

KARNATAKA GRANT OF LAND IN CASE OF CONSTRUCTION OF DWELLING HOUSES IN OCCUPIED LAND RULES, 1999

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KARNATAKA GRANT OF LAND IN CASE OF CONSTRUCTION OF DWELLING HOUSES IN OCCUPIED LAND RULES, 1999

Whereas, the draft of the Karnataka Grant of Land in case of construction of Dwelling Houses in occupied Land Rules, 1999 was published as required by sub-section (1) of Section 197 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) in Notification No. RD 57 LPG 98(P-II), dated 31st December, 1999 published in Part IV, Section 2-C(i) of Karnataka Gazette, Extraordinary, dated 1st January, 2000 inviting objections or suggestions from all the persons likely to be affected thereby within thirty days from the date of its publication in the Official Gazette. And whereas, the said Gazette was made available to the public on 1st January, 2000. And whereas, the objections and suggestion received have been considered. Now, therefore, in exercise of the powers conferred by Section 197 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), the Government of Karnataka hereby makes the following rules, namely:

1. Title and commencement :-

- (1) These rules may be called the Karnataka Grant of Land in case of Construction of Dwelling Houses in Occupied Land Rules, 1999.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(1) In these rules, unless content otherwise requires.

(a) "Act" means, the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964);

(b) "Person belonging to the Economically Weaker Sections" means any person whose total annual income including that of any members of his family does not exceed Rs. 12,000/- in urban areas and Rs. 10,000/- in rural areas;

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

(d) "Schedule" means a Schedule appended to these rules;

(e) "Section" means a section of the Act.

(2) Words and expression used in these rules but not defined, shall have the meaning assigned to them in the Karnataka Land Revenue Act, 1964 and the rules made thereunder.

3. Application for grant of land and procedure for verification :-

(1) Application for grant of land under Section 94-C shall be made in Form 1 within six months from the date of commencement of these rules along with a fee of Rs. 50/- (Rupees fifty only) in respect of others and Rs. 5/- (Rupees five only) in respect of Scheduled Castes and Scheduled Tribes in the form of cash payable in the office of the Tahsildar and shall be addressed to the Tahsildar of the Taluk accompanied by a site plan of the land wherein the unauthorised construction is situated indicating the site and location of unauthorised construction including the appurtenant plan comprised therein and such other documents as may be required.

(2) The Deputy Commissioner shall indicate the time within which each stage of the application, from receipt/suo motu identification of application/ cases to issuance of Provisional Certificate of grant, be finalised keeping in view the stipulation that the entire process shall be completed within a period of one year from the date of commencement of these rules.

4. Manner of enquiry :-

The Prescribed Authority shall issue notice in Form 2, to every person who has made an application, to appear before him, on such

date as may be specified therein and to produce documents if any in support of his claim. The Prescribed Authority may also issue public notice to be notified on the Notice Board of the Local Authority and by beat of Tom fixing dates for conduct of enquiry which shall be held in the presence of the residents of the village. On completion of the enquiry, the Prescribed Authority shall in all eligible cases pass a provisional order granting the land.

5. Conditions for grant of land :-

(1) The grant of land under these rules shall be made subject to the following conditions, namely.

(i) No land shall be granted under Section 94-C, if the person who has applied for grant of such land or any member of his family owns any building or site within the urban or rural areas in which the land for which application is made is situated;

(ii) No person shall be eligible for grant" of land for more than one dwelling house either in his name or in the name of any member of his family;

(iii) The land so granted shall not be alienated for a period of fifteen years from the date of receipt of order of grant:

Provided that a mortgage or lease of the building and the site in favour of the State Government or a Scheduled Bank or Life Insurance Corporation of India, for improvement of building shall not be regarded as alienation for the purpose of these rules;

(iv) The grantee shall not use the building for any purposes other than as a dwelling house.

(2) If the grantee contravenes any of the conditions specified above, the land and the building shall be liable to resumption at the discretion of the Deputy Commissioner without payment of any compensation to the grantee.

(3) The site or building granted may be alienated with the previous sanction of the Government and subject to such conditions as the Government may specify. The Government may permit such alienation if it is of the opinion that in the circumstances of any case, it is just and reasonable to permit alienation for acquiring some other site or building or for any other purpose.

(4) The grant is liable to be terminated and the site or building

resumed if the site or building is appropriated for a purpose, other than that for which it is granted.

(5) The grant of land shall be subject to the provisions of any other Act and rules for the time being in force relating to the construction of dwelling houses.

6. Amount to be paid for grant of land :-

After the provisional grant of land under Rule 4, the grantee shall pay the amount as specified in the Schedule within two months from the date of provisional order of grant, and shall get the deed executed at his cost. On execution of the title deed, the Prescribed Authority shall issue an order of grant of land:

Provided that the amount payable by the grantees who are persons belonging to the Economically Weaker Sections or the Scheduled Castes or the Scheduled Tribes shall be fifty per cent of the rates specified in the Schedule.

7. Prescribed Authority :-

The Prescribed Authority for the purpose of these rules shall be the officers specified in column (2) of the Table below for the areas specified in corresponding column (3) of the Table.

8. Power of the Prescribed Authority :-

The Prescribed Authority shall, while exercising the powers under Section 94-C shall have.

(a) power to obtain, such report from such officers and authorities in respect of land unauthorisedly occupied in which unauthorised construction is made as it may deem necessary;

(b) power to measure or cause to be measured the unauthorised constructions and the land appurtenant thereof.

9. Application of Rules :-

(1) These rules shall mutatis mutandis apply to cases under sub-section (4) of Section 96 of the Act.

(2) Provisions of Rules 108-K, 108-L, 108-M and 108-N of the Karnataka Land Revenue Rules, 1966 shall be applicable mutatis mutandis to grant of land under these rules.