of their own, have innocently purchased such excess lands through registered or unregistered documents and also built houses with or without the requisite permissions. Such sales are null and void in terms of the provisions of section 5(3) and 10(4) of the Act. When the authorities attempt to take possession of the excess land after conclusion of all long drawn litigation, it is noticed in many cases that the excess land on ground is already occupied and covered by structures. Fresh problems have arisen.

3. When possession of excess land was taken physically, either with structures or by demolishing structures raised thereon, a fresh round of

litigation commenced. The High Court of Andhra Pradesh has dealt with these aspects in detail in its orders 2nd read above and gave certain directions.

4. The Government while keeping in view the observations of High Court and after careful consideration of the issue of occupation of excess land by third parties (i.e., other than the declarants/excess land holders or their successors) and taking into account all ground realities and the practical aspects of the problem and difficulties encountered in the strict enforcement of the law and bearing in mind the fact that the Urban Land (Ceiling and Regulation) Act, 1976 is an expropriatory law, have, as a matter of policy, decided to allot the excess lands to such respective third parties in occupation U/s.23 of the Act, subject to the following conditions:

(a) (i) The allotment shall be considered where the excess land

already vested with Government U/s. 10(3) of the Act free from all encumbrances and the excess lands that may so vest with them in future.

(ii) In cases where the lands applied for allotment are not covered by any declaration filed, the competent authority shall get the statements filed, if so required under the Act by issuing notices under section 6(2), and then take further action to determine surplus or otherwise. In case of declaring surplus, further action shall be taken upto the stage of vesting of surplus land in Government U/s. 10(3) and only thereafter applications received for allotment in respect of such surplus lands shall be dealt with in accordance with these orders.

(b) The allotment shall be subject to withdrawal of all litigations filed either by the occupant of

excess land, or the excess land holder, or any other interested person and pending before any Court or Authority relating to the excess land as on the date of this G.O.

(c) The excess lands covered by Appeals/W.Ps/W. As/SLPs or any other suit or proceedings including land grab cases filed by Government and pending before any Court or Authority shall be considered for allotment if applied for under these orders only after such cases are finally disposed of by such Court or Authority and the Government or other party deciding not to carry such order in further appeal or the Government deciding to withdraw litigations in any case.

(d) The allotment shall be subject to payment of amount to Government at the rates indicated separately for each agglomeration in Schedule -I to this order.

(e) Allotment under these orders shall be confined to :

(i) Excess land in the possession of occupier, (other than the excess land holder or his successors) where such possession is evidenced by a registered document of purchase from the excess land holder or person claiming through him/her regardless of the fact of such land being covered by a structure or not.

(ii) Excess land in the possession of occupier, (other than the excess land holder or his successors) on which there is already a structure, though the possession is not supported by any registered document of purchase. "Structure" for the purpose of this G.O. shall include any construction which is constituted with walls and covered with a roof of RCC/Tiles/A.C. Sheets/Zinc Sheets or tubular structure but does not include a hut or a shed without walls. In Guntur and Vijayawada and Visakhapatnam agglomerations structures with walls and covered with roof of palmyhra leaves traditionally may be considered as structure.

(f) In cases covered by clause (e)(i) above, the year of registered document based on which the occupant/applicant came into possession shall be considered for determining the time periods of possession and then for calculating the amount payable as per the rates indicated in Schedule-I to this order;

(g) In cases covered by clause (e)(ii) above, the year of coming into possession shall be the earliest of the years with reference to the dates of any or all of the following primary documents (From Sl.No.1 to 4) pertaining to the structure existing on the excess land and for determining the time periods of possession and then to calculate the amount payable with reference to the rates indicated in schedule I to this order. The documents at Sl.No.5 &6 below are to be considered as supporting documents alone filing of which is optional. Filing of one of these documents has to be necessarily supported with one of the documents at Sl.No.1 to 4 below.

## **PRIMARY DOCUMENTS**

- (1) Electricity connection
- (2) Construction permission
- (3) Payment of property tax
- (4) Water supply connection

**SUPPORTING DOCUMENTS**

- (5) Household supply card
- (6) Telephone connection.

(h) Allotment of vacant surplus land not covered by any registered document of purchase shall not be considered under these orders.

(i) The registered transactions of purchase of excess lands that took place prior to the date of this G.O. alone will be considered for allotment under these orders.

(j) These orders apply for allotment of surplus land occupied by 3rd parties (other than land holder/declarant his successors in interest) alone. Orders regarding exemption of surplus lands occupied by the surplus land holder/declarant or his successors in interest are being issued separately.

(k) Allotment shall be free of cost up to the limits indicated in the table below, in case the occupier thereof is a person below poverty line, as explained below:

If the excess land occupied fall in Municipal Corporation Areas.	67 Sq.mts.(80 Sq. yards)
If the excess land occupied falls in Municipalities	84 sq.mts. (100 Sq. yards)
If the excess land falls in Panchayat Areas	100 Sq.Mts.(120 Sq.yards)

Amount shall be collected for the land over and above the free limits, at the rates specified in Schedule-I when the total land in possession does not exceed 300 sq.mts. (Examples of calculation amount payable are shown in Schedule-I).

A person shall be considered to be one falling in the category of "**below Poverty Line**" if the aggregate annual income of such person and his/her spouse as the case may be, is Rs. 12,000/- per annum or below as on the date of this order. The income has to be declared by the occupier himself/ herself in the form of affidavit shown in Schedule-III to this order. It will be taken into consideration for deciding his/her case for allotment. If any information as to income or other matters given in such affidavit is found to be false, incorrect, incomplete or misleading, he/she shall be liable for such penalty or civil and criminal action as the Government may decide.

(1) A person occupying surplus land exceeding 300 Sq.mt will automatically be regarded as a person falling above poverty line irrespective of income.

(m) If the entire land is allotted free of cost to persons below poverty line, it shall be heritable but not alienable for a period of 10 years. This restriction does not apply if amount is paid for a portion or total extent of land occupied.

(n) Allotment of excess land free of cost to persons below poverty line shall be made in the name of adult female member of the family wherever practicable.

(o) The allotment of surplus land covered by structure under these orders is intended to regularise occupation of surplus land only and shall not be construed as approval or regularisation

of structures thereon. For regularisation of structures if required under the relevant rules the concerned local Authority shall be approached.

(p) The amount payable in respect of the excess land applied for allotment as per the rates shown in Schedule-I, shall be in lump sum by way of Demand Draft/Pay Order, Banker's Cheque drawn in favour of the Special Officer & Competent Authority, Urban Land Ceiling of the Urban Agglomeration concerned and the same shall be enclosed to the Application to be filed.

(q) the allotment of excess land made under these orders either on payment of amount or free of cost as the case may be does not require any registration under the Indian Registration Act, 1908 and no Stamp duty shall be payable under Indian Stamp Act 1899. Orders of allotment made shall be communicated to the concerned Registering authorities and Revenue authorities for taking necessary entries of such allotment in the records.

(r) In respect of land allotted to third parties under these orders, no amount shall be payable to the

land holders/declarants U/ s.11 of the Act (not exceeding Rs.10/- per square meter in respect of Hyderabad Urban Agglomeration and not exceeding Rs.5/- per square meter in respect of Visakhapatnam, Vijayawada, Guntur and Warangal Urban Agglomerations), since consideration exceeding the said rates is believed to have been received already by the excess land holders from such third parties while putting them in possession.

(s) The maximum extents that can be allotted under these orders are as indicated below.

Name of Urban Agglomeration	Maximum extent (in Square meters) that can be allotted per person /family			
	If covered by Registered Document of sale		If not covered by Registered Document	
	When the land is vacant	When the land is covered by structures	When the land is vacant	When the land is covered by structures
Hyderabad	3000	Entire extent covered by structures and land appurtenant thereto not exceeding 300 Sq.mts	No allotment	Entire extent covered by structures & land appurtenant thereto not exceeding 300 Sq.mts
Visakhapatna	4500	-do- not	No	-do- not

m		exceeding 4500 allotment		4500 Sq.mts.
Vijayawada	4500	-do- not exceeding 4500 Sq.mts.	No allotment	-do- not exceeding 4500 Sq.mts.
Guntur	6000	-do- not exceeding 6000 Sq.mts.	No allotment	-do- not exceeding Sq.mts
Warangal	6000	-do- not exceeding 6000 Sq.mts.	No allotment	-do- not exceeding 6000 Sq.mts.

(t) When the vacant land allotted under these orders exceeds the ceiling limit prescribed for the respective Urban Agglomeration, such excess extent over and above the ceiling limit shall be exempted as a matter of policy under Section 20(1 )(a) of the Act simultaneously while issuing orders of allotment of such land.

(u) Under these orders only one of the members of the family (viz., applicant, his or her spouse and their minor children) shall be eligible for the allotment of vacant land already in their possession upto the maximum limit shown in clause (s) above. The vacant land in the possession of any or all members of the family over and above the maximum limits of any, shall be surrendered to the Government under the provisions of the Act, as a condition for allotment.

5. On payment of the amounts prescribed for the excess (ie surplus) land occupied and after such verification and inspection as may be considered necessary proposals for allotting the excess land in the name of the occupier thereof shall be sent to Government. The allotment made by Government shall be conclusive proof of title of the occupant over such excess land allotted.

6. All amounts realised under these orders shall be credited to the head of account mentioned hereunder, and shall be utilised exclusively for the purposes of common good of the people of the State.

0075 - Miscellaneous General Services

MH 105 - Sale of Land and Property

SH (04) - Sale of Urban Land (to be opened)

7. The third party occupants over the excess (i.e. surplus) lands shall apply for allotment in the form shown in Schedule-II to this order to the Special Officer and Competent Authority, Urban Land Ceiling concerned in whose jurisdiction the excess land is situated with in a period of 90 days from the date of these orders. Those who apply after expiry of 90 days, but before 31-3-2003 have to pay interest calculated 12% P.A. on the amount payable under these orders.

8. The Government shall be competent to refuse or reject any case of allotment of excess land, even though it otherwise satisfies all the conditions prescribed in this order, if such allotment of excess land with or without structures thereon is not in public interest or if such land is required for a public purpose. Government decision in this regard shall be final and shall not be questioned in any court of law. In cases where allotment is refused or rejected the compensation amounts paid along with application shall be refunded without any interest to the applicant.

*(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)*

**N.S. HARIHARAN,**

**PRINCIPAL SECRETARY TO GOVERNMENT.**

## SCHEDULE - I

(to G.O. Ms. No. 455 Revenue (UC.I) Dept. 29-7-2002)

**Amounts payable by third parties for allotment of excess lands occupied by them.**

Name Urban Agglomeration HYDERABAD Areas falling in Municipal Corporation of Hyderabad

Local Area in

which excess land is situated	RR1	RR2	RR3	RR1A	RR2A
Time period	1.4.200 to 31.3.2003			1-4-1996 to 31.3.2000	
MCH, Sec'bad Division, Ward Nos. 1, 2, 3, 4, 5, 7, 8, and 9	4500	3375	2250	3600	2700

MCH, Sec'bad Division, Ward Nos. 6, 10, 11 and 12	2000	1500	1000	1600	1200
MCH, WARD Nos. 9, 13, 14, 16, 17, 18, 19,20,22,23	1000	750	500	800	600
MCH, Ward Nos. 2, 8, 10, 12 and 21	2000	1500	1000	1600	1200
MCH, Ward Nos. 1, 7, and 11	3000	2250	1500	2400	1800
MCH Ward No. 3, 4, 5, 6 and 15	4500	3375	2250	3600	2700

---

RR1. 1A. IB. 1C. ID. means 1001 and upto 3000 Sq.mts. RR2, 2A, 2B, 2C, 2D, means 301 to 1000 Sq.mts RR3, 3A, 3B, 3C, 3D, means up to 300 Sq.mts

---

**SECTION OFFICER**

**SCHEDULE -- II**

**(Form of Application for allotment of excess land)**

**APPLICATION FOR ALLOTMENT OF EXCESS LAND**

**DECLARED UNDER UL (C & R) ACT, 1976**

***(In terms of G.O. Ms. No. 455 Revenue (UC.I) Deptt. Dated: 29-7-2002)***

**Read instructions carefully before filling application.**

Application No..... (to be assigned by office)





8. If supported by registered document, furnish following details. (Whether vacant or covered by structure)

Sl. No.	Registered Document No. No. & Date	Extent covered in Sq.mts.	Name of Vendor	Name of Vendee
---------	------------------------------------	---------------------------	----------------	----------------

1.

2.

3.

4.

9. Income of applicant's family per annum, (i.e., income of applicant and his/her spouse from all sources) as per the affidavit to be filed. Rs.

10. If not supported by registered document but covered by structure, furnish any one of the following primary documents (i to iv) in respect of the said structure which is earliest of them all.

SI. Description of No. document Whether furnish or not furnished & indicate the number of furnished.

(i) Construction permission No. and date

(ii) Property tax assessment No. and date

(iii) Electricity consumer No. and date

Water Supply Service  
(iv) No. and date

(v) Household supply card No. and date of issue

Telephone No. and  
(vi) date of connection

*Note* .'-Documents at SI. No. (v & vi) are to the corroborated with one of the documents at (i) to (iv)

11. (a) I declare that I have not filed any cases before any Authority or Court in respect of the surplus land applied for allotment.

Or

(b) have filed the following cases (i.e., Appeals/W.Ps,  
1 W.As/SLPs/ Suits etc.) and I am filing herewith orders of  
the concerned authority as proof of withdrawing the said  
case

Sl. No.	Number of appeals/W.Ps/ W.As/SLPs/ Suits etc.,	Name of the Court or Authority	Brief Description of Property and issue involved	Order No. and date of the Courts/Auth- permitting withdrawal
---------	--	--------------------------------	--	--

1.

2.

3.

12. (a) I am not aware if the land holder has filed any case before any authority or court in respect of the surplus land applied for allotment by me

Or

(b) I am aware that the land holder filed the following cases which are believed to be pending.

Name of Land holder	Case number (appeal, W.P., W.A./SLP/ Suit	Name of Court or authority before whom it is filed	Brief De scription of property and issue involved	Present status of the case
------------------------	---	--	--	----------------------------------

1.

2.

3.

13 (a) Amount payable when covered by a registered document :

(i) Year of registered Document according to which the applicant came into possession of land applied for allotment

(ii) Extent (in Sq. mts)

(iii) Rate per Sq.mt (as per Schedule to the G.O.) Rs.

(iv) Amount payable (i.e. , ii x iii) Rs.

(b) Amount payable when there is no registered document

(i) Earliest year (of coming into possession) with reference to documents at 10 above.

(ii) Extent (in Sq. mts)

(iii) Rate per Sq.mt (as per Schedule to the G.O.) Rs.

(iv) Amount payable (ic., ii x iii) Rs.

14. Details of amount paid along with Application (by way of DD or Banker Cheque drawn in favour of SO & CA concerned and payable at his headquarters)

(i) Name of issuing Bank and Branch.

(ii) Name of Bank and Branch where payable

(iii) DD or Banker's cheque No. 85 date

(iv) Amount of the said DD or cheque

15. List of documents enclosed:

1 . Registered Document No ..... In support of item 8.  
date ..... (One or more than one  
as the case may be)

-do-

-do-

-do-

2: Xerox copy of General Power of Attorney/ Authorization In Support of item 3  
(wherever necessary)

3. Affidavit of Income. In support of 9

4. One of the four primary In support of item 10  
documents

(as at 1 0 (i) to (iv) to be clearly  
indicated) and one of the secondary  
documents at 1 0 (v 8s vi) at option

5. DD/Banker Cheque No ..... In support of item 14  
dated : ..... for Rs .....

6. Self addressed envelope affixing  
postage stamps of Rs. 5/-

Required only when the application is sent by a registered post

7. Any other document the applicant may wish to produce, (to be clearly specified)

Signature of Applicant.....

Signature of spouse.....

**DECLARATION**

1. I declare that the particulars furnished are true and correct. I bound myself for any penalty and criminal action that the authorities may wish to impose upon me or take against me in the event of any of the particulars mentioned are found to be incorrect, misleading or bogus on verification.

2. In addition to the amount already paid as per details shown in the application filed, I undertake to pay such additional amount as may be required to be paid in terms of G.O. within such time as may be fixed, by Government/the Special Officer & Competent Authority.

Signature of applicant.

Date : Place :

Section Officer.

**INSTRUCTIONS To FILL UP THE APPLICATION FORM**

**AND ITS SUBMISSION**

1. On the right hand side of the page 1 of the Application latest passport size photograph of the Applicant and his or her spouse shall be affixed. The applicant/spouse shall sign across the photograph. Part of such signature or thumb impression shall extend to the Application form.

2. Against Item 1. write the name of the Applicant first followed by Surname later in BLOCK LETTERS.

Example:

Sl. No.	Name	Surname
1.	SRI RAMULU	MANDA
2.	LAXMAIAH	KONIJETI

3. Against item 2 the name of the scope of Applicant shall be shown in BLOCK LETTERS.

4. Against Item 3 the name of person on whose behalf the application is being filed and his relationship with the Applicant viz., Son, Daughter, Wife, etc., shall be mentioned in BLOCK LETTERS an relationship shown below the name. In case application is filed as Power of Attorney holder the name of such person and the fact of being Power of Attorney Holder shall be indicated. A copy of such Power of Attorney shall also be filed along with the Application indicating the same as one of the enclosures against item 15.

5. Against Item 5 complete postal address with phone number if any shall be indicated for future communication.

6. Against Item 6 caste, sub-caste may be indicated. No proof thereof need be filed.

7. Against item 7 (g) particulars indicated may be furnished if known to the Applicant. Filling up this column is not compulsory.

8. Against Item 8 details of all linked registered documents linking the purchase by the Applicant to the original land holder may be furnished. This is necessary only when the land changed hands more than once from the land holder by the time it came into possession of the Applicant. Once these details are furnished there is no need to fill Col.No. 10 and file any of the documents mentioned against item No. 10 whether the land is covered by structure or vacant.

9. Item 9:

(a) When should be (i) when family income is below Rs. affidavit be filed 12,000/- p.a. and no compensation is offered for part or whole of land for which allotment is sought

(ii) When the land applied for is 300 sq.mts and below.

(i) shall be executed on Stamp Paper

(b) below the affidavit of Rs. 10/- should be filed

(u) should be got attested by an Advocate/Notary Public/Gazetted Officer of State Government

(iii) should be filed in original along with application.

10. Against Item 10 only one of the primary documents (i to iv) which is the earliest of them all may be furnished to determine year possession of the Applicant on surplus land applied for allotment. In case of producing secondary documents at v and vi of item 10 any one of the primary documents at i to iv shall be furnished as corroborative evidence. There is no need to field any of them in case the land applied for is supported by a Registered Document.

Example :

Date of construction  
permission 1-7-1985

Date of Electricity  
Connection 1-4-1986

Date of Water Supply  
connection 1-10-1986

In the above circumstances only the document of construction permission which is the earliest among the three documents mentioned need to be filed.

11. The D.D./Banker's cheque as indicated against item 14 shall be drawn in favour of "the Special Officer & Competent Authority, Urban Land Ceilings - Hyderabad" (or Guntur, Visakhapatnam, Vijayawada, Warangal as the case may be depending upon in whose jurisdiction the land applied for is situated) and made payable at the above places.

12. All enclosures to be filed shall be got attested by an Advocate or Gazetted Officer of State Government.

13. The application can be filed in person in which case the acknowledgement will be given then and there. The Application can also be sent by registered post acknowledgement due. In such case, a self addressed envelope duly affixing the postage of Rs.5/- shall also be furnished along with the Application for sending the acknowledgement to the applicant by post.

**SCHEDULE - II**

**(To G.O. Ms. No. 455, Revenue (UC.I) Dept. Dt: 29-7-2002) (Affidavit of income by those Below Poverty Line)**

**BEFORE THE SPECIAL OFFICER & COMPETENT AUTHORITY, URBAN LAND CEILINGS,  
AT.....**

**AFFIDAVIT**

I.....S/o,D/o,W/o,..... Aged.....years,  
Occupation:.....R/o..... (full address).....do hereby  
swear in the name of God/solemnly affirm and state that;

We namely,

1. I..... S/o,D/o,W/  
o,.....Aged.....years, Occupation :.....  
R/o..... (Full  
address) ..... do hereby swear in the name of God/solemnly affirm and state that;

2. I.....S/o,D/o,W/o..... Aged.....years,  
Occupation..... R/o.....

(Full address).....do hereby swear in the name of God/solemnly affirm and state that;

(i) I/we have applied before the authority for allotting excess land of.....  
Sq/mts..... in R.S.No./T.S. No./Ward No./Block No..... Of .....  
(village).....(Mandal)..... (District) in terms of G.O.Ms. No.....  
dated.....

(ii) In the said application I/we have stated that the income of any family including that of my spouse..... (name of spouse) is Rs.....Per annum. The source of said income is as stated below.

(a) Salary of self by virtue of employment in Rs.....P.A. (Name of office / organization /Establishment) as..... (designation)

(b) Salary of spouse by virtue of Rs.....P.A. employment in (Name of office/organization/Establishment) as..... (designation)

(c) Income from business (to be specified) Rs.....P.A.

(i) self

(ii) spouse

(d) Income from any other source Rs.....P. A.

(to be specified)

(i) Self (ii) Spouse

(e) Total Rs.....P.A.

(iii) I/we or my spouse have no other income than what is special above.

(iv) I/we bound my self for such penalty, civil or criminal action that the Government may decide to take against me in case my income stated above is found to be false, incomplete, incorrect or misleading.

DEPONENT

Sworn and signed before me on this.....Day of.....2002. Hence attested.

Signature of attestor.....

Name.....

Designation.....

Seal.....

[To be attested by i) an advocate, ii) Notary Public, (iii) Any Gazetted Officer of State Government.]

Office of the Special Officer  
& Competent Authority, Urban Land Ceilings.

Application No.

Declaration No.

ACKNOWLEDGEMENT

Received application from Sri.....S/o,D/o,W/o  
.....R/o..... along with the following enclosures.

- 1. (a) Attested Xerox copy of Registered Document No.  
.....Dt.....
- (b) Attested Xerox copy of Registered Document No. ....Dt.....
- (c) Attested Xerox copy of Registered Document No. ....Dt.....
- 2. Attested Xerox copy of.....
- 3. Affidavit of Sri/Smt.....S/o. D/o.W/o.....
- 4. DD/Banker's cheque No..... Dt.....for Rs.
- 5. Any other document (duly attested).....

(to be specified)

Signature:.....

Name.....

Designation :.....

Date.....

Office seal.....

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Urban Land (Ceiling & Regulation) Act, 1976 - General exemption of excess vacant land held by landholders (who filed statements under the Act) in core and peripheral areas in all Urban Agglomerations -Policy guidelines - Issued.

### REVENUE (U.C.I.) DEPARTMENT

#### ***G.O. Ms. No. 456. Dated 29-7-2002.***

Read the following:

1. G.O. Ms. No. 733, Revenue (U.C.II) Deptt., Dt : 31-10-1988.
2. G.O. Ms. No. 289, M.A. & UD Department, Dated : 1-6-1989.
3. G.O. Ms. No. 217, Revenue (U.C.II) Deptt., Dated: 18-4-2000.

### ORDER

Orders were issued in the Government orders need above with regard to exemption of excess land held by the land holders in peripheral areas.

2. The Government have observed that the excess land determined and falling in core areas (the areas specified in column 2 of Schedule - I of the Central Act No. 33 of 1976) and also in peripheral areas (the areas specified in Col. 3 of Schedule-I of the Central Act No. 33/76) in all the five agglomerations is to a large extent covered by litigations pending, before the Appellate Authority, Government, High Court and Supreme Court and the litigations have been pending for several years.

3. The Government is of the view that there is need for minimising litigation and ensuring speedy settlement of cases under the Urban Land (Ceiling & Regulation) Act, 1976. They have decided in public interest as a matter of policy, that the excess land determined equal to 300% of the Ceiling Limit of the respective Urban Agglomeration whether falling in core or peripheral areas held by each of the excess land holder as on the date of these orders or may be so declared hereafter shall be exempted under Section 20(1)(a) of the Act according to the following principles. This will be in addition to the general exemption granted already in the Government orders 1st and 2nd read above.

(a) The exemption shall be considered in cases where the excess land already vested with Government under Section 10(3) of the Act free-from all encumbrances and the excess lands that may so vest with them in future.

(b) These orders will not apply to cases where possession of such excess land has already been taken over by Government prior to these orders and (i) allotted already by the Government under Section 23 of the Act, (ii) handed over to the Urban Development Authorities for the purpose of public auction in terms of G.O. Ms. No. 166, Rev. (UC.I) Dept. Dt.3-3-2001, (iii) decided to be retained by the Government.

(c) The exemption shall be subject to withdrawal of all litigations filed either by the declarants/excess land holder or their successors in interest or any other interested person and pending before any Court or Authority in respect of the excess land, as on the date of this G.O.

(d) The excess lands covered by Appeals/W.P/W.As/SLPs/ or any other suit or proceedings including land grab cases filed by Government and pending before any Court or authority shall be considered for exemption under these orders only after (i) such cases are finally disposed of by such Court or authority and the Government or other party deciding not to carry such order in further appeal, or (ii) the Government deciding to withdraw litigation in any case.

(e) The exemption upto the limit specified above shall be considered only when the land is in the possession of the excess land holder/or successors in interest with or without structures.

(f) The exemption shall be conditional on payment of compensation to Government for the excess land exempted as per the rates indicated in Schedule-I to this order which are prevalent in the relevant financial year. This account shall be paid in lumpsum, by way of Demand Draft/Pay order/Banker's Cheque drawn in favour of the Special Officer and Competent Authorities concerned.

(g) The exemption shall be subject to delivering vacant possession to Government unconditionally of the excess land, in his/her possession for which exemption has not been granted.

4. The excess land holders shall apply for exemption of excess land in terms of these orders in the form shown in Schedule-II to the concerned Special Officer & Competent Authority in whose jurisdiction the land is situated.

5. Cases in which all the above conditions are fulfilled, and possession of excess extent over and above the limits of exemption

now prescribed under these orders is put in possession of the Government and the compensation amount payable as per Schedule-I to this order is fully paid in advance, shall be referred by the respective Special Officer & Competent Authorities to Government for issuing specific orders of exemption in each case under Section 20(l)(a) of the Act. The exemption if any granted shall be effective as and from the date of the relevant Government order exempting the land.

5. The amounts realized under these orders shall be credited to the appropriate head of account as mentioned hereunder, and shall be utilised exclusively for the purposes of the common good of the people of the State.

0075 — Miscellaneous General Services MH 105 -- Sale of Land and Property SH  
(04) -- Sale of Urban Land (to be opened)

6. The Government reserves the right to refuse or reject in wholly or partially any case of exemption of excess land, though all the conditions prescribed in this order are satisfied, if such exemption of excess land, with or without structures thereon, is not in public interest or if such land is required for a public purpose. Their decision in this regard shall be final and shall not be questioned in any court of law.

7. Instructions for implementing the policy decision taken under these orders shall issue separately.

*(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)*

**N.S. HARIHARAN,**

**PRINCIPAL SECRETARY TO GOVERNMENT.**

## SCHEDULE I

**(G.O. Ms. No. 456 Revenue (UC.I) Dept. Dated 29-7-2002)**

### **Compensation amounts payable by land holders/declarants or their successors in interest for exemption of excess land**

The Primary rates specified hereunder apply to the exemptions applied for during the present financial year i.e. upto 31-3-2002. Thereafter the rates shall be increased by 10% in each succeeding financial year. All the tables shall be understood accordingly.

Name of Urban Agglomeration : Areas  
falling in Municipalities

HYDERABAD

Amount of compensation to be paid per Sq.  
Mt of excess land to be exempted

Local area in which excess land is situated	If exemption applied for before 31.3.2003	If exemption applied for after 31.3.2003
---	--	---

Upto 300 Sq.mts	301 to 1000 Sq.mts	1001 to 3000 Sq.mts
-----------------------	--------------------------	---------------------------

1	2	3	4	5
---	---	---	---	---

Alwal Municipality  
Villages in Group.

1 . Mahadevpur	25	115	180	10% increase for every financial year on the amount payable with reference to Co. 2 to 4
2. Kowkur 3. Akbajah				
4. Yapral 5. Turkapally				
6. Machabollaram				
7. Damaiguda				

Alwal Municipality-  
Villages in Group II

1. Alwal	50	250	400	-do-
2. Lothkunta				

1	2	3	4	5
---	---	---	---	---

Rajendranagar  
Municipality -Villages  
in Group I.

1 . Laxmiguda 2	35	165	260	-do-
. Premavathipet				
3. Mailardevpally 4				
. Shivarampally Jagir				
5. Shivarampally Paiga				

Rajendranagar  
Municipality -Villages  
in Group II.

1 . Katedhan	40 40	190	300 300	-do--do-
2. Attapur		190		
3. Hyderguda				
4. Budvel				

- 5. Gaganpahad
- 6. Upparpally

Qutubullahpur  
Municipality

1 . Suraram	35	165	260	-do-
2. Gajularamaram				
3. Jeedimetla				
4. Pet Bashirabad				
5. Namdarnagar				
6. quthubullapur				

Malkajgiri  
Municipality

1 . Farzandguda	2. 40	200	320	-do-
Ammugua				
3. Malkajgiri				

L.B. Nagar  
Municipality-Villages  
in Group. I.

1. Tummabowli	35	165	260	-do-
2. Jillalaguda				
3. Karmanghat				
4. Nagole				
5. Lingo jiguda				

L.B. Nagar  
Municipality - Villages  
in Group II

1 . Champapet	60	300	480	-do-
2. Bairamalguda				
3. Masoorabad				
4. Saroornagar				
5. Bahadurguda				
6. Sahebnagar Khurd				
7. Sahebnagar Kalan				
8. Sultana Valva				

#### Kapara Municipality

1. Khapara	70	350	560	-do-
------------	----	-----	-----	------

#### Kukatpally Municipality - Villages in Group I.

1 . Shamshuguda	40	190	300	-do-
2. Jinkalwada				

3. Allapur
4. Ferozguda
5. Hydernagar
6. Fathenagar

#### Kukatpally Municipality - Villages in Group II.

1 . Balanagar	75	375	600	-do-
2. Moosapet				
3. Bowenpally Old				
4. Hashmatpet				
5. Kukatpally				

- 6. Bobbuguda
- 7. Bagh Ameeri

Serilingampalli  
Municipality -Villages  
in Group I.

1 . Gopannapally	15	75	120	-do-
2. Serilingampally				

Serilingampalli  
Municipality -Villages  
in Group II.

1 . Hafeezpet	40	190	300	-do-
2. Makta Mahboob Pet 3. Khanamet 4. Gafoornagar 5. Khajaguda 6. Nanakramguda 7. Kondapur 8. Ramannaguda 9 . Izzatnagar				

Serilingampalli  
Municipality - Villages  
in Group III.

- 1 . Chandanagar
- 2. Taranagar

3 . Kothaguda	65	315	500	-do-
4. Miyapur 5. Gachibvowli				

6. Raidurg Khalsa 7.  
Raidurg Navkhalsa 8.  
Raidurg paiga  
9. Raidurg  
PanMaktha

10. Darga Hussain  
Shavali

1 1  
. Madeenaguda

Serilingampalli  
Municipality - Villages  
in Group IV.

1 . Madhapur	40	200	320	-do-
2. Guttala Begumpet				

Uppal Municipality  
-Villages in Group I.

1 . Fathullaguda	25	125	200	-do-
2. Bandlaguda				
3. Cherlapally				
4. Navrangguda				
Bagath				
5. Navrangguda				
Khalsa 6. Meerpet				
7. Uppal Baghat				
8. Uppal Khalsa				
9. Mallapur				

Uppal Municipality  
-Villages in Group II.

1  
. Ramanamthapur  
Bhagath

A . Kamanatnapur Khalsa	85	425	680	-do-
----------------------------	----	-----	-----	------

3. Kothapet  
4. Nacharam  
5. Habsiguda

Gaddiannaram  
Municipality

1 . Gaddiannaram	100	500	800	-do-
------------------	-----	-----	-----	------

Falling in MCH limits  
Secunderabad  
Division

1. Begumpet- Sec'bad	450	2250	3600	-do-
-------------------------	-----	------	------	------

## SCHEDULE -- I

*(to G.O. Ms. No. 456 Revenue (UC.I) Dept. Dated : 29-7-2002)*

### **Compensation amounts payable by land holders/declarants or their successors in interest for exemption of excess land**

The primary rates specified hereunder apply to the exemptions applied for during the present financial year i.e. upto 31-3-2003. Thereafter the rates shall be increased by 10% in each succeeding financial year. All the tables shall be understood accordingly.

Name of Urban Agglomeration :

**Villages/Areas falling outside MCH and the Municipalities**

**HYDERABAD**

Amount of compensation to be paid per Sq.  
Mt of excess land to be exempted

Local area in which excess land is situated	If exemption applied for before 31.3.2003			If exemption applied for after 31.3.2003
	Upto 300 Sq.mts	301 to 1000 Sq.mts	1001 to 3000 Sq.mts	
1	2	3	4	5
Ghatkesar Mandal				
1 . Muthavaliguda	10	50	80	10% increase for every financial year on the amount payable with reference to Co 2 to 4.
2. Ghulamali guda				
3. Kachavani Singaram				
4. Miyapur				
5. Chengicherla				
6. Nareypally				
7. Parvathapur				
8. Peerzadiguda				

9. Maktha Bibi  
Sahebguda

10. Medpally 11.  
Boduppal

Hayathnagar  
Mandal

1 . Qutubullapur	5	25	40	-do-
------------------	---	----	----	------

Keesara Mandal

1 . Nagaram	10	50	80	-do-
-------------	----	----	----	------

Medchal Mandal

1 . Gundlapochampally	5	25	40	-do-
-----------------------	---	----	----	------

Qutubullapur  
Mandal

1 . Bowrampet 2 . Mallampet	15	65	100	-do-
-----------------------------	----	----	-----	------

3. Dulapally  
4. Nizampet 5. Bachupally  
6. Bahadurpally  
7. Kompally

Shameerpet Mandal

1 . Pothaipally 2. 15 65 100 -do-  
Thumkunta  
3. Devaryamjal  
4. Singaipally  
5. Mandaipally

Rajendranagar  
Mandal

1 . Pokkal wada  
2. Maktha Kowsarali  
3. Palley Cheruvu

4. Secunderguda 5. 15 75 120 -do-  
Madannaguda

6. Darga Khaliz  
Khan H/o Kismatpur

7. Himayatsagar  
8. Maktha Jani Begum  
9. Manchirevula 10.  
Manikonda Jagir 1 1 .  
Manikonda Khalsa 12.  
Gandhamaguda 13.  
Kismatpur 14.  
Kokapet 15. Narsingi  
16. Peeran Cheruvu  
17. Bandlaguda Jagir  
18. Hydershah Kott  
19. Poppal guda 20.  
Neknampur 2 1 .  
Alijahpur 22. Sagbowli  
23. Sogbowli 24.  
Bomrukundowla 25.  
Bairagiguda

Saroornagar Mandal  
-Villages in Group - 1

1. Dawoodkhan
- Guda 2. Kurmalguda
3. Mallapur
4. Nadergul

5. Papaiah Kundam	5	25	40	-do-
6. Renukapur 7. Venkatapur				
8. Mamidipally 9. Tatti Annaram 10. Tatti Khana 11. Jalapally				

Saroornagar Mandal  
-Village in Group - 1

1. Almasguda	15	65	100	-do-
2. Roshanudowla 3. Badangpet 4. Balapur				
5. Chintalkunta				
6. Meerpet				
7. Medbowli				
8. Kothapet				

Saroornagar Mandal

-Village in Group-III

1. Thummalkunta	50	250	400	-do-
-----------------	----	-----	-----	------