

REVENUE DEPARTMENT.

(The Rangoon Development Trust Land Rules,1922)

No.82

Dated Rangoon, the 20th August 1922.

No. 82.-In exercise of the powers conferred by section 95, clauses (11) and (19), of the Rangoon Development Trust Act, 1920, and in supersession of the Rangoon Town Lands Rules, published in this department Notification No.67, dated the 18th August 1911, as subsequently amended, the Local Government is pleased to make the following rules to regulate the lease, sale, transfer or disposal of immoveable property vested in or owned by the Board of Trustees in the City of Rangoon.

These rules may be cited as the Rangoon Development Trust Land Rules, 1922:

CHAPTER I.

Classification of Trust Property.

1. All immoveable property vested in the Board shall for the purposes of these rules be divided into -
 - (a) Government estate;
 - (b) Trust estate.
2. "Government estate" comprises property-
 - (a) vested in the Board under section 58;
 - (b) purchased out of the fund described in section 77(1) (a);
 - (c) acquired by transfer under rule 4 of these rules;
 - (d) acquired by exchange under the provision of these rules.
3. "Trust estate" comprises property-
 - (a) acquired under section 34 or in pursuance of a scheme under Chapter IV;
 - (b) purchased out of the fund described in section 77(1) (b);
 - (c) acquired by transfer under rule 4 of these rules;
 - (d) acquired by exchange under the provisions of these rules.

4. The Board may, on making suitable mutual adjustments in the funds described in sections 77(1) (a) and 77(1) (b), respectively, and with the previous sanction of the Local Government transfer immoveable property from "Government estate" to "Trust estate" or vice versa.
5. The Board shall submit to the Local Government by the 1st October in each year-
 - (a) schedules and maps showing-
 - (i) the acreage of the Government estate in each separate survey block at the end of the preceding financial year; and
 - (ii) the acreage of each separate addition to, or transfer from, the Government estate during the preceding financial year;
 - (b) schedules and maps giving the same particulars for the Trust estate; and
 - (c) a report showing the acreage and financial position of both estates and explaining the changes effected in their area and values, during the preceding financial year.

CHAPTER II.

Sales and Exchanges.

6. No Government estate may be sold or otherwise conveyed outright without the previous sanction of the Local Government given either in each case or by a general order relating to any specified class or category of property.
7. The Board may sell or convey outright any Trust estate to any person other than a local authority, local body or railway administration.

CHAPTER III.

Disposal by Lease.

8. In this Chapter-

"Settled Block" means a survey block in which rents were fixed under the Rangoon Town Lands Rules prior to the establishment of the Rangoon Development Trust.

"Sanctioned Plan" means the Plan of any definite area, not necessarily coinciding with a Survey Block, for which a town-planning lay-out has been sanctioned by the Board.

"Settled Area" means the area comprised within any sanctioned plan, the rents for which have been fixed by the Board.

9. Leases of land vested in the Board may, subject to the conditions and restrictions hereinafter prescribed, be made for building sites or for industrial, agricultural or other specified purposes.
10. Every lease made by the Board shall include a condition that it shall become void if the leased land is used for any purposes other than that for which the lease was granted, not being a purpose subsequently approved by the lessor.
11. The periods for which leases may be issued shall be as follows:-
 - (a) Quarterly leases;
 - (b) Year to-year leases;
 - (c) Five-year leases;
 - (d) Fifteen-year leases with or without the option of one renewal for a similar term and subject to revision of rent in case of renewal;
 - (e) Ninety-year leases, subject to revision of rent at intervals of thirty years;
 - (f) Leases in perpetuity, subject to revision of rent at intervals of thirty years.
12. The Board may, notwithstanding anything contained in these rules, lease, subject to such terms as it may think fit, any land of the following descriptions which is vested in it:-
 - (a) Extra strips, i.e., plots of land of small area belonging to the Government estate and adjoining freehold land, which cannot be utilized separately and are of value only to the owners of such adjoining freehold land;
 - (b) Encroachments on drainage spaces not yet vested in the Municipal Corporation of the City of Rangoon and encroachments specially surrendered by the Corporation for that purpose; provided that the consent of the Corporation shall be obtained to the lease of such encroachments.
13. Leases of land in settled blocks or settled areas shall be made in accordance with the terms and conditions prescribed for such blocks or areas. The Chairman may sanction minor departures from the lay-out of the settled block or settled area or from such terms or conditions with respect to any lease in a settled block or settled area, provided that if in his opinion, a question of principle is involved he shall refer the matter to the Board.
14. Without the previous sanction of the Local Government, no land shall be leased which is situated within the Cantonment of Rangoon or within the area bounded as follows, whether such land is or is not in a "settled block," viz:-

North.-Montgomery Street.

East.-Judah Esekiel Street.

South.-Strand Road.

West.-Godwin Road.

15. Leases of land excluded from the limits of the Dalhousie Park area under the Local Government's Municipal and Local Department Notification No.48, dated the 28th February 1895, may be issued by the Board. Such leases shall be for a period not exceeding thirty years and be subject to the following conditions:-

- (a) That no buildings shall be erected on the land; and
- (b) That no trees shall be cut down and no earth shall be cut without the Chairman's sanction in writing.

16. Except in the cases falling under rule 12 no lease shall be granted until all objections made thereto under Rule 25 have been finally disposed of.

CHAPTER IV.

Procedure relating to Leases.

17. Leases may be disposed of-

- (a) by private contract, with or without premium;
- (b) by tender;
- (c) by auction.

18. Applications for leases shall be made in writing and shall ordinarily be presented to the Land Officer.

19. Such applications shall contain the following particulars:-

- (a) The name, residence and designation of the applicant;
- (b) The quarter, road or locality in which the land applied for is situated;
- (c) The area of the land applied for;
- (d) A statement of the boundaries of the land applied for;
- (e) The purpose for which the land is required; and
- (f) Except in cases where an application is for a site on one of the sanctioned plans, a declaration that the land applied for has been demarcated.

A certified copy of the survey map or a suitable sketch plan showing the land applied for shall be attached to the application.

20. On receiving the application the Land Officer may scrutinize any existing survey of the land and shall, if a survey is necessary, cause the land applied for to be surveyed. He shall verify the fact that the land is at the disposal of the Trust and shall make such further enquiries as he may think necessary.

21. Where a survey is deemed necessary by the Land Officer he shall require payment of a survey fee on a scale prescribed by the Board. Such fee shall, on payment, be credited to the Rangoon Development Trust.

22. After the survey, if any, has been made and the Land Officer has satisfied himself that it has been efficiently done, he may cause so much of the fee received on such account, if any, to be paid to the Surveyor as he may determine.

23. The Land Officer may, at any time, for reasons to be recorded in writing, reject the application.

24. The Board shall assess the rents for the leases of all sites in any settled area, on consideration of the value of the land, including the outlay in developing the area, and of the letting and selling value of similar private sites in the locality.

25. (1) When the rent has been assessed, the Land Officer shall ascertain whether the applicant is willing to pay the rent fixed. If the applicant is not willing, the application shall be rejected. If the applicant is willing to pay the amount, the Land Officer shall cause public notice to be given of the application. Such notice shall fix a date, not less than fifteen days after the publication of such notice, on or before which any person may show cause why the lease should not be made and shall state that, if no cause is shown, the lease will be made. Such notice shall contain all the information furnished by the applicant under rule 19 as corrected by the measurements made under rule 20, and shall state the amount of rent which will be imposed in case the lease is made; provided that, at the discretion of the Land Officer, the particulars mentioned in clause (a) of rule 19 may be omitted.

The notice shall further invite any person other than the applicant who may wish to obtain the lease to send to the Land Officer, on or before the fifteenth day after the date of the notice, an application in writing, stating whether he is willing to pay any, and if so what, premium in order to obtain the lease on the terms notified.

(2) Copies of such notice shall be posted-

- (a) on the land applied for;
- (b) on the notice board of the Thugyi of the circle in which the land is situated;
- (c) at the nearest bazaar, if any, in the circle in which the land is situated; and

(d) at the Rangoon Development Trust Office.

An abstract notice of the application, etc., may also be advertised in at least one issue of such English or Vernacular local newspaper as the Land Officer may, by general order, or with reference to the particular application, decide.

In the case of quarterly leases the Land Officer may dispense with the issue of public notices if he thinks fit.

26. The Land Officer shall make such enquiries as may be necessary in order to ascertain whether there are any objections to the lease of the land. All or any of the undermentioned local bodies and officers shall be consulted according to circumstances:-

The Municipal Corporation of the City of Rangoon.

The Commissioners for the Port of Rangoon.

The Burma Railways Company.

The Superintending Engineer, Rangoon Circle.

The Port Commissioners shall always be consulted in respect of the lease of land situated within 250 yards of rivers or creeks within Port limits.

If any objection is made by any of the bodies or officers so consulted and the objection is overruled by the Chairman, the body or officer concerned shall be informed accordingly by the Land Officer.

27. If no cause is shown to the satisfaction of the Land Officer why the lease should not be made, the Land Officer shall, after considering all the applications therefor, decide whether the lease should be disposed of by tender, by public auction or by private contract. Provided that where there is more than one applicant the Land Officer shall ordinarily dispose of the lease by tender or auction and shall, if he decides to dispose of it by private contract, state his reasons therefor in writing, and the Chairman may rescind such decision on appeal by any person aggrieved thereby.

28. If the Land Officer decides that the lease shall be disposed of by private contract he shall prepare a draft lease in the authorized form with all blanks, except the date and the name of the lessee, filled in, and shall offer it subject to the payment of the highest premium offered by any applicant in order to obtain the lease to each applicant in turn in the order of priority of their applications giving each a fixed time in which to communicate his acceptance or refusal thereof.

29. (1) If it is decided that the lease is to be disposed of by tender or by public auction the Land Officer shall give public notice to that effect in the manner provided by rule 25(a). The notice shall (a) specify the date

(not being less than ten days from the date of publication of the notice), on, and the hour and place at, which tenders will be opened or the auction sale held, as the case may be, and (in the former case) the manner of sealing tenders; (b) state the period and nature of the lease; and (c) lay down conditions as to immediate part payment on the offer being accepted.

(2) (a) All tenders if any shall be examined and opened in the immediate presence of two persons, one of whom must be a Trustee and the other a Trustee or the Land Officer, on the date and at the hour and place fixed in the public notice.

(b) The auction sale, if any, shall be held in the presence of the public on the date and at the hour and place fixed in the public notice.

30. When a lease is disposed of in accordance with the provisions of rule 29 it shall be granted to the person who offers or bids the highest premium unless the Chairman rules to the contrary. No upset price shall be fixed.

If the purchaser fails to comply with the specified conditions as to payment the Land Officer may again dispose of the lease by any of the three methods above authorized, and any resulting loss or deficiency, together with all charges, shall be made good by the defaulting purchaser at the original sale; in default of payment by him, the amount shall be recoverable under section 86 of the Act.

31. The Land Officer may refuse to accept any bid or may exclude any person from the auction without assigning any reason to such person but he shall record his reason for such refusal or exclusion in a memorandum which shall be attached to the proceedings.

32. After disposal of a lease the particulars of such lease shall be entered in a register to be kept in the office of the Trust and a counterpart of the lease shall be filed.

33. In the case of an application by a leaseholder to the Land Officer to allow him to subdivide his leasehold or to transfer or sublet a part of the same, the Land Officer shall consult the Municipal Commissioner and thereafter submit the application, together with the opinion of the Municipal Commissioner thereon, to the Chairman who shall pass orders in writing.

CHAPTER V.

Disposal by Grant and Procedure relating thereto.

34. Grants of land vested in the Board may, with the previous sanction of the Local Government, be made, revenue free, for religious purposes.

35. Any land granted under rule 34 shall be resumable if at any time it or the buildings thereon be used for any other purpose than that for which it was granted, or if it is required for a public purpose: Provided that if the land is resumed for a public purpose the grantee or grantees shall be entitled to compensation not exceeding the cost or their present value, whichever shall be the less, of any buildings erected or other works executed on the said land by the grantee or grantees in pursuance of the purpose for which the grant was made.

36. The procedure prescribed in rules 18 to 23, 25, 26 and 32 shall be followed, mutatis mutenais, in the case of applications for grants.

37. Applications for grants of land for consecration as sites of theins may be made by laymen only. Such grants will, if the applicant so desires, be made in a special form signed by the Lieutenant-Governor. In cases in which the applicant desires that the deed of grant should be signed by the Lieutenant-Governor the Land Officer when submitting the application, shall submit-

- (i) a note over his signature containing the following particulars, namely:-
 - (a) the name and residence of the applicant;
 - (b) the area of the land applied for and its value calculated according to rule 24;
 - (c) the quarter, road or locality in which it is situated;
 - (d) whether notices calling for objections to the grant of land have duly issued;
 - (e) if the land is situated within a kyaung enclosure, the name of the presiding pangyi and whether he consents to the grant; and
- (ii) plans in duplicate and a statement showing the area and value of the land.

CHAPTER VI.

Transfers to Municipality.

38. Any immoveable property vested in the Board, either as Government estate or as Trust estate, intended in the course of development to be used as a street, drainage space or drainage channel shall be transferred to the Municipal Corporation of the City of Rangoon for the purpose of maintenance free of all charges.

39. Immoveable property vested in the Board, intended to be used by the Municipal Corporation of the City of Rangoon for purpose other than those specified in rule 38, may be transferred to the Corporation upon payment of all costs incurred or the Board in acquiring, reclaiming or developing the same, together with interest thereon at the rate of six per centum per annum calculated from the date on which the Rangoon

Development Trust Act came into force or from the date on which such costs were incurred, whichever is the later.

40. Transfers to the Municipal Corporation of the City of Rangoon under rules 38 and 39 shall be effected through the Local Government by means of notifications divesting the Board of the property to be transferred, and vesting the same in the Corporation under such conditions as regards user as are deemed necessary.

41. The Board may, in lieu of effecting a transfer under rule 39, make arrangements with the Municipal Corporation of the City of Rangoon to lease to the Corporation any immoveable property intended to be used for purposes other than those specified in rule 38, at the rentals fixed by rule, provided that, even though there are other applicants for such property, the Corporation shall not be required to pay any premium for such lease.

CHAPTER VII.

Miscellaneous.

42. The Chairman may do any of the acts which may be done by the Land Officer under these rules, and appeals from the orders of the Land Officer shall lie to the Chairman.

43. (1) Appeals to the Chairman shall not be admitted after the expiration of sixty days from the date of the order or decision appealed against.

(2) The orders and decisions of the Chairman shall be final.

44. Nothing in these rules shall be deemed to affect any transactions which may be pending on the date on which these rules come into force.

Such transactions shall be completed in accordance with the rules now superseded.

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Revenue Secretary to the Govt. of Burma.