

26. The Transfer of Property in Cantonments (Form of notice and manner of giving such notice) Rules, 1985

S.R.O. 157 dt. the 20/6/1985—Whereas a draft of certain rules relating to transfer of property in Cantonments (Form of Notice and manner of giving such Notice) was published as required by section 280 of the Cantonments Act, 1924 (2 of 1924), with the notification of the Government of India in the Ministry of Defence, No. SRO 164 dated the 4th July, 1984, in the Gazette of India, Part-II, section 4, dated the 4th August, 1984, inviting objections and suggestions from all the person likely to be affected thereby till the expiry of a period of sixty days from the date of publication of the said notification ;

And whereas all the objections and Suggestions received have been duly considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by section 280 of the said Act, the Central Government hereby makes the following rules relating to transfer of property in Cantonments (Form of Notice and manner of giving such Notice)—

1. Title and Commencement— (1) These rules may be called the Transfer of Property in Cantonments (Form of Notice and manner of giving such Notice) Rules, 1985.

(2) They shall come into force on the date of publication in the official gazette.

2. Definitions—In these rules, unless there is anything repugnant in the subject or Context—

(a) Act means, the Cantonments Act, 1924 (2 of 1994);

(b) 'Form' means, the forms annexed to these rules.

3. Notice of Transfer of Title—(1) The notice regarding transfer of title required to be given under sub-section (1) of section 73 of the Act shall be either in the Form 'A' or Form 'B', as the case may be, and such notice required to be given under sub-section (2) of the section 73 shall be in Form 'C'. The Notice shall state clearly and correctly of the particulars required by the said form.

(2) On receipt of any such notice, the Executive Officer may, if he thinks it necessary, require the production of an instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1908, or, in case of transfer of the title of a deceased person any other document constituting evidence of such transfer.

4. Taxes to be paid up-to-date—No such notice shall be deemed to be validly given unless all the taxes relating to that property due at the date of the notice in respect of the premises to which it relates have been paid in full.

5. Saving— The transfer affected in assessment list maintained by the Cantonment Board shall not confer more rights than those available under section 73 of the Act.

6. Manner of service of the Notice—(1) Every notice given under these rules shall be given or presented—

- (a) by giving or tendering the notice to the Executive Officer or his authorised servant of the Board;
- (b) by registered post with acknowledgement due addressed to the Executive Officer.

(2) When any such notice is given or tendered to the Executive Officer, or his authorised servant of the Board the person concerned may obtain acknowledgement of the receipt of the same in such form as prescribed by the Executive Officer.



