

Karnataka Land Revenue (Second Amendment) Act, 2009**26 of 2009****[29 September 2009]**

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An Act further to amend the Karnataka Land Revenue Act, 1964. Whereas, it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the purposes hereinafter appearing; Be it enacted by the Karnataka State Legislature in the Fifty-ninth year of the Republic of India, as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Karnataka Land Revenue (Second Amendment) Act, 2009.

(2) It shall come into force at once.

2. Amendment Of Section 95 :-

After sub-section (2) of Section 95 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), the following shall be inserted, namely.--

"(2-A) Where any occupant of land assessed or held for the purpose of agriculture has diverted such land or part thereof to residential purpose without obtaining the permission of Deputy Commissioner under sub-section (2), prior to 31st day of December, 2008 and desirous to get such diversion be regularised, shall, apply within the period of one year from the date of commencement of the Karnataka Land Revenue (Second Amendment) Act, 2009 in such

form, alongwith such fee and penalty, as may be prescribed, to the Deputy Commissioner. On receipt of such application, the Deputy Commissioner may, notwithstanding anything contained in this Act, but subject to the provisions of any other law for the time being in force and subject to such conditions and in such manner as may be prescribed, on production of such evidence as he may require it to be necessary and after an enquiry, regularise or refuse to regularize except where such land,--

- (i) lies in the line of natural drains or course of valley;
- (ii) belongs to; the State; Government; or, an authority owned or controlled by the State Government or any local Authority;
- (iii) coming in the way "of existing or proposed roads, inner or outer ring roads, national highways, by pass over ring roads including those proposed for widening and railway lines, tram ways, mass rapid transit system projects, communications and other civic facilities or public utilities;
- (iv) is a forest land;
- (v) belonging to another person over which the applicant has no title;
- (vi) is reserved for packs, play grounds, open places or for providing any civic amenities;
- (vii) or building is abutting to neighbouring property, storm water drains, tank bed areas, river course or beds and canals or below the high tension electric line;
- (viii) use is against height restrictions specified in zoning regulations for heritage monuments, aerodromes and defence Regulations;
- (ix) not conforms to any clearance from high-tension lines or fire protection measures;
- (x) is in the area covered by the Coastal Zone Regulations of the Ministry, Environment and Forest, Government of India;
- (xi) regularisation of violation in respect of change of land use shall be made as far as may be in accordance with Section 14-A of the Karnataka Town and Country Planning Act, 1961;
- (xii) or development in respect of any building having more, than two floors shall be regularised unless.--
 - (a) a certificate from a Structural Engineer is produced regarding the structural stability of such building;
 - (b) a No Objection Certificate is obtained from the Fire Force Department;
- (xiii) or unauthorised development or construction made in agricultural zone of approved Master Plan or green belt area

declared under the Karnataka Land Revenue Act, 1964; and

(xiv) is covered under any other prohibition as may be prescribed.

(2-AA) Burden of proving that the diversion or change of land use was made for residential purpose prior to 31st day of December, 2008 shall lie on the applicant who seeks regularisation of such unauthorised diversion or change of land use.

(2-AAA) All such diversions or change of land use which are not regularised or where applicant does not apply within the time specified in sub-section (2-A) shall be liable to be demolished or brought back to their earlier use and expenses incurred thereon shall be collected from such person as arrears of land revenue."