

**THE RAJASTHAN COLONISATION (SALE AND
ALLOTMENT OF LAND IN MANDIS IN THE
BHAKRA AND INDIRA GANDHI CANAL
PROJECTS COLONY AREAS)
CONDITIONS, 1973**

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ALLOTMENT OF LAND IN MANDIS IN THE BHAKRA
AND INDIRA GANDHI CANAL PROJECTS COLONY
AREAS) CONDITIONS, 1973**

[Not. No. G. S. R. 59/F. 3 (34) Rev./Col/64, dated 25-1-1973—Raj. Gaz., Exty., Pt. IV-C, Sub-part I, dated 29-1-1973]

And as amended subsequently by the following notifications:—

1. Noti. dated 03.11.1973—Raj. Gaz., dated 06.11.1973
2. Noti. dated 24.02.1975—Raj. Gaz., dated 27.02.1975
3. Noti. dated 15.04.1975—Raj. Gaz., dated 24.04.1975
4. Noti. dated 30.04.1975—Raj. Gaz., dated 08.05.1975
5. Noti. dated 24.10.1975—Raj. Gaz., dated 30.10.1975
6. Noti. dated 27.11.1975—Raj. Gaz., dated 29.11.1975
- 6-A. Noti. dated 25.08.1976—Raj. Gaz., dated 26.08.1976
- 6-B. Noti. dated 09.03.1977—Raj. Gaz., dated 24.03.1977
7. Noti. dated 09.09.1977—Raj. Gaz., dated 22.09.1977
8. Noti. No. F. 4(7) Rev./Col /80, dated 09.09.1980—Raj. Gaz., Exty., Part IV-(C), dated 12.09.1980, P.178
9. Noti. No. F. 4(29) Rev./Col /79, dated 27.09.1980—Raj. Gaz., Part IV-(C), dated 16.10.1980, p. 199
10. Noti. No. F. 4(7) Rev./Col /80, dated 29.11.1980—Raj. Gaz., Part IV-(C), dated 25.12.1980, p. 518
11. Noti. No. F. 18(3) Rev./Col /77, dated 07.02.1981—Raj. Gaz., Part IV-(C), dated 12.02.1981, p. 430
12. Noti. No. F. 4(7) Rev./Col /80, dated 12.03.1981—Raj. Gaz., Part IV-(C), dated 19.03.1981, p. 493
13. Noti. No. F. 4(7) Rev./Col /80, dated 12.03.1981—Raj. Gaz., Part IV-(C), dated 06.06.1981, p. 145
14. Noti. No. F. 4(13) Rev./Col /77, dated 08.02.1982—Raj. Gaz., Part IV-(C), dated 05.05.1982, p. 69
15. Noti. No. F. 4(25) Rev./Col /82, dated 21.03.1983—Raj. Gaz., Part IV-(C), dated 24.03.1983, p. 784

16. Noti. No. F. 4(7) Rev./Col /88, dated 12.08.1988—Raj. Gaz., Part IV-(C), dated 22.09.1988, p. 244
17. Noti. No. F. 18(46) Rev./Col /76, dated 07.12.1988—Raj. Gaz., Part IV-(C), dated 16.03.1989, p. 201
18. Noti. No. F. 13 (9) Rev./Col /88, dated 25.03.1989—Raj. Gaz., Part IV-(C), dated 20.04.1989, p. 3
19. Noti. No. F. 4(4) Rev./Col /86, dated 01.10.1988—Raj. Gaz., Part IV-(C), dated 13.07.1989, p. 50
20. Noti. No. F. 4(4) Rev./Col /86, dated 21.06.1989—Raj. Gaz., Part IV-(C), dated 28.09.1989, p. 122
21. Noti. No. F. 13 (6) Rev./Col /89, S.O. 162, dated 09.03.1992—Raj. Gaz., Part IV-(C), dated 12.11.1992, p. 339
22. Noti. No. F. 4(4) Rev./Col /86, G.S.R. 1, dated 23.03.1994—Raj. Gaz., Exty., Part IV-C(I), dated 02.04.1994, p. 1(1), w.e.f. 02.04.1994 = **1995 RSCS/Pt. II/P. 2/H. 3**
23. Noti. No. F. 13(7) Rev./Col /89, dated 16.10.1996—Raj. Gaz., Exty., Part I-B, dated 28.12.1996, p. 1353(1), w.e.f. 28.12.1996 = **1997 RSCS/Pt. II/P. 332/H. 225**
24. Noti. No. F. 4(8) Col /96, S.O. 294, dated 26.02.1997—Raj. Gaz., Exty., Part IV-C(II), dated 06.03.1997, p. 356, w.e.f. 06.03.1997 = **1997 RSCS/Pt. II/P. 675/H. 348**
25. Noti. No. F. 4(12) Col /97, G.S.R. 26, dated 14.05.2002—Raj. Gaz., Exty., Part IV-C(I), dated 23.05.2002, p. 35(3), w.e.f. 14.05.2002 = **2002 RSCS/Pt. II/P. 443/H. 459**

Note.—In the footnotes appearing hereinafter, reference to amending Notifications is made by Serial No. as given to them above.

In exercise of the powers conferred by section 28 read with section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) and Secs. 260 and 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the Government of Rajasthan hereby prescribes the following Conditions for the sale and allotment of Government land for the establishment and development of Mandis in the Colony areas of Bhakra and Indira Gandhi Canal Projects namely :—

PART I

PRELIMINARY

1. Short title, extent and commencement.—(i) These Conditions may be called the Rajasthan Colonisation (Sale and Allotment of Land in Mandis in the Bhakra and Indira Gandhi Canal Projects Colony Areas) Conditions, 1973.

(ii) These conditions shall apply to all the Mandis in Bhakra and Indira Gandhi Canal Projects Colony Area.

(iii) These conditions shall come into force at once.

2. Definitions.—(1) "Act" means the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954);

(2) "Colonisation Commissioner" means an officer appointed by the State Government as Colonisation Commissioner or Additional Colonisation Commissioner;

(3) "Committee" means the Mandi Development Committee constituted under Condition 3 (1);

(4) "Development" means and includes:—

- (i) Clearing, cutting, filling, levelling and scraping of the land;
- (ii) Horticulture and arboricultural operations;
- (iii) Providing services such as roads, lanes, paths, drainage, sewage, water supply, electricity and street lightening;
- (iv) Bringing water supply and electricity from the nearest possible supply points;
- (v) Constructing approach roads and providing outfall drains and sewers wherever necessary; and
- (vi) Utilising an area for the provision of community facilities e.g. parks, play grounds, schools, hospitals, dispensaries, welfare and community centres, places of entertainment, banks, Krishi Upaj Mandis, market compounds, post offices, police stations, fire stations, buildings required for the administration of the Mandi, cremation and burial grounds ¹[dhobi ghats and warehouses.]

(5) "Executive Officer" means a person appointed by the State Government to discharge and exercise the functions and powers of the Executive Officer of the Committee constituted under condition 3 (1);

(6) "Form" means a form annexed to these Conditions;

(7) "Joint Family" means an undivided Hindu family and shall include in the case of the other persons a group or unit of members which are by custom or usage joint in estate or residence;

(8) "Low Income group", means group of persons having an income up to Rs. ²[1500/-] p.m. or such other limit as the State Government may from time to time fix;

(9) "Mandi" means an area forming part of a Colony commanded by Bhakra or Indira Gandhi Canal Project which has been or may hereafter be declared by the State Government as 'A', 'B', 'C' or other class Mandi or shown as such in Schedule I;

(10) "Obnoxious Industry" shall be deemed to be carried on or in any site or building erected on a site, if the site or building is used for any of the following purposes, namely:—

- (i) melting tallow, dressing raw hides, boiling bones, offal or blood;
- (ii) as a soap house, oil-boiling house, dyeing house or tannery;
- (iii) as a brick field, brick kiln, charcoal kiln, pottery or lime kiln;

1. Subs. by No. 14 [5-5-1982]

2. Subs. by No. 17 [16-3-1989] for the figure "400/-"

- (iv) as any other manufacturing house, engine house, store house or place of business from which offensive or unwholesome smells, gases, noises or smoke arise;
- (v) as a yard or depot for trade in unslaked lime, hay, straw, thatching grass, wood charcoal, coal or other dangerously inflammable material; and
- (vi) as a Store-house for any explosive petroleum or inflammable material;

(11) "*Reserve price*" means the price of plot as determined by the State Government from time to time after taking into consideration:—

- (i) The cost of land;
- (ii) The cost of Development; and
- (iii) The Administrative charges equal to 20% of (i) and (ii);

(12) "*Sale*" means Transfer of lease hold rights for a period not exceeding 99 years and the words 'sell', 'sold', 'seller' and 'purchaser' shall mean accordingly;

(13) "*Schedule*" means a Schedule appended to these Conditions;

(14) "*Area Development Commissioner*" Indira Gandhi Canal Project, Bikaner" means an officer appointed by the State Government as such.

3. Constitution of Committees.—(1) The State Government for the purpose of development of land all the mandis shall constitute a Committee or more Committees for different areas, which shall consist of the following:—

- | | |
|---|--------------|
| (a) Area Development Commissioner, R. C. P., Bikaner | Chairman |
| (b) District Collectors of the are | Member |
| (c) Executive Engineer (Mandi Division) Public Works (B & R) Department of the area | Member |
| (d) Executive Officer | Member-Secy. |
| (e) Any other person who may be appointed by the State Government | Members |

¹[Provided that whenever the State Government considers it expedient in the public interest, it may, by notification in the Official Gazette, appoint an Administrator for such period as may be specified in the notification and may by like notification curtail or extend the period of such appointment:

Provided further that on the appointment of Administrator under the foregoing proviso, all the powers and duties of the committee shall be exercised and performed by the Administrator so appointed and he shall be deemed to be a duly constituted committee for the purpose of these Conditions.]

(2) The Committee constituted under sub-condition (1) may delegate such of its functions under these Conditions, as are approved by the State Government, to a Sub-Committee thereof.

(3) Subject to the approval of the State Government, the Committee may make regulations for the conduct of its business.

1. Inserted by No. 2 [27-2-1975]

(4) The headquarter of the Committee shall be at Hanumangarh or at any other place as determined by the State Government but the Committee may meet at any other place or places as and when necessary.

4. Demarcation of Sectors and their Division into Plots.—(1) In a mandi area the Committee shall demarcate sectors separately for the following purposes namely:—

- (i) For Residential Purposes;
- (ii) For Residential cum-commercial Purposes;
- (iii) For Commercial purposes;
- (iv) For Industrial Purposes; and
- (v) For Public Purposes.

(2) The sectors shall be sub-divided by it into plots of suitable sizes.

(3) ¹[The land so demarcated for Public purposes shall be allotted by the Mandi Committee to the Central or State Government Department/Undertaking on payment of the price at the following rates:—

- (i) Central Govt. Department/Central Govt. and State Govt. Public Undertakingexcluding Krishi-Upaj-Mandi Samiti At current marketrate.
- (ii) State Government Departemen At reserve price.]

5. Reservations.—²(1)In sectors for residential purposes 40% of the total number of plots shall be reserved for sale by way of allotment and the remaining plots shall be sold by public auction.]

³[(2) Residential plots reserved for allotment shall be of the following sizes ⁴[and rates]:—

Income per month for persons having monthly income		Plot size	Rate to be charged
(i)	Upto Rs. 700/- P.M.	110 Sq. Yds.	50% of the reserve price
(ii)	Rs. 701/- to 2000/- P.M.	215 Sq. Yds.	75% of the reserve price
(iii)	Rs. 1501/- to 2000/- P.M.	300 Sq. Yds.	Reserve price + 10% of the reserve price.]

PART II

PUBLIC AUCTION

6. Who may bid.—In an auction, bid may be given by a person either in his own name or in the name of any other person, registered partnership firm, registered society or registered company. But in case the bid given by a person, not in his own name before the start of auction he has to produce before the

¹ Ins. by No. 2 [27-2-1975]

² Sub-Condition (1), Subs. by No. 14 [5-5-1982]

³ Subs. by No. 7 [22-9-1977]

⁴ Ins. by No. 17 [16-3-1989]

Clauses subs. by No. 17 [16-3-1989], for the following:—

- “(i) For persons having an income of less than Rs. 250/-per month. 100 sq. meters
- (ii) For person having an income of Rs. 250/- and above but less than Rs. 400/-per month. 150 Sq. meters.”

Officer conducting the auction a power of attorney in his name ¹[from] the person, firm, society or company on whose/which behalf he is bidding. He has further to produce at that time the necessary documents that the firm, society or the company, as the case may be, is duly registered and the objects, rules, regulations and memorandum and articles of the association of the firm, society or the company as the case may be, permit it to purchase a plot and he has the authority to enter into an agreement of sale on its behalf.

7. Auction Notice.—(1) As soon as it is decided by the Committee to sell plots by public auction the Executive Officer shall issue an auction notice for intended sale in Form I.

²[(2) The auction notice shall be published atleast two weeks before the date of auction, either in the official Gazette or in some other local registered Hindi Newspaper. Copies of the notice shall also be pasted on the notice boards of offices of the Mandi Development Committee, District Collector of the area, Colonisation Commissioner, Municipal Board or Panchayat Samiti and Gram Panchayat having jurisdiction in the Mandi area.]

8. (1) (a) On the notified date and time auction shall be conducted by the Auction Committee consisting of the following:—

- | | |
|---|----------|
| ³ [(i) Executive Officer (Mandi) or any other Senior Scale RAS Officer nominated by the Collector. | Chairman |
| (ii) Concerned SDO or any other RAS officer nominated by the collector. | Member |
| (iii) District Treasury Officer or his nominee. | Member |
| (iv) Concerned Colonisation/Revenue Tehsildar as the case may be. (Revenue Tehsildar shall be member only if Mandi areas is not part of colony area). | Member |

⁴[(2) The officer conducting the auction may, after recording reasons for

1. Subs. by No. 14 [5-5-1982].

2. Subs. by No. 14 [5-5-1982] for the following:—

“(2) The auction Notice shall be published, at least a week before the date of auction, either in the official Gazette or in some other local registered Hindi news paper. Copies of the notice shall also be pasted on the notice boards of the offices of the other Mandi Development Committee, Executive Officer, District Collectors of the area and the Colonisation Commissioner.”

3. Subs. by Noti. No. F. 4(8) Col/96, dt. 26.2.97—Raj. Gaz., Exty. Pt. IV-C(ii), dt. 6.3.97, p.356 = **1997 RSCS/Pt. II/P. 675/H. 348** for the following :—

- | | |
|---|----------|
| “(i) Executive Officer | Chairman |
| (ii) S.D.M. of the area concerned | Member |
| (iii) Colonisation Tehsildar of the area concerned | Member |
| (iv) Any two of the above members present shall form quorum and shall conduct auction.” | |

Earlier the above said committee was Subs. by No. 9 [16-10-1980]

4. Subs. by No. 14 [5-5-1982], for the following:—

“(2) Auction Committee may, without assigning any reasons, adjourn it on any other future specified date and time.

(3) Bids for the plots shall be invited by reference to its numbers shown in the plan available with Auction Committee. Any minor mistake or error in the auction notice in respect of the reference or description of the plot shall not annul the auction and the sale nor it shall make any Auctioning Authority liable for any compensation in respect thereof.”

doing so, adjourn the auction and conduct it on any future specified date and time.

(3) Bids for the plots shall be invited by reference to its numbers shown in the plan available with the officer conducting the auction. Any mistake or error in the auction notice if it is not material in respect of the reference or description of the plots, and does not cause prejudice in the auction or sale, not annul the auction or sale, nor it shall make any auctioning authority liable for any compensation in respect thereof.]

(4) No bid lower than the reserve price shall be accepted. In case for a plot there is no bidder for or over the reserve price and ¹[Auction Committee] considers that the reserve price needs down-ward revision, he may recommend to the State Government for the same through the Committee and the State Government may do so. Thereafter, the revised price shall be reserve price of the plot.

(5) No person shall be allowed to bid for a plot until and unless before the auction starts he has deposited an earnest money of ²[Rs. 2000/-] for residential plot ³[and] ²[Rs. 5,000/-] for residential cum-commercial or commercial plot, as the case may be, with ¹[Auction Committee]. At the close of the auction it shall be refunded to the unsuccessful bidder on the spot and in case of successful bidder it shall be adjusted towards payment of price.]

(6) On the fall of hammer, the successful bidder has to deposit on the spot to ¹[Auction Committee] 25% of the bid money, either in cash or by means of a demand draft in the name of the Executive Officer drawn on Scheduled Bank situated at the headquarter of the Executive Officer or at a place where a branch of the State Bank of India is functioning or at any other place as directed by the Executive Officer. The successful bidder has also to sign the form of offer in Form II.

(7) In case the successful bidder retracts his bid or fails to deposit 25% of the bid money in accordance with sub-condition (6), the earnest money deposited by him shall be forfeited to the State Government. In this case ¹[Auction Committee] shall be free to re-auction the plot then and there and any deficiency in sale price which may result due to re-auction shall be made good by the previous successful bidder who retracted the bid or failed to deposit 25% of the bid money.

(8) The result of the auction shall be communicated to the Chairman of the Committee, who shall pass final orders either confirming or rejecting the bid. The decision of the Chairman thereon shall be final.

COMMENTARY

Auction sale -- Cancellation of -- Jurisdiction. -- Chairman in relation to the Ghadsana Mandi area falling within the jurisdiction of Mandi Development Committee Bikaner was the Collector, Bikaner. Impugned

1. Subs. by No. 9 [16-10-1980]

2. Subs. by No. 21 [12-11-1992] for "Rs. 500/-" and "Rs. 2,000/-".

3. Subs. by No. 11 [5-5-1982] for "or".

order was passed by Collector, Sriganganagar. Held, impugned order passed by Collector, Sriganganagar was without jurisdiction and same was set-aside. The matter was remitted to the present Chairperson of the concerned Mandi Development Committee to take a decision in the matter. *Nand Ram & Ors. vs. State of Rajasthan & Ors.*, 2008 (3) CDR 2055 (Raj.).

9. Payment of price.—(1) As soon as the bid is confirmed by the Chairman of the Committee, the successful bidder shall be informed of it by a written notice in Form III by the Executive Officer.

¹[(2) (i) The successful bidder shall deposit the remaining three fourths of the bid within thirty days from the date of issue of the order of the Chairman of the Committee accepting auction and in case he fails to deposit of his own motion within thirty days, a notice in form III shall be issued to the bidder for depositing the remaining three fourths amount within 30 days from the date of issue of notice.

(ii) In case the bidder fails to deposit within 60 days from the date of issue of the order of the Chairman of the committee accepting auction, interest at the rate of 12% per annum shall be charged from the date of the acceptance of the bid.

(iii) If the bidder fails to deposit the remaining three fourths amount after notice within 90 days or an extended period not exceeding 30 days Executive Officer shall be free to take action for the cancellation of the bid and in that case the amount deposited previously shall be forfeited in favour of the mandi.]

²[Provided that no order of cancellation of allotment of land shall be passed without giving an opportunity of being heard to the allottee. If any allottee or purchaser deposits the outstanding amount alongwith interest thereon, the allotment shall be restored to the person, in case the land has not been allotted to another person. The rate of interest shall be for the period of 12 months @ 18% per annum and beyond this period @ 24% per annum.]

(3) ³[x x x]

COMMENTARY

Previous position of Condition 9.—[1] On 12-9-1980, sub-conditions (2) and (3) were substituted by No. 8 as under:—

“(2) Within 60 days of the receipt of notice in Form III the purchaser has to deposit the remaining 75% of bid amount:

Provided that where half of the remaining 75% has been recovered within 60 days of the receipt of the notice, and it is established to the satisfaction of the Area Development Commissioner that purchaser is unable to pay the remaining bid amount the Area Development Commissioner, after recording the reasons for doing so may allow him to

1. Subs. by No. 16 [22-9-1988].

2. Subs by Noti. No. F. 4(4)Rev/Col./86 Pt., dt. 23.3.94—Raj. Gaz., Exty., Pt.4(C)(I), dt. 2.4.94.P.1(1) = 1995 RSCS/Pt. II/P. 2/H. 3

3. Deleted by No. 12 [19-3-1981]

pay the balance of the total bid amount within 180 days of the receipt of the notice.

(3) If the purchaser fails to deposit the remaining 75% of the bid amount within time allowed under sub-condition (2) above he shall be liable to pay interest at 12% per annum on the outstanding amount."

[2] On 19-3-1981, sub-condition (2) was substituted and sub-condition (3) was deleted as under:—

"(2) Within 30 days of the receipt of notice in form III the purchaser has to deposit the remaining 75% of bid amount:

Provided that where half of the remaining 75% of the bid amount has been recovered within 30 days of the receipt of the notice, and it is established to the satisfaction of the Area Development Commissioner that purchaser is unable to pay the remaining bid amount the Area Development Commissioner, after recording the reasons for doing so may allow him to pay the balance within 180 days of the receipt of the notice with interest at the rate of Rs. 12% p.a.

(ii) the existing sub-condition (3) of the condition 9 shall be deleted."

[3] Sub-condition (2), again substituted by No. 16 [22-9-1988].

[4] Certain amendments in some date are made by amending Notification No. 19 and 20 but there being no such date in condition 9 which can be so amended, hence these amendments are redundant. Such directions are as under:—

(i) By No. 19 [13-7-1989]:—

"In condition 9, the figures "30-3-88" shall be substituted by the figures "31-12-88".

(ii) By No. 20 [28-9-1989]:—

"In condition 9, the figures "31-12-1988" shall be substituted by the figures "31-12-1989".

PART III

ALLOTMENT

10. Persons eligible to allotment.—The following categories of persons who do not own or owned, either in his own name or in the name of any other members of his joint family, any residential plot or house any where in any Mandi area of Rajasthan, on the date of commencement of these Conditions or thereafter, shall be eligible to allotment of residential plots:—

- (1) Persons belonging to low income group;
- (2) Persons belonging to Scheduled Castes or Scheduled Tribes; and
- (3) Displaced persons, whose lands were acquired for the development of a Mandi.

11. Extent of allotment.—Persons eligible to allotment may be allotted a residential plot to the extent and size as mentioned in Condition 5 (2).

12. Allotment Notice.—As soon as it is decided by the Committee to make allotment of residential plots, the Executive Officer shall issue an allotment notice for intended allotment in Form IV. It shall be published in the manner as laid down in Condition 7 (2).

13. Applications for allotment.—¹[(1) All applications for the allotment shall be in the form of a plaint in form V and shall be submitted to the Executive Officer within 30 days of the date of publication of allotment notice in Form "IV".]

(2) The Chairman of the Committee by a general order may extend the period of submission of applications by 15 days. Applications which are submitted after the prescribed or extended time, as the case may be, shall not be taken into consideration.

(3) The applications shall be submitted with or on a court fee stamp of Re. 1/- and shall be accompanied by an earnest money of Rs. 25/- in case of person belonging to low income group and Rs. 50/- in case of others. No earnest money deposit shall be necessary in case of persons belonging to Scheduled Castes or Scheduled Tribes.

14. Scrutiny of applications and publication of Lists.—(1) On receipt of an application, the Executive Officer shall immediately register it in a register in Form VI, in order in which it is so received and shall issue to the applicant receipt in Form VII.

(2) The Executive Officer shall scrutinise all the applications and the affidavits annexed thereto. After scrutiny, he shall prepare two separate lists, one each of persons who are found eligible and not eligible for allotment under the Conditions, giving brief reasons in the remarks column for illegibility.

(3) Within 7 days of the last date for submitting applications, the lists prepared as per Sub-Condition (2) shall be affixed by the Executive Officer on his notice board. He shall simultaneously fix a date, which shall not be less than 30 days from the date of affixing of lists, time and place for drawing of lots for allotment to the persons found eligible to allotment under Sub-Condition (2).

²[The applicants whose applications have been rejected shall be informed in writing.]

³[The earnest money deposited alongwith the application under condition 13 (3) shall also be refunded.]

(4) Within 15 days of affixing of the lists on the notice board, an appeal against the order of the Executive Officer under Sub-condition (2) may be made by an aggrieved person to the ⁴[Area Development Commissioner] and the decision of the ⁴[Area Development Commissioner] thereon shall be final.

1. Subs. by No. 14 [5-5-1982] for the following:—

"(1) All applications for allotment shall be in Form V and be submitted to the Executive Officer within 30 days of the date of the publication of allotment notice in Form IV. The applications shall be verified by the applicants as a plaint according to the provisions of the Code of Civil Procedure, 1908. It shall also be accompanied by an affidavit duly attested, swearing therein all the facts as mentioned in the application."

2. Added by No. 14 [15-5-1982]

3. Added by No. 18 [20-4-1989]

4. Subs. by No. 15 [24-3-1983] for "Colonisation Commissioner".

15. Procedure of Allotment.—(1) All allotments of residential plots under these conditions shall be made by drawal of lots in the manner prescribed in Schedule II.

(2) The results of the drawal of lots shall be communicated to the Chairman of the Committee, who shall pass final orders of allotment. The decision of the Chairman thereon shall be final.

16. Payment of price.—(1) As soon as an order of allotment is passed by the Chairman, the allottee shall be informed of it by a written notice in Form VIII.

¹[(2) An allottee shall pay the price of the plot at the following rates:—

(i) For a plot of 100²[Sq. Meter] @ Rs. 4/- per²[Sq. meter]

(ii) For a plot of 150²[Sq. Meter] @ Rs. 6/- per²[Sq. meter]

He shall pay 25% more of the above price, if the plot is also provided with under ground sewage.]

³[(3) On receipt of notice in Form VIII, the allottee has to deposit 50% of the price as prescribed in sub-condition (2) within 30 days. The remaining 50% of the price shall be recoverable in two equal half yearly instalments from the date on which possession is handed over.]

⁴[(4) On receipt of notice in Form VIII, the allottee has to deposit 25% of the price as prescribed in Sub-Condition (2) within 30 days. The remaining 50% of the price shall be recoverable in two equal half yearly instalments from the date on which possession is handed over.]

⁵[Provided that no order of cancellation of allotment of land shall be passed without giving an opportunity of being heard to the allottee. If any allottee or purchaser deposits the outstanding amount alongwith interest thereon, the allotment shall be restored to the person, in case the land has not been allotted to another person. The rate of interest shall be for the period of 12 months @ 18% per annum and beyond this period @ 24% per annum.]

17. Allotment of plots for industrial purposes.—Allotment of plots for industrial purposes shall be made according to the terms and conditions as specified in the Rajasthan Industrial Areas Allotment Rules, 1959.

⁶[17-A. Allotment of plots for public purposes.—The allotment of the plots in the sector set apart for public purposes under Condition 4 (1) (v), shall be made by the Committee:—

1. Subs. by No. 1 [6-11-1973]

2. Subs. by No. 14 [5-5-1982] for "Sq. Yd."

3. Subs. by No. 8 [12-9-1980] for the following:—

"(3) On receipt of notice in Form VIII, the allottee has to deposit 25% of the price as prescribed in sub-condition (2) within 30 days and another 15% in next 30 days. The remaining 60% he has to deposit within 2 years in 2 equal annual instalments commencing from the date of receipt of the said notice.

4. Subs. by No. 8 [12-9-1980]

5. Subs by Noti. No. F. 4(4)Rev/Col/86 Pt., dt. 23.3.94—Raj. Gaz., Exty., Pt.4(C)(I), dt. 2.4.94.P.1(1) = 1995 RSCS/Pt. II/P. 2/II. 3

6. Ins. by No. 4 [8-5-1975]

- (a) On payment of 50% of the sanctioned reserved price; or
- (b) With the prior permission of the State Government, free of cost.]

¹[Provided that no order of cancellation of allotment of land shall be passed without giving an opportunity of being heard to the allottee. If any allottee or purchaser deposits the outstanding amount alongwith interest thereon, the allotment shall be restored to the person, in case the land has not been allotted to another person. The rate of interest shall be for the period of 12 months @ 18% per annum and beyond this period @ 24% per annum.]

PART IV

GENERAL

18. Purchaser and Seller includes.—For the purposes of these conditions, the words 'Purchaser' and 'Seller' shall mean and include their successors, transferees and ²[assignees].

19. Conditions of grant.—(1) All sales under these Conditions, whether by way of auction or allotment, shall be considered as a grant and the provisions of the Rajasthan Government Grants Act, 1961 shall be applicable thereto.

(2) The sale shall be subject to the following conditions:—

- (i) The Purchaser shall pay the full sale price well within time;
- (ii) The Purchaser shall also pay in respect of the plot, all other general and local taxes and cesses for the time being in force to the concerned authorities and shall pay to the Committee an urban assessment equal to 2.5% of the ³[reserve price or fixed price as the case may be] per annum in case of plots sold for residential purposes and 5% of the ³[reserve price or fixed price as the case may be] per annum in case of others. For the first 2 years of the sale, only 50% of the urban assessment shall be charged;

⁴[Provided that it is at the option of the purchaser, if he deposits one time urban assessment which would be equal to ten times of yearly urban assessment then he shall be exempted from further liability of urban assessment.]

- ³[(iia) If the urban assessment is not deposited in time, then the interest at the rate of 12% per annum shall be charged]
- (iii) After every 15 years of sale the urban assessment shall be liable to an increase up to 25% by revision by the Committee;
- (iv) The Purchaser shall not, save with the prior written permission of the Executive Officer use the plot for any purpose other than that for which it is sold to him;

1. Subs by Noti. No. F. 4(4)Rev/Col/86 Pt., dt. 23.3.94—Raj. Gaz., Exty., Pt. 4(C)(I), dt. 2.4.94, p. 1(1) = **1995 RSCS/Pt. II/P. 2/H. 3.**

2. Subs. by No. 11 [5-5-1982] for "assigns".

3. Subs. added by No. 1 [6-11-1973]

4. Added by Noti. No. F. 4(12) Col./97, dt. 14.5.2002—Raj. Gaz., Exty., Pt. IV-C(I), dt. 23.5.2002, p. 35(3) = **2002 RSCS/Pt. II/P. 443/H. 459**

5. Inserted by Noti. No. F. 4(12) Col./97, dt. 14.5.2002—Raj. Gaz., Exty., Pt. IV-C(I), dt. 23.5.2002, p. 35(3) = **2002 RSCS/Pt. II/P. 443 H. 459**

- (v) The purchaser shall not, save with the prior written permission of the Executive Officer may make any sub-division or fragmentation of the plot;
- (vi) The Purchaser shall not, save with the prior written permission of the Executive Officer transfer the plot or any right, title, or interest therein to any other person, until and unless the full price of it has been paid to the Executive Officer and in case of plot sold by way of allotment the Purchaser shall not do so before the expiry of 7 years from the date of allotments:

¹[Provided that a purchaser may mortgage the plot in the whole or part for the purpose of obtaining loan for construction on the plot from the Life Insurance Corporation or a Land Development Bank as defined in the Rajasthan Cooperative Societies Act, 1965 (Rajasthan Act 13 of 1965) or any Scheduled Bank in such cases the Government shall have first charge.]

- ²[(vii) Within two years of the receipt of notice in Form III or Form VIII the purchaser or allottee shall complete the construction and use plot for the purpose for which it is sold or allotted to him. The construction and use shall be made in accordance with the conditions, rules, or bye-laws, if any prescribed by the State Government, the Committee or any other local authority duly constructed in this behalf. The prescribed period of 2 years may be extended by the Committee upto 12 months on the application of the purchaser or allottee.]
- (viii) The Purchaser shall not save with the prior written permission of Executive Officer carry on any obnoxious industry on or in any plot or building erected therein or on;
- (ix) In case of breach of any conditions by the Purchaser, the grant may be resumed by the Executive Officer, without payment of any compensation to the Purchaser.
- (x) *Government power to enforce compliance of the Conditions.*—The State Government shall have full rights, powers and authority at all times to do all acts and things which may be necessary or expedient for the purposes of enforcing compliance with all or any of the terms and conditions of the grant and to recover from the purchaser as first charge upon the plot and building therein, all costs of doing all or any of such acts or things or incurred in connection with or in any way relating thereto.

1. Subs./Added by No. 1 [6-11-1973]

2. Subs. by No. 14 [5-5-1982] for the following:—

“(vii) Within two years of the receipt of notice in Form III or Form VIII the purchaser shall complete the construction and use plot for the purpose for which it is sold to him. The construction and use shall be made in accordance with the conditions, rules, or bye-laws, if any as prescribed by the State Government, the Committee or any other local authority duly constituted in this behalf. The prescribed period of 2 years may be extended by the Committee upto 12 months on the application of the purchaser.”

(3) The sale shall be further subject to all reservations and conditions in favour of the State Government which are set forth in the sale deed in Form IX.

COMMENTARY

“*Rajasthan Canal Area*” – Explained.—The Raj. Canal is the name given to a canal project which has to pass through the province of Rajasthan and is very easily ascertainable.

As far as the lands of the appellants are concerned which are served by the Rajasthan Canal or its distributories or its minors, there can be no doubt that they are situate in that part of the earth's surface which can legitimately be called the Rajasthan Canal Area. *Lt. Col. Maharaja Himmat Singh and Ors. vs. State of Rajasthan & Ors.*, 1973 WLN108.

¶20. **Delivery of possession.**—The Executive Officer shall give possession of the land to the purchaser ³[or the allottee] only when he has deposited the full bid amount. After taking possession, the purchaser ²[or the allottee] may obtain from the Executive Officer a letter of authority to start construction on the plot in accordance with the conditions, rules or bye-laws, if any prescribed by the State Government, the Committee or any other local authority duly constituted in this behalf.]

COMMENTARY

Although there is provision in Condition No. 20 with regard to delivery of possession after depositing entire amount, but, here, in this case, there is finding of fact that upon the plot in question there was tarred road, therefore, it was not possible for the defendant-appellants to hand over possession without demarcation and this fact was brought to the notice of the Mandi Vikas Samiti by the plaintiff-respondent. Respondents-plaintiff was ready to deposit rest of the amount after demarcation. As such it was not possible for the Mandi Vikas Samiti to give possession of the plot and, accordingly, the allotment was not cancelled nor any order for forfeiture of the one-fourth deposited amount was produced before the court. *Municipal Board, Nohar vs. Rajkumar & Ors.*, 2009 (4) CDR 2184 (Raj.).

21. Sale Deed and its registration.—(1) For executing the sale deed in Form IX the Purchaser shall deposit the required non-judicial revenue stamps with the Executive Officer together with the deposit of last instalment of price. He shall also deposit therewith required fees for registration.

(2) Within 15 days of deposit of full price of the plot, the required non-

1. Subs. by No. 12 [19-3-1981] for the following:

“20. *Delivery of possession.*—Within 15 days of the deposit of 40% of the price the Purchaser shall take possession of the plot from the Executive Officer. The Purchaser may also obtain from the Executive Officer a letter of authority to start construction on the plot in accordance with the conditions, rules and bye-laws, if any, as prescribed by the State Government, the Committee, or any other local authority duly constituted in this behalf.”

2. Ins. by No. 14 [5-5-1982]

judicial stamps and the fees for registration, the Executive Officer shall execute a sale deed of the plot in favour of the Purchaser in Form IX and shall get it duly registered. The intimation thereof shall be sent to the Purchaser in Form X.

22. Accounting of Sale Proceeds.—All the sale proceeds shall be credited to the Consolidated Fund of the State and funds for the development of Mandis shall be made available by the State Government after taking into consideration all these proceeds.

23. Repeal and Savings.—(1) On and from coming into force of these Conditions, the Rajasthan Land Revenue (Sale and Allotment of Land in Mandis) Rules, 1957, shall stand repealed.

(2) The repeal shall not effect anything done or action taken under the Rules so repealed.

(3) All allotments/sale of Government lands in the Mandis to which these Rules extend made before the commencement of these Rules on a permanent or lease hold basis irrespective of the area allotted/sold to each allottee/purchaser be deemed to have been made under these rules and the allottee/purchaser shall be liable to pay the price of such land at the rates and in the manner prescribed in the rules repealed under Sub-rule (1).

24. [Special powers of the State Government].—Nothing contained in these Rules shall at any time, in any manner limit the powers of Government to dispose of any land in any manner if deems fit.

[Provided that Government may delegate the powers of allotment in any case or a class of cases under this rule to the Colonisation Commissioner or the Collector or to any other prescribed authority, subject to such terms and conditions as may be prescribed in this behalf.]

Schedule I

[See condition 2 (9)]

(1) List of Mandis in Bhakra Canal Project:—

Class "B"	1. Bhadra
	2. Nohar
	3. Sangaria
	4. Sadulshahar
	5. Pilibangan
	6. Telwara Jheel

[x x x]

(2) List of Mandis in Indira Gandhi Canal Project:—

Class "A"	1. Hanumangarh Junction.
	2. Hanumangarh Town.
	3. Suratgarh.

1. Ins. by No. 14 [5-5-1982]

2. Added by No. 11 [12-2-1981]

3. Deleted by No. 5 [30-10-1975]

- Class "B"
1. Rawatsar
 2. Anoopgarh
 3. Jetsar
 4. Chhattargarh
 5. Sri Bijaynagar
 6. Poogal
- Class "C"
1. Tibbi
 - ¹[2. x x x]
 3. Gharsana
 - ¹[4. x x x]
 - ¹[5. x x x]
 6. Dantor
 - ¹[7. x x x]
 - ¹[8. x x x]
 9. Ramsinghpur
 - ¹[10. x x x]
 - ²[11. Loon Karansar
 12. Rawala.
 13. Bericuiwali]

³[Particulars of Land

Gharsana Old Mandi (District Sriganaganagar)

Chak No.	Murraba No.	Killa Number					Total
1	2	3					4
2 M.L.D./A	66/23	8, 9, 12, 13, 18, 19, 20					7.0 Killa
	66/23	21					0.18 Biswa
		22					0.18
		23					0.18
	66/22	23	24	25			2.08
2 M.L.D./A	66/15	1.0	0.18	0.10			16.08
		1	2	3	4	5	
		0.07	0.11	0.011	0.11	0.08	
		6 अ 15		6 अ 20			
		10.00	4.00				
66/23	14	17	24			0.18	
	0.07	0.06	0.05				
Total Killa						29.08	

1. Deleted by No. 3 [24-4-1975]

2. Deleted and inserted by No. 3 [24-4-1975]

3. Included by No. 23 w.e.f. 28.12.1996

Schedule II

[See Condition 15 (1)]

1. The programme of drawing of lots shall be conducted by the Executive Officer.
2. The lots will be drawn on the date, time and place as fixed under Condition 14 (3). It shall be drawn by one of the person selected at random from amongst the spectators.
3. The date, time and place for the drawing of lots shall be given wide publicity by publication of notices in two leading newspapers and hand bills and local publicity by beat of drum. Applicants will be allowed to present at the time of draw, if they so desire.
4. Lots will be drawn separately for different sizes of plots in each sector, and for different, categories of applicant.
5. Separate lists of all eligible applicants of different categories shall be prepared in the following form in Part I of it:—

FORM

- (1) Name of the sector
- (2) Size of the plots
- (3) Category of applicants

PART I

S. No.	Names of applicants with addresses	S. No. of Register of Applications under Condition 14 (1)	Remarks
1	2	3	4

PART II

No. of plot to be allotted	Remarks	Signature of Executive Officer
5	6	7

Signature of the Executive Officer,
Mandi Development Committee.

6. For the purpose of drawing lots, two boxes of suitable sizes shall be taken. Box No. 1 will contain paper slips (rounded up in the shape of balls) each bearing the number of the eligible applicant as per list and box No. 2 will contain paper slips (rounded up in shape of balls) each bearing the number of the plot to be allotted.
7. After the Executive Officer has satisfied himself that the slips have been duly prepared for all eligible applicants and of all available plots for a particular draw all slips shall be rounded up into balls, be put into respective boxes and the lots shall be drawn.

8. For the same, the slips one each from the two boxes shall be drawn separately. The applicant whose number is drawn from Box No. 1 shall be entitled to plot the number of which is drawn from Box No. 2. The result of each draw shall be simultaneously recorded in Part II of the list, as prescribed in para 5 above and shall be signed by the Executive Officer. This process shall be continued till all the slips of either of the box are drawn.
9. The result of each draw shall be announced simultaneously then and there by the Executive Officer. It shall however be made clear at that time that the allotment shall be made only after the orders of the Chairman of the Committee.
10. As soon as a particular draw is over the result of it shall be communicated to the Chairman of the Committee who shall pass final orders on it as per Condition 15 (2).

[FORM I

[See Condition 7(1)]

AUCTION NOTICE

Notice is hereby given to the general public that the plots as description given in the following mandis shall be sold by public auction at places and date given against each :—

S. No.	Name of Mandi	Place of Auction	Sec. No.	Total Plot No.	No. of Plots to be auctioned	Plot size	Prescribed use of plot	Date of auction and time
1	2	3	4	5	6	7	8	9

The auction would be held in accordance with Rajasthan Colonisation (Sale & Allotment of Land in Mandis Bhakra and Indira Gandhi Canal Project Colony Areas) Conditions, 1973. The maps and details of the plots to be sold by public auction are open for inspection of public in the office of the undersigned on any working day.

Executive Officer,
Mandi Development Committee

Date

.....

FORM II

[See Condition 8 (6)]

Form of Offer

Particulars of plot auctioned:—

Plot No.

Sector No.

Mandi

I, son of Caste R/o District (Rajasthan) hereby acknowledge that I have this day made a bid for the purchase of the above mentioned plot described in the auction notice dated subject to the provisions of the Rajasthan Colonisation (Sale and Allotment of Land in Mandis in the Bhakra and Indira Gandhi Canal Projects Colony Areas) Conditions, 1973 at the price of rupees and have paid to the Executive Officer, Mandi Development Committee the sum of rupees by way of deposit in part payment and I hereby agree to complete the purchase in accordance with the said Conditions if my bid is finally accepted.

Date

(Signature of Bidder)

FORM III

[See Condition 9(1)]

Notice of Confirmation

It is to inform you that the Chairman of the Mandi Development Committee has finally accepted your bid dated of Rs. in relation to plot No. sector No. in Mandi. You are hereby asked to deposit the balance amount, take possession of the plot and complete the construction thereon in accordance with the prescribed rules and Conditions etc. within the prescribed period otherwise the plot may be resumed by the State Government without any payment of compensation.

Date

Executive Officer,
Mandi Development Committee,

FORM IV

[See Condition 12]

Allotment Notice

Notice is hereby given to the general public that the plots, the numbers and other particulars whereof are annexed herewith are proposed to be allotted to the persons belonging to low income group, of Schedule Castes or Scheduled Tribes or Displaced persons on the terms and conditions contained in the Rajasthan Colonisation (Sale and Allotment of land in Mandis in the Bhakra and Indira Gandhi Canal Projects Colony Areas) Conditions, 1973. Any persons

belonging to low income group or Scheduled Caste or Scheduled tribe or Displaced persons, who wishes to apply for allotment of any of the plots may do so on the prescribed form within 30 days of issue of this notice. The application must be accompanied by an affidavit duly attested.

Plans showing full details of the plots are available at the office of the undersigned, where from any further information may also be obtained. The copy of the plan may be obtained from the office upon payment of the prescribed fees.

Date

Executive Officer,
Mandi Development Committee.

FORM V

[See Condition 13 (1)]

Application for allotment

To

The Executive Officer
Mandi Development Committee,

Sub:-Application for allotment of Government land under the Rajasthan Colonisation (Sale and Allotment of Land in Mandis in the Bhakra and Indira Gandhi Canal Projects Colony Areas) Conditions, 1973.

Sir,

I S/o Caste R/o Tehsil Distt. Occupation hereby apply for allotment of one residential plot situated in Mandi.

1. That I am a person belonging to Low Income Group/ Scheduled Caste/Scheduled Tribe/Displaced person. My present average monthly income for the last 12 months is Rs.
2. That neither I nor any other member of my joint family own or owned any residential plot or house in any Mandi area of Rajasthan on the date of commencement of Rajasthan Colonisation (Sale and Allotment of Land in Mandis in the Bhakra and Indira Gandhi Canal Projects Colony Areas) Conditions, 1973, or thereafter.
3. That my present place of residence is where I live and earn my livelihood.
4. That the name and addresses of other members of my joint family are as follows:—

1.	2.	3.	4.
----	----	----	----

I, therefore, request you that the plot applied for may kindly be allotted to me. I hereby undertake to abide by the provisions of the Rajasthan Colonisation

Act, 1954 (Rajasthan Act 27 of 1954) and of the Rajasthan Colonisation (Sale and Allotment of Land in Mandis in the Bhakra and Indira Gandhi Canal Projects Colony Areas) Conditions, 1973.

Yours faithfully,

Name and address of applicant.

VERIFICATION

I S/o age by caste resident of do hereby solemnly state and affirm that the particulars given in para Nos. 1 to 4 above are true to my knowledge and belief.

Signature of applicant.

FORM VI

[See Condition 14 (1)]

Register of Application

Office of the Executive Officer, Mandi Development Committee

S. No.	Date	Name and address of the applicant	Names of other members of his joint family	Belonging to L.I.G./S.C./S.T. Displaced person			
1	2	3	4	5			
Present monthly average income		Found eligible or not	S. No. in list under Condition 14 (2)	Reasons of illegibility	Order in appeal under Condition 14 (4) if any		
6		7	8	9	10		
Result and particulars of drawal of lots	No. and date of order of Chairman under Condition 15 (2)	No. and date of notice under Condition 16(1)	Dates and amounts of payment of price in instalments				
			1st	2nd	3rd	4th	
11	12	13	14				
Date of handing over possession	Date of completion of construction	Particulars of Sale Deed and its registration	Order of resumption if any	Remarks			
15	16	17	18	19			

