

KARNATAKA LAND REVENUE (REGULARISATION OF UNAUTHORISED OCCUPATION OF LANDS) RULES, 1970

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KARNATAKA LAND REVENUE (REGULARISATION OF UNAUTHORISED OCCUPATION OF LANDS) RULES, 1970

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, the draft of the same having been published as required by sub-section (1) of Section 197 of the said Act in the Karnataka Gazette, Extraordinary, dated 3rd April, 1970, as GSR 109, dated 3rd April, 1970.

1. Title and commencement :-

- (1) These rules may be called the Karnataka Land Revenue (Regularisation of unauthorised occupation of lands) Rules, 1970.
- (2) They shall come into force at once.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires.
 - (a) "Act" means the Karnataka Land Revenue Act, 1964;

(b) "Form" means a Form appended to these rules;

(c) "Landless poor persons" means a person who does not own any land anywhere in the State or elsewhere and whose income from all sources does not exceed rupees two thousand per annum;

(d) "Person in unauthorised occupation" means the person in unauthorised occupation of land referred to in Section 94; and shall include the person or persons claiming under him;

(e) "Plantation crops" means Cardamom, Coffee, Pepper, Rubber and Tea;

¹ [(f) "Sufficient holder" means a person who owns not less than one hectare of garden land or wet land possessing facilities for assured irrigation or two hectares of dry land or rainfed wet land.]

(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.

1. Clause (f) substituted by GSR 262, dated 12-7-1972. w.e.f. 20-7-1972.

3. Application to be made :-

If the person in unauthorised occupation desires that the land unauthorisedly occupied by him be granted to him, he shall make an application to the Deputy Commissioner in Form I.

4. Procedure to be followed :-

(1) On receipt of the application under Rule 3, the Deputy Commissioner shall, after verifying the particulars furnished by the applicant by holding such enquiry as he deems necessary and after determining the extent of land that may be granted and the price that may be charged, publish a notice in Form II in the Chavadi of the village in which the land is situate and also in the Office of the Panchayat concerned calling for objections to the proposed grant, to be preferred by a date to be specified in the notice, which shall not be less than fifteen days from the date of the notice.

(2) After the expiry of the date specified in such notice and after considering the objections received and after any further enquiry that is considered necessary, the Deputy Commissioner shall determine whether any extent of land may be granted, at what price and subject to what conditions.

(3) Thereafter the Deputy Commissioner shall issue a notice in Form III to the applicant calling upon him to intimate within a date to be specified, which shall not be less than fifteen days from the date of issue of the notice whether he is willing to accept the grant on the terms specified and if so to deposit the price fixed by the date to be specified in the Notice, which shall not be more than thirty days from the date of the issue of the notice provided that the Deputy Commissioner may on an application made to him by the applicant within the said date and for reasons to be recorded in writing extend the time for deposit of the price. Any such extension shall not be for more than ninety days from the date specified in the notice.

(4) If the applicant expresses his willingness and deposits the price within the dates specified or the time extended the Deputy Commissioner shall make the grant and pass an order therefor.

(5) If the applicant fails to express his willingness or to deposit the price within the dates specified and the time extended his application shall be rejected.

5. Certain Lands not to be granted :-

(1) Lands reserved as Gomal Gunduthop, Tankbed, Phutkharb, Kharab Halla, date reserve or lands required or likely to be required for any public purpose in the near future shall not be granted:

Provided that in the case of Gomal lands grant may be made where the grazing land available for any village exceeds an extent calculated at twelve hectares per hundred heads of cattle.

¹[(2) No land.

(i) within the municipal limits of the cities of Mysore, Davangere, and in any village situated within sixteen kilometres from the Municipal Limits of the City of Bangalore; or

(ii) within the municipal limits of the cities of Mysore, Bangalore, Mangalore, Hubli-Dharwar, Belgaum, Kolar Gold, Field Areas and Bagalkot Town and in any village situated within seven kilometres from the municipal limits of the said places; or

(iii) within the municipal limits of District Head Quarters and towns of Gadag-Betegeri and Dandeli and in any village situated within five kilometres from the municipal or town limits of the said places; or

(iv) within the municipal limits of Taluk Head Quarters and Towns connected by railway and in any village situated within three kilometres from the municipal or town limits of the said places; or

(v) within the limits of other municipalities, other Taluk Head Quarters and Town Panchayats and in any village situated within one and a half kilometres from the said places; shall be granted.

Explanation. For the purpose of this sub-rule, if the Head Quarters, gramathana or Chavadi of a village is within the distance specified in this sub-rule, the whole of such village shall be deemed to be within the distance specified in this sub-rule,]

² [Provided that in the case of building sites, grant may be made where the sites within the limits and distance specified in clauses (ii), (iv) and (v), excluding the municipal limits of District Head Quarters.]

1. Sub-rule (2) substituted by GSR 66. dated 22-1-1972, w.e.f. 17-2-1972.

2. Proviso inserted by GSR 232, dated 8-8-1973, w.e.f. 13-9-1973.

6. Restrictions on grant of lands used for agricultural purposes and firewood plantations :-

(1) Where the land in unauthorised occupation is used for agricultural purposes and firewood plantations other than raising of plantation crops or cultivation of cashew, it shall not be granted, if (i) the applicant was, before the 1st July, 1968, not a permanent resident within the limits of the taluk in which the land is situated and was not a bona fide agriculturist cultivating the land personally; and (ii) the applicant is a sufficient holder.

¹ [(2) Where the applicant is a landless person.

(i) if the extent of land in unauthorised occupation is not more than one hectare of wet or garden land or two hectares of dry land or rain-fed wet land, he may be granted the entire extent of land in his unauthorised occupation; and

(ii) if the extent of land in his unauthorised occupation is more than the extent specified in clause (i), he shall not be granted any land in excess of such extent.

(2-A) Where the applicant owns land, the extent of land that may be granted to him shall not together with the extent of land already held by him exceed the minimum holding prescribed for a sufficient

holder.]

(3) Notwithstanding anything in sub-rule (1), the adjacent or close to the other land already held by the applicant may, to the extent, as nearly as may be, not exceeding, in the case of wet or garden land, half hectare, and in the case of dry land one hectare, be granted if in the opinion of the Deputy Commissioner such land is required for the better enjoyment or better cultivation of the other land already held.

1. Sub-rule (2) substituted by GSR 262, dated 12-7-1972, w.e.f. 20-7-1972.

7. Restrictions on grant of lands used for raising plantation crops :-

Where the land in unauthorised occupation is used for raising plantation crops, not more than five hectares of such land may be granted to the applicant:

Provided that the extent of other land already held by the applicant shall not, together with the extent granted, exceed ¹ [Twenty-two hectares:]

Provided further no land shall be granted if the applicant was, before 1st July, 1968, not a permanent resident within the limits of the taluk in which the land is situated.

1. Substituted for the words "fifty hectares" by GSR 155, dated 15-5-1974, w.e.f. 23-5-1974.

8. Restrictions on grant of lands used for cashew cultivation :-

Where the land in unauthorised occupation is used for raising cashew, not more than five hectares shall be granted:

Provided that the land granted together with other lands, if any, already held by the applicant and used for raising cashew does not exceed ten hectares:

Provided further no land shall be granted if the applicant was, before 1st July, 1968, not a permanent resident within the limits of the taluk in which the land is situated.

9. Restrictions on grant of lands used for non-agricultural purpose :-

Where land unauthorisedly occupied is used solely for a dwelling house for the occupier not more than ¹ [five ares] may be granted.

1. Substituted for the words "two ares" by GSR 373, dated 22-10-1971, w.e.f. 2-12-1971.

10. Price to be charged :-

(1) The price to be charged for lands granted under these rules shall, subject to the provisions of sub-rule (3), be determined by the Deputy Commissioner with reference to the market value of such land which shall be ascertained by him having regard to the circumstances existing as on the date of the grant and after such enquiry as he deems necessary.

(2) Such price shall in no case be less than the market value and more than twice the market value of such land: Provided that where the grant is in favour of a landless poor person, the Deputy Commissioner may charge an upset price which.

(i) in the case of grant for bona fide agriculture or for construction of a dwelling house under Rule 9, be not more than half the market value, or twice the price that could have been charged under Rules 12 and 18 of the Karnataka Land Grant Rules, 1969, had the lands been granted under those rules, whichever is less:

Provided further the price in respect of lands which are used for raising plantation crops shall be twice the market value or five thousand rupees per hectare, whichever is less.

(3) In computing the market value of land, the Deputy Commissioner shall not take into consideration the value of any trees of the reserved species standing on the land or improvements made by the applicant during the period of unauthorised occupation but shall take into account the value of other trees standing on the land.

(4) The trees of the reserved species standing on-the land shall be the property of Government and may be removed by it at any time before or after an order of granting the land is made.

(5) Where at the time of determining the market value, there is evidence of trees of the reserved species having been cut, the Deputy Commissioner shall fix the value of such trees and this shall be included in the price to be charged for the land.

(6) Back assessment for the entire period of occupation shall be collected in addition to the price payable for the land.

¹ [(7) Where the grant is in favour of a person belonging to

Scheduled Caste or Scheduled Tribe or to a person who on account of poverty is unable to pay the price charged, the Deputy Commissioner, may waive subject to a maximum of five hundred rupees, up to seventy-five per cent of the price charged and direct the payment of the balance amount in three annual instalments:

Provided that where the price charged does not exceed five hundred rupees, the Deputy Commissioner may waive the whole of the amount.]

1. Sub-rule (7) inserted by GSR 373, dated 22-10-1971, w.e.f. 2-12-1971.

11. Land not already assessed to be assessed before it is granted :-

Every land granted under these rules if not assessed before it is granted be assessed to payment of land revenue in accordance with the provisions applicable to assessment of lands. Such land shall also be surveyed and demarcated and its boundaries fixed. The charges for the same shall be paid by the grantee of the land.

12. Cancellation of grant :-

Any grant of land made under these rules shall be liable to be cancelled and the land resumed by the Deputy Commissioner if the grant was obtained by making false or fraudulent representations or was contrary to these rules.

13. Relaxation of rules :-

Notwithstanding anything contained in these rules, the State Government may suo motu, or on the recommendation of the Divisional Commissioner or the Deputy Commissioner, if it is of the opinion that in the circumstances of any case or classes of cases, it is just and reasonable to relax any of the provisions of these rules it may, by order, direct such relaxation, subject to such conditions as may be specified in the order and thereupon lands may be granted in such a case or classes of cases in accordance with such direction.