

## **ANDHRA PRADESH MUNICIPALITIES (ACQUISITION AND TRANSFER OF IMMOVABLE PROPERTIES) RULES, 1967**

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## **ANDHRA PRADESH MUNICIPALITIES (ACQUISITION AND TRANSFER OF IMMOVABLE PROPERTIES) RULES, 1967**

In exercise of the powers conferred by clause (c) of the sub-section (2) of Section 326 of the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), the Governor of Andhra Pradesh hereby makes the following rules relating to the acquisition and transfer of immovable properties by municipal councils, the same having been published at pages 420 to 449 of Rules Supplement of Part 1 of the Andhra Pradesh Gazette, dated 6th October, 1966, as required under clause (a) and (b) of sub-section (1) of Section 327 of the said Act.

### **1. xxx xxx xxx :-**

These rules may be called the Andhra Pradesh Municipalities (Acquisition and Transfer of Immovable Properties) Rules, 1967.

### **2. xxx xxx xxx :-**

(1) A municipal council shall acquire any immovable property under the following conditions, namely:-

(a) the property, if intended for any purpose other than roads, bridges, culverts and quarries, is approved by the Municipal Health Officer or if there is no Municipal Health Officer by the Commissioner in consultation with the District Health Officer as to the suitability from the sanitary point of view for the purpose for which it is intended;

(b) the property intended for roads, junctions, street-housing schemes and buildings covered by the detailed town planning schemes, housing schemes and other slum development schemes, is approved by the Director of Town Planning after getting the opinion of the town planning officer or the head of the Town Planning Section in the municipality, as the case may be, from the town planning point of view and also approved by the Municipal Health Officer and if there is no Municipal Health Officer by the Commissioner in consultation with the District Health Officer from the sanitary point of view for the purpose for which it is intended.

(c) the property, if intended for the construction or extension of buildings in area outside the town planning area is approved by the Municipal Engineers I and II grade in respect of the value of the property and of the Municipal Engineer III grade, if the value of the property does not exceed rupees ten thousand:

Provided that in the case of a municipality where there is a municipal engineer and when the value of the property exceeds rupees ten thousand or where there is no Municipal Engineer, the approval of the Executive Engineer (Public Health) of the division or the Sub-Divisional Officer acting under his orders shall be obtained as to the suitability of the purpose for which it is intended.

(d) the property, if its value exceeds Rs. 2,500 and if it is intended for educational purposes, is approved by the District Educational Officer also;

(e) the property, if its value exceeds Rs.2,500 and if it is intended for hospitals and dispensaries, is approved by the District Medical and Health Officer also;

(f) in the case of buildings, a valuation certificate regarding structural stability are obtained from the Municipal Engineer or if there is no Municipal Engineer, from the Executive Engineer (Public Health) of the division or of the Sub-Divisional Officer acting under the orders of the Executive Engineer (Public Health);

(g) any immovable property may be acquired under the Land Acquisition Act, 1894;

(h) in case such a property is proposed to be acquired otherwise than under the Land Acquisition Act, 1894, the prior approval of the District Collector shall be obtained. While according his approval, the District Collector shall determine the value at which the property is to be acquired and thereafter the Municipal Council shall obtain the sanction of the Government before acquiring the property.

(i) in every case where the consideration for the property is not less than Rs. 250 an encumbrance certificate is obtained from the Registration Officer in respect of such property the charges being met from the municipal funds and examined by the Standing Council of the municipal council and where there is no Standing Council, by any other council engaged for that purpose unless the nature of the transaction as such as will by law, pass the property free of all encumbrances; and

(j) Where the properties acquired with the prior approval of the District Collector in accordance with Section 2 of the Act, if the valuation and the certificate regarding structural stability are obtained from an Executive Engineer (Public Health) or a Sub-Divisional Officer acting under his orders, the municipal council shall pay to the Government in respect of the services so rendered a fee (which shall be credited to the Public Health Engineering

Departments account) calculated at the rate of one percent of the value of the buildings, subject to a minimum of 35 rupees. The municipal council shall also pay the travelling allowances of these officers in respect of journeys performed by them in accordance with the Andhra Pradesh Travelling Allowance Rules. The minimum fee of 35 rupees and the travelling allowance of the officer concerned shall also be payable by Municipal council in cases, where an Executive Engineer (Public Health) or a Sub-Divisional Officer acting under his orders, inspects a building but does not actually furnish the valuation and certificate regarding structural stability on the ground that the building is found unfit for purchase.

(2) The deed transferring the property to the Municipal Council shall be in the appropriate form in Schedule I appended to these rules, with such variations as circumstances may require.

(3) The provisions of sub-rules (1) and (2) shall not apply to a case where the municipal council has to purchase immovable property brought to sale in execution of a decree obtained by it.

### **3. Transfers otherwise than by lease of immovable property vesting but not belonging to municipal council :-**

(1) Immovable property vesting in, but not belonging to a Municipal Council shall not be transferred or charged in contravention of the conditions subject to which such property became vested in the council.

(2) The deed transfer of immovable property shall be in the appropriate form in Schedule II appended to these rules, with such variations as circumstances may require.

### **4. Transfers otherwise than by lease of immovable property vesting in municipal council :-**

(1) A municipal council shall not without the previous sanction of the Collector of the District, make or sanction any transfer except by way of these, of any immovable property, belonging to it or create or sanction of the creation of any charge upon any such property. If the value of the property so transferred or the amount for which the charge is so created exceeds Rs.10,000 the previous sanction of the Government shall also be obtained for the transaction.

(2) The deed of transfer of immovable property shall be in the appropriate form in Schedule II appended to these rules with such variations as circumstances may require.

#### **5. Transfer by lease of immovable property belonging to municipal council :-**

(1) A municipal council may lease out any immovable property belonging to it for a period of three years at any one time and if it is for a period exceeding three years but not exceeding twenty-five years at a time it may lease out, after obtaining the prior sanction of Government.]

(2) Whenever any lessee is permitted to put up any building or structure whether of masonry, brick, mud or metal in the land belonging to municipal council, the prior sanction of the Director of Municipal Administration shall be obtained therefor who may impose such conditions as he may think fit.

(3) The lease deed shall be in Form III(a) in Schedule III appended to these rules with such variations as the circumstances may require;

#### **6. Transfer by lease of immovable property vested in but not belonging to a municipal council :-**

(1) A municipal council may lease out any property vested in it but not belonging to the council other than road sides street margins: Provided that no lease shall be granted-

(a) in contravention of the conditions subject to which such property became vested in the council.

(b) for a period exceeding twelve months without the previous sanction of the Director of Municipal Administration:

Provided further that no such lease shall be valid, if the lessee is permitted to put any building or structure whether of masonry, bricks, wood, mud or any other material, unless the sanction of the Government in the case of Government lands and of the Director of Municipal Administration in other cases had been obtained therefor.

(2) The lease-deed shall be in Form III(a) in Schedule III appended to these rules with such variations as circumstances may require.

## **7. Lease of road sides and street margins :-**

(1) Lease of road sides and street margins vested in a municipal council shall be subject to the conditions and restrictions imposed by the Commissioner and the rules made by the Government under sub-section (5) of Section 193 of the Andhra Pradesh Municipalities Act, 1965.

(2) The lease-deed shall be in Form III(b) in Scheduled III appended to these rules with such variations as circumstances require.

## **8. Publication of proposed transfers and leases :-**

(1) In every case of transfer falling under Rules 2 and 3, the municipal council shall publish a notice of the proposed transfer giving full particulars of the property to be transferred, the name of the proposed transferee and the considerations for the transfer

(a) in the District Gazette, if the consideration for the transfer exceeds Rs. 1,000;

(b) by affixture in a conspicuous position

(i) at the offices of the municipal council, the Collector of the district and the Revenue Divisional Officer;

(ii) at the taluk office.

(iii) at the village chavadi of the village in which the property is situated; and

(iv) on the property to be transferred.

(2) In case of leases under Rules 4 and 5 notices should be published giving full particulars of the properties to be leased and the consideration for the rent reserved under the lease together with the name of the lessee and the period of lease, in the municipal office and also other public places.

(3) In every case where such transfer or lease is to be by public auctions a notice of the proposed transfer in Form A, appended to these rules with full particulars of property to be transferred or leased shall be published

(a) in the District Gazette and in one or two prominent local newspapers circulated within the jurisdiction of the municipal council, if the consideration for the transfer exceeds Rs. 1,000 or if the rent reserved under the lease exceeds Rs. 500 per annum;

(b) in the manner specified in clause (b) of sub-rule (1) and sub-rule (2);

(c) by beat of drum in suitable places; and

(d) by announcing through microphone where it is possible to do so.

(4) The municipal council may dispense with the publication in the District Gazette and the newspapers as required by sub-rule (3) in the case of leases which are granted during the course of a financial year owing to the failure of the original lessee to fulfil the terms of his lease.

(5) The municipal council shall consider objections, if any received within thirty days from the date of publication of notice.

**9. Transfers and leases to be subject to conditions of transferee or lessee paying assessment, ground-rent, peshkash or quit-rent to Government :-**

(1) Except in cases falling under sub-rules (3) and (4) of this rule no transfer or lease of any immovable property made by the municipal council shall be valid unless it be a condition thereof that the transferee or lessee shall be liable to pay to the Government such assessment, ground-rent, peshkash or quit-rent as the Collector may determine to be payable in respect of the property and that the said assessment, ground-rent, peshkash or quit-rent is subject to revision from time to time in accordance with the rules in force at the time of such revision except in respect of quit-rent on enfranchised inam lands and peshkash on lands in proprietary villages acquired by the municipal council by private negotiation.

(2) Nothing contained in this rule shall affect the right of the



Government to recover from the municipal council the assessment, ground-rent, peshkash or quit-rent leviable on lands not transferred by sale or exchange or otherwise permanently alienated.

(3) In cases where the assessment, ground-rent peshkash or quit-rent leviable on the land after transfer is already being paid by the municipal council and the land is not transferred by sale or exchange, leased in perpetuity or otherwise permanently alienated, the municipal council shall continue to pay such assessment, ground-rent, peshkash or quit-rent and the liability shall not be imposed on the transferee.

(4) In the case of leases falling under Rule 7, the municipal council shall furnish the Collector with a return of such leases whereupon the Collector will fix the assessment or ground-rent on the basis of the information in the return and collect it from the municipal council.