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GOVERNMENT OF PONDICHERRY

HEALTH, ELECTRICITY AND WORKS DEPARTMENT

[G.O. Ms. No. 45/81-HEW(HW), dated 13th March 1981]

THE PONDICHERRY HOUSE-SITES/HOUSES ALLOTMENT (UNDER THE SCHEME OF PROVISION OF HOUSE-SITES/HOUSES TO SCHEDULED CASTES) RULES, 1981.

1. Short title, extent and commencement.— (1) These rules may be called the Pondicherry House-sites/Houses Allotment (Under the Scheme of provision of house-sites/houses to scheduled castes) Rules, 1981.

(2) They shall extend to the entire Union territory of Pondicherry.

(3) They shall come into force at once.

2. Definitions.— In these rules unless the context otherwise requires—

(a) "Director" means the Director of the Department for the Welfare of Scheduled Castes, Pondicherry.

(b) "Family" in relation to a person means such person and if married the wife or husband as the case may be and the dependent children and grand children of such person.

(c) "Form" means a form appended to these rules.

(d) "Government" means the Administrator of Pondicherry appointed by the President under article 239 of the Constitution.

(e) "Homeless person" means a person who own no house o house-site or who holds a total extent of less than 2 cents which is unfit for erecting a homestead.

Explanation: In the case of joint family holdings, the share of each member should be ascertained to decide whether or not the person is a landless person within the meaning of the above definition.

(f) "Scheduled castes" means the scheduled castes in relation to the Union territory of Pondicherry as specified in the Constitition (Pondicherry) Scheduled Castes Order, 1964.

3. Persons elgible for grant of house-sites/houses.— Plots either acquired by Government or houses constructed by the Government may be allotted free of cost for housing purposes to a person-

(i) who is a citizen of India and a native or a permanent resident by virtue of continuous residence of not less than 3 years in the Union territory of Pondicherry and who has attained the age of eighteen.

(ii) who is a scheduled caste.

(iii) who is a homeless person and no member of whose family owns a house or house-site.

(iv) in the case of house-sites, who has a *bona fide* intention to construct a house in the plot if allotted,

4 Non-scheduled castes also to be considered.— Notwithstanding anything contained in clause (ii) of rule 3 house-sites/houses not exceeding twenty per cent of the total number of plots/houses available for distribution in a particular village may be granted to persons belonging to other castes also, to avoid segregation subject to other restrictions and conditions in these rules.

5. Extent of house-sites to be allottedt.— The size of the house-site to be allotted to each homeless person shall normally be three cents. However, the size may vary in the case of urban areas according to lay out plan of the area distributed as house-sites.

6. Form of application/Register of applications.— (i) An application for allotment for house-sites/houses shall be made in Form-I.

(ii) Every application for house/house-site received in the Department for the Welfare of Scheduled Castes shall be registered in and watched through the register of applications in Form-II till, a final decision is taken thereon.

7. Mode of selection of beneficiaries.— (i) The question whether a particular individual is eligible for assistance under the scheme will be decided in the first instance by the Director.

(ii) A Committee (hereinafter called Selection Committee) shall be constituted by the Government for the selection of beneficiaries under these rules.

(iii) After such enquiries as deemed fit by the Director, the applications for allotment of house-sites/houses in a particular area where plots/houses are available for distribution together with enquiry reports in respect of these applcations shall be placed before he Selection Committee.

(iv) The Selection Committee after considering all the applications and enquiry report, etc. placed before tit, shall record its recommendations which will be forwarded to the Government by the Director for the Welfare of Scheduled Castes for approval.

(v) After obtaining the approval of the Government, the Director for the Welfare of Scheduled Castes shall issue house-site/house patta in Form-III to each beneficiary.

(vi) Every allotment made under these rules shall be recorded in the register of houses/house-sites granted which shall be in Form-IV.

8. Beneficiary to give written undertaking.— (i) The beneficiary should give—

(a) in the case of allotment of house-site a written undertaking that he will construct a house in the site allotted to him within a period of two years or such reasonable time as may be given by the Government; and

(b) in the case of allotment of house a written undertaking that he will occupy the house within two months of the allotment, that he will not let the whole or portion of the house and that he will keep the house in good repairs.

(ii) Every beneficiary shall agree to the inspection of house to be constructed/allotted by the Director for the Welfare of Scheduled Castes or his representative or any other officer authorised by the Government.

9. Title heritable but not alienable.— The title over the house-site/house allotted shall be heritable but not alienable or be encumbered for 10 years from the date of handing over possession:

Provided that in the case of house-site it may be hypothecated to Government for the purpose of securing a loan or to a Co-operative Society or to a scheduled bank for affording credit for the construction of a house.

10. Taxes and rates to be paid by allottee.— Land assessment, house-tax, general taxes, local rates, and if any, in respect of the plot/house allotted shall be paid by the allottee.

11. Cancellation of assignment and right of re-entry.- (i) Any assignment made under these rules shall be revoked and the site, house, etc., resumed by the Department for Welfare of Scheduled Castes if it has been obtained by making false or fraudulent representation, or in the case of house-site where the allottee fails to construct the house within the stipulated time according to undertaking given as per rules-8 (1) (a) and (2) or if the plot/house is misused by the allottee:

Provided that no such recovation shall be made without giving the allottee an opportunity of being heard:

Provided further that in the event of revocation of assignment the beneficiary shall not be entitled to compensation for any improvement that he might have made in the site/house.

(ii) The right of re-entry, whether under the provision of the order, assignment or those of any subsidiary agreement or any provision of these rules should be enforced only after satisfying the condition stipulated in the first proviso to sub-rule (i) above and after obtaining orders of the Government.

(iii) On revocation of assignment made under sub-rule (i) the assignment will cease to be in lawful possession of the site/house and will be liable to be evicted under the law for time being in force for eviction of unauthorised occupation in public premises.

12. Treatment of unauthorised occupation.— If any portion of the site acquired on house constructed by the Department for the Welfare of Scheduled Castes is unauthorisedly occupied by any person including a person in whose favour an alienation of house/house-site allotment is made in contravention of rule 9, the allotment made in his favour will be cancelled and the provisions of the Public Premises Eviction Act, should be applied. The site/house thus made vacant shall be allotted again in accordance with these rules.

13. Repeal.— These rules supersede all the previous rules issued on the subject.

PRADEEP SINGH,
Secretary to Government.

FORM — I

APPLICATION FOR HOUSE-SITE/HOUSES.

Commune : Village :

1. Name of applicant :
2. Age :
3. Name of father/husband :
4. Community :
5. Occupation (Mention if applicant or any member of the family employed in Government or in private) :
6. Total income (Income from land, house and occupation) :
7. Permanent address :
8. Give details of house or house-sites, if any, possessed by self or any member of the family :
9. Give details of dry land, wet land, if any, owned by the applicant or any member of his family :
10. Applicant married or not : (Give details of adults and children in applicant's family).

Name,	Male/Female,	Relationship to applicant,	Age,	Married children or not.
(1)	(2)	(3)	(4)	(5)

11. If any member of applicant's family applied for house-site/ house give details with relation.

12. To whom the house-site/house where he resides at present belongs :

13. If any other member of family living with the applicant in the above said house-site/ house name and relation :

14. Any other details :

CERTIFICATE

I hereby certify that the facts given above are true and correct to the best of my knowledge and hereby abide to the decision of the Government, if anything is proved to be false on enquiry.

Signature of applicant/Left hand thumb-impression of applicant.

CERTIFICATE

(To be issued by Tahsildar or Deputy Tahsildar)

I certify that . . . . . .

1. This applicant belongs to scheduled caste. His sub-caste is

2. This applicant does not belong to scheduled caste.

3. His annual income from all sources is Rs.

4. He is owning . . . . . acre of dry land . . . . acre of wet land.

5. He is not owning any land.

6. He is owning house-site of an extent of . . . . . at . . . . . village in . . . . . He does not own any house-site.

Place :
Date :

Signature :
Name :
Designation :

FORM — II.

[*See* rule 6 (ii)]

REGISTER OF APPLICATIONS FOR HOUSE/HOUSE-SITE.

Taluk/Sub-Taluk : Commune : Village :

Sl. No.	Date of receipt of application	Name of the applicant.	Father's/ Husband's name	Date on which application referred to Revenue Department	Date of return of application from Revenue Department	Caste & religion of the applicant	His annual income from all sources	Whether native or permanent resident of this Union territory.	No. of members in the family (including self)	Placed before the selection committee on	Whetyer selected or not
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

FORM III

[*See* rule 7 (vi)]

FORM OF ASSIGNMENT OF HOUSE/HOUS-SITE

Assignment made under rule 7 (vi) of the Pondicherry House-sites/Houses Allotment (Under the Scheme of provision of house-sites/houses to scheduled castes) Rules, 1981.

This order order of assignment made this day..... .. .. of one thousand n ne hundered and ..... by the Director, Department for the Welfare of Scheduled Castes (which expression shall include his successors in office and assigns) for and on behalf of the President of India in favour of..... S/o..... (Occupation) aged ..... years residing at... .. ..

The house/house-sites details of which are furnished in the schedule below has been assigned to the said.....subject to the conditions mentioned below to which the aforesaid allottee has agreed to:—

1. Region and district:
2. Name of commune:
3. Survey number:
4. House/Plot number:
5. Extent:
6. Boundaries: East — North — South — West
7. Name of village:
8. Details of trees, if any:
9. Remarks:

CONDITIONS:

1. Only one house should be constructed on the house-site allotted.

2. The allottee should construct on the house-site allotted within 2 years of the date of allotment and thus occupy the plot allotted.

3. The title over the house/house-site allotted shall be heritable but not alienable nor could if he in any way encumbered for 10 years. But in the case of house-site it may be hypothecated to Government for the purpose of securing a loan or to a Co-operative Society or to a scheduled bank for affording credit for the construction of a house.

4. Any transaction made in contravention of condition 3 above shall be void and if there are any such alienation the allotment of house/house-site will be deemed to have been cancelled on the date of such transaction and the title of the plot/house shall vest with Government from such date.

5. Land assessment, house-tax general taxes and local rates, if any, in respect of the house/house-site shall be paid by the allottee.

6. The assignment is liable to be revoked and the house/house-site resumed by the Department for the Welfare of Scheduled Castes if it has been obtained by making false or fraudulant representations or to violate any of the conditions of assignment.

7. In the case of house or house-site, the assignment shall be revoked if the allottee fails to construct the house within two years of the date of allotment.

8. In the event of revocation of assignment the assignee shall not be entitled to compensation for any improvement that he may have made in the site/house as he will be liable to be evicted under the law for the time being in force for eviction of unauthorised occupation of public premises.

9. The allottee shall agree to any inspection of house constructed/allotted by the Director, Department for the Welfare of Scheduled Castes or his representative or any other officer authorised by the Government.

In witness whereof I..... and Thiru..... Director, Department for the Welfare of Scheduled Castes, Pondicherry, for and on behalf of hereunto set my hand and seal in the day, month and year stated above.

In the presence of Signed by

1. Occupation:
   Address:
2. Occupation:
   Address:

The above conditions have been explained to me in my mother tongue and I have understood the conditions and agree to have by them.

Signed by the allottee.

In the presence of witness

1. Occupation:
   Address:
2. Occupation:
   Address: