

श्री राय
मुख्य सचिव

S.N.Roy
Additional Chief Secretary



हरियाणा सरकार
Government of Haryana

Urban local Bodies Department
असं पत्र क्र०/D.O. No. SS/ACSULB/2021/35101
दिनांक/Dated 2/6/2021

Subject: Policy for transfer of Municipal Lands by charging Consideration.

Dear Sir,

As you are aware, the Government has notified a Policy in the name and style of 'Policy for transfer of Municipal Lands by charging Consideration' (copy of notification is attached to serve as a reference). This policy aims at bringing transparency and uniformity in the matters of disposal of Municipal Lands in so far as they are covered under the ambit of the said policy.

2. This policy, as its integral part, prescribes for the following (in order to determine the market value of the land in question):

"market price" means price of the landed property discovered through the mechanism established by the Government of Haryana in the Revenue Department, either specifically for the landed property or generally for the area in which the land in question fall.

3. Accordingly, may I take the opportunity of requesting you to cause the subject to be visited and, further, cause such a mechanism to be established/formulated and convey the same early enabling this department to facilitate the implementation of this policy? You may kindly note that, this being the initial point in the implementation, unless we have the said mechanism in place the policy cannot be implemented.

Yours sincerely,

(Signature)
(S.N.Roy)

Sh. Sanjeev Kaushal, IAS,
Additional Chief Secretary to Government Haryana &
Financial Commissioner, Revenue & Disaster Management,
Haryana

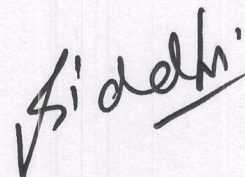
Room No. 506, 5th Floor, New Haryana Civil Secretariat, Sector-17, Chandigarh
Tel. No. : 0172-2714006

(1) Save as otherwise provided by or under this policy or, as the case may be,

Endst.No. Spec. Sr. Secy./ACSULB/2021/35101/2 Chandigarh dated the, 2/6/2021

A copy is forwarded to the following for information & necessary action.

1. Chief Principal Secretary to Chief Minister, Haryana.
2. Director, Urban Local Bodies Department, Haryana, Panchkula.



(S.N.Roy)

①

GOVERNMENT OF HARYANA
DEPARTMENT OF URBAN LOCAL BODIES
NOTIFICATION

No. 08/04/2021-ICI

Dated 01.06.2021

POLICY FOR TRANSFER OF MUNICIPAL LANDS BY CHARGING CONSIDERATION

(see the relevant portions of section: 164 of the Haryana Municipal Corporation Act, 1994 and section 62 A of the Haryana Municipal Act, 1973)

The Governor of Haryana is pleased to notify the following policy to be applicable on all Municipal Bodies within the State of Haryana with immediate effect:

1. Short title and commencement: -

- (1) This Policy may be called the 'Policy for transfer of Municipal Lands by charging consideration'.
- (2) It shall come into force on the date it is notified by the Government.

2. For the purposes of this Policy, unless the context requires it to be otherwise,

- (a) **"exchange"** means a process involving transfer of property by one person to another and reciprocally the transfer of property by that other to the first person involving a mutual transfer of ownership of one thing for the ownership of another;
- (b) **"Government"** means the Government of the State of Haryana in the Urban Local Bodies Department, save as otherwise provided by or under this Policy;
- (c) **"market price"** means price of the landed property discovered through the mechanism established by the Government of Haryana in the Revenue Department, either specifically for the landed property or generally for the area in which the land in question fall.
- (d) **"municipal body"** means any local body functioning under the administrative control of the Department of Urban Local Bodies, Haryana including Municipal Corporation, Municipal Council, Municipal Committee, etc;
- (e) **"transfer"** means to make over the possession/right in property, including its ownership, either absolutely or subject to certain conditions, against some consideration by one person to another;
- (f) **"transferee"** means 'private individuals or entities' in whose favour either the Municipal Land is proposed to be transferred or with whom the Municipal Land is proposed to be exchanged in terms of this policy.

3. Categories of properties/persons to whom this Policy apply and the manner in which it shall so apply:-

- (1) Save as otherwise provided by or under this Policy or, as the case may be, directed by the Government from time to time, this Policy shall apply to the following categories and in the manner as specified against them:-

- (i) **Where, due to exigencies or otherwise, no approach road is available to the land owned by private individuals or entities**

In such cases, where no approach road is available to land owned or, as the case may be, held on lease for a minimum period of 30 years or more, by private individuals or entities and it is possible to provide approach access through the land owned by the respective Municipal Body, the respective Municipal Body shall provide land for being utilized for the purposes of constructing approach road (rasta) against the consideration equal to the market rate of the said land which is proposed to be transferred:

provided that such transfer cannot be claimed as a matter of right and the decision of government, purely on the discretion of the Government, on all aspects related to the transfer including shall be final.

Note 1: Such road shall be constructed by the said owner being private individuals or entities at his own cost as per the specification provided by the respective Municipal Body within the timeframe specified by the respective Municipal Body.

Note 2: Such road shall be the property of the respective Municipal Body and shall remain a public street in nature with no hindrance of movement for public at large.

Note 3: Affidavit to the required effect, including the undertaking/No Objection Certificate from the owner in case of lease held land, shall be required to be submitted by the applicant for the rasta.

(ii) **Where, due to exigencies or otherwise, insufficient approach road/road width is available to the land owned by private individuals or entities**

In such cases where the land of Municipal Bodies is required by private individuals or entities to satisfy the lawfully prescribed requirement of any authority established by law and where insufficient approach width/wide road is available to land owned or, as the case may be, held on lease for a minimum period of 30 years or more, by private individuals or entities and it is possible to augment the width of the road satisfying the lawfully prescribed requirement of any authority established by law by incorporating whole or a part of the land owned by the respective Municipal Body, following options may be considered by the Government:

(a) **If by permitting the said land to be transferred to such individuals/entity, no public purpose stands to be compromised**

Such minimum land as is required to make the width of approach 'sufficient' to satisfy the lawfully prescribed requirement of any authority established by law shall be considered by the Government to be transferred to such individual/entity by charging the value of land at market rate at the location where the Municipal Land proposed to be transferred is situated:

provided that such transfer cannot be claimed as a matter of right and the decision of government on all aspects related to the transfer including as to whether 'public purpose stand to be compromised or not' shall be final.

Note 1: Such complete road (including the one falling within the land owned by the owner) shall be constructed by the said owner being private individuals or entities at his own cost as per the specification provided by the respective Municipal Body within the timeframe specified by the respective Municipal Body.

Note 2: Such complete road shall be the property of the respective Municipal Body and shall remain a public street in nature with no hindrance of movement for public at large.

Note 3: Affidavit to the required effect, including the undertaking/No Objection Certificate from the owner in case of lease held land, shall be required to be submitted by the applicant for the rasta.

(b) If by permitting the said land to be transferred to such individuals/entity, some public purpose stand to be compromised

(i) Such permission authorizing the transfer shall be purely discretionary in the hands of the Government and shall only be considered after protecting the purposes of the 'public purpose' in terms of this policy.

(ii) Subject to the provisions of this policy, such minimum land as is required to make the width of approach 'sufficient' to satisfy the lawfully prescribed requirement of any authority established by law shall be considered by the Government to be transferred to such individual/entity by charging the value of land at market rate at the location where the Municipal Land proposed to be transferred is situated:

provided that such transfer cannot be claimed as a matter of right and the decision of government on all aspects related to the transfer including as to whether 'public purpose stand to be compromised' shall be final.

Note 1: Such complete road (including the one falling within the land owned by the owner) shall be constructed by the said owner being private individuals or entities other than the respective Municipal Body at his own cost as per the specification provided by the respective Municipal Body within the timeframe specified by the respective Municipal Body.

Note 2: Such complete road shall be the property of the respective Municipal Body and shall remain a public street in nature with no hindrance of movement for public at large.

Note 3: Affidavit to the required effect, including the undertaking/No Objection Certificate from the owner in case of lease held land, shall be required to be submitted by the applicant for the rasta.

(iii) Such permission shall be subject to the condition that the owner being private individuals or entities seeking the transfer undertakes to make good the 'public purpose so compromised in the opinion of Government' to be compensated by way of creating requisite facilities up to the requirement/satisfaction expressed by way of a suitable scheme framed by the Commissioner/District Municipal Commissioner concerned at his own cost and put such approved scheme in place before the said land is transferred.

(iii) **Where, due to exigencies or otherwise, land owned by Municipal Body is embedded within land owned by private individuals or entities**

(a) **If the land(s) belonging to the Municipal Body sought to be transferred to such individuals/entity is embedded in the land owned by individuals/entity and, on such transfer, no public purpose stands to be compromised**

Such land shall be considered by the Government to be transferred to such individual/entity by charging the value of land at market rate at the location where the Municipal Land proposed to be transferred is situated:

provided that such transfer cannot be claimed as a matter of right and the decision of government on all aspects related to the transfer including as to whether 'public purpose stand to be compromised or not' shall be final.

(b) **If the land(s) belonging to the Municipal Body sought to be transferred to such individuals/entity is embedded in the land owned by individuals/entity and, on such transfer, some public purpose stand to be compromised**

(i) Such permission authorizing the transfer shall be purely discretionary in the hands of the Government and shall only be considered after protecting the purposes of the 'public purpose' in terms of this policy.

(ii) Subject to the provisions of this policy, such land shall be considered by the Government to be transferred to such individual/entity by charging the value of land at market rate at the location where the Municipal Land proposed to be transferred is situated:

provided that such transfer cannot be claimed as a matter of right and the decision of government on all aspects related to the transfer including as to whether 'public purpose stand to be compromised' shall be final.

(iii) Such permission shall be subject to the condition that the owner being private individuals or entities seeking the transfer undertakes to make good the 'public purpose so compromised in the opinion of Government' to be compensated by way of creating requisite facilities up to the requirement/satisfaction expressed by way of a suitable scheme framed by the Commissioner/District Municipal Commissioner concerned at his own cost and put such approved scheme in place before the said land is transferred.

(iv) **Where a necessity, not otherwise explicitly covered in this policy, is felt by the Government to consider transfer/exchange of Municipal Land to/with the land owned by private individuals or entities**

Owing to the assessment of the merit of individual proposal on case to case basis, the Government may, in its discretion, make an appropriate decision:

provided that when it is decided to transfer such any land, the reasons of making such decision shall be recorded in writing and the transfer shall be subject to such terms and conditions as deemed fit by the Government and such transfer can only

be made by charging value of land at market rate at the location where the Municipal Land proposed to be transferred is situated:

provided further that the decision so made by the Government in its discretion shall be final.

- (2). This policy shall not apply when land is proposed to be exchanged/transferred/purchased by the Municipal Bodies from any organ of the Government of the State of Haryana or any organ of Central Government/Government of any other State/Union Territory Government or any organization wholly or substantially owned or controlled by the Central Government/any State (including State of Haryana)/Union Territory Government.

4. Other Terms and Conditions:

- i. Transfer of land in terms of this policy shall be subject to the provisions of Haryana Municipal Corporation Act, 1994 or, as the case may be, Haryana Municipal Act, 1973 and Rules/Bye-Laws made there-under.
- ii. Any transfer of land in terms of this policy shall not be construed to have provided any person or property immunity from the applicability of any other law/Act/Rules in force.
- iii. The entire cost of registration deed/conveyance deed, etc. and all expenditure incidentals to it shall be borne by the transferee and Municipal Body shall not bear any expense on these counts. The registration deed/conveyance deed shall be executed by the authority of Municipal Body competent to do so only after entire consideration has been realized by the respective Municipal Body in terms of this policy.
- iv. It shall be the responsibility of the transferee to get the concerned revenue/other record updated very promptly once the transaction of transfer in terms of this policy is complete.
- v. The decision of Government in terms of this policy shall have a validity of 6 months. If the entire transaction does not fructify within the said 6 months, further process can only be undertaken after the proposal is revalidated by the Government, either as such or with further modification, if any. The revalidation shall also have a currency of 6 months and thereafter the approval shall lapse and money deposited, if any, by the transferee shall forfeit to the respective Municipal Body.

5. Proceeds how to be applied:

All proceeds in terms of cost of land or otherwise realized by the respective Municipal Body in terms of this policy shall be credited and kept, by observing the standards of prudent mechanism of investment, in a separate account maintained by the respective Municipal Body and shall, with the prior approval of Government, be applied only for the purposes of acquiring/purchasing land assets for the purposes of strengthening Municipal Infrastructure.

5. Relaxations

The Government may, if it deems fit so to do, accord relaxation(s) in the provision(s) of this policy, either generally or targeted to any class or category of persons or properties.

6. Interpretation, clarification and removal of doubts

If, at any stage of implementation of this policy or otherwise, any doubt is raised or encountered about the interpretation of any provision(s) of this policy or about the procedure required to be followed in giving effect to the letter and spirit of this policy, then the matter shall be referred to the Government and the decision of the Government about such interpretation/doubt/procedure to be followed shall be final and binding on all concerned and shall be reckoned as a clarificatory part of this policy.

2. The Governor of Haryana is further pleased to direct that the provisions of this policy be implemented/given effect to all the concerned in earnest with immediate effect.

Chandigarh dated the,
01.06.2021

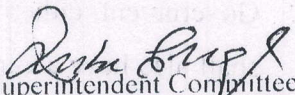
S.N.Roy
Additional Chief Secretary to Government Haryana,
Local Bodies Department.

Endst. 08/04/2021-1CI

Dated : 01.06.2021

A copy of the above is forwarded to the following for information and necessary action please:-

1. Secretary to Governor, Haryana;
2. Chief Secretary to Government of Haryana, Chandigarh;
3. All the Administrative Secretaries to Government Haryana;
4. Director General of Police, Haryana, Panchkula;
5. Director General, Urban Local Bodies Department, Haryana, Panchkula;
6. All the Divisional Commissioners in the State;
7. All the Heads of Departments in Haryana;
8. All the Deputy Commissioners in Haryana;
9. All the Commissioners, Municipal Corporations in Haryana;
10. All the District Municipal Commissioners in Haryana;
11. All the Executive Officers/ Secretaries, Municipal Councils/ Municipal Committees in Haryana;
12. Secretary to Government Haryana, Secretariat Establishment;
13. Private Secretary to Hon'ble Speaker, Haryana Vidhan Sabha.

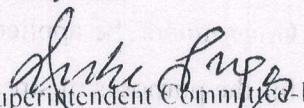

Superintendent Committee-I
For Additional Chief Secretary to Government of Haryana,
Urban Local Bodies Department.

Endst. No. 08/04/2021-1CI

Dated : 01.06.2021

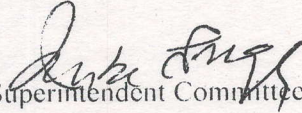
A copy of the above is forwarded to the following for information and necessary action please:-

1. Private Secretary to Urban Local Bodies Minister;
2. Chief Principal Secretary to Chief Minister Haryana;
3. Principal Secretary to Chief Minister Haryana;
4. Additional Principal Secretary to Chief Minister Haryana;


Superintendent Committee-I
For Additional Chief Secretary to Government of Haryana,
Urban Local Bodies Department.

A copy of the above is forwarded to the following for information and necessary action please:-

1. All the Mayors of the Municipal Corporations in Haryana;
2. All the Presidents of the Municipal Councils/Municipal Committees in Haryana.


Superintendent Committee-I

For Additional Chief Secretary to Government of Haryana,
Urban Local Bodies Department.

58223—C.S.—H.G.P., Chd. 2M61