

## **Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Rules, 1991**

### CONTENTS

1. Short title and commencement.
2. Definitions.
3. Application under section 4(2)(a).
4. Application under section 5(3)(a).
5. Appeal under Section 6
6. Disposal of cases under Guj. 30 of 1986.
7. Declaration of Disturbed Area.

## **Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Rules, 1991**

In exercise of the powers conferred by Section 12 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991, (Gujarat 12 of 1991), the Government of Gujarat hereby makes the following rules, namely :

### **1. Short title and commencement. :-**

(1) These rules may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Rules, 1991.

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

### **2. Definitions. :-**

In these rules, unless the context otherwise requires :

(a) "the Act" means the Gujarat Prohibition of Transfer of immovable property and provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991;

(b) "Form" means a form appended to these rules;

(c) "section" means a section of the Act.

### **3. Application under section 4(2)(a). :-**

(1) An application under clause (a) of sub-section (2) of Section 4, shall be made in Form-I within a period of thirty days from the date of commencement of these rules.

(2) The receipt of the application referred to in sub-rule (1) shall be acknowledged by the Collector or such Revenue Officer as may be authorised by him in this behalf.

(3) The Collector shall keep and maintain for each disturbed area a separate register in Form-II where in application received by him under sub-rule (1) shall be entered.

### **4. Application under section 5(3)(a) :-**

(1) An application under clause (a) of sub-section (3) of section 5 shall be made in Form-III within a period of Sixty days before the date of the intended transfer of immovable property situate in a disturbed areas.

(2) The receipt of the application referred to in sub-rule (1) shall be acknowledged by the Collector or such revenue Officer as may be authorised by him in this behalf.

(3) The Collector shall keep and maintain for each disturbed area a separate register in Form-IV where in application received by him under sub-rule (1) shall be entered.

### **5. Appeal under Section 6 :-**

(1) An appeal under Section 6 may be filed within a period of thirty days from the date of receipt of an order rejecting an application under sub-clause (i) of clause (b) of sub-section (2) of section 4 or under sub-clause (i) of clause (b) of sub-section (3) of Section 5.

(2) An appeal referred to in sub-rule (1) shall be in duplicate in the form of a memorandum signed and verified by the appellant and setting forth the name and address of the appellant and the grounds of appeal and shall be accompanied by certified copies of all documentary evidence, including a certified copy of the order appealed against.

(3) Every appeal referred to in sub-rule (1) shall be accompanied by a fee of hundred rupees in the form of Court fee stamps.

### **6. Disposal of cases under Guj. 30 of 1986. :-**

All the pending cases related to the Gujarat Prohibition of Transfer of Immovable Property and provision for protection of Tenants from eviction from premises in Disturbed Areas Act, 1986 shall be disposed of under Section 7 of the Bombay General Clause Act, 1904.

**7. Declaration of Disturbed Area. :-**

For the purpose of declaring disturbed area, the concerned Commissioner of Police or District Magistrate, as the case may be shall make proposal to the Government.