

## **KARNATAKA LAND REVENUE (SURCHARGE) RULES, 1961**

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## **KARNATAKA LAND REVENUE (SURCHARGE) RULES, 1961**

In exercise of the powers conferred by Section 11 of the Karnataka Land Revenue (Surcharge) Act, 1961 (Karnataka Act 13 of 1961), the Government of Karnataka, hereby make the following rules, namely:

### **1. Short title :-**

These rules may be called the Karnataka Land Revenue (Surcharge) Rules, 1961.

### **2. Definitions :-**

In these rules, unless the context otherwise requires.

- (a) "Act" means the Karnataka Land Revenue (Surcharge) Act, 1961 (Karnataka Act 13 of 1961);
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a section of the Act;
- (d) "Water cess" includes enhanced water cess levied in accordance with the rules made under the Madras Irrigation Cess Act, 1865.

### **3. Form of Declaration and notice :-**

(1) The declaration to be furnished by every landholder under Section 8 shall be in Form I.

(2) The notice to the landholder referred to in sub-section (2) of

Section 8 shall be in Form II.

**4. Manner of service of notice :-**

(1) The notice referred to in sub-section (2) of Section 8 shall be served by tendering or delivering a copy of it to the person on whom it has to be served or if he cannot be found, to some adult member, the service may be effected by affixing a copy of the notice in some conspicuous part of the house, where the person ordinarily resides or last resided.

(2) Notwithstanding anything contained in sub-rule (1), the Tahsildar may direct the service of the notice referred to, by registered post, prepaid for acknowledgement. The postal acknowledgement purporting to contain the signature of the person to whom the notice is so sent, may be deemed to be prima facie proof of sufficient service of the notice on such person on the day on which it purports to have been signed by him. If the postal cover is returned unserved, any endorsement purporting to have been made thereon by the delivery peon or by either an employee or Officer of the Postal Department shall be prima facie evidence of the statement contained therein.

**5. Determination of surcharge when a declaration is filed :-**

(1) On receipt of the declaration in Form I, the Tahsildar shall, if he is satisfied that it is correct and complete according to the information then available, determine the surcharge payable by the landholder on the basis of such declaration and communicate a copy of the order to the landholder in Form III

(2) Where a declaration has been submitted and if it appears to the Tahsildar that the declaration is in correct or incomplete, the Tahsildar shall hold such inquiry as he considers necessary to determine the correct amount of land revenue and surcharge payable by the landholder; and after considering the land-holder's objections, if any, the Tahsildar shall pass an order determining the surcharge payable, subject to such modification as may be found necessary and communicate a copy of the order to the landholder in Form III.

(3) In determining the surcharge payable by a landholder, in respect of lands held by him in a joint patta, the actual assessment that the landholder has to pay for his share in the joint khata should be taken into account.

(4) The amount fixed as surcharge shall be paid along with, and in instalments applicable to, the land revenue khist.

(5) The surcharge payable by a landholder shall be finally determined after the accounts for the revenue year or fasli are settled. If it is found that the amount of surcharge already collected is in excess or short of the amount finally determined, then the excess or short collection shall be refunded or recovered as the case may be. A notice of the final order shall be issued to the landholder in Form IV.

(6) When the order passed under sub-rules (1), (2) or (5) relates to lands situated in more than one taluk, the Tahsildar who makes the order shall communicate a copy of the order to the Tahsildar of each taluk in which the landholder holds lands.

#### **6. Manner of obtaining information and determination of surcharge when no declaration is filed :-**

When any person liable to furnish a declaration under sub-section (1) or sub-section (2) of Section 8 fails to furnish the declaration within the time specified, and in the case of a person having lands in only one village and liable to pay the surcharge, the Tahsildar may summon such person and examine him. He may also summon and examine such other witnesses or documents as he may consider necessary to get the information for determining the surcharge under Section 9. He shall also examine the land records of the village or villages in which the person holds lands before determining the surcharge under Section 9. He shall then determine the surcharge payable, subject to such modifications as may be found necessary and communicate a copy of the order to the land-holder in Form III, sub-rules (3) to (6) of Rule 5 shall also apply.

#### **7. Power to summon witnesses and examine them :-**

(1) The Tahsildar shall have power to summon witnesses and call for the production of records.

(2) The Tahsildar may, by summons, require any person, whose evidence he considers necessary for the purpose of any inquiry under the Act or these rules, to appear before him and give evidence. The Tahsildar may examine such person on oath or affirmation.

#### **8. Proceedings to summary :-**

(1) The proceedings of the Tahsildar shall be the same as in a summary enquiry under the Karnataka Land Revenue Code, 1888 and shall be governed as far as possible, by the provisions of the Code of Civil Procedure, 1908 in regard to.

(a) the issue and service of summons;

(b) the examination of parties and witnesses;

(c) the production of documents.

(2) A summons requiring the attendance of any person under Rule 7 or summons for the production of any document under sub-rule (1) shall be in Form V.

**9. Penalty for non-compliance :-**

Whoever fails to comply with the summons issued under Rule 7 shall, on conviction, be punished with fine, which may extend to fifty rupees.