

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Urban Land (Ceiling & Regulation) Act, 76 - (Grant of Exemption to vacant lands held by Public Charitable or religious trusts (including Wakfs) and other institutions mentioned in section 19(3) of (iv) to (vii) proposed to be alienated - guidelines for processing and the exemption applications under section 20(1)(a) of the Act orders - issued.)

REVENUE (UC) DEPARTMENT

G. O. MS No. 917.

Dated: 12.9.89.
Read the following:-

1. Govt. Memo. No. 1041/G/76-3, dt. 25.3.76.
2. Govt. Memo. No. 2784/UC/76-2, dt. 1.9.76
3. Govt. Memo. No. 683/UC/76-1, dt. 19.10.76.

ORDER:

Under section 19(1) of the Urban Land (Ceiling and Regulation) Act, 76 (Central Act 33 of 1976) certain instructions are exempted from the purview of Chapter -III of the said Act subject to the provisions of sub-section (2) of Sec. 19 of the said Act. The lands held by the institutions mentioned in clause (i) (ii) and (iii) of the sub-section (i) of section 19 of the said Act are exempted unconditionally, viz., lands held by State and Central Governments, Corporations established under Central or provisional or State Act or Government Companies, Defence institutions and Ranks as specified in the explanation to clause (iii) of sub-section (i) of section 19 of the said Act.

However the lands held by the institutions mentioned in clause (iv) to (x) of sub-section (i) of section 19 are exempt from the purview of Chapter - III of the said Act subject to the conditions specified therein. The main condition imposed for these institutions in clause (iv) (vi) and (vii) exempt those mentioned in clause (v), is that the land should be used only for the purpose of the institutions. The moment the land held by those institutions is intended to be alienated for some reasons or other, then the exemption available under section 19(1) of the Act by implication ceases. In respect of the institutions in clause No. (v) referred to above i.e., co-operative housing societies the alienation of the land held by them does not disqualify them for the exemption they are

entitled to under the said section, because their main objectives is to allot lands to their members.

In case of the public charitable or religious trusts (including wakf), so long as such land held by them continues to be required and used for such purposes by such trust, than the exemption available under section 19(1) holds good. The Government of India, Ministry of Works and Housing in their Ar.No. 2/10/77-Uc dt. 26.2.1977, however clarified that if the trust wants to transfer its vacant land for any other purpose the land is obviously no longer, required and used for the purpose of the trust. Therefore the trust should comply with section 26 and section 27 (as the case may be) and also the provision of Chapter - III of the said Act.

In respect of the educational, cultural, technical or scientific or club on application by them the State Government would after taking into consideration the bonafide requirements of the institution or club, would approve the institution by a general or special order for the purpose of exemption from the provisions of Chapter - III of the said Act. Then only it is entitled for the exemption mentioned in section 19(1) of the Act. Similarly, societies registered under societies registration Act 1860 or under any corresponding law for the time being in force also must satisfy the condition that the land held by them is being used for non profit and non commercial purposes, to claim the exemption available under the said section. The moment these institutions intend to alienate any land held by them, it must be construed that it is no longer required for their use and the said exemption ceases to the extent of that portion of that land. They have to seek exemption under section 20(1) of the said Act for the said land or portion of the land like any other excess land holder.

The Government after careful examination of the issue in question hereby rescind the order issued in the references cited and decided to consider exemptions: in public interest with certain conditions in favour of these institutions (if there so desire and under section 20(1) (a) of the Act in consultation with the Commissioner of Land Reforms and Urban Land Ceilings, Hyderabad, when they intend to alienate the land held by them, subject to satisfying the following.

(A) In respect of the public charitable and religious trusts (including wakf) that the public charitable and religious trust (including wakf) must obtain prior permission of the Commissioner, (endowments) or wakf board of the Government (as the case may be) who will accord permission for alienating such lands according to the Act or rules applicable to them taking into the interests of the institutions and the public.

(B) In respect of the institutions mentioned in clause(vi) & (vii) of the section:

- i) that they must prove to the satisfaction of the Government that such alienation is invaluable.
- ii) that the funds so raised are for the benefit of the institution do fulfil its objects and
- iii) that it is not for commercial or profit purpose.

The Special Officer and Competent Authority, the Commissioner of Land Reforms and Urban Land Ceiling, Hyderabad and all other authorities concerned are requested to process the applications of these institutions under section 20(1) of the Acts accordingly.

(By Order and in the name of the Government of Andhra Pradesh)

K. S. R. MURTHY
PRINCIPAL SECRETARY TO GOVERNMENT.

To,
The Special Officer & Competent Authority ULC,
Hyderabad/Vijaywada/Vishakapatnam/Guntur/ & Warangal.

Copy to : The Commissioner of Land Reforms & Urban Land Ceilings A. P.
Hyderabad.

Etc:

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Asst. Secretary.