

CHANDIGARH MILK COLONY ALLOTMENT OF SITES RULES, 1975

*Chandigarh Milk Colony Allotment of Sites Rules, 1975 NOTIFICATION Dated 6th December, 1975 No. Whereas a number of persons are unauthorisedly keeping milch cattle and carrying on the business of dairying And thereby creating insanitary and unhygienic conditions. And whereas the land unlawfully occupied by such dairymen is required for purposes committed in the Master Plan ; Now, therefore, in order to help in the resettlement of such dairymen and in the interest of sanitation and hygiene, the Chief Commissioner, Chandigarh. in exercise of the powers conferred by Section of the Capital Of Punjab (Development and Regulation) Act, 1952, is pleased to make the following rules:- 1. Short title. - These rules may be called the Chandigarh Milk Colony Allotment of Sites Rules, 1975- 2. They shall come into force from the date of publication in the official Gazette, 3. The Chandigarh Administration may demise sites at Sub-Urban Sector 2, near village Dhanas on lease for 30 years. Such lease may be given by allotment or otherwise in accordance With these rules

4. Commencement and period of lease.- The lease shall commence from the date of allotment and shall be for a period of 30 years. After the expiry Of the said period of 30 years the lease may be renewed for such further period and on such terms and conditions as the Government may decide

5. The lessee shall furnish his complete and correct address to the [Deputy Chief Administrator] and shall intimate in writing any change in such address

6. Persons eligible for Allotment.- (i) A person shall be eligible for allotment under this scheme if he has been keeping milch cattle in Chandigarh for at least one year immediately prior to the coming into force of this scheme and has been selling milk to the general public ; and (ii) has at least five heads of cattle at the time of making an application for the allotment of site ; or (iii) he is lessee of the Government in Milk Colony at village Dhanas on the date of the coming into force of these rules

7. Procedure of Allotment.- (i) In case of allotment Of site the intended lessee shall make an application to the [Deputy Chief Administrator] in form "A" together with an affidavit attested by Oath Commissioner or Magistrate-1st Class affirming all facts which make him eligible for Allotment of a site. (2) No application under sub-rule (1) shall be valid unless it is accompanied by 10 percent of the premium as earnest money either in cash or by demand draft drawn on any scheduled bank situated in Chandigarh in favour of [Deputy Chief Administrator], Chandigarh (hereinafter referred to the prescribed mode of payment). (3) When 10 per cent of the premium has been so tendered the [Deputy Chief Administrator] shall, subject to such directions as may be issued by the * See Chandigarh Administration Gaz. (Extra) dated 6.12.1975 at page 375 - 38 i I. Substituted by Chandigarh Administration Gaz. Extra) dated 6-7-1977 at page 234 Chandigarh Milk Colony Allotment of Sites Rules, 1975 221 I. The lessee shall pay premium at Rs. 32 per square yard per annum for the manure pit in addition to premium of the site. The lessor accepts and reserves into himself all mines, minerals, coals, gold- washing, earth oils and quarries in or under the plot and full right and power at all times to do all acts and things which may be necessary or expedient for the purpose of searching for, working obtaining, removing and enjoying the same without providing or leaving any vertical support for the surface of the plot or for any building for the time being standing thereon provided always that the Lessor shall make reasonable compensation to the Lessee for all damage directly occasioned by the exercise of the rights hereby reserved or any of them- 11. The Lessee for himself, heirs executors, and administrators and assigns covenants with the lessor in the manner following that is to say : (I) The Lessee shall pay without demand and unto the Lessor the yearly rent hereby reserved along with premium for manure pit within the time hereinbefore appointed and in the manner laid down in the Chandigarh Milk Colony Allotment of Sites on Lease Hold Basis Rules, 1975. (2) The Lessee shall not deviate in any manner from the layout plan nor alter the size of the plot whether by sub-division, amalgamation or otherwise. (3) The Lessee shall, within a period of one year from the date of issue of allotment letter erect upon the plot in accordance with the plans supplied by the Chief Administrator and complete in a substantial and workman-like manner residence-cum-cattle shed buildings with the requisite and proper walls, sewers and drains and other conveniences in accordance with the sanctioned building plan and to the satisfaction of the [Deputy Chief Administrator]. (4) (a) The Lessee shall not transfer or assign his rights in site or the building except by way of mortgage to the

bank, as stated under rule 16 of the Chandigarh Milk Colony Allotment of Sites Rules, 1975 without the prior consent of the [Deputy Chief Administrator]. Such permission shall not be given until the Lessee has paid full premium and rent due under the Lease for the site unless in the opinion of the [Deputy Chief Administrator] exceptional circumstances exist for the grant of such permission and the proposed transferee undertakes to pay the balance of the premium and the rent in respect of this lease : Provided that in the event of the consent being given the Lessor shall be entitled to claim and recover 50 per cent of the unearned increase in the value i. e. the difference between the premium paid and the market value of the site at the time of transfer or assignment and the decision of the Lessor in respect of the market value shall, subject to the Chandigarh Milk Colony Allotment of Sites Rules, 1975, be final and binding. (b) Notwithstanding anything contained in sub-clause (a) above the Lessee may, with the previous consent in writing of the [Deputy Chief Administrator] mortgage or charge the superstructure on the plot in favour of the Central Government, State Governments, Chandigarh Life Insurance Corporation of India or any Scheduled Bank for securing a loan to be advanced by them for constructing the building on the plot ; Provided that, in the event of the sale or foreclosure of the mortgaged or charged property the Lessor shall be entitled to claim and recover fifty per cent of the unearned increase in the value of the plot as aforesaid and the amount of the Lessor's share of the said unearned increase shall be a first charge having priority over the said mortgage or charge. The decision of the Lessor in respect of the market value of the said plot shall be final and binding on all parties concerned • 1. Substituted by Chandigarh Administration Gaz. (Extra) dated 6-7-1971 at page 254 222 Chandigarh Milk Colony Allotment of Sites Rules, 1975 Provided further that the Lessor shall have the preemptive right to purchase the mortgaged or charged property after deducting fifty per cent of the unearned increase as aforesaid. (5) The lessor's right to the recovery of fifty per cent of unearned increase and the pre-emptive right to purchase the property. as mentioned hereinbefore shall apply equally to an involuntary sale Or transfer whether it be by or through an executing or Insolvency court- (6) Whenever the title of the Lessee in the plot is transferred in any manner whatsoever the transferee shall be bound by all the covenants and conditions contained herein and be answerable in all respects therefor. (7) Whenever the title of the Lessee in the plot is transferred in any manner whatsoever the transferor and the transferee shall, within three months of the transfer, give notice of such transfer in writing to the Lessor- In the event of the death of the Lessee, the person on whom the title of the deceased devolves shall, within three months of the devolution, give notice of such devolution to the Lessor. The transferee or the person on whom the title devolves, as the case may be, shall supply the Lessor certified copies of the document(s) evidencing the transfer or devolution. (8) Every Lessee shall keep and maintain one manure pit of the size and design approved by the Chief Administrator wherein he shall dump cow dung and other refuse of his trade, (9) The transferee shall not transfer the premises or enter into partnership in the business on the site. (10) The Lessee shall from time to time and at all times pay and discharge all rates, taxes, charges and assessments of every description which may at any time hereafter during the continuance of these Leases be assessed, charged or imposed upon the plot hereby demised or any buildings to be erected thereupon or on the land lord or tenant in respect thereof. () All arrears of rent and other payments due in respect of the plot thereby demised shall be recoverable in the same manner as arrears of land revenue. (12) The Lessee shall in all respects comply with and be bound by the Capital of Punjab (Development and Regulation) Act, 1952 as amended from time to time and the rules made thereunder. (13) The Lessee shall not without sanction or permission in writing of the proper authority erect any building or make any alteration or addition to such building on the plot. (14) The lessee shall not without the written consent of the Lessor carry on, or permit to be carried on the plot or in any building thereon any trade or business, whatsoever or use the same or permit the same to be used for any purpose other than that mentioned in this lease deed or do or suffer to be done therein anything whatsoever which in the opinion of the Lessor may be a nuisance, annoyance, or disturbance to the Lessor and persons living in the neighbourhood. (15) The Lessee shall at all reasonable time grant access to the plot to the [Deputy Chief Administrator] for being satisfied that the covenants and conditions contained herein have been and are being complied with. (16) The Lessee shall on the determination of this lease peaceably yield up the said plot in the same condition as the plot was at the commencement of this lease

1. Substituted by Chandigarh Administration Gaz. (Extra) dated 6-7-1977 at page 254