

MEGHALAYA TRANSFER OF LAND (REGULATION) RULES, 1974

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MEGHALAYA TRANSFER OF LAND (REGULATION) RULES, 1974

In exercise of the powers conferred by S. 14 of the Meghalaya Transfer of Land (Regulation) Act, 1971 (Act No. 1 of 1972) the Government of Meghalaya are pleased to make the following rules:

1. Short title and commencement :-

(1) These rules may be called the Meghalaya Transfer of Land (Regulation) Rules, 1974.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires

(a) "Act" means the Meghalaya Transfer of Land (Regulation) Act, 1971;

(b) "Form" means a form specified in these rules;

(c) "Section" means a section of the Act;

(d) "Schedule" means a Schedule appended to these rules;

(e) Words and expressions used in these rules and not defined but

defined in the Act have the same meaning respectively assigned to them in the Act.

3. Competent authority :-

In these rules, "Competent Authority" means any authority appointed by the Government of Meghalaya under S. 2 (a) of the Act for the purposes of exercising all or any of the functions of the competent authority under the Act for the whole of the Meghalaya or any part thereof.

4. Application for sanction under S. 2 of the Act :-

(1) All applications for sanction of the competent authority under S. 3 of the Act shall be made in writing and signed by both the parties of the proposed transfer giving particulars in Form 'A' by affixing a Court Fee Stamp of Rupee one.

(2) The applications shall be submitted before such officer as the competent authority may authorise and the officer shall give a receipt to the applicant in Form 'B'.

(3) A register in Form 'C' shall be maintained by the competent authority for all applications received under sub-R. (1).

5. Fee :-

(1) The fee payable for application for sanction under S. 3 of the Act shall be as shown in Schedule B.

(2) Fee for application for sanction under S. 3 of the Act shall be paid to the competent authority and the application shall be accompanied by a Treasury Challan/ Receipt evidencing payment of the said fee.

6. Enquiry :-

(1) Immediately on receipt of the application under R. 4 for sanction for sale of a plot of land, the competent authority shall issue public notice in Form 'D' inviting buyers for the land proposed to be transferred from amongst the tribals. In case no tribal comes forward to buy the land at the market value within 30 days from the date of publication of the said notice, the competent authority shall proceed to dispose of the application in accordance with the provisions of the Act.

(2) Immediately on receipt of application for sanction for the transfer of land otherwise than by sale, the competent authority

shall issue public notice in Form 'G' inviting objections within 30 days against the said transaction.

(3) In disposing of applications filed under R. 4 the competent authority may call for report from any person or authority and also authorise any officer to make such enquiry as it deems fit and proper.

(4) The competent authority shall dispose of the applications filed under R. 4 as early as possible and not later than six months as provided in sub-Ss. (3) and (4) of S. 4 of the Act and the period of six months shall be counted from the date from which the application is received by the competent authority.

(5) Every order granting or refusing sanction shall be in writing and in case of refusal shall contain the reasons for such refusal.

(6) The competent authority shall communicate with the final order or granting or refusing sanction to the applicant by registered post addressed to the applicant or, if there is no postal service, the order may be communicated by any other means of service and the signature of the person to whom the copy of the order is delivered shall be obtained.

7. Registration under S. 7 of the Act :-

(1) The competent authority appointed under S. 2 (a) of the Act shall also be the authority for registration of transfer of land under S. 7 of the Act.

(2) The competent authority shall issue a public notice asking persons to register the transfer of land made after commencement of the Constitution and before the commencement of the Act by a tribal or by a non-tribal to another non-tribal.

(3) The competent authority shall maintain a register for registration of land under S. 7 of the Act in Form F.

(4) Any person who wants to have his transfer registered under S. 7 of the Act may apply to the competent authority giving particulars mentioned in Form F by registered post and on receipt of such application the competent authority shall register the transfer and note the particulars of the transfer in the register maintained under sub-R.(3).

(5) If a person fails to register his transfer of land within two years

from the commencement of the Act as provided in S. 7 of the Act, he may apply to the Government of Meghalaya in the Revenue Department for condonation of delay under proviso to S. 7 of the Act. The applicant shall give reasons for non-registration of the transfer within two years and shall also pay a fee of Rs. 50. The application shall be accompanied by a Treasury Challan evidencing payment of the said late fee.

(6) In case the application filed under sub-R. (5) is granted the Government of Meghalaya shall issue directions to the competent authority to register the transfer and on receipt of such directions the competent authority shall register the transfer.

(7) In case the application filed under sub-R. (5) is rejected the fee so deposited shall be refunded to the person who paid the fee.

8. . :-

(1) A notice to show cause under S. 8 of the Act shall be in Form 'G'.

(2) The notice shall be served by delivering it to the person to whom it is directed or by delivering it at the usual place of abode of such person or to some adult member of his family or in case it cannot be so served, by sending it by registered post. In case such notice cannot be served in any of the ways hereinbefore mentioned, it may be served in such way as the competent authority may direct.

SCHEDULE A

SCHEDULE

SCHEDULE B

SCHEDULE

[See Rule 5]
<p style="text-align: center;">FORM G</p> <p style="text-align: center;">[See Rule 8(1)]</p> <p>Whereas it has been found that you Shri/Smti..are in possession of the land described in the schedule below, without obtaining necessary permission under the</p> <p>Meghalaya Transfer of Land (Regulation) Act, 1971 (Meghalaya ActNo. 1of 1972) and rules framed thereunder;</p> <p>Now, therefore, in exercise of the powers conferred under S. 8 of the</p>

said Act you

are hereby asked to show cause on day of

.19.at..a. m. before me as to why

action under the provisions of the said Act shall not be taken against you.