

CITY OF MYSORE IMPROVEMENT (ALLOTMENT OF SITES) RULES, 1972

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CITY OF MYSORE IMPROVEMENT (ALLOTMENT OF SITES) RULES, 1972

In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act No.3 in of 1903) the Government of Karnataka hereby makes the following rules, namely.-

1. Title and commencement :-

(1) These rules may be called the City of Mysore Improvement (Allotment of Sites) Rules, 1972.

(2) They shall come into force on the first day of September, 1972.

2. Definitions :-

In these rules, unless the context otherwise requires.-

(a) Act means the City of Mysore Improvement Act, 1903 (Mysore Act No. III of 1903);

(b) "Allottee" means the person to whom a site is allotted under these rules;

(c) "Backward class" a person shall be considered to belong to the backward classes if.-

(i) his income does not exceed rupees two thousand and four hundred per annum; and

(ii) he is.-

(a) an actual cultivator;

(b) an artisan;

(c) a petty businessman;

(d) holding an appointment in inferior services (i.e., class IV in Government service or corresponding service under local bodies, autonomous bodies or private employment including casual labour); or

(e) engaged in any occupation involving manual labour.

(d) "Family in relation to a person means such person, the wife or husband as the case may be of such person, and the children, grand children, parents, sisters and brothers of such person and wholly dependant on such person.

(e) Form" means a Form appended to these rules;

(f) "Income" means the fixed annual income of a person;

(g) "Stray site" means a site which was once allotted but subsequently the allotment was either cancelled by the Board or surrendered by the allottee or a site left over inadvertently while notifying the sites for allotment or a site which has been formed on account of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

3. Offer of sites for allotment :-

(1) Whenever the Board has formed an extension or layout in

pursuance of any scheme, the Board may subject to the general or special orders of the Government, offer any or all the sites in such extension or lay out for allotment to persons eligible for allotment of sites under these rules.

(2) Due publicity shall be given in respect of the sites for allotment specifying their location, number, the amount payable as earnest money, the last date for submission of applications and such other particulars as the Chairman may consider necessary, by affixing a notice to the notice board of the office of the Board, and any other office as the Chairman may decide from time to time and by publication in not less than three daily newspapers published in English and Kannada having a wide circulation in the city.

4. Reservation of sites :-

(1) The Board may, with the previous sanction of the Government, set apart sites in any area for allotment to any specified class of persons or purposes as it may consider necessary.

(2) Where sites are set apart under sub-rule (1), the procedure to be followed for allotment of those sites shall, subject to the general or special orders of the Government be determined by the Board.

5. Allotment of stray sites :-

Notwithstanding Anything contained in Rule 3, the Board may allot a stray site to a person who is eligible for allotment of a site under Rule 10.

6. Disposal of sites for charitable purposes :-

Notwithstanding anything contained in these rules sites may be allotted on lease basis, to registered charitable institutions for purposes of construction of schools, colleges, play grounds, hostels, temples, community centres and recreation clubs on such rent as may be fixed by the Board. The Government may call for the records and revise the rent if it is satisfied that the : t fixed is too low. After the expiry of the lease period the entire land with buildings and constructions thereon shall vest in the Board free from all encumbrances. But such sites may be conveyed by the Board to such institution after recovering such expenditure if any, as it may have incurred:

Provided that no amount towards such expenditure shall be recovered by the Boath in the case of persons belonging to the Backward classes, the scheduled astes and the scheduled tribes if

so directed by Government.

7. Allottee to be a lessee :-

The site allotted under Rule 3 or Rule 5 shall be deemed to have been leased to the allottee until the lease is determined or the site is conveyed in the name of the allottee in accordance with these rules. During the period of the lease the allottee shall pay to the Board rent at the rate of rupees three per annum where the area of the site does not exceed two hundred square meters, rupees six per annum where the area of the site exceeds two hundred square meters but does not exceed five hundred square meters and rupees twelve per annum where the area of the site exceeds five hundred square meters before the commencement of each year.

8. Applications :-

(1) Applications, for allotment of sites shall be in Form I which may be obtained from the Office of the Board on payment of a sum of two rupees which amount shall not be refunded. The application shall be attested by a Magistrate of the First Class.

(2) Every application shall be accompanied by the receipt, challan, or draft evidencing the deposit of the earnest money under Rule 9.

(3) Every applicant shall indicate the dimensions of the site required by him.

(4) When applications are invited under Rule 3, the application shall be presented in person or sent by registered post so as to reach the office of the Board before the date and time fixed for receipt of such applications. Applications received after the date and time so fixed shall be rejected.

9. Earnest money :-

(1) Every applicant for a site shall deposit as earnest money an amount equal to twelve and half per cent of the value of a site of the dimensions applied for and enclose with the application the receipt obtained in token of such deposit, or challan for having credited the amount to the Government Treasury or a bank draft for the amount drawn in favour of the Chairman:

Provided that the earnest money to be deposited by a member of the Scheduled Castes or Scheduled Tribes or Wandering tribe or nomadic tribe or semi-nomadic or denotified tribe shall be three per cent of the value of the site.

(2) The earnest money shall be refunded to the applicant if no allotment of site is made to the applicant.

10. Eligibility for allotment :-

No person.-

(1) Who is not ordinarily resident (living independently or with his family members) in the area within the jurisdiction of the Board for not less than five years immediately before the last fixed for making applications.

(2) Who or any member of whose family owns or is a lessee entitled to demand conveyance eventually or has been allotted a site or a house by the Board or any other authority, within the area under the jurisdiction of the Board; or of the City Municipal Council, Mysore shall be eligible to apply for allotment of a site: ¹ [Provided that the Board may relax the restriction in clause (1) regarding residence in the case of persons.-

(i) who are domiciled in the State of Mysore and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(ii) who are domiciled in the State of Mysore but have gone outside the State on business employment, study or training and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(iii) who though not domiciled in the State of Mysore bona fide intend to reside within the area under the jurisdiction of the Board.]

1. Proviso substituted by SO 2127, dated 7-11-1972, w.e.f. 9-11-1972.

11. Principles for selection of applicants for allotment of sites :-

(1) The Board shall consider the case of each applicant on its merits and shall have regard to the following principles in making selection.-

(i) the status of the applicant, that is whether he is married or single and has dependent children;

(ii) the income of the applicant and his capacity to purchase a site and build a house thereon for his residence:

Provided that this condition shall not be considered in case of applicants belonging to Scheduled Castes, Scheduled Tribes, Wandering Tribes, Nomadic Tribes and other Backward Classes.

(iii) the number of years the applicant has been waiting for allotment of a site and the fact that he did not secure a site earlier though he is eligible and had applied for a site;

(iv) persons who are ex-servicemen or members of the family of the deceased servicemen killed in action, during the last ten years.

(2) The sites may be allotted among the different classes of persons as indicated hereunder.-

(a) wandering tribes/nomadic tribes denotified tribes/semi-nomadic tribes \2%

(b) Scheduled Tribes \3%

(c) Scheduled Castes \13%

(d) Ex-servicemen or members of their families of deceased servicemen and members of the Armed Forces of the Union 9%

(e) State Government servants \12%

(f) Servants of the Central Government and Corporations \10%

(g) General Public \51%

Explanation.-At the time of making an allotment if sufficient number of applications from persons belonging to category (a) are not received then the remaining sites reserved for that category shall be transferred to category (b); and if sufficient number of applications from persons belonging to categories (a) and (b) are not received then the remaining sites reserved for those categories shall be transferred to category (c) and if sufficient number of applications from persons belonging to categories (a) (b) and (c) are not received then the remaining sites reserved for those categories shall be transferred to category (g).

12. Committees :-

The Board shall constitute a Committee called the "Allotment Committee" consisting of three members for considering applications and making recommendations to the Board for allotments. The Chairman of the Board shall be the Chairman of the Committee. Of the other two members one shall be elected by the

Board from among the members nominated by Government, and the other from among the members representing the City Municipal Council, Mysore.

13. Selection of applicants :-

The Board shall consider the recommendations of the Allotment Committee and after such further inquiry as it deems fit make allotments.

14. Revocation of proposal for allotment of sites :-

(1) The Board may at any time revoke any proposal to dispose of any site under these rules if in its opinion, the area covered by such site has to be reserved for any purpose, for the use of the inhabitants of the extension concerned.

(2) When a revocation is made under sub-rule (1), the applicants for sites in such area shall be given the option to apply for other sites in the extension and any application made accordingly shall be considered along with the other applications for sites in such extension.

15. Decision of Board :-

The Board shall have the right to reject the allotment of sites applied for by an applicant without assigning any reasons. The decision of the Board shall be final and binding on every applicant.

16. Value of a site :-

The value of a site mentioned while inviting applications may be altered by the Board with the sanction of the Government and an allottee may accept the site at the altered price or decline the allotment:

Provided that a person whose annual income [is not more than] [rupees three thousand six hundred] shall be entitled to get a site measuring 3[9.14M X 13.71M (30' X 45')] or less at fifty percent of the value of the site fixed by the Board.

17. Conditions of allotment and sale of site :-

The allotment of a site under these rules shall be subject to the following conditions.-

(1) The allottee shall within a period of fifteen days from the date of receipt of the notice of allotment, pay to the Board twelve and a half per cent of the price of the site and if no such payment is made the allottee shall be deemed to have declined the allotment.

(2) The balance of the value of the site (less a sum of rupees thirty where the area of the site does not exceed two hundred square meters, rupees sixty where the area exceeds two hundred square meters and does not exceed five hundred square meters and rupees one hundred and twenty where the area exceeds five hundred square meters) shall be paid within ninety days from the date of receipt of the notice of allotment, or such extended period not exceeding one year as the Chairman may specify. Interest at [eighteen per cent] shall be paid on the said amount for the extended period. If the said amount is not paid within the period of ninety days or the extended period the earnest money paid by the allottee shall be liable to forfeiture and the allotment may be cancelled:

[Provided that where an allottee is a person.-

(i) whose annual income does not exceed two thousand and four hundred rupees, he may choose to pay the balance value of the

(ii) whose annual income exceeds rupees two thousand and four hundred but does not exceed rupees seven thousand and two hundred, interest at twelve per cent per annum shall be paid on the said amount for the extended period:

Provided further that where an allottee is a person belonging to a Scheduled Caste or Scheduled Tribe or other backward class or a nomadic tribe or a wandering tribe or a denotified tribe or a family of defence personnel killed or disabled during the recent war and whose annual income from all sources does not exceed rupees five thousand, the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest within a period of six years from the date of receipt of the notice of allotment.]

(3) Until the site is conveyed to the allottee the amount paid by the allottee for the purchase of the site shall be held by the Board as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the Board and the allottee.

(4) After payment under sub-rule (2) is made the Board shall intimate the allottee the actual measurements of the site and the particulars thereof and a lease-cum-sale agreement in Form II shall thereafter be executed by the allottee and the Board and registered by the allottee. If the agreement is not executed within forty-five

days after the Board has intimated the actual measurements and particulars of the site to the allottee, the earnest money paid by the allottee may be forfeited, the allotment of the site may be cancelled and the amount paid by the allottee after deducting the earnest money refunded to him. Every allottee shall construct a building on the site in accordance with the plans and designs approved by the Board. If in any case it is considered necessary to add any additional conditions in the agreement the Board may make such additions. Approval of the City Municipal Council, Mysore for the plans and designs shall be necessary when the layout in which the site is situated is transferred to the control of the said Council.

(5) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the Board or the Municipal Council, as the case may be, for the time being in force.

(6) The allottee shall construct a building within a period of two years from the date of execution of the agreement or such extended period as the Board may in any specified case by written order permit. If the building is not constructed within the said period the allotment may, after reasonable notice to the allottee, be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Board, and forfeiting twelve and a half per cent of the value of the site paid by the allottee, the Board shall refund the balance to the allottee.

(7) On the expiry of the period of ten years and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules and after the sum withheld under sub-rule (2) has been paid the site shall be conveyed by the Board to the allottee. The expenses on account of stamp duty registration fees or any other incidental charges in respect of the conveyance shall be borne by the allottee.

(8) The allottee shall ordinarily reside or himself make use of the building constructed on the site allotted to him.

(9) With effect from the date of taking possession of the site the allottee or his heirs and successors shall be liable to pay the taxes, fees and cesses payable in respect of the site and any building erected thereon.

(10) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found incorrect or false subsequently, twelve and half per cent of the site value, shall be forfeited after the site is resumed by the Board and the balance amount of site value refunded to the applicant.

18. Restrictions, conditions and limitations on sales of sites
:-

(1) Notwithstanding anything contained in.-

(i) these rules or any other rules, bye-laws or orders governing the allotment, grant or sale of sites by the Board for construction of buildings; or

(ii) any instrument executed in respect of any site allotted, granted or sold by the Board for construction of buildings, the Chairman may at the request of the allottee grantee or purchaser of a site, execute a deed of conveyance subject to the restrictions, conditions and limitations specified in sub-rule (2).

(2) The conveyance by the Chairman of a site in favour of an allottee, grantee or purchaser of a site hereinafter referred to as the purchaser) shall be subject to the following restrictions, conditions and limitations, namely.-

(a) in the case of a site on which a building has not been constructed.-

(i) the purchaser shall construct a building on the site within such period as may be specified by the Board, as per plans, designs and conditions to be approved by the Board or in conformity with the provisions of the Mysore Municipalities Act, 1964 and the Bye-laws made thereunder;

(ii) the purchaser shall not without the approval of the Board, construct on the site any building other than a building for the construction of which the site was allotted, granted or sold;

(iii) the purchaser shall not alienate the site within a period of ten years from the date of allotment except by mortgage in favour of the Government of India, the Government of Mysore, the Life Insurance Corporation of India or the Mysore Housing Board or any Co-operative Society approved by the Board or any Corporation set up, owned or controlled by the State Government or the Central Government to secure moneys advanced by such Government,

Corporation, Board, Society or Corporations, as the case may be, for the construction of the building on the site;

(b) in the case of a site on which a building has been constructed, the purchaser shall not alienate the site and the building constructed thereon within a period of ten years from the date of allotment, except.-

(i) by mortgage in favour of the Government of India, the Government of Mysore, the Life Insurance Corporation of India or the Mysore Housing Board or any Co-operative Society approved by the Board to secure moneys advanced by such Government, Corporation, Board or Society for the construction of the building on the site; or

(ii) with the previous approval of the Board;

(c) in the event of the purchaser committing breach of any of the conditions in clause (a) or clause (b), the Board may at any time, after giving the purchaser reasonable notice, resume the site free from all encumbrances. The purchaser may remove all things which he has attached to the earth:

Provided he leaves the site in the state in which he received it. All transaction entered into in contravention of the conditions specified in clauses (a) and (b) shall be null and void and ab initio.

Explanation.-In this rule, references to the Board shall be deemed to include the Chairman when authorised by the Board by a general resolution to exercise any power vested in the Board.

(3) Notwithstanding anything contained in sub-rule (2), the Board may, with the previous approval of the State Government, and on payment of such sum not exceeding twelve and half per cent of the allotted value of the site by the lessee, by order in writing, permit the alienation during the period of the lease, of the site and the building, if any, constructed thereon, on account of the inability of the lessee to reside in the City of Mysore for reasons beyond his control or the insolvency or impecuniosity of the lessee. Where such permission is granted, the alienee shall for the purposes of these rules, be the lessee subject to all the terms and conditions of the lease deed already executed.

1 [(4) Notwithstanding anything contained in sub-rule (2) the Board may, on payment of Rupees one hundred only by the lessee,

by order in writing permit, during the period of the lease the alienation of the site with building, if any, constructed thereon to any member of the family of the lessee. Where such alienation is permitted, the alienee shall, for the

1. Sub-rule (4) inserted by GSR 74, dated 4-3-1988.

19. Voluntary surrender :-

An allottee may at any time after allotment, surrender the site allotted to him to the Board. On such surrender the Board shall refund all amounts paid by the allottee to the Board in respect of the said site.

20. Revision :-

(1) The Government may, suo motu or otherwise call for the record of any decision, order or proceeding of the Chairman or the Board under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceeding.

(2) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit:

Provided that no decision or order shall be modified, annulled or reversed unless a notice has been served on the parties interested and opportunity given to them for making representation to the Government.

21. Savings :-

Nothing in these rules shall be applicable to the sale or transfer of sites by the Board to:-

(a) the Mysore Housing Board for construction of Houses; or

(b) the State Government for any purpose;

(c) the Life Insurance Corporation of India, the Mysore State Road Transport Corporation, and the Mysore State Electricity Board.

22. Repeal :-

The rules issued in G.O. No. L. 15423-5/ ML-135-46-4, dated 3rd May, 1947 are hereby repealed:

Provided that such repeal shall not effect the operation of the said rules in respect of anything done or any action taken under the said rules.

23. Pending applications :-

All applications for allotment of sites pending on the date of commencement of these rules and not disposed of under the said rules, notwithstanding that any applicant has withdrawn the earnest money deposited by him provided he deposits such earnest money within such time as the Board may specify in this behalf if the applicant is eligible for allotment under Rule 10 shall be deemed to be applications made under these rules and shall be disposed of in accordance with these rules.

23A. Rules not to apply to corner sites and commercial sites

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1 Notwithstanding anything contained in these rules, the provisions of these rules shall not apply to disposal of corner sites and commercial sites for which provision is made in the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1973.

1. Rule 23-A inserted by SO 462, dated 6-3-1973.