

**LOCAL SELF GOVERNMENT, URBAN DEVELOPMENT & HOUSING DEPARTMENT  
NOTIFICATION**

**Jaipur, May 31, 2012**

**No. F. 3(50) UDH/3/2012.**—In exercise of the powers conferred by clause (xi-a) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), section 54-B and 95 of the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), section 49 and 95 of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009), section 60 and 74 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) and section 71 and 337 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009), and all other powers enabling it in this behalf, the State Government hereby makes the following rules, and orders with reference to proviso to sub-section (2) of section 74 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) that the previous publication of these rules is

dispensed with as the State Government, in public interest, considers that they should be brought into force at once, namely:-

## CHAPTER 1

### Preliminary

**1. Short title, extent and commencement.**-(1) These rules may be called the Rajasthan Urban Areas (Permission for use of Agricultural Land for Non-agricultural Purposes and Allotment) Rules, 2012.

(2) They shall extent to the urban areas situated in the State of Rajasthan.

(3) They shall come into force at once.

**2. Definitions.** - (1) In these rules, unless the context otherwise requires,-

- (i) "Act" means the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009), the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) and the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) as the case may be;
- (ii) "Authorised Officer" means an officer specially authorised by the State Government, by notification to grant permission for using agricultural land for non-agricultural purposes in urban area;
- (iii) "Commercial purpose" means use of land or premises for the purpose of trade or commerce or business whether retail or wholesale, which shall include a shop, shopping complex, marriage hall, marriage garden, conference hall, bank, restaurant, hotel, depot, godown, printing press, auto service station, show-room, cinema, multiplex, explosive magazine, weigh bridge, workshop, dhaba (whether pucca or temporary structure) petrol pump and such other purposes or any other activity, notified by the State Government, from time to time, as commercial purpose and shall also include the use thereof partly for residential and partly for commercial purposes but shall not include tourism units;
- (iv) "Converted land" means land for which permission under section 90-A of the Rajasthan Land Revenue Act, 1956 is granted for use of agricultural land for non-agricultural purposes and placed at the disposal of a local authority ;
- (v) "External development works" means and includes road, water supply, sewerage and drainage system, electric supply or any other works which may have to be executed in the periphery of, or outside, a colony for its benefit;
- (vi) "Farm house" means any plot measuring 2500 sqm. or more being developed in ecological area / rural belt / periphery belt or any other zone of the master plan having built up area not more than 10% of the plot area or 500 sqm., whichever is less ;
- (vii) "Form" means a form appended to these rules;
- (viii) "Government" and "State" means the Government and State of Rajasthan;
- (ix) "Industrial area" means an area of land to be developed by any person, for setting up an industry or industries including essential welfare and supporting services within the industrial area e.g. residential colony for employees, entrepreneurs, staff of Industrial units. The facilities in the specified permissible facility area may include some of the facilities like recreational facilities, educational institutions, convenient shopping complex, Warehouse, Cold storage, Medical facilities, Bank, post office, Police Station, pollution control treatment plant, Electric Power Station, Water-supply and sewerage facilities, Fire-fighting Station, Weigh bridge, etc.;

- (x) "**Industrial purpose**" means the use of any premises or land for any industry whether a small or medium or large scale unit including information technology industry; and shall include a brick-kiln or kiln but shall not include use of any premises or land for the commercial purpose.
- (xi) "**Infrastructure projects**" means activity such as Power Projects, Telecommunication Project, Transport Project, Water Supply Project, Solid Waste Management Project, Sewerage Treatment Plants or any project as may be specified by the State Government from time to time;
- (xii) "**Institutional purpose**" means the use of any premises or an open area by any establishment, organization or association for the promotion of some object specially of general utility, charitable, educational or like nature, except public utility purpose;
- (xiii) "**Internal development works**" means roads, foot-paths, parks, playgrounds, water supply, sewers, drains, tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and silage water wherever is possible, or any other work in a colony necessary for its proper development, as may be specified by the State Government from time to time.
- (xiv) "**Lease**" means a lease-deed executed by the local authority for the allotment of the lease hold rights for a period of ninety nine years;
- (xv) "**Master Plan**" or "**Master Development Plan**" means any Master Plan or Master Development Plan including draft plan prepared for any urban area in accordance with the provisions of the Rajasthan Urban Improvement Act, 1959; the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009 and the Rajasthan Municipalities Act, 2009, as the case may be;
- (xvi) "**Medical facilities**" means and include clinics, dispensaries, hospitals, diagnostic centers, nursing-homes, Naturopathy/ Ayurvedic/ Unani/ Homeopathic hospitals;
- (xvii) "**Mixed Land Use**" means use of any land or premises for more than one purpose;
- (xviii) "**Multiplex**" means a building which contains one or more cinema halls, alongwith space for recreation and commercial activities;
- (xix) "**Public utility/amenities**" means dharamsala, place of religious worship, gaushala, public park, playground for school or college, hostel, nurseries, orchards, facility area, shamshan / kabristan, old age home, leprosy treatment center, naturopathy centers, pensioners rest house, night shelter, training centre for physically challenged or deaf and dumb persons, public water huts, public toilets, public libraries, etc. or any other place of public utilities excluding use of medical facilities;
- (xx) "**Premium**" means premium payable for allotment or regularisation of land under these rules;
- (xxi) "**Residential area/housing colony/township project**" means an area having residential plot/group houses/flats/groups of plots, etc. along-with other essential facilities/amenities, excluding hostels for students, working men or working women;
- (xxii) "**Scheme**" means any plan or scheme prepared for any urban area in accordance with the provisions of the Rajasthan Urban Improvement Act, 1959, the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009, the Rajasthan Municipalities Act, 2009 and the Rajasthan Housing Board Act, 1970;

(xxiii) "SEZ" means Special Economic Zone notified under the proviso to sub-section (4) of section 3 and sub-section (1) of section 4 of the Special Economic Zone Act, 2005 (Central Act No. 28 of 2005) and includes free trade and warehousing zone;

(xxiv) "Society" means a Housing Co-operative Society as per provisions of the Rajasthan Co-operative Societies Act, 2001 (Act No. 16 of 2002);

(xxv) "Tourism Unit" means a tourism project approved by the Department of Tourism, Government of India or by the Department of Tourism, Government of Rajasthan and shall include,-

- (a) a heritage hotel;
- (b) a motel which provides wayside facilities under one roof, such as accommodation, food, repair shop and the like;
- (c) a camping site with furnished tented accommodation, having at least fifty tents along with bathroom and toilet facilities;
- (d) a resort providing sports and recreational facilities, riding, swimming and social amenities with boarding and lodging arrangements ;
- (e) an amusement park providing various type of rides, games and amusement for children as well as for adults;
- (f) a safari park developed with the permission of the Forest Department;
- (g) an aerial ropeway established under the prevailing rules and regulations;
- (h) a health Spa, other medical health related activities such as yoga etc., Golf Academy, Golf Course or other sports related activity attached with units mentioned in sub-clause (a) to (f) above;
- (i) an art gallery, handicrafts market; and
- (j) any other related units declared as Tourism unit by the Department of Tourism, from time to time.

(xxvi) "Town Planner" means Chief Town Planner or Additional Chief Town Planner or Director, Town Planning or Senior Town Planner or Deputy Town Planner or Assistant Town Planner appointed by the State Government or the Local Authority, as the case may be.

(xxvii) "Urban assessment" means annual charges recoverable from the lessee or sub-lessee for the grant of lease hold rights; and

(xxviii) "Zonal or Sector Plan" means the sector or zones in which the urban area is divided for the purpose of development of such area, in the Master/Draft plan or Master/Draft Development plan or scheme or any plan, as the case may be.

(2) Words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Rajasthan Land Revenue Act, 1956, the Rajasthan Tenancy Act, 1955, the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009, the Rajasthan Urban Improvement Act, 1959, the Rajasthan Municipalities Act, 2009 and rules made there under.

## CHAPTER- II

### Permission for use of agricultural land for non-agricultural purposes and allotment of land

**3. Restrictions.**- (1) No permission under section 90-A of the Rajasthan Land Revenue Act, 1956 in respect of agricultural land situated in an urban area shall be granted in the following circumstances, namely:-

- (i) Desired non-agricultural purpose is not permissible in accordance with the law applicable in the area or is not in consonance with the master plan or any other development plan or scheme as amended, from time to time or modified on the direction issued under the Act by the State Government;

- (ii) Land is under acquisition under the provisions of the Land Acquisition Act, 1894 (Act No. 1 of 1894);
- (iii) Land falling within the limits of railway boundary, National Highway, State Highway or any other road maintained by the Central or State Government or any Local Authority as specified in any Act or Rules of the Central or State Government made in this behalf, or within the limit specified in the guidelines of the Indian Road Congress for establishment of industry from the middle point of National Highway / State Highway / Major District Road / Other District Road / Rural Roads, whichever is longer;
- (iv) Land within 200 mts. from the boundary of Historical Monuments and places of Archeological importance, Archaeological Monuments, Heritage Precincts and other restricted area declared by the Government;
- (v) Land falling within the prescribed distance on either side of the center line of the underground pipeline of oil companies;
- (vi) Land falling within the distance as notified from time to time by the Central or State Government regarding boundaries of oil storage depots, gas godowns, petrol pumps or any other explosive storage depots;
- (vii) Gair khatedari land;
- (viii) Land forming part of the forest area or notified as Forest Land under the provisions of the Rajasthan Forest Act, 1953 (Act No. 13 of 1953) or under any other law for the time being in force;
- (ix) Land within restricted area of the Wild Life Sanctuary and National Park under the provision of relevant law;
- (x) Land belongs to any Government department, or belongs to deity or social, religious, spiritual or charitable trust, or waqf or of part of any archeological, cultural, or historical importance site;

Provided that where any public trust registered under the Rajasthan Public Trusts Act, 1959 (Act No. 42 of 1959) or any registered charitable institution intends to use its agricultural land or holding or part thereof, for any non-agricultural purpose permission may be granted, if returns or proceeds received there from shall be used for the purposes of fulfillment of its aims and objectives;

- (xi) Land on which conversion or permission of allotment has been restricted by any order passed by the Court of competent jurisdiction;
- (xii) Land falling under the water bodies, or lakes, reservoirs, dam including the land falling under submergence and flow area of pond or river or nallah or lake, etc. or land being used as any cremation / burial ground;
- (xiii) Land for which proceedings under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976), the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Act. No. 11 of 1973) and the Rajasthan Land Reforms and Acquisition of Land Owners Estate Act, 1963 (Act No. 11 of 1964) are pending; and
- (xiv) Land falling within the category restricted by the Central Government or State Government.

(2) No permission shall be granted without prior approval of the State Government in the urban areas of Mount Abu, Jaisalmer, Nathdwara, or Pushkar, or any other area, as may be notified by the State Government, from time to time.

**4. Application for Permission.**-(1) Application for grant of permission under section 90-A of the Rajasthan Land Revenue Act, 1956 in respect of land situated in urban area shall be made to the Authorised Officer in Form-1 along with,-

- (i) an affidavit in Form-2;

- (ii) an indemnity bond in Form-3;
- (iii) a copy of receipt in proof of the payment of amount calculated at the rate of 10% of the premium prescribed by the notification under these rules;
- (iv) duly attested proof of the title of the land i.e. copy of jamabandi, copy of the trace of revenue map etc.;
- (v) Key Map, drawn in suitable scale (not less than 1:15,000) showing the site in relation to its location such as existing approach roads and other physical features around the site.;
- (vi) Survey Map/Total Station survey of the site including area within a minimum 200 meter periphery of the site. The Survey map will be drawn to a scale of 1:2,500 showing-
  - (a) Boundaries of the aforesaid land and the adjoining areas, showing therein the Khasra numbers or plot numbers, as the case may be;
  - (b) Existing structures, kachcha or pucca and use to which they are put;
  - (c) The details and salient features of existing and proposed roads shown in the master plan/ sector plan/road network plan;
  - (d) Approach roads up to the proposed site;
  - (e) High / Low tension electric lines and transformer;
  - (f) Oil/gas supply line;
  - (g) Other existing physical features such as nallahs, water bodies, well-electric lines, telephone lines, water supply and sewer line etc. and levels of the site with respect to the access roads and contours on an appropriate scale;
  - (h) The north direction and the scale.
- (vii) Layout Plan of the site shall indicate applicant's proposals on a scale of 1:500 showing the manner in which he intends to develop the land and shall include the following, as per the standards laid down in the rules and relevant Township Policy issued by the Government, namely:-
  - (a) reference to the various uses of land proposed in the scheme shall be indicated by clearly indicating the areas under Residential, Commercial, Parks and Open Spaces, Educational, Roads and Streets and other uses, and their percentages in relation to the total land area. The layout plan for single patta or plotted development, as the case may be, shall contain all dimensions in meter including the area calculation details in Form-4;
  - (b) super imposition of Khasra boundaries on the layout plan, part Sector Plan and part Master plan;
  - (c) reference to various sizes of plots as proposed in the scheme shall be made in the drawing. Area calculation details will be given in Form-4;
  - (d) reference to rights of way of roads as proposed in the scheme shall be made in the drawing.
  - (e) index of all notations used.
- (viii) In case applicant desires for single patta, he shall submit Site Plan of the land in lieu of Layout Plan as mentioned in clause (vii).

(2) Application under sub-rule (1) along with its enclosures shall be submitted in quadruplicate (one original set and three sets attested by the applicant himself).

(3) The amount deposited along with application under sub-rule (1) shall be refundable in case of rejection of application and otherwise adjustable against the premium to be deposited under these rules.

(4) All the plans and statements submitted along with the application shall be duly signed and authenticated by the applicant also.

(5) The applicant shall furnish such other relevant information as may be required by the Authorised Officer or as the State Government may direct.

(6) The applicant shall also submit the soft copy of the application along with all the forms/documents/statements.

(7) Application under this rule, if the applicant desires, may be submitted On-line in cases of such Local Authorities wherever the Authorized Officer concerned have appropriate arrangements for this purpose.

**5. Register of application.**- All applications received by the Authorised Officer under rule 4 shall be entered in a register maintained in Form-5.

**6. Scrutiny and enquiry of applications.** – (1) The Authorised Officer shall within five days of the receipt of the application, send one set of application to the Local Authority and one set of application to the Tehsildar for their consent, who shall communicate its consent/objection in Form-6 after due examination within fifteen days of the receipt of the application.

(2) If the Tehsildar has failed to communicate its consent/objection than after the lapse of period specified in sub-rule (1), such consent shall be deemed to be accorded.

(3) On receipt of set of application sent by the Authorised Officer, the Local Authority shall scrutinize and examine the application as per details given in Form-7 and ensure that the layout plan is in conformity with the master plan and sector plan of the area.

(4) The layout plan shall be scrutinized by the Local Authority within five days from the date of receipt of application with reference to provisions of the Rajasthan Urban Areas (Sub-Division, Reconstitution and Improvement of Plots) Rules 1975, building regulation or by laws of that Local Authority, norms and conditions provided under the Township policy, time being in force and other policies or directions issued by the State Government from time to time.

(5) After examination of the layout plan, details of the application and scrutiny under sub-rule (3), the consent/objection of the Local Authority shall be communicated, without waiting the final approval of layout plan, within fifteen days from the date of receipt of application to the Authorised Officer in Form-8.

(6) Within seven days of receipt of an application under rule 4, the Authorised Officer shall scrutinize it and verify or caused to be verified in Form-9 the contents and facts envisaged in the application and in other supporting documents, such as, –

- (a) khatedari rights and area of the land as per revenue record;
- (b) report of enquiry, if any, as to whether the land is under acquisition or not;
- (c) report on legal issues, if any, on the subject matter;
- (d) verification of the indemnity bond, and affidavit,
- (e) any other legal documents, which are found necessary and essential by the Authorised Officer.

(7) After the scrutiny under sub-rule (6) the Authorised Officer, without waiting the consent of the Tehsildar or the Local Authority, shall issue a public notice for seven days in Form-10 calling upon objections of any interested person. The notice shall be exhibited by the Authorised Officer on the notice board of his office and shall also be published in a State level newspaper on the cost of the applicant.

(8) If after scrutiny of documents and other details under sub-rule (6), the Authorised Officer is of the opinion that any additional relevant information on the subject matter required to be sought, he may require the applicant within a period of ten days from the receipt of the application to submit the same and the applicant shall be bound to submit such additional information within ten days, failing which the application may be disposed off ex-parte within the stipulated period under rule 7.

**7. Disposal of application.**- (1) Each application submitted under rule 4 shall be examined, and enquired by the Authorised Officer separately under rule 6. The Authorised Officer, considering all the facts including reports from the Tehsildar and the Local Authority

under rule 6, is of view that the desired non-agricultural purpose is permissible in accordance with the law applicable and in conformity with the Master Plan, may grant the permission applied for, otherwise refuse the permission. The application shall be disposed off by the Authorised Officer within forty five days from the date of its receipt. If the application is accepted by the Authorized Officer he may issue permission in Form-11. If the Authorised Officer fails to dispose off the application within the stipulated period of forty five days he shall record the reasons thereof.

(2) In case of rejection of application the Authorised Officer shall record the reasons in writing and shall, on demand, refund the amount deposited along with the application under rule 4.

(3) After grant of permission under sub-rule (1) a copy of the same shall be sent to, -

- (i) the concerned Tehsildar for mutation of the land in the revenue record in favour of the Local Authority. The Tehsildar shall sanction mutation and send a copy of the same to the Local Authority within seven days from the date of issuance of the permission. If the Tehsildar fails to sanction the mutation within the stipulated period it shall not affect the further proceedings of the Local Authority in the matter under these rules. A consolidated list of all such permissions shall be sent on 5<sup>th</sup> day of every month by the Authorised Officer to the Collector for monitoring and ensuring the compliance by the Tehsildar;
- (ii) the Local Authority for allotment of land for permitted non-agricultural use, and
- (iii) the person whose khatedari rights has been extinguished, by registered post.

(4) In case the Authorised Officer fails to pass an order within the period specified under sub-rule (1) he shall submit the file within three days to the Officer appointed by the State Government for this purpose, after recording reasons for delay, who shall extend the period for next fifteen days and shall also inform the applicant:

Provided that if the Authorised Officer has failed to pass the order in the above extended period, then the matter shall be referred again to the Officer appointed by the State Government for this purpose for further extension of period or passing appropriate order for the disposal of the matter. Information of such matters shall be sent by such officer to the State Government every month.

**8. Approval of Layout Plan.** - After grant of permission the applicant shall get the approval of the Local Authority on layout plan as per prevalent provisions of law.

**9. Premium and other charges.** - (1) The applicant shall pay such amount of premium as may be notified by the State Government, from time to time.

(2) Premium and urban assessment or lease rent under these rules shall be deposited by the applicant within ninety days of demand raised by the Local Authority concerned:

Provided that if the allottee fails to deposit the premium, urban assessment/ and other charges to the concerned Local Authority within ninety days of the demand raised by the Local Authority, the interest at the rate of fifteen percent per annum shall be charged after the expiry of above period.

Provided further that if the applicant fails to deposit the said amount, even after expiry of six months from the date of receipt of demand notice, the permission under these rules shall be deemed as cancelled.

**10. Exemption of premium etc.** - (1) No premium shall be payable by any department of State Government for permission to use agricultural land for non-agricultural purpose for any official use.

(2) The State Government shall have the powers to exempt premium or grant such concession on premium in such cases as may be notified by the State Government, from time to time.

**11. Allotment of land by Local Authority.** - (1) Local Authority after satisfying that the,-

- (i) permission under sub- rule (1) of rule 7 has been granted by Authorized Officer;
- (ii) payment of premium and urban assessment under these rules have been deposited;
- (iii) layout plan has been approved under prevalent provisions of law and other charges with regard to approval of layout plan as specified by the State Government from time to time has been deposited; and
- (iv) external development charges and internal development charges and other charges as may be fixed by the State Government or Local Authority from time to time, has been deposited,

shall pass the order to allot the land and issue the lease deed or single patta to the applicant within fifteen days of fulfillment of above conditions , as the case may be.

(2) The Local Authority shall issue lease deed subject to the directions of the State Government. The State Government may, from time to time, issue directions that in certain type of cases lease deed shall be executed with the prior approval of the State Government.

(3) Allotment of land shall be made in favour of person to whom permission is granted under sub-section (6) of section 90-A of the Rajasthan Land Revenue Act, 1956 or in favour of his successor, assignees or transferees.

### CHAPTER -III

#### Regularisation and allotment of land placed at the disposal of the Local Authority under sub-section (8) of section 90-A of the Rajasthan Land Revenue Act, 1956

**12. Application of Chapter III.**- Notwithstanding anything contained in Chapter II of these rules, provisions of this Chapter shall apply on the land on which rights and interest has been terminated under sub-section (8) of section 90-A of the Rajasthan Land Revenue Act, 1956.

**13. Termination of rights and interest.**- (1) Where all rights and interest of a person has become liable to be terminated under sub-section (8) of section 90-A of the Rajasthan Land Revenue Act, 1956, the Authorized Officer, on his own motion or on a reference made by the Local Authority shall serve a notice of seven days in Form-12 to the khatedar tenant.

(2) In addition to the above a public notice in Form-13 shall also be exhibited by the Authorised Officer for a period of seven days on the notice board of his office, calling upon objection of any other interested person or persons. A copy of notice shall also be published in at least one local newspaper. A copy of notice in Form-13 shall also be send to the Tehsildar of the tehsil for his concurrence. In absence of any communication from the Tehsildar , after lapse of fifteen days, it shall be deemed that the Tehsildar has no objection.

(3) After expiry of seven days from the service of notice, the Authorised Officer shall summarily examine the matter and if he thinks fit, may record a statement of any person who appears in pursuance to the notice issued under sub rule (1) or (2).

(4) The Authorised Officer may for the purpose of enquiry,-

- (i) call for any information or record from any officer or authority under the State Government or the Local Authority;
- (ii) examine and record statement of any interested person or any other person or officer under the State Government or the Local authority;
- (iii) inspect the land after due notice to the parties concerned; and
- (iv) direct the Local Authority to get survey of the land.

(5) The Authorised Officer shall,-

- (i) after considering the objection and representation received in writing in pursuance of notice issued under sub rule (1) or (2) has been issued;
- (ii) after examining the records produced before him; and

(iii) after careful consideration of all the relevant factors and evidence placed before him; pass an order for termination of rights and interest of such person in the said land and for vesting of the said land in the State Government.

(6) The proceedings shall be conducted summarily and shall be concluded within a period of fifteen days from the first date of the notice published under sub-rule (2).

(7) After issuing orders under sub-rule (5) a copy of the same shall be sent to:-

(i) the concerned Tehsildar for mutation of the land in the revenue record in favour of the concerned Local Authority of the fact that from the date of issuance of such order, said land shall be placed at the disposal of the concerned Local Authority.

The Tehsildar shall comply with the order and send a copy of mutation to the Local Authority concerned within seven days from the date of issuance of the order. A consolidated list of all such orders issued shall also be sent to the Collector on 5<sup>th</sup> day of every month for monitoring and ensuring compliance by the Tehsildar. If the Tehsildar fails to enter such mutation in the revenue record, it shall not affect the further proceedings by the Local Authority/Authorised Officer.

(ii) the Local Authority concerned for allotment of land/sanctioning of layout plan as per the permitted non-agricultural use; and

(iii) the person, by registered post, whose khatedari rights has been terminated.

**14. Restrictions on regularisation/allotment of land for non-agricultural purpose.**- (1) Restrictions specified under rule 3 shall also apply for allotment/regularisation of land under this Chapter:

Provided that allotment/regularisation under this Chapter shall not be affected in those cases which are allowed under the orders of the State Government issued, from time to time.

(2) Nothing in this Chapter shall apply to any land belonging to deity, Devasthan Department, any public trust or any religious or charitable institution or a wakf.

(3) No proceedings or orders under this Chapter shall be initiated or made in respect of lands for which proceedings under the provisions of Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976), the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Act No. 11 of 1973) and the Rajasthan Land Reforms and Acquisition of Land Owners Estate Act, 1963 (Act No. 11 of 1964) are pending.

**15. Regularisation and approval of layout plan.**- (1) From the date of order passed under sub-rule (5) of rule 13, the land shall be deemed to have been vest in the State Government free from all encumbrances and placed at the disposal of the Local Authority under section 102A of the Rajasthan Land Revenue Act, 1956.

(2) Subject to the provisions of rules, regulations or bye-laws made under the law applicable to that Local Authority, the said land or part thereof shall be available for allotment or regularization by the Local Authority for any permissible non-agricultural purposes.

(3) Allotment or regularisation of land so placed at the disposal of the Local Authority shall be made by Local Authority only after the approval of layout plan in accordance with the rules, regulations or bye-laws made under the law applicable to that Local Authority. If layout plan is not submitted, the Local Authority shall himself make arrangements for survey of the site and prepare the layout plan.

(4) The cases in which colonies developed before 17<sup>th</sup> June, 1999 with a minimum ten percent constructed area and with a maximum seventy percent saleable area shall be approved by the Local Authority subject to fulfillment of other norms, if any, as may be fixed by the State Government, from time to time:

Provided that the cases of such colonies having constructed area less than ten percent or saleable area of more than seventy percent shall be referred by the Local Authority with full justification to the State Government for appropriate direction.

(5) Not later than seven Days of the approval of layout plan, the Local Authority shall publish a public notice at least in two State level newspapers inviting applications from the persons entitled under sub-section (8) of section 90-A of the Rajasthan Land Revenue Act, 1956 for the allotment.

**16. Application for regularisation.**-(1) The land available for allotment or regularisation and for which layout plan has been approved shall be allotted or regularised to a person or persons having possession over such land or part thereof, as the case may be, on the basis of allotment made or Patta given by a Housing Cooperative Society or a Will or any other document purporting transfer of land to them either by the person whose rights and interests have been ordered to be terminated under sub-section (8) of the section 90-A of the Rajasthan Land Revenue Act, 1956 or by any other person claiming through such person. Application by such person for allotment or regularisation shall be submitted in Form-14 in triplicate (one original set and two sets attested by the applicant himself) along with affidavit in Form-15, indemnity bond in Form-16 and other documents in support of his application.

(2) Application under suo-rule (1) shall be submitted before the Local Authority within thirty days of issuance of public notice under sub-rule (5) of rule 15. The applicant shall attach with the application a copy of challan as a proof of deposit of premium:

Provided that if the applicant fails to submit application and deposit the amount of premium and other charges as may be fixed by the State Government from time to time, within the above stipulated period the interest at the rate of fifteen percent per annum shall be charged from the date of expiry of above period.

(3) The application shall be accompanied by a proof of the title of the land, sale deed, agreement to sale, power of attorney, Will or patta in original and attested copies of such document, for the satisfaction of the Local Authority that the land belongs to the applicant and in possession of applicant.

(4) The premium under this rule shall be payable on such rates as may be notified by the State Government from time to time.

(5) All the plans and statements submitted along with the application shall be duly signed and authenticated by the applicant also.

**17. Register of applications.**- All applications received by the Local Authority under rule 16 shall be entered in a register maintained in Form-17.

**18. Scrutiny and enquiry of applications.**-(1) On receipt of an application under rule 16, the Local Authority shall scrutinize it and verify or caused to be verified the contents and facts mentioned in the application and in other supporting documents, such as -

- (i) verification of the indemnity bond, affidavit;
- (ii) verification of sale deed/agreement to sale/power of attorney/Will/Patta etc.;
- (iii) proof of possession;
- (iv) verification of permissible land use; and
- (v) deposit of premium and other charges as may be fixed by the State Government.

(2) If after scrutiny of documents and other papers Local Authority is of the opinion that any additional relevant information is required, he may ask the applicant in writing within a period of fifteen days from the receipt of the application to submit the same and the applicant shall submit such additional information within fifteen days, failing which the application may be disposed off ex parte within fifteen days after the expiry of above period:

Provided that if the application is rejected due to non-submission of additional information as required, the applicant may submit new application along with interest and in that case the amount of premium deposited earlier shall be adjusted.

**19. Allotment/regularisation of land by Local Authority.**-(1) Local Authority after satisfying that the,-

- (i) tenancy rights on the land has been terminated under sub-rule (5) of rule 13 by Authorized Officer;
- (ii) payment of premium and urban assessment under these rules have been deposited;
- (iii) layout plan has been approved under relevant provisions of law applicable to that area and other charges with regard to approval of layout plan as specified by the State Government from time to time has been deposited; and
- (iv) external development charges and internal development charges and other charges as may be fixed by the State Government or Local Authority from time to time, has been deposited.

shall pass the order to regularise the land and issue lease deed or single patta for the land to the applicant or to his successor, assignees or transferees within fifteen days of fulfillment of above conditions, as the case may be.

(2) The Local Authority shall issue lease deed subject to the directions of the State Government. The State Government may, from time to time, issue directions that in certain type of case : lease deed shall be executed with the prior approval of the State Government.

(3) In case rejection of the application reasons shall be recorded for the same in writing by the Local Authority.

#### CHAPTER-IV

##### Miscellaneous

**20. Liability for Urban Assessment or Ground Rent.**-(1) Urban Assessment or ground rent shall be realized at the rate of two and half percent of residential price in case of land to be used for residential, educational, social and charitable institutions, medical clinics and nursing homes, Tourism unit, Multiplex unit and Auditorium purposes and five percent of residential price in case of land to be used for commercial and other purposes:

Provided that the allottee may, if he so desires, deposit one time urban assessment or ground rent which would be equal to eight times of full yearly urban assessment, including the year in which the payment is made. Such a payment would exempt the allottee or transferee from further liability of payment of urban assessment on the leased property.

**Explanation:** In this Chapter “residential price” means the price equal to four times of the premium prescribed for residential use of land.

(2) Forty percentage of the collected amount of urban assessment or ground rent may be retained by the Local Authority as a service charge for the collection and sixty percent amount shall be deposited with Government as Government receipts.

(3) The urban assessment or ground rent once fixed under these rules shall be liable to revision after every fifteen years and also at such transfer by sale or gift or otherwise and such increase shall at each stage be twenty five percent of the urban assessment or ground rent at the time of such revision or transfer, as the case may be.

**21. Deposit of premium and Urban Assessment.**- The amount of premium or urban assessment or interest shall be deposited under the relevant revenue receipt head of the State Government or Local Authority applicable and as specified by the state Government, from time to time.

**22. Lease Deed.**- Lease deed shall be in such form as may be specified by the State Government.

**23. Tenure of lease.**- The lease hold rights shall be for ninety nine years. The said period may be extended by the State Government on such terms and conditions and on deposit of such premium or urban assessment as may be specified by the State Government from time to time.