

S.R.O. 39 dated 14 January, 1974—In exercise of the powers conferred by Section 3 of the Cantonments (Extension of Rent Control Laws) Act, 1957 (46 of 1957), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Defence No, S.R.O. 421 dated the 28th October, 1971 extending the provisions of the West Bengal Premises Tenancy Act, 1956 (West Bengal Act, XII of 1956) (hereinafter referred to as the said Act) to the cantonments in the state of West Bengal namely :—

- (a) In the preamble after the words “in the state of West Bengal”, the words “on the date of this notification” shall be omitted.
- (b) In clause (1), for sub-section (2), of Section 1 of the said Act, the following sub-section shall be substituted, namely :—

(2) It shall be deemed to have come into force on the 31st March, 1956:

Provided that the provisions contained in Section 30 and 31 of the said Act shall be operative only from the 13th October, 1971, the date on which the notification of the Government of India in the Ministry of Defence No, S.R.O. 421 dated the 28th October, 1971 was published in the Official Gazette,

COMMENTS

(1) Exemption— A house that has been appropriated by the Central Govt. would be exempt from the purview of U. P. Rent Control Act of 1972, as also the house liable to appropriation on a lease for which resort has already been taken to the conditions provided in Section 6 and 7 of the Cantonments (House-Accommodation) Act, 1923, (para 9) [1987 (1)AWC 162.]



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 1924);
- (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.

.....

To,

The Executive Officer,
Cantonment Board,
.....Cantonment.

Sir,

I,....., hereby give notice, as required by sub-section (1) of section 73 of the Cantonments Act, 1924, of the following transfer of property :—

FORM—A
(See Rule 3)

(Form of notice of transfer to be given when the transfer has been effected by instrument).

Description of the Property

Description of the Property							Remarks			
Date of notice	Date of instrument	Name of vendor or assigner in Cantonment Boards Records.	Name of purchaser or assignee.	Amount of consideration	Of what it consists.	Situation.	Number in assessment list	Dimensions of land	Boundaries	If instrument has been registered date of registration

Date of payment of the last bill :
Period of the last bill :

Signed. (A.B.).....

FORM - B
(See Rule 3)

Form-B

(Form of notice of transfer to be given when the transfer has been effected by instrument.)

THE CANTONMENT LAWS

892

To,

The Executive Officer,
Cantonment Board,
.....Cantonment.

Sir,

I,....., hereby give notice, as required by sub-section (1) of section 73 of the Cantonments Act, 1924, of the following transfer of property :—

Description of the Property

Date of notice	Name of which the property is at present entered in the Cantonment Boards records	To whose name it is to be transferred and the date on which transfer is effected	Of what it consists	Situa- tion	Number in assess- ment list	Demen- sions of land	Boundaries	Remarks

Date of payment of the last bill :
Period of the last bill :

Signed. (A.B.).....

FORM - C
(See Rule 3)

893

(Form of notice of transfer to be given when the transfer has been effected by instrument.)

T.P. RULES, 1985

Form-C

To,

The Executive Officer,
Cantonment Board,
.....Cantonment.

Sir,

I,....., hereby give notice, as required by sub-section (1) of section 73 of the Cantonments Act, 1924, of the following transfer of property :—

Description of the Property

Date of notice	Name of which the property is at present entered in the Cantonment Boards records and his/her date of death	To whose name it is to be transferred and his relation with the deceased	Of what it consists	Situa- tion	Number in assess- ment list	Demen- sions of land	Boundaries	Remarks

Date of payment of the last bill :
Period of the last bill :

Signed. (A.B.).....