

## **CITY OF MYSORE IMPROVEMENT (DISPOSAL OF CORNER SITES AND COMMERCIAL SITES) RULES, 1973**

### **CONTENTS**

1. Title and commencement
2. Definitions
3. Auction of corner sites and commercial sites
4. Reservation of corner sites or commercial sites
5. Allotment of site to individuals or body of persons or institutions in special cases
6. Conditions of auction sale of corner sites or commercial sites
7. Decision of the Board
8. Voluntary Surrender
9. Revision

### **SCHEDULE 3 :- SCHEDULE**

## **CITY OF MYSORE IMPROVEMENT (DISPOSAL OF CORNER SITES AND COMMERCIAL SITES) RULES, 1973**

In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act in of 1903), the Government of Mysore hereby makes the following rules namely

### **1. Title and commencement :-**

(1) These rules may be called the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1973.

(2) They shall come into force at once.

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

In these rules unless the context otherwise requires.-

(a) "Act" means the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903);

(b) "Auction Purchaser" means the person who has purchased a corner site or a commercial site in the auction held by the Board under these rules;

(c) "Commercial site" means any site formed in any extension or layout earmarked for locating a cinema theatre, a hotel or

restaurant, a shopping centre, a shop, a market area and includes sites for locating any business or commercial enterprise or undertaking but does not include any site earmarked for the location of any factory or any industry;

(d) "Corner site" means the site at the junction of two roads having more than one side of the site facing the roads;

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

(f) "Government" means the Government of Mysore.

### **3. Auction of corner sites and commercial sites :-**

(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 Government dispose of any or all the corner sites or commercial sites in such extension or layout by auction in accordance with these rules.

(2) Due publicity shall be given in respect of the corner sites or commercial sites to be auctioned specifying their location, number, dimension and the percentage of the highest bid amount to be deposited 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 two daily newspapers published in the City of Mysore in English and Kannada or in any other language as the Chairman deems necessary having a wide circulation in the City.

### **4. Reservation of corner sites or commercial sites :-**

(1) The Board may reserve corner sites or commercial sites in any area for allotment to any specified class of institution, body or City Municipal Council, Mysore at such rates as the Board may decide.

(2) Where the corner sites or commercial sites are reserved under sub-rule (1), the procedure to be followed for allotment shall be determined by the Board.

(3) The allotment under this rule is subject to provisions made in the allotment rules.

### **5. Allotment of site to individuals or body of persons or institutions in special cases :-**

Notwithstanding anything in Rule 3, the Chairman may allot any

corner site, which has not been notified under Rule 3 or reserved under Rule 4 and which cannot on account of its size be treated as an independent site, to the owner of the adjacent site:

Provided that where the width of such site is.-

(a) one-third the width of the adjacent site or less, the sale shall be at such rate as the Board may fix;

(b) more than one-third but equal to one half of the width of the adjacent site or less, the sale shall be for the average auction rate the said rate being determined on the basis of the rates at which sites have been sold at three previous auctions in the locality in which such site is situated;

(c) more than one half of the width of the adjacent site the sale shall be by auction in accordance with Rule 6 as if such site were an independent site;

## **6. Conditions of auction sale of corner sites or commercial sites :-**

(1) The Chairman or the Officer authorised by the Chairman to conduct the auction sale, may fix the amount by which the successive bids may be raised.

(2) The Officer conducting the auction sale shall have the right to accept or refuse any bid without assigning any reason.

(3) The auction purchaser whose bid is accepted shall deposit twenty-five per cent of the amount of his bid at once on the spot and pay the balance within forty-five days from the date of receipt of intimation letter as in Form 1 communicating the confirmation of sale in default of which the deposit of twenty-five per cent made by such auction purchaser shall be liable to be forfeited to the Board and the Board shall be entitled to resell the site and in such an event of resale, the defaulting auction purchaser shall be liable to make good any loss suffered by the Board on account of such resale.

(4) The Chairman may grant extension of time not exceeding ninety days for depositing the balance of the bid amount. Whenever the amount is paid during such extended period the auction purchaser shall also pay interest thereon at <sup>1</sup> [fifteen per cent] per annum and a penalty of rupees ten and failing such payment, the Board shall be entitled to forfeit the deposit made by

the auction purchaser and resell the site at the risk of the auction purchaser.

(5) The site which has been designed and auctioned as a unit shall not be allowed to be split up into two or more sites without obtaining the previous approval of the Board.

(6) As soon as the full amount of the purchase money is paid, the auction purchaser shall execute an agreement in Form 2 and thereafter he shall be put in possession of the site and a possession certificate issued to him.

(7) The auction purchaser shall be bound to comply with all the conditions in the agreement.

(8) The auction purchaser shall construct a building on the site as per plans and designs approved by the Board and in case the site is included within the limits of the City of Mysore Municipal Council, in accordance with the building bye-laws of the said council 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 Board may resume the site and resell it by public auction. Where any site is so resumed and resold, after defraying the expense of such resale, twenty-five per cent of the purchase money paid by the defaulting auction purchaser shall be forfeited to the Board, and the balance shall be paid to the said auction purchaser.

(9) The site shall be conveyed to the auction purchaser only after the building is constructed. The expenses on account of stamp duty, registration fees and any other incidental charges in respect of the conveyance shall be borne by the auction purchaser.

1. Substituted for the words "nine per cent" by GSR 37, dated 28-1-1976.

## **7. Decision of the Board :-**

The Board shall have the right to confirm or cancel any sale in auction without assigning any reason and when the sale is cancelled, the amount received from the auction purchaser as deposit shall be refunded to him.

## **8. 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.

**9. 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.

SCHEDULE 3  
SCHEDULE

SCHEDULE

Site No. Formed by the  
Mysore City  
Improvement

Board in Block Trust in  
the Extension:

Site bounded on:

East by:

West by:

North by:

South by:

East to West: North to  
South.

In token whereof the First Party has affixed his signature to this agreement on the day of.....19.....in the presence of the Witnesses who have affixed their signature to this Agreement.

Witness: Signature.

1.

2.