

KARNATAKA LAND REVENUE (TEMPORARY SURCHARGE) RULES, 1966

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KARNATAKA LAND REVENUE (TEMPORARY SURCHARGE) RULES, 1966

In exercise of the powers conferred by Section 7 of the Karnataka Revenue (Temporary Surcharge) Act, 1966 (Karnataka Act 12 of 1966), the Government of Karnataka, hereby makes the following rules, namely.

1. Title :-

These rules may be called the Karnataka Land Revenue (Temporary Surcharge) Rules, 1966.

2. Definitions :-

In these rules, unless the context otherwise requires.

- (a) "Act" means the Karnataka Land Revenue (Temporary Surcharge) Act, 1966 (Karnataka Act 12 of 1966);
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a section of the Act.

3. Filing of declarations :-

(1)

- (a) Every land-holder having land in more than one village who is liable to pay land revenue to the Government in respect of any land

held by him in the State, shall, within ninety days from the date of publication of these rules in the Official Gazette; and

(b) Every land-holder who has acquired or come into possession of lands in more than one village after the date of publication of these rules in the Official Gazette and who is liable to pay land revenue to the Government in respect of any land held by him in the State, shall, within ninety days after such acquisition or coming into possession; furnish a declaration of all lands held by him in Form I to the Tahsildar of the Taluk in which the holding or any part thereof of such land-holder is situated.

(2) Without prejudice to the provisions of sub-rule (1), the Tahsildar of the Taluk in which a land-holder holds lands may, by notice in writing in Form II, require him or, where the land-holder is a person subject to disability or a deity or a religious or charitable institution, the guardian, curator, trustee or manager of such land-holder to submit a declaration in writing in Form I within such time as may be specified in the notice (not being less than thirty days from the date of service of the notice) in regard to the total extent of lands held by the land-holder in the State and the land revenue payable in respect thereof; and it shall be the duty of the person on whom the notice is served to furnish the declaration.

4. Manner of service of notice :-

(1) The notice referred to in sub-rule

(2) of Rule 3 shall be served by tendering or delivering a copy of it to the person on whom the notice has to be served or if he cannot be found to some adult member of his family residing with him. If there is no such 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 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 any employee or an 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 land holder on the basis of such declaration and communicate a copy of the order to the land-holder in Form III.

(2) Where a declaration has been submitted and if it appears to the Tahsildar that the declaration is incorrect or incomplete, the Tahsildar shall hold such enquiry as he considers necessary to determine the correct amount of land revenue and surcharge payable by the land-holder; 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 land-holder in Form III.

(3) In determining the surcharge payable by a land-holder, in respect of lands held by him in a joint patta, the actual assessment that the land-holder 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 installments applicable to the land revenue khist.

(5) The surcharge payable by a land-holder shall be finally determined after the accounts for the revenue year are settled. If it is found that the amount of surcharge already collected is in excess or short of the amount finally determined, then 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 land-holder in Form IV.

(6) When the order passed under sub-rules (1), (2) or (5) relates to land 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 land-holder 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-rule (1), or sub-rule (2) of Rule 3 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 information for determining the surcharge payable by the land-holder. He shall also examine the land records of the village or villages in which the person holds lands before determining the surcharge payable by such land holder. He shall then determine the surcharge payable, subject to such modification 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 in determining the surcharge payable under this rule.

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 be summary :-

(1) The proceedings of the Tahsildar shall be the same as in a summary enquiry under the Karnataka Land Revenue Act, 1964 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 shall be in Form V.

9. Penalty for non-compliance :-

(1) Any land-holder or guardian, curator, trustee or manager as the case may be who fails to furnish the declaration as required by sub-rule (1) or sub-rule (2) of Rule 3, shall on conviction be punished with fine which may extend to fifty rupees.

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