

## **BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) RULES, 1982**

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### **SCHEDULE 1 :- SCHEDULE**

## **BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) RULES, 1982**

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, namely:-

### **1. Title and commencement :-**

- (1) These rules may be called the Bangalore Development Authority (Allotment of Sites) Rules, 1982.
- (2) They shall come into force at once.

### **2. Definitions In these rules, unless the context otherwise requires :-**

- (a) "Act" means the Bangalore Development Authority Act, 1976

(Karnataka Act 12 of 1976);

(b) "Allottee" means the person to whom a site is allotted under these rules;

(c) "Backward Class" a person shall be considered to be belonging to the Backward Class if.

(i) his income from all sources does not exceed Rupees six thousand per annum; and

(ii) he is.

(a) an actual cultivator;

(b) an artisan;

(c) a petty businessman;

(d) holding an appointment in inferior services (i.e. Class D in Government Service or corresponding service under local bodies, autonomous bodies or private employment including casual labour);  
Or

(e) engaged in any occupation involving manual labour;

(d) "Economically weaker section".a person shall be considered to be belonging to Economically weaker section if (i) his total annual income including that of any of the member of his family, does not exceed Rupees 4,800 and (ii) he is a domicile of Karnataka for not less than 10 years. Provided that such person shall have to produce certificates from the employer or the Competent Authority, as the case may be;

(e) "Family" in relation to a person means such person, the wife or husband, as the case may be, of such person and the children, grand children, parents, sisters, brothers of such person and wholly dependent on him;

(f)"Form" means a form appended to these rules;

(g)"Income" means the annual income of a person;

(h)"Physically handicapped person" means a person who

(l)Suffers from total absence of sight or whose visual acuity does not exceed 3/60 or 10/200 (snellen) in the better eye with corrected lenses; or

(2) in whom the sense of hearing is fully non-functional for the ordinary purpose of life; or

(3) who has physical defect or deformity which causes inadequate interference to impede normal functioning of the bones, muscles, and joints and who has been certified to that effect by the Surgeon of the concerned faculty in the Victoria hospital, Bangalore or in the Minto- Eye-Hospital, Bangalore, as the case may be.

(1)"Stray site" means a site which was once allotted but subsequently the allotment was either cancelled by the Authority or surrendered by the allottee or a site left over inadvertently while notifying the sites for allotment or a site which has been formed on account of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

### **3. Offer of Sites for allotment :-**

(1) Whenever the Authority forms an extension or layout in pursuance of any scheme, the Authority may, subject to the general or special orders of the Government, offer any or all the sites in such extension or layout for allotment to persons eligible for allotment of sites under these rules.

(2) Due publicity shall be given in respect of the sites for allotment specifying their location, number, the last date for submission of applications and such other particulars as the Commissioner may consider necessary, by affixing a notice to the Notice Board of the Office of the Authority and any other office as the Commissioner may decide from time to time and by publication in not less than three daily news papers published in the City of Bangalore in English and in Kannada, having a wide circulation in the City.

### **4. Reservations of Sites to economically weaker sections :-**

(1) The Authority may, with the previous sanction of Government, set apart 30% of the total number of sites in any area for allotment to persons belonging to economically weaker sections, at 50% of the value of the site.

(2) Where sites are set apart under sub-rule (1) the procedure to be followed for allotment of these sites shall, subject to the general or special orders of the Government, be determined by the Authority.

### **5. Allotment of stray sites :-**

Notwithstanding anything contained in Rules 3 and 11, but subject to the provisions of Rule 10, the Bangalore Development Authority shall dispose of the stray sites in accordance with the directions issued by the Government from time to time.

**6. Disposal of sites for public purposes :-**

Notwithstanding anything contained in these rules, sites may be allotted on lease basis to educational institutions, playgrounds, hostels, temples, community centres, recreation clubs and such other public purposes on such rents and subject to such conditions as may be specified by the Authority. After the expiry of the lease period the Authority may renew or extend the lease period, for reasons to be recorded in writing.

**7. Allottee to be lessee :-**

The site allotted under these rules, shall be deemed to have been leased to the allottee until the lease is determined or the site is conveyed in the name of the allottee in accordance with these rules. During the period of the lease, the allottee shall pay to the Authority before the commencement of each year, rent at the rate of rupees three per annum where the area of the site does not exceed two hundred square metres, rupees six per annum where the area of the site exceeds two hundred square metres, but does not exceed five hundred square metres, and rupees twelve per annum where the area of the site exceeds five hundred square metres.

**8. Registration :-**

(1) Every applicant for a site shall register his name on payment of registration fee as specified in the table below <sup>1</sup>[x x x x x]. The registration shall be done in Form I.

**TABLE**

Area of sites		Registration fee
		Rs.
(a)	350 and above square metres	2,000
(b)	225 to below 350 square metres	500
(c)	Below 225 square metres	100

(2) Registration made shall be valid for subsequent allotments unless the applicant has withdrawn the registration.

(3) An applicant may, if he has not been allotted a site claim refund of the registration fee which would be refunded to him after deducting 10% towards service charges.

1. The words "which amount is non-refundable and non-adjustable" omitted by GSR 104, dated 17-1-1984

2. Sub-rule (3) inserted by GSR 104, dated 17-1-1984

## **9. Application :-**

(1) A person so registered as above has to apply in the prescribed Form II for allotment of a site along with the initial deposit of 25% of the notified cost of the site. Application Forms can be obtained in all Branches of the Canara Bank, the Syndicate Bank and the Vijaya Bank in the Bangalore Metropolitan Area on payment of a sum of rupees ten which amount shall not be refunded.

(2) The applications shall be presented in person or sent by Registered Post so as to reach the office of the Authority before the date and time fixed for receipt of such applications. Applications received after the date and time fixed or which are defective and incorrect, shall be rejected.

## **10. Eligibility No person :-**

(1) who is not a domicile of (living independently or with the members of his family) Karnataka for not less than ten years immediately prior to date of registration, and

(2) who or any member of whose family owns or has been allotted a site or house by the Bangalore Development Authority or any other Authority within Bangalore Metropolitan Area, shall be eligible to apply for allotment of a site:

Provided that the rules may be relaxed.

(i) in case of persons who are domiciled in the State of Karnataka but being in armed forces of the Union and serving outside the State of Karnataka;

(ii) in case of persons who are domiciled in the State of Karnataka but have gone outside the State for employment, business, studies, or training and who bona fide intend to reside in the Bangalore Metropolitan Area.

## **11. Principles for selection of applicants for allotment of**

**sites :-**

(1) The Authority shall consider the case of each applicant on its merits and shall have regard to the following principles in making selection

(i) the status of the applicant, that is whether he is married or single and has dependent children;

(ii) The income of the applicant and his capacity to purchase a site and build a house thereon for his residence:

Provided that this condition shall not be considered in case of applicants belonging to Scheduled Castes, Scheduled Tribes, Wandering Tribes, Nomadic Tribes and other Backward Classes;

(iii) The number of years the applicant has been waiting for allotment of a site and the fact that he did not secure a site earlier though he is eligible and had applied for site;

(iv) Persons who are ex-servicemen or members of the family of the deceased servicemen killed in action during the last ten years.

(2) For the purpose of sub-rule (1) the Authority shall constitute a Committee called the "Allotment Committee" consisting of equal number of official and non-official members not exceeding a total of six and the Chairman of the Authority shall also be the Chairman of the Allotment Committee.

(3) Subject to the approval of the Authority, the decision of the allotment committee under the proviso to sub-rule (1) shall be final.

(4) The sites shall be allotted among the different categories as follows. Percentage

(a) Wandering Tribes/Nomadic Tribes Denotified tribes/Semi-nomadic Tribes-2

(b) Scheduled Tribes-3

(c) Scheduled Castes-13

(d) Ex-servicemen or members of their families of deceased servicemen and members of the Armed Forces of the Union-8

(e) Persons domiciled in the State of Karnataka but serving in the Armed Forces of the Union outside the State of Karnataka-1

(f) State Government Servants-12

(g) Servants of the Central Government-10

(h) Physically handicapped persons-2

(i) General Public- 49

Explanation.

(1) If at the time of making an allotment sufficient number of applications from persons belonging to category (a) are not received then the remaining sites reserved for that category shall be transferred to category (b); and if sufficient number of applications from persons belonging to categories (a) and (b) are not received, then the remaining sites reserved for these categories shall be transferred to category (c) and if sufficient number of applications from persons belonging to categories (a), (b) and (c) are not received, then the remaining sites reserved for these categories shall be transferred to category (i).

(2) At the time of making an allotment, if sufficient number of applications from persons belonging to category (e) are not received, then notwithstanding anything contained in these rules, the remaining sites reserved for the category shall be treated as stray sites and allotted only to the said persons belonging to the said category.

### **12. Value of the site :-**

The value of the site notified while inviting applications may be altered by the Authority with the previous sanctions of Government and an allottee may accept the site at the altered price or decline allotment.

### **13. Conditions of allotment and sale of site :-**

The allotment of a site under these rules shall be subject to the following conditions.

(1) The allottee shall, within a period of ninety days from the date of receipt of notice of allotment, pay to the Authority the balance site value deducting the initial deposit. If the said value is not paid within a period of ninety days, further extension of time for a period not exceeding sixty days shall be given and the allottee shall pay, in addition, interest at the rate of fifteen per cent on the said amount for the extended period. If the amount is not paid within such extended period also, the registration fee shall be liable to

forfeiture and the allotment cancelled without prior intimation:

Provided that where an allottee is a person belonging to a Scheduled Caste or a Scheduled Tribe or to other Backward Classes or a Nomadic Tribe or a wandering tribe or a Denotified tribe, or to a family of Defence personnel killed or disabled during hostilities and whose annual income from all sources does not exceed rupees five thousand the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest within a period of six years from the date of receipt of the notice of allotment.

(2) After payment under sub-rule (1) is made, the Authority shall call upon the allottee to execute a Lease-cum-sale agreement in Form III and thereafter the execution of such agreement by the allottee and the Authority, the same shall be registered by the allottee. If the agreement is not executed within 45 days after the Authority has called upon the allottee to execute such agreement, the registration fee paid by the allottee may be forfeited, the allotment of the site cancelled and the amount paid by the allottee, after deducting such expenditure as might have been incurred by the Authority, refunded to him.

(3) Every allottee shall construct a building on the site in accordance with the plans and designs approved by the Authority. If in any case it is considered necessary to add any additional conditions, the Authority may make such additions in the Lease-cum-sale agreement.

(4) Until the site is conveyed to the allottee, the amount paid by the allottee for the purchase of the site shall be held by the Authority as security deposit for the due-performance of the terms and conditions of the allotment and the Lease-cum-sale agreement entered into between the Authority and the allottee.

(5) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the Authority or the Corporation, as the case may be, for the time being in force.

(6) The allottee shall construct a building within a period of two years from the date of execution of the agreement or such extended period as the Authority may in any specified case by written order permit, if the building is not constructed within the said period the allotment may, after reasonable notice to the



allottee, be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Authority and after forfeiting twelve and half per cent of the value of the site paid by the allottee, the Authority shall refund the balance to the allottee.

(7)

(i) On the expiry of a period of ten years from the date of the lease-cum-sale agreement and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement the Authority shall by notice call upon the allottee to get the sale deed of the site executed at his own cost within the time specified in the said notice.

(ii) If the allottee fails to get the sale deed executed within the time so specified the Authority shall itself execute the same and recover the cost and other charges if any incidental thereto from the allottee as if the same amount are due to the Authority.

(8) With effect from the date of taking possession of the site the allottee or his heirs and successors shall be liable to pay the taxes, fees and cesses payable in respect of the site and any building erected thereon.

(9) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found to be incorrect or false, the site value deposited shall be forfeited and the site shall be resumed by the Authority.

#### **14. Restrictions, conditions on sales of sites :-**

(1) Notwithstanding anything contained in these rules the Commissioner may at the request of the allottee of a site execute a deed of conveyance subject to the restrictions, conditions and limitations specified in sub-rule (2).

(2) The conveyance of site by the Commissioner in favour of an allottee (hereinafter referred to as the purchaser) shall be subject to the following restrictions, conditions and limitations namely.

(a) in the case of a site on which a building has not been constructed.

(i) the purchaser shall construct a building on the site within such

period as may be specified by the Authority, as per plans, designs and conditions to be approved by the Authority or in conformity with the provisions of the Karnataka Municipal Corporation Act, 1976 and the bye-laws made thereunder;

(ii) the purchaser shall not without the Approval of the Authority, construct on the site any building other than a building for the construction of which the site was allotted, granted or sold;

(iii) the purchaser shall not alienate the site within a period of ten years from the date of the conveyance except by mortgage in favour of the Government of India or the Government of Karnataka, the Life Insurance Corporation of India or the Karnataka Housing Board or any Company or Co-operative Society approved by the Authority or any Corporation set up owned or controlled by the State Government or the Central Government to secure moneys advanced by such Government, Corporation, Company, Board, Society or Corporation, as the case may be, for the construction of the Building on the site;

(b) in the case of a site on which a building has been constructed, the purchaser shall not alienate the site and the building constructed thereon within a period of ten years from the date of agreement, except by mortgage in favour of the Government of India, the Government of Karnataka, the Life Insurance Corporation of India or the Karnataka Housing Board or any Company or Co-operative Society approved by the Authority to secure moneys advanced by such Government, Corporation, Board or Society or Company for the construction of the building on the site;

(c) in the event of the purchaser committing breach of any of the conditions in clause (a) or clause (b) the Authority may at any time, after giving the purchaser reasonable notice, resume the site free from all encumbrances. The purchaser may remove all things which he has attached to the earth: Provided that if he has left the site in the state in which he received it, all transactions entered into in contravention of the conditions specified in clauses (a) and (b) shall be null and void ab initio;

Explanation. In this rule, references to the Authority shall be deemed to include the references to the commissioner when authorised by the Authority by the general resolution to exercise any power vested in the Authority.

(3) Notwithstanding anything contained in sub-rule (2), but without

prejudice to the provisions of Rule 13 where the lessee applies that for reasons beyond his control he is unable to reside in the City of Bangalore or by reasons of his insolvency or impecuniosity it is necessary for him to sell the site or site and the building, if any, he may have put up thereon, the Bangalore Development Authority may, with the previous approval of the State Government, either.

(a) require him to surrender the site, where there is no building, in its favour; or

(b) where there is a building put up, permit him to sell the vacant site and building:

Provided that.

(i) in case covered by clause (a) the Authority shall pay to the lessee the allotted value of the site and an additional sum equal to the amount of interest at twelve per cent per annum thereon; and

(ii) in cases covered by clause (b) the lessee shall pay to the Authority a sum equal to the amount of interest at twelve per cent per annum on the allotted value of the site.

#### **15. Voluntary surrender :-**

An allottee may at any time after allotment, surrender the site allotted to him to the Authority. On such surrender Authority shall refund all amounts paid by the allottee to the Authority in respect of the said site.

#### **16. Revision :-**

(1) The Government may, suo motu or otherwise, call for the record of any decision, order or proceeding of the Chairman or Commissioner or the Authority under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceedings.

(2) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit:

Provided that no decision or order shall be modified, annulled or reversed unless a notice has been served on the parties interested and opportunity given to them for making representation to the Government.

#### **17. Savings :-**

Nothing in these rules shall be applicable to the sale or transfer of sites by the Authority to.

(a) the Karnataka Housing Board for construction of houses; or

(b) the State Government for any purposes;

(c) the Life Insurance Corporation of India, the Karnataka State Road Transport Corporation, the Bangalore Water Supply and Sewerage Board and the Karnataka Electricity Board.

**18. Repeal :-**

The City of Bangalore Improvement (Allotment of Sites) Rules, 1972 are hereby repealed:

Provided that such repeal shall not affect the previous operation of the said rules or anything duly done or any action duly taken under the said rules.

**SCHEDULE 1**

**SCHEDULE**

THE SCHEDULE

Site No.....formed by the Bangalore Development Authority in Block No.....in the.....Extension.

Site bounded on East by:

West by:

North by:

South by:

and measuring East to West.....

North to South.....in all measuring.....square feet/ square metres.

In witness where of the parties have affixed their signature to this agreement.

Witness:

(1)

(2)

Secretary,  
Bangalore Development Authority,  
Bangalore.

Witness:

(1)

(2)

Lessee/Purchaser.