

## **KARNATAKA LAND REVENUE RULES, 1966**

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# **KARNATAKA LAND REVENUE RULES, 1966**

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, dated 9th September, 1965, as GSR 660, dated 1st September, 1965, at pages 1397 to 1518.

## **CHAPTER 1 Preliminary**

### **1. Title :-**

These rules may be called the Karnataka Land Revenue Rules, 1966.

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

In these rules

- (i) "Act" means the Karnataka Land Revenue Act of 1964;
- (ii) "Form" means a form appended to these rules;
- (iii) "Section" means a section of the Act.

## **CHAPTER 2 Constitution of Revenue Administration Units**

### **3. Factors to be considered in altering the limits of Revenue Administration Units :-**

The alteration of, and addition to, the limits of any village, the amalgamation of two or more villages, or the constitution of a new village under Section 5, may be effected, taking into consideration the following factors, namely

- (i) the population of the village or villages;
- (ii) the area of the village or villages;
- (iii) the demand under land revenue in the village or villages and other heads of account;
- (iv) administrative convenience.

### **4. Publication of notice under Section 6 :-**

(1) Whenever State Government proposes to abolish any division, district, sub-division, taluk, circle or village or alter the limits in respect of any of them a notice of proposal inviting objections shall

in addition to being published in the Official Gazette be also caused to the published in the place or places noted hereunder

(i) In the case of abolition or alteration of the limits of a division

(a) in the offices of the Divisional Commissioners concerned;

(b) in the offices of the Deputy Commissioners of all the Districts of the Divisions concerned;

(c) in the offices of the Assistant Commissioners in-charge of all the sub-divisions of the divisions concerned;

(d) in the offices of the Tahsildars of all the Taluks in the Divisions concerned.

(ii) in the case of abolition or alteration of the limits of a district

(a) in the offices of the Deputy Commissioners of the districts concerned;

(b) in the offices of the Assistant Commissioners in-charge of all the sub-divisions of the districts concerned;

(c) in the offices of the Tahsildars of all the Taluks in the districts concerned.

(iii) in the case of abolition or alteration of the limits of a sub-division

(a) in the offices of the Assistant Commissioners of the subdivisions concerned;

(b) in the offices of the Tahsildars of all the Taluks in the sub-divisions concerned.

(iv) in the case of abolition or alteration of the limits of a Taluk

(a) in the offices of the Tahsildars of the Taluks concerned;

(b) in the chavadies of all the villages in the Taluks concerned;

(c) in any other conspicuous place in the concerned villages.

(d) in the case of abolition or alteration of the limits of a circle

(v) in the case of abolition or alteration of the limits of a circle

(a) in the offices of the Tahsildars of the Taluks concerned;

(b) in the chavadies of all the villages of the circle or circles concerned.

(vi) in the case of abolition or alteration of the limits of a village

(a) in the chavadies of all the villages concerned;

(b) in any other conspicuous place where people generally congregate.

(2) In every notice published under Section 6, a date on or after which the proposal will be taken into consideration shall be specified, and such date shall not be less than one month from the date of publication of the notice in the Official Gazette.

## **5. Forwardal of objections by the Deputy Commissioners to**

## **the State Government :-**

On the expiry of the date specified in the notice issued under Section 6, the Deputy Commissioner shall in consultation, with the Commissioner for Survey and Settlement examine the objections, if any, received by him to the proposal and forward such objections with his remarks thereon to the State Government through the Divisional Commissioner.

### **CHAPTER 3 Procedure of Revenue Officers**

#### **6. Procedure to be followed by Revenue Officers in conducting enquiries other than formal or summary :-**

In an enquiry referred to in Section 37, the evidence shall be recorded in full. The opinion or decision of the Officer holding the enquiry shall be recorded invariably in his own handwriting irrespective of whether the evidence has been taken down in full or only a summary thereof has been recorded. It should be read over and interpreted and admitted as correct.

#### **7. Payment of expenses of witnesses :-**

(1) The payment of the expenses of witnesses summoned to appear before a Revenue Officer in any enquiry, or other proceedings, at the instance of any party, shall be as follows  
Process fees In respect of process to be issued from a Revenue Court, these shall be payable by the party, at whose instance such process is to be served, a Court fee of the amount specified in the table set out below, and such process shall not be issued, served or executed until such fee shall have been duly paid.

(2) In the case of witnesses summoned otherwise than at the instance of a party, the Revenue Officer may order, for reasons to be recorded by him, that the expenses of such witnesses be made costs in the enquiry, or proceedings and be paid by such of the parties as he may direct or by the State Government.

#### **8. Notice to the party whose interest will be affected :-**

No order shall be made without giving the party or parties concerned a reasonable opportunity of being heard. The procedure specified in Section 36 shall apply mutatis mutandis to Appeals and Revisions.

## **9. Appearance of parties by Advocates or Pleaders :-**

In any enquiry or other proceedings before a Revenue Officer the party concerned may appear in person or through an Advocate, Pleader or other recognised Agent.

**CHAPTER 4** Provisions Relating to Appointment of Staff to and the Procedure to be followed by the Karnataka Revenue Appellate Tribunal

## **10. Appointment of Secretary and Assistant Secretary to the Tribunal :-**

There shall be a Secretary to the Tribunal who shall be appointed by the State Government. The State Government may if it deems fit, appoint one or more Assistant Secretaries to the Tribunal who shall discharge such duties of the Secretary as may be entrusted to them by the Chairman of the Tribunal.

## **11. Power of Government to call for Information, Report, etc :-**

The Tribunal shall furnish such information, report, statistics and returns regarding the working of the Tribunal as may be called for by the State Government from time to time.

## **12. Seal of the Tribunal :-**

The Tribunal shall use a circular seal, two inches in diameter, which shall bear therein the Karnataka State Emblem, with the following inscription in Kannada and English. "Karnataka Revenue Appellate Tribunal"

## **13. Application for grant of certified copies :-**

Rules 7 and 139 applicable to grant of certified copies and the fees to be paid for such grant shall be applicable to grant of certified copies, and issue of processes in the case of Tribunal also.

## **14. Power of the Chairman :-**

The Chairman shall have power

- (a) to constitute Benches from among the members of the Tribunal including himself;
- (b) to designate any member to act for any of the purposes of

these rules; and

(c) to distribute business among the Benches and to transfer appeals or applications from one Bench to another Bench;

(d) to convene meeting of the Members of the Tribunal for considering any question connected with the functions and work of the Tribunal.

## **CHAPTER 5 Appeals and Applications**

### **15. Manner of presentation of appeal, etc :-**

Every appeal, petition, application or other document presented to any authority shall be presented by the party making such appeal, petition or application or by his recognised agent, his pleader or advocate in the office during the office hours or be sent by registered post addressed to the authority to whom it is presented by designation.

### **16. Contents of appeal, etc :-**

Every such appeal, petition applications shall

(a) be either typewritten or written in ink in clearly legible hand;

(b) specify the name, fathers name and postal address of the appellant or applicant and of the respondent or opponent, as the case may be;

(c) contain a brief statement of the facts of the case;

(d) state the provisions of the substantive law under which it is presented;

(e) clearly state the grounds of appeal, petition or application and the relief claimed;

(f) if filed, after the expiry of the period of limitation, state the reasons for the delay:

Provided that where the appellant, petitioner or applicant wants the delay to be condoned, he shall file a separate application along with an affidavit explaining the circumstances relied upon, failing which the appeal, petition or application shall be dismissed in limine.

Every appeal, petition or application shall be accompanied by a certified copy of the order in respect of which the appeal, petition or application has been made and also by as many true copies of the appeal memo, petition or application as there are respondents or opponents.

Provided further that every appeal, petition or application made to the Tribunal shall be accompanied by two true copies of such

appeal, petition or application and by one certified copy and two true copies of the order in respect of which the appeal, petition or application has been made in addition to as many true copies of such order and appeal, petition or application as there are respondents or opponents.]

### **17. Affidavits :-**

Every affidavit for use in any office shall set forth the cause title of the appeal or matter in which it is sought to be used and shall describe every person making the affidavit in such a manner as will be sufficient to identify him clearly. An affidavit shall be confined to statements of facts and avoid arguments and when it contains statements of facts not within the declarants personal knowledge but based on information received by the declarant, he shall state so and that he believes them to be true and also give the source of such information wherever possible and the grounds of his belief, if any.

## **CHAPTER 6 Revenue Survey and Settlement**

### **18. Manner of Publication of General Notice :-**

A general notice in Form 1 under Section 107 shall be published in the Chavadi of the village where the Survey is to be conducted such notice being notified by the beat of drum.

### **19. Survey Numbers and Sub-Divisions :-**

(1) Every holding not less in extent than the minimum prescribed under Section 108 shall be separately measured, classified, assessed and defined by boundary marks and entered in the Land Records as a Survey Number.

(2) Every holding of which the area is less than the minimum fixed shall be separately measured and assessed and entered in the Land Records, as a sub-division of that Survey Number in which it is directed to be comprised in accordance with the provision of rules hereinafter provided.

### **20. Record of Measurements, etc :-**

(1) The measurements shall be recorded in the following books and

forms according to the type of Survey undertaken.

(a) Traverse Book and Index Map.

(b) Tippan Book or Plane Table Sheet.

(c) Pakka Book or Gunakar Book (Original Survey).

(2) In addition to the books and forms mentioned in sub-rule (1) the following books and forms may be prepared and maintained whenever necessary

(a) Kayamdar Taktha;

(b) Pahani Sud;

(c) Vasul Baki;

(d) Jodidar Taktha;

(e) Lavani Phaisal Patrik;

(f) Statement of Trees (Gida Patrik);

(g) Statement of grazing land (Hulbani Taktha);

(h) Statement of fallow lands (Banjar Taktha);

(i) Kammi Jasti Patrick;

(j) Jantries for Dry, Wet and Garden land or Plantation land.

## **21. Classification :-**

(1) For the purposes of assessment, all lands shall be classed with respect to their productive qualities. The number of classes and their relative value reckoned in annas (16 annas, i.e., 100 per cent classification value) shall be fixed under the orders of the Commissioner for Survey, Settlement and Land Records with reference to the circumstances of the different tracts of the State to which the Survey extends and to the nature of the cultivation, and the classification results shall be recorded in the following books and forms

(a) Prathi Book;

(b) Bagayat Taktha;

(c) Darwari;

(d) Classers Register;

(e) Statement showing bifurcation of soil and water assessment;

(f) Akarband.

(2) During the process of classification land included as unarable shall be treated as "Pot Kharab". Pot Kharab lands may be classified as follows

(a) That which is classified as unfit for agriculture at the time of survey including the farm buildings or threshing floors of the holder;

(b) That which is not assessed because, (i) it is reserved or assigned for public purpose; (ii) it is occupied by a road or recognised footpath or by a tank or stream used by persons other than the holders for irrigation, drinking or domestic purposes; (iii) used as burial ground or cremation ground; (iv) assigned for village potteries.

## **22. Original Measurement and Classification Test :-**

The original measurement and soil classification made under Rules 20 and 21 shall be tested by the Officers-in-charge of the operations in such a manner, and to such extent as may be directed by the Commissioner for Survey, Settlement and Land Records.

## **23. Meanings of certain expression for purposes of Settlement :-**

<sup>1</sup>[(i) "Good lands" mean lands bearing classification value of not less than

(a) eighty-seven per cent in the case of plantation lands; and

(b) sixty-nine per cent in the case of other lands.]

<sup>2</sup>[(ii) "Inferior lands" mean lands bearing classification value of

(a) less than seventy-five per cent in the case of plantation lands; and

(b) less than thirty-seven per cent in the case of other lands.]

(iii) "Local enquiry" means the settlement enquiry undertaken by the Settlement Officer in each representative village;

<sup>3</sup> [(iv) "Medium lands" mean lands bearing classification value of not less than

(a) seventy-five per cent in the case of plantation lands; and

(b) thirty-seven per cent in the case of other lands.]

(v) "Principal crops" means all crops grown in not less than twenty per cent of the gross cropped area and cash crops grown in not less than five per cent of the gross cropped area;

(vi) "Representative village" means a village selected by the Settlement Officer for the purpose of holding a local enquiry.

1. Clause (i) substituted by GSR 392, dated 25-10-1969, w.e.f. 20-11-1969

2. Clause (ii) substituted by GSR 392, dated 25-10-1969, w.e.f. 20-11-1969

3. Clause (iv) substituted by GSR 392, dated 25-10-1969, w.e.f. 20-11-1969

#### **24. Standard Rate :-**

The Standard Rate in respect of any group shall be determined with reference to the average yield and value of the crops grown in not less than sixty-six per cent of the gross cropped area in that group. The crops selected for this purpose shall as far as possible be the principle crops grown in such group. In cases in which the area under the principal crops is less than sixty-six per cent of the gross cropped area, such other crops as are grown in such group, and as may be selected for the purpose, shall also be taken into consideration, so as to bring the aggregate of the cropped area taken into account for this purpose, to not less than sixty-six per cent of the gross cropped area. Explanation If crops under a class of land do not cover the requisite percentage to be included as principal crops, the Settlement Officer shall work out Standard Rate for that class of land on the basis of yields and prices of such crops as ascertained from local enquiries and other attendant circumstances.

#### **25. Enquiry by the Settlement Officer :-**

In making a settlement in respect of agricultural lands in a zone the Settlement Officer shall undertake this work in two stages, namely, (a) preliminary work and (b) intensive enquiry.

#### **26. Preliminary Work :-**

(1) The Settlement Officer shall initiate settlement operations in a zone by undertaking cursory tours (for the purposes of study of the tract) by holding meetings and discussions, by collecting statistics regarding rainfall, soils, crops and cultivation, yield and prices of principal crops.

(2) The Settlement Officer shall thereafter submit to the Commissioner for Survey, Settlement and Land Records a preliminary report containing his proposals in respect of formation of groups, selection of principal crops and selection of representative villages.

(3) On receipt of such preliminary report, the Commissioner for Survey, Settlement and Land Records shall approve the proposals

with such modifications as he deems fit.

## **27. Intensive Enquiry :-**

(1) On receipt of approval of the Commissioner to the preliminary report, the Settlement Officer shall hold intensive enquiry and collect information relating to the zone in respect of the following matters and in the manner specified below

(a) Physical Configuration The Settlement Officer shall base the information regarding physical configuration on (i) observations made by him personally, and (ii) information available in the previous settlement reports and District Gazetteers;

(b) Climate and rainfall The Settlement Officer shall base the information as regards climate by making personal enquiries and from particulars obtained from the Department of Public Health, he shall collect statistics of rainfall for the years subsequent to the introduction of the last settlement from the Department of Statistics or from the Tahsildar of the Taluk concerned or obtain such particulars from the Government Publications or from other Government records. He shall likewise collect information regarding seasonal conditions for ten years immediately preceding the enquiry if in his opinion, it is sufficient to exhibit the normal seasonal condition of the zone.

(c) Yield of Principal Crops For ascertaining the average yield of principal crops, the Settlement Officer shall employ the following two methods

(i) by collecting information regarding the results of the cropcutting experiments recorded by the Department of Agriculture, the Department of Statistics, and the Revenue Department;

(ii) by getting crop-cutting experiments conducted in the harvesting season of the year of enquiry on each principal crop in each representative village in accordance with the instructions issued by the Commissioner for Survey, Settlement and Land Records.

Explanation If all the fields have been harvested before the commencement of Settlement Operations, the Settlement Officer shall base his results on local enquiry and other available statistics. For the purposes of finding out the average yield, the first crop harvested shall be taken into account where two or more crops are grown in the same field.

(d) Prices of Principal Crops The Settlement Officer shall obtain from

the Tahsildar of the Taluk or from the Department of Agriculture or collect from the Administration Reports concerned, information about prices of the various principal crops as prevailing during such period as the Commissioner for Survey, Settlement and Land Records may specify.

(2) In addition to the matters referred to in sub-rule (1), the Settlement Officer may also collect information in respect of the following matters in the manner indicated below

(a) Marketing FacilitiesThe Settlement Officer shall collect information about marketing facilities on personal enquiries made by him;

(b) CommunicationsThe Settlement Officer shall collect information about communications on personal observation and with reference to the particulars obtained from the Public Works Department;

(c) Standard of HusbandryThe Settlement Officer shall collect information regarding standard of husbandry on personal observation made by him;

(d) Population and Supply of LabourThe Settlement Officer shall obtain figures of population according to occupation from the Department of Statistics or otherwise. He shall ascertain by personal enquiry the availability of labour in each representative village;

(e) Agricultural ResourcesThe Settlement Officer shall obtain information regarding figures of livestock, agricultural implements and other agricultural resources from the Tahsildar or from the Department of Agriculture or the Department of Animal Husbandry, as the case may be;

(f) Variation in the area of occupied and cultivated lands during the previous thirty yearsThe Settlement Officer shall obtain from the Tahsildar information about details of cultivation and crops as also about variations in the area of occupied and cultivated lands during the last Thirty years;

(g) WagesThe Settlement Officer shall obtain from the Tahsildar information about wages obtaining in that area and verify these figures from personal enquiries;

(h) Ordinary expenses of cultivating Principal CropsThe Settlement Officer shall collect information regarding ordinary expenses of cultivation by examining the accounts of a few agriculturists if available, or from personal enquiries;

(i) Sales of lands used for purpose of AgricultureThe Settlement Officer shall examine the particulars relating to the sales of lands during the five years preceding the enquiry in representative

villages selected by him. The Settlement Officer shall for this purpose exclude all sales which are in his opinion not genuine.

**28.** . :-

<sup>1</sup> [Area] under the Principal Crops For the purpose of ascertaining the average yield of crops of lands, the Settlement Officer shall obtain from the Village Accountant information regarding the area under each of the principal crops in each representative village. This information shall be compiled Survey Number-wise indicating with reference to its classification value whether it is "good land", "medium land", or "inferior land".

1. Substituted for the word "Acreage" by GSR 99, dated 21-3-1977, w.e.f. 31-3-1977

**29.** **Fixation of Assessment of Sub-Divisions :-**

The assessment of each sub-division under clause (2) of Section 109 shall be proportionate to the assessment of the Survey Number calculated according to the relative classification value of the several parts of such Survey Number. When the calculation results in the sum total of the new assessment of all sub-division of a Survey Number being greater or less than the whole assessment of the number, the difference shall be equitably distributed over the sub-divisions by deduction from or addition into the largest shares so as to make the total equal to the assessment on the Survey Number. In computing the assessment of a sub-division every fraction of a paise shall be considered as one paise.

**30.** **Records in which area and assessment of Sub-Division shall be entered :-**

The area and assessment of sub-divisions shall be entered in the following Land Records,

- (i) The Sub-Division Survey Tippan Book or Plane Table Sheet;
- (ii) Sub-Division Survey Pakka Book or Gunakar Book;
- (iii) Prathi-phod Book;
- (iv) Sub-Division Survey Distribution of assessment statement;
- (v) Sub-Division Survey Bifurcation of soil and water assessment;
- (vi) Sub-Division Survey Details indicating area, assessment and the names of holders, etc., for the use of the village;
- (vii) Atlas indicating sub-divisions in Survey Numbers.

### **31. Publication of Settlement Report :-**

(1) The Deputy Commissioners of the districts concerned on receipt of the Settlement Report submitted under clause (5) of Section 118 shall cause it to be published by placing copies thereof at their Offices. The Deputy Commissioner shall notify in the Official Gazette of the fact of the Settlement Report having been so published. He may also get copies of such notices pasted at the offices in the districts concerned.

(2) The Deputy Commissioner shall cause the notice under sub-section (2) of Section 119 to be published in Form 4 in the village by affixing on the Notice Board of the Chavadi.

### **32. Introduction of Settlement :-**

For the purpose of Section 122, the State Government shall, after it has passed orders under sub-section (1) of Section 121, cause a notice in Form 5 to be published in the Official Gazette specifying the standard rates for each of the several groups in each zone and after the publication of such notice the State Government shall, by notification issued under Section 122 specifying the date from which the land revenue shall be levied.

### **33. Notice by Deputy Commissioner :-**

(1) After the publication of the notice under Rule 32 and after the issue of a notification under Section 122 specifying the date from which the land revenue shall be levied the Deputy Commissioner shall cause notice in Form 5-A to be published in the Chavadi of each village indicating the standard rate as applicable to such village and the date from which the Land Revenue shall be levied at such rates.

(2) The Deputy Commissioner shall also cause a notice in Form 5 to be published in each taluk indicating the standard rates as applicable to the different villages in that taluk and the date from which the Land Revenue shall be levied at such rates.

### **34. Calculation of assessment of individual Survey Numbers and Sub-Divisions :-**

When Standard Rates of assessment have been sanctioned by the

State Government assessment to be imposed on each Survey Number or sub-division shall be determined, according to the relative classification value of the land comprised therein in accordance with the Tables of calculation prepared by the Commissioner for Survey, Settlement and Land Records.

**35. The Settlement Register :-**

The Settlement Register shall in addition to the area and assessment of each Survey Number show the uncultivable area and the name of the occupant.

**36. Maintenance of Records :-**

<sup>1</sup> For all lands which have in the past been surveyed or assessed or which shall be hereafter surveyed or settled under the provisions of the Act and these rules, subject the general control of the Director of Survey, Settlement and Land Records, it shall be the duty of the Superintendent of Land Records

(i) to cause to correct any arithmetical or clerical error whenever discovered;

(ii) to cause to incorporate punctually in the Land Records all changes in boundaries are as, tenures and assessments either of Survey Number or other Sub-Divisions which are made under orders of Competent Authority as defined in the Act and these rules or any other Act except in respect of sub-divisions arising out of mutation cases, and of the Assistant Superintendent of Land Records to cause incorporate similarly all changes in the Land Records in respect of sub-divisions effected through mutations:

Provided that when the assessment of any Survey Number has been fixed by a declaration under Section 122, such assessment shall not be raised upon the discovery of any mistake in classification until the term of such declaration expires.]

1. Rule 36 substituted by GSR 65, dated 8-2-1977 and shall be and shall be deemed to have been substituted w.e.f. 26-2-1966.

**CHAPTER 7 Revision Settlement**

**37. Procedure Regarding Revision Settlement :-**

Rules 23 to 36 of these rules shall mutatis mutandis apply to revision settlement under the Act.

**CHAPTER 8** Introduction of Record of Rights Stages of Record of Rights work and the authority which should attend to the various stages

**38. Stages of Record of Rights :-**

(1) The Record of Rights work in any area shall ordinarily be divided into the following four stages, namely

(a) First Stage The preparation of the Preliminary Records including

(i) check and verification;

(ii) decision of disputes; and

(iii) enquiry into and disposal of appeals.

(b) Second Stage The measurement, mapping and apportionment of assessment of sub-divisions;

(c) Third Stage The preparation of the final Record of Rights; and

(d) Fourth Stage The subsequent maintenance of the Record of Rights including

(i) recording of mutations;

(ii) check and certification of entries in the Mutation Register;

(iii) decision of disputes;

(iv) enquiry into and disposal of appeals;

(v) measurement of new hissas and incorporation of the results of survey in the Record of Rights.

<sup>1</sup> (2) The First and the fourth stages of Record of Rights work shall be attended to by the Revenue Department and the second and the third stages of the said work shall be attended to by the Department of Land Records.

1. Sub-rule (2) substituted by GSR 429, dated 19-9-1967.

**39. Preparation of the Preliminary Record :-**

Before the enquiry for the preparation of preliminary Record of Rights in any area is made, publicity thereof shall be given in the following manner, namely

(a) by publication in the Official Gazette in Form 6;

(b) by affixing copies of the notification in the chavadi of the village and on the notice board of the Taluk Office concerned.

**40. Preparation of the Preliminary Record by Village Accountant :-**

(1) The Village Accountant shall prepare a preliminary record in

Form 16 for each village in his charge basing the same on his own knowledge and on such information as may be available from village accounts as well as upon information furnished by persons in possession of land or holders of rights over land as to the nature and extent of the interest which they have in such land.

(2) The Village Accountant shall maintain the preliminary Record of Rights <sup>1</sup> [until receipt of the Record of Rights registers referred to in Rule 61] and he shall be personally responsible for its custody and production whenever called upon the Officers of the Revenue and Survey, Settlement and Land Records Departments.

(3) After completion of the preparation of the Preliminary Records, the Village Accountant shall forward a report of the fact of completion of such record to the Revenue Inspector or other Officer appointed for the purpose; such Revenue Inspector or other Officer shall intimate to the Village Accountant the date of his visit to such village more than a fortnight in advance of the day so fixed. The Village Accountant shall thereupon publish in the chavadi, the preliminary record, and a notice indicating the date on which the Revenue Inspector or other Officer would be visiting the village and inviting the landholders and others concerned to inspect the entries in the preliminary record and to attend the enquiry to be conducted at the village on the dates specified in the notice.

1. Inserted by GSR 150, dated 7-5-1977, w.e.f. 19-5-1977.

#### **41. Checking :-**

(1) The Revenue Inspector or other Officer appointed for the purpose shall, on the day so specified or on any subsequent date of which due intimation has been given to the villagers by publishing a notice in the chavadi, meet the villagers assembled in the chavadi, read out all the entries in the Preliminary Records prepared by the Village Accountant and invite objections if any, within a period of fifteen days from the date. He shall also fix in their presence the date of his next visit to the village for enquiry. He shall record a certificate at the foot of the Preliminary Records that all the entries have been duly read over to the assembled villagers and that the date of his next visit has been fixed. After receipt of objections, if any, or otherwise, he shall, on the date so fixed in the presence of the villagers check every entry in the preliminary record and certify to its accuracy. If any person who

had objected to the correctness of an entry admits at the enquiry, such entry to be correct, the Revenue Inspector, or other Officer shall note the admission in the remarks column of the record. The Revenue Inspector, or other Officer shall not erase but shall correct any errors admitted by all parties by bracketing the errors and inserting the correct entries by interlineation or by side note or by an entirely fresh entry and shall in any such case authenticate the insertion or entry by his signature. If the error is not admitted, the Revenue Inspector or other Officer shall enter the dispute in the Register of Disputed Cases. He shall also record a certificate at the foot of the preliminary record that the corrected entries have been duly read over to the assembled villagers and shall get it signed by the leading persons assembled there. He shall personally verify and check not less than twenty per cent of the entries.

(2) After the entries are verified and checked by the Revenue Inspector or other Officer under sub-rule (1), the Tahsildar or other Officer authorised for the purpose shall visit every village and test the correctness of not less than fifty per cent of the entries therein by personal investigation and affix his initials near the entries so verified. He shall also satisfy himself by personal enquiry that the entries have been read out to the villagers by the Revenue Inspector. He shall also personally verify and check on the field not less than ten per cent of the entries.

#### **42. Disputed Cases :-**

Cases of disputed entries coming to the notice at any stage shall be entered in the Register of Disputed Cases maintained in Form 7 and the fact of having done so noted in the preliminary record (Form 16) against the entry concerned.

#### **43. Settlement of disputes :-**

(1) Every case entered in the Register of Disputed Cases shall be enquired into and decided by the 1[Sherristedar] or by any Officer of the Revenue Department equal or superior in rank to him on an appointed day of which due notice shall be given to the parties concerned. Whenever a field inspection is considered necessary, such Officer shall make such inspection, after giving due notice to the parties concerned of such inspection. Such inspection shall be conducted in the presence of two members of the Village Panchayat, if they are available, and of the parties concerned, if they are present. He shall indicate the exact wording of the entry

that has to be made in the preliminary record and in the Record of Rights. The Proceedings of the enquiry shall be oral and held in public and there shall be no recording of statements and depositions. The only record shall be the decision of the Officer holding the enquiry, in the Register itself, which shall contain a brief summary of the facts elicited during the enquiry and the grounds for the decision.

(2) Such Officer shall at once communicate his decision verbally to the parties if they are present make a note to that effect, in the Register of Disputed Cases and obtain the signatures of such parties in such register. If the parties are not present, a written intimation of the decision shall be sent by post to the last known address of the party and the date of such intimation shall be noted in the Register of Disputed Cases.

<sup>1</sup> [(3) An appeal shall lie against the decision of such Officer to the Assistant Commissioner in charge of the sub-division whose decision shall be final.]

1. Sub-rule (3) substituted by Notification No. RD 262 TRM 96, dated 11-8-2000, w.e.f. ] 17-8-2000.

#### **44. Intimation slips to be sent to Village Accountants :-**

The Tahsildar in charge of the Record of Rights Work or other Officer appointed for the purpose shall intimate the fact of completion of the preliminary record to the Registrar of the district and the Sub-Registrar of the taluk with a request to send the intimation slips villagewise in Form 10 of all acquisition of rights in lands situated in the taluk, which are registered in their offices to the Tahsildar. The Tahsildar shall keep a record of all such intimation slips [shall subject to the general or special orders of the State Government to the contrary] and send them to the Village Accountant.

#### **45. Conduct of Survey work after completion of the Preliminary Record :-**

After the preparation and checking of the preliminary record is completed

(a) the work of measuring and mapping of Survey Numbers and sub-divisions of Survey Numbers and determination of assessment in the case of villages in which Survey and Settlement have not been introduced; and

(b) the work of measuring and mapping of sub-divisions and apportionment of assessment therein in cases, other than those referred to in Clause (a), shall be carried out in accordance with the provisions of Rules 49 to 57.

**46. Mutations subsequent to the preparations of the Preliminary Record :-**

(1) Any acquisition of rights in lands that occur between the period when the preliminary record is completed and the final Record of Rights is prepared and notified under sub-section (3) of Section 127, shall be entered in the Mutation Register (Form 11).

(2) In respect of acquisition of rights in lands after the commencement of the hissa survey, corrections shall be recorded in the Mutation Register in Form 12 and shall be entered in the Final Record of Rights in due course.

(3) The procedure laid down in Rules 54 to 70 shall mutatis mutandis be followed with regard to recording of entries relating to acquisition of rights referred to in sub-rules (1) and (2).

**46A. Qualifications, experience and age for obtaining licence as a licensed Surveyor :-**

<sup>1</sup>(1) The qualification and experience for the purpose of issue of a licence under Section 18-A, shall be as follows

(i) "Successful completion of job oriented course in land and city survey conducted by the Directorate of Vocational Education in Karnataka; or

(ii) Diploma in Civil Engineering granted by the Board of Technical Education in Karnataka or Equivalent Qualification; <sup>2</sup>[or]

<sup>3</sup> [(iii) A Bachelors Degree in Civil Engineering from an University established by the Law in India:]

Provided that persons who have worked in the Survey Settlement Department of Survey of India or Public Sector undertakings or Private Organisation and who have served for not less than ten years involving Land Survey work and who are not in Service on account of resignation or voluntary retirement on superannuation shall be also be eligible for obtaining license as a Licensed Surveyor.

(2) All persons who have completed 18 years of age but not completed 65 years of age on the date of application for license and

who are physically fit to discharge the duties assigned to them are eligible to apply for license as a Licensed Surveyor.

1. Rules 46-A to 46-K inserted by Notification No. RD 208 BHUDASA 97(P), dated 6-7-1999, w.e.f. 6-7-1999.
2. Inserted by Notification No. RD 208 BHUDASA 97(P), dated 10-10-2000, w.e.f. 16-10-2000.
3. Clause (3) inserted by Notification No. RD 208 BHUDASA 97(P), dated 10-10-2000, w.e.f. 16-10-2000.

**46B. Training :-**

All the persons who apply for license have to compulsorily undergo a training of three months and pass such examination conducted by the Survey Settlement Training Institute of Mysore by the Government once in a year, as may be notified.

**46C. Licence :-**

Licence shall be issued by the Director of Survey Settlement and Land Records, Bangalore to the successful candidates in the examination conducted by Survey Settlement Training Institute at Mysore on payment of a fee of Rs. 1,000/- for a period of one year subject to renewal every year. The renewal fee shall be Rs. 100/-.

**46D. Register of Licensed Surveyors :-**

A register of Licensed Surveyors, Division wise, District-wise and shall be maintained in the office of the Director of Survey Settlement and Land Records, in Form 11-A.

**46E. Fee payable to the Licensed Surveyors :-**

The licensed Surveyors shall be paid a fee of Rs. 300/- for preparing the sketch in accordance with Sections 129 and 131".

**46F. . :-**

JurisdictionJurisdiction of the Licensed Surveyor shall be specified in the license.

**46G. Additional particulars to be contained in the sketch :-**

Every sketch annexed to the report under the third proviso to

Section 128 shall also contain the following particulars, namely

- (1) Information regarding Village/Taluk/District.
- (2) Area Details.
- (3) Kharab details, blockwise.
- (4) Signature of vendor or prospective buyer/person acquiring rights.
- (5) Signature of the Licensed Surveyor with seal.

**46H. Work Specification :-**

(1) Licensed Surveyor shall receive applications from the persons acquiring right in the prescribed Form 11-B and collect the measurement fee of Rupees 300/-.

(2) Before taking up measurement, Licensed Surveyor shall obtain certified copies of necessary survey records from the respective survey offices by remitting a fee as noted under

(1)	Tippan/Hissa Tippan (Each Number)	Rs. 25/-
(2)	Akarband (Each one line entry)	Rs. 7.50/-
(3)	Kharab Utar Copy (Each survey number)	Rs. 10/-

Certified copies applied for by the Licensed Surveyor shall be issued on the same day or within a period of three days.

(3) The Licensed Surveyor shall receive applications for preparation of sketch only in respect of recognised survey or hissa numbers from the persons acquiring right. He shall not entertain applications in respect of Assessed Waste Lands and other Government Lands.

(4) Licensed Surveyor shall issue a notice well in advance in Form 11-C to the interested parties and to all the adjacent landholders before commencing measurements.

(5) Licensed Surveyor shall fix the boundaries of survey or hissa number, before sub-dividing survey or hissa number in the pursuance of all interested parties duly recording their statements and draw mahazars in Form 11-D.

(6) Such sub-divided parcel of land should be well marked on the ground, with boundary marks.

(7) If there is any dispute regarding the title or extent and of any other nature, the application shall be referred to the Survey Department for disposal as per rules.

(8) Measurement shall be carried out as provided under sub-rule (4) of Rule 50 of the Karnataka Land Revenue Rules, 1966.

(9) Licensed Surveyor has to prepare the following records. Hissa Survey Tippan or P.T. Sheet. Hissa Survey pakka or Gunakar Register. Sketch in Form 11-E (in duplicate). Statement in Form 11-D duly signed by all concerned.

(10) Licensed Surveyor has to submit the documents specified in sub-rule (9) along with the notice specified in sub-rule (4) within one month from the date of

measurement to the Taluk Survey Office for scrutiny.

(11) Taluk Survey office shall issue an acknowledgement to Licensed Surveyor in Form 11-F with probable due date for issue of approved sketch within one week from the date of acknowledgement.

(12) As far as pending cases are concerned the Government may issue necessary guidelines through a notice.

(13) Verification fee of Rupees 35/- shall be collected from the Licensed Surveyor in the taluk survey offices.

#### **461. Scrutiny of records given by Licensed Surveyor in Taluk Survey Offices :-**

(1) The measurements and area recorded in hissa survey tippans/pakka/plain table sheets shall be checked and verified by taluk survey officer with reference to the original survey records like tippan/hissa survey tippan and akarbandh along with Kharab details.

(2) The concerned taluk supervisor shall further verify and at least the correctness of the records prepared by the Licensed Surveyor.

(3) The sketch in Form 11-E shall be attested by the Officer concerned in the taluk survey office.

(4) The scrutiny specified in sub-rules (1) to (3) shall be completed and the attested Form 11-E shall be issued to Licensed Surveyor within seven days from the date of receipt in the office.

(5) The remaining documents like hissa survey tippan or hissa survey pakka or plain table sheets or gankar register and one attested sketch in Form 11-E shall be preserved separately, villagewise in the record room with KEY REGISTER in Form 11-G.

#### **46J. Post registration work in Taluk Survey Office :-**

(1) As soon as the receipt of certified mutation along with the copy of sketch in Form 11-E in the taluk survey offices, the same shall be verified with the records already prepared and preserved in the record room.

(2) If both the documents tally then the ADLR will approve the hissa survey tippan or P.T. Sheet or hissa survey pakka or gunakar register and prepare akarbandh, atlas (in triplicate), along with final form already in use in the Department. The approved hissa survey tippan or P.T. Sheet or hissa survey pakka or gunakar register shall be incorporated in the original records for preservation. Akarbandh, atlas in duplicate and final form shall be sent to taluk office for incorporation in the record of rights within

two weeks from the date of receipt of documents from the Licensed Surveyor in the taluk survey office.

(3) The taluk surveyor in taluk survey offices has to incorporate these Within one week in the respective village records thereon.

#### **46K. Cancellation of License :-**

License issued under Rule 46-A shall be cancelled if the Licensed Surveyor contravenes any of the provisions of the Act or the rules, after giving the Licensed Surveyor an opportunity of being heard.]

#### **47. Measurement, Mapping of Sub-Divisions and Apportionment of Assessment :-**

Immediately after the preparation of the Preliminary Records of the villages or of an appreciable number of villages in the taluk is completed, the Assistant Superintendent of Land Records in-charge of the District, shall depute a survey party to measure, map and apportion the assessment of the several sub-divisions.

#### **48. Publication of the starting of Survey Operations :-**

When the hissa survey operations are about to be taken up, the Survey Officer-in-charge of the measurement party shall cause to be posted in the Taluk Office and in the chavadi a notice in Form 2 stating that measurement will be carried out and requiring all land-holders and others interested in the land situated in the village to be present when their sub-divisions are measured and to show to the surveyors the boundaries of their plots.

#### **49. Notice of work to be taken up, to be given daily :-**

A notice in Form 3 of the work to be taken up next day and calling upon those interested in such sub-divisions to be presented at the time of the work shall be published and posted every day in the chavadi till the work in the village is completed. A copy of such notice may also be circulated among such of the persons as are known to be interested in such lands and as are readily available.

#### **50. Mode of Measurement and Mapping :-**

(1) Subject to the provisions of sub-rules (2), (3), (4) and (5) hissas shall be measured and mapped as they are, found to exist

on the field. The surveyor shall rectify mistakes and supply omissions of an obvious nature in the Preliminary Record that come to light during hissa survey in cases in which facts are admitted by all the parties.

(2) All cases of disputes or doubts of whatsoever nature shall be entered by him in the Register of Disputed Cases in Form 14 to be maintained by the survey party. New hissass or plots may be added to the preliminary record at the stage of measurement under the orders of the Tahsildar, a Survey Officer or other Officer authorised for the purpose, who shall, before incorporating these new hissass in the preliminary record or the final record, make the necessary investigation and test before certifying the entries.

(3) After the mutation is certified by a Competent Authority, if any of the holders applied to the Tahsildar that the boundaries of each hissa shall be laid down in accordance with the entries in the Record of Rights, the Tahsildar shall, after issuing notices to all the other interested parties and holding such enquiry as he considers necessary, direct the Surveyor to lay down the boundaries accordingly and the Surveyor shall do so if he has not already subdivided the land by then.

(4) When there is no dispute, the boundary of each hissa shall be laid down according to the statements of all the holders interested in the land recorded before the Surveyor.

(5) When there is any dispute, the boundary to which the dispute relates shall be measured and mapped in accordance with the claims of all the disputants, and the dispute entered in the Register of Disputed Cases. After the dispute has been settled under Rule 52 the map shall be corrected accordingly and the areas finally entered in the Land Records.

### **51. Enquiry into dispute :-**

The Supervisor-in-charge of a group of Surveyors shall enquire into all the disputed cases and record his opinion in the column provided therefore in the Register of Disputed Cases. If any dispute not entered by the Surveyor in the Register of Disputed Cases is brought to the notice of the Supervisor, he shall include it in the Register of Disputed Cases.

### **52. Register of Disputes :-**

Previous notice of seven days shall be given by the Officer-in-charge of each survey arty, of his visit to the village in which the

hissa survey operations have been completed or in progress for purposes of holding the full enquiry for deciding the disputes. He shall invite all parties interested in such disputes to represent their case before him. He shall enquire into all the cases entered in the Register of Disputed Cases and shall record his decision in such register. If any other dispute is brought to his notice, he shall make necessary entries in the Register of Disputed Cases, enquire into such dispute and record his decision in the register.

**53. Proceedings shall be oral and held in public :-**

All proceedings relating to enquiries under Rules 51 and 52 shall be oral and held in public and there shall be no recording of statements or depositions. The only record shall be that of the Officer-in-charge of the party in the register itself which shall contain a brief clear summary of the essential facts elicited at the enquiry and the grounds for the decisions.

**54. Communication of decision :-**

The Officer shall at once communicate his decision verbally to the parties concerned, if they are present make a note to that effect in the Register of Disputed Cases and obtain the signatures of such parties in such Register. If the parties are not present, a written intimation of the decision shall be sent by post to the last known address of the party and the date of such intimation shall be entered in the register.

**55. Date and place of deciding disputes :-**

Ordinarily the disputes of each village shall be decided in the village itself by the Officer-in-charge of the survey party and necessary entries shall be made in the register then and there. In exceptional circumstances, a later date may be fixed for the further hearing of disputes, provided that a notice of not less than seven days shall be given of the postponed date of the hearing to all the parties concerned.

**56. Appeals :-**

Any person adversely affected by such decision of the Officer-in-charge of the survey party may within sixty days from the date of communication of the order to him appeal to the Superintendent of Land Records of the Division: Provided that the Superintendent of

Land Records of the Division may admit an appeal preferred after the period of sixty days aforesaid if he is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

**57. Maintenance of Register of Appeals :-**

Every Appellate Officer shall maintain a register in Form 15 with regard to appeals and applications made to him.

**58. Preparation of Final Record of Rights :-**

After the measurement and mapping of hissas and apportionment of assessment are completed, the Final Record of Rights in Form 16 (Record of Rights) shall be prepared in duplicate under the immediate supervision of the Officer-in-charge of the survey party, incorporating all the mutations recorded up to a date specified by the Superintendent of Land Records of the Division.

**59. Rights of way and other easements :-**

Any easements or rights agreed upon between parties shall be noted in the Record of Rights Register under the column "Other Rights".

**60. Transmission of Record of Rights Registers :-**

The Office-in-charge of the survey party shall send the Record of Rights Registers in duplicate to the Deputy Commissioner.

**61. Publication of the Record of Rights :-**

The Deputy Commissioner shall, on receipt of the Record of Rights Registers, notify under sub-section (3) of Section 127 the fact of completion of the Record of Rights in Form 17 in the Official Gazette and by getting copies thereof affixed in his office and in the Chavadi of the village concerned. The Deputy Commissioner shall thereafter forward the Record of Rights Register to the Tahsildar of the taluk concerned, who shall retain one copy in the Taluk Office and send the other to the Village Accountant concerned. <sup>1</sup> [Immediately on receipt of such copy, the Village Accountant shall send the Preliminary Record of Rights relating thereto to the Tahsildar who shall transmit the same to the Assistant Superintendent of Land Records of the sub-division, for

his custody.]

1. Inserted by GSR 150, dated 7-5-1977, w.e.f. 19-5-1977.

## **CHAPTER 9** Maintenance of Record of Rights

### **62. Maintenance of Record of Rights :-**

(1) On receipt of information regarding acquisition of rights in land, the Village Accountant shall enter the change.

(i) in Form 18 if it is on account of succession, survivorship or inheritance; and

(ii) in Forms 19 and 20 if it is by any other manner.

(2) When any such report is given about the acquisition of any such right, the Village Accountant shall take the signature of the party reporting the acquisition in the form and shall deliver the counterfoil thereof to the party.

### **63. Registrar and Sub-Registrar to send intimation slips to the Village Accountant through the Tahsildar :-**

(1) The Registrar or Sub-Registrar shall, on receipt of information under Rule 44 of the completion of the preliminary record, send to the Tahsildar, daily intimation slips in Form 10 of all transactions relating to lands registered in his office, compiled separately for each village. <sup>1</sup>[The Registrar or Sub-Registrar shall also send

(2) On receipt of intimation slip from the Registrar or Sub-Registrar in <sup>2</sup>[Form 10 and Form 10-A] and on receipt of the report in Forms 19 and 20, the Tahsildar shall cause the slips to be entered <sup>3</sup>[in a <sup>4</sup> [Register in Form 10-B]] villagewise giving separate serial numbers for each village and transmit them to the Village Accountants concerned and get their acknowledgments which shall be filed in his office.

1. Inserted by S.O. 481, dated 7-2-1981, w.e.f. 5-3-1981.

2. Substituted for the word and figures "Form 10" by S.O. 481, dated 7-2-1981, w.e.f. 5-3-1981

3. Inserted by GSR 103, dated 9-2-1970, w.e.f. 9-4-1970.

4. Substituted for the words and figures "Register in Form 10-A" by S.O. 481, dated 7-2-1981, w.e.f. 5-3-1981.

#### **64. Publication of entries in Mutation Register :-**

(1) <sup>1</sup>[On receipt of intimation slips in <sup>2</sup> [Form 10 and Form 10-A] and as soon as intimations] or information in Forms 19 and 20 are received, the mutation shall be entered in chronological order of receipt, in the Register of Mutations in Form 12 to be maintained for the purpose for each village.

(2) After the entry is made in the Mutation Register, a complete copy of the entries in the Mutation Register shall be prepared and exhibited by the Village Accountant in the Chavadi for a period of thirty days.

1. Substituted for the words "As soon as intimations" by GSR 170, dated 22/23-3-1972, w.e.f. 20-4-1972.

2. Substituted for the word and figures "Form 10" by S.O. 481, dated 7-2-1981, w.e.f. 5-3-1981.

#### **65. Issue of notices to the parties affected by mutations :-**

Simultaneously, with the receipt of intimations or information and the making of entries in the Mutation Register, notices in duplicate in Form 21 shall be prepared and caused to be served by the Village Accountant on all the persons as required by sub-section (2) of Section 129. The original notice shall indicate the nature of service in each case and shall be filed with the records concerned.

#### **66. Checking of mutations :-**

Objection, if any, to the entries made in the Mutation Register, may be preferred within thirty days from the date of publication of the entries under sub-rule (2) of Rule 64. If no objection is received within the aforesaid period of thirty days, the entries shall be checked and certified by the 6[Revenue Inspector or by any Officer of the Revenue Department superior in rank to him]. After the entries are certified, such entries shall be transferred to the Record of Rights Register.

#### **67. Disputes and disposal :-**

Objections, if any, received within the period specified in Rule 66 shall be entered in the Register of Disputed Cases in Form 8 and the objections entered in the Register and such other objections as may be made during the enquiry shall be disposed of in the manner

specified in Rule 43. The decision in such cases shall be entered in the Record of Rights Register as specified in Rule 70.

**68. Procedure for enquiry :-**

The enquiry shall be oral and held in public.

**69. Appeal during the maintenance stage :-**

In respect of an order passed under Rule 67

<sup>1</sup> [(i) by the Revenue Inspector or an Officer equal or superior in rank to him, or by the Tahsildar an appeal shall lie to the Assistant Commissioner; and  
(ii) by the Assistant Commissioner, an appeal shall lie to the Deputy Commissioner.]]

1. Clauses (i) and (ii) substituted by Notification No. RD 262 TRM 96, dated 11-8-2000, w.e.f. 17-8-2000.

**70. Transfer of entries from Mutation Register to Record of Rights :-**

(1) Entries in the Record of Rights Register in Form 16 maintained with the Village Accountant shall be corrected in accordance with the order passed in the Mutation Register or the Register of Disputed Cases. The Village Accountant shall within seven days from the date on which corrections are made send extracts thereof to the Tahsildar who shall incorporate such corrections in the copy of the Record of Rights Register maintained in the Taluk Office.

(2) (a) In cases involving measurement, if any difference or discrepancy regarding the relevant entries in the Mutation Register and in the Record of Rights Register is noticed during the measurement, the same may be treated as a fresh mutation and disposed of as provided in these rules.

(b) Every correction in, or addition to, the Record of Rights, shall be made after such corrections or additions are made in the Register of Mutations or in the Register of Disputed Cases.

**71. Record of Rights to be re-written :-**

(1) Whenever the Assistant Commissioner-in-charge of the revenue sub-division concerned directs that in view of the large number of

corrections, or for want of space in the Record of Rights Register, the Record of Rights Register should be re-written, such Register shall be re-written incorporating all the hissas and rights in force up to the date specified by the Assistant Commissioner in such direction.

(2) When the re-written copy of the Record of Rights Register is reported to be complete, the said Assistant Commissioner shall cause it to be compared and shall check not less than five per cent of the entries and certify therein the specific entries checked by him.

(3) Whenever the Record of Rights Register is so re-written a copy of the Register as so re-written shall be maintained in the Taluk Office.

**71A. Application of Rules 62, 63, 64, 65, 70 and 71 in certain cases :-**

<sup>1</sup>Rules 62, 63, 64, 65, 70 and 71 shall have effect in relation to the <sup>2</sup> [any place notified by the Government from time to time] as if

(1) In Rule 62

(a) in sub-rule (1), for the words "Village Accountant" the words "Tahsildar" and for the words and figures "Forms 19 and 20" the words, figures and letters "Forms 19-A and 20- A" have been substituted; and

(b) in sub-rule (2), for the words "Village Accountant shall take" the words "Tahsildar shall cause to be taken" had been substituted;

(2) In Rule 63, in sub-rule (2), for the words and figures "Forms 19 and 20", the words, figures and letter "Forms 19-A and 20-A" have been substituted and the words "and transmit them to the Village Accountants concerned and get their acknowledgments which shall be filled in his office" had been omitted.

(3) In Rule 64

(a) in sub-rule (1), at the end, the words "by the Tahsildar" had been inserted; and

(b) in sub-rule (2), for the words "and exhibited by the Village Accountant in the Chavadi for a period of thirty days", the words "and the Tahsildar shall forward it to the concerned Village Accountant, who shall exhibit it in the village chavadi for a period of thirty days" had been substituted.

(4) In Rule 65, for the word and figures "Form 21" the words, figures and letter "Form 21-A" and for the words "Village Accountant" the word "Tahsildar" had been substituted;

(5) In Rule 70, for sub-rule (1), the following sub-rule had been substituted, namely "(1) Entries in the Record of Rights register in Form 16 maintained by the Tahsildar shall be corrected in accordance with the order passed in the Mutation Register or the register of disputed cases, within seven days. Once in every fortnight, the Village Accountant shall verify all such changes and incorporate them in his copy of the Record of Rights register;"

(6) In Rule 71, for sub-rule (3), the following sub-rule had been substituted, namely

1. Rule 71-A inserted by GSR 257, dated 28-8-1980, w.e.f. 4-9-1980.

2. Substituted for the words "Mysore Division and the Bangalore Division" by Notification No. RD 262 TRM 96, dated 17-2-1999.

## **CHAPTER 10** Maintenance Survey in Pursuance of Record of Rights

### **72.** . :-

After mutation entries are certified under Rule 66 and after disposal of such disputes as might come up for decision under Rule 67, or after disposal of an appeal under Rule 69, the relevant records shall be sent by the Tahsildar to the Assistant Superintendent of Land Records, for <sup>1</sup> [effecting] measurements, mapping of sub-divisions, and apportioning of assessment in respect of sub-divisions resulting from mutation. Rules 47 to 57 both inclusive, shall apply mutatis mutandis to such cases.

1. Substituted for the word "examining" by GSR 76, dated 24-1-1974, w.e.f. 7-3-1974.

## **CHAPTER 11** Boundaries and Boundary Marks

### **73.** **Survey Officer to furnish the Deputy Commissioner a Map :-**

On the introduction of a survey settlement, the Survey Officer shall furnish to the Deputy Commissioner a map and a statement showing the position and description of the boundary marks erected or specified by or under the orders of the Commissioner for Survey, Settlement and Land Records. It shall be the duty of the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement, as the case may be, to amend the map in accordance

with any subsequent alteration of boundaries in a revision survey or in the sub-division of a Survey Number or on any other authorised occasion.

#### **74. Authorised Boundary Marks :-**

The following shall be the authorised boundary marks, namely

- (1) a boundary strip;
- (2) sarband or hedges and other permanent continuous structures such as walls;
- (3) conical earthen mounds, or cairns (Baruz) of loose stones;
- (4) pillars of cut stone or brick or rubble stone masonry;
- (5) prismatic or rectangular earthen mounds;
- (6) roughly dressed long stones; and
- (7) any other marks found suitable for special localities and sanctioned by the Deputy Commissioner of the District or Survey Officer.

#### **75. Description of Boundary Marks :-**

The dimensions and form of boundary marks of Survey Numbers and the materials of which they shall be made shall be determined according to local conditions, climate, durability and cost of materials by the Deputy Commissioner of the District in consultation with the Deputy Commissioner for Land Records or Deputy Commissioner for Settlement, as the case may be.

#### **76. Manner of Repair of Boundary Marks :-**

- (1) The boundary marks specified in Column (1) of the following Table shall be considered to be out of repair and such marks shall be repaired in the manner specified in the corresponding entry in column (2) of the said Table.
- (2) Whenever any boundary mark is missing, a new mark shall be erected.

#### **77. Substitute for Boundary Marks :-**

In any case in which a boundary mark cannot, owing to flooding of a nala, or a river, the breaking away of the bank, or other causes, be kept in repair, or when a new mark cannot be erected in place of a missing mark, under Rule 76 another kind of authorised mark may be substituted. Where, such substitution is impracticable, the

direction of the boundary shall be fixed by a pair of discontinuous marks erected at an adequate distance from the abandoned position either both on the same side, or one on each opposite side thereof.

**78. Responsibility for Repair and Maintenance of Boundary Marks :-**

(1) The responsibility of the several landholders for the repair and maintenance of boundary marks on a common boundary, lies on the holder of the Survey Number which is numerically lowest: Provided that when any Survey Number is unoccupied or assigned for public or Government purposes, the landholder on the other side of boundary shall be responsible for repair of the marks on its periphery.

(2) Within each Survey Number, the holder or holders of each sub-division of a Survey Number shall be responsible for the repairs and maintenance of the marks, if any, have been prescribed on the periphery of such sub-division to the same extent, as they would be responsible for the repair and maintenance of boundary marks of a Survey Number.

(3) A mark which is on the common boundary of two or more villages must be repaired by the holder of the land in the village in which the work of restoration of boundary marks was in progress at the time the marks are found to be out of repair.

**79. General programme for repair of boundary marks :-**

<sup>1</sup> (1) After the introduction of survey settlement in a district a decennial programme of repairs to boundary marks shall be prepared by the Deputy Commissioner of the district, in consultation with the Superintendent of Land Records. The Deputy Commissioner shall send a copy of the programme to the Commissioner for Survey, Settlement and Land Records. The Deputy Commissioner shall select the villages for the programme by circles so that each Revenue Inspector will have three or four villages in his charges for this work every year. He shall also send a report on the completion of the execution of the programme to the Commissioner for Survey, Settlement and Land Records, every year.

(2) In respect of the villages selected for the programme, prepared under sub-rule (1) the Deputy Commissioner shall issue notice

under sub-section (2) of Section 143 before the First November of each year specifying the names of the villages in which boundary marks are due for repairs and the authorised boundary marks, calling upon the land

(3) If the boundary marks are not so repaired by the First December, the Deputy Commissioner shall cause action to be taken under sub-section (3) of Section 143.]

1. Rule 79 substituted by GSR 397, dated 25-10-1969, w.e.f. 27-11-1969.

**80. Report regarding destruction, injury, etc., of boundary or survey mark :-**

(1) The Officer to whom the report under clause (b) of Section 155 has to be made shall be the Survey Officer concerned.

(2) When the Survey Officer becomes aware, on receipt of such report or otherwise that a survey or boundary mark has been destroyed, injured, removed or altered he shall cause it to be either repaired or replaced, as the case may be.

(3) The Survey Officer shall intimate to the local authority concerned, the cost of such repair or replacement and the local authority shall thereupon pay such cost to the State Government.

**81. Penalty for destruction, injury, etc., of survey marks :-**

(1) No person shall destroy, injure, remove or alter a survey mark referred to in Section 144.

(2) Any person who contravenes the provision of sub-rule (1) shall on conviction, be punished with fine not exceeding rupees fifty.

**CHAPTER 12** Preparation of Records, Registers, Accounts, Maps and Plans and their Maintenance in a Village, Town or City where Survey is introduced Under Section 148

**82. Survey of Building Sites within the Limits of a Village, Town or City :-**

(1) The land included in the limits of any Village, Town or City and the boundary of which has been determined by the Deputy Commissioner or by the Survey Officer under Section 148 shall be surveyed by Theodolite by traverse system for the preparation of a

frame work for the detailed survey work of the building sites and the following records shall be prepared, namely

- (a) Traverse Index Map,
- (b) Traverse Book including the lines.

(2) After the preparation of the records referred to in sub-rule (1), building sites shall be surveyed and mapped by Plane Table and the following records shall be prepared, namely

- (a) The Original Detailed Map.
- (b) Area Book indicating therein
  - (i) current number on the map;
  - (ii) description of the land or building sites as specified in the records of the municipality or the Trust Board or the Panchayat or of the Revenue Department and the said name of the holder as found in the records as ascertained otherwise.

<sup>1</sup> [(3) The records, registers and maps prepared under this rule shall be handed over to the Deputy Commissioner or to the Survey Officer.]

1. Sub-rule (3) inserted by GSR 150, dated 28-3-1979, w.e.f. 17-5-1979.

### **83. Enquiry into Titles, Rights etc., of Building Sites :-**

(1) Titles, rights, easements and any other rights in respect of all building sites and the lands, the area of which is determined under Section 152 which have been surveyed under <sup>1</sup>[Rule 82], shall be enquired into by the Survey Officer or by any other Officer appointed by the State Government.

(2) The following records shall be prepared after such enquiry, namely

- (a) enquiry registers showing the details, such as, the name of the holder area, of the-building site, assessment, etc.;
- (b) register of encroachment cases;
- (c) register of unauthorised conversion cases;
- (d) register of building sites (i.e., property cards or registers in Form 13);
- (e) certificate of building sites;
- (f) register of certificate fees.

(3) The records and registers prepared under <sup>2</sup> [sub-rule (2) of this rule], shall be handed over to the Deputy Commissioner or to the Survey Officer after the completion of the enquiry.

1. Substituted for the words, brackets and figures "sub-rules (1)

and (2) of this rule" by GSR 150, dated 28-3-1979, w.e.f. 17-5-1979.

2. Substituted for the words, brackets and figure "sub-rule (1)" by GSR 150, dated 28-3-1979, w.e.f. 17-5-1979.

#### **84. Notices :-**

(1) The notification under clause (a) of sub-section (1) of Section 153 and in Form 26 shall be published in the Official Gazette and a copy thereof shall be affixed in the office of (a) the Survey Officer, (b) the Local Authority concerned and (c) the Tahsildar of the Taluk concerned.

(2) When survey is taken up in the site of any Village, Town or City, the local authority concerned shall give such assistance and shall make available such records as may be required from time to time by the Survey Officer or the Enquiry Officer.

(3) When such survey operation is undertaken, the Survey Officer may close any road for such period as may reasonably be necessary for carrying on the operations in such road.

(4) Before entering on any building site for the purpose of survey, the Survey Officer may cause a notice in writing to be served on the holder or occupier of the building site about to be surveyed and on the holder and occupier of coterminous building sites, calling upon them to attend either personally or by agent on such building site, before him or before such Officer as may be authorised by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice) for the purpose of pointing out boundaries and of affording such information as may be needed, and intimating that in the event if their failing to attend, he or such Officer will proceed with the survey in their absence.

(5) The notice under sub-rule (4) may be served

(a) by delivering the same to such person, or when such person cannot be found, by affixing the same on a conspicuous part of the house in which such person usually resides or holds his office or carries on his business, or by delivering the same to an agent or servant of such person or to an adult, male member of his family; or

(b) by sending by registered post such notice addressed to such person at the place where he usually resides.

## **85. Survey Fee :-**

<sup>1</sup> (1) The Survey Fee payable under clause (b) of sub-rule (1) of Section 153 shall be so fixed by the Deputy Commissioner in consultation with the Director of Survey, Settlement and Land Records, Bangalore, that the entire cost including supervision charges reasonably incurred for the City Survey Operations after excluding the cost in respect of such properties as are not liable to be assessed are suitably apportioned for recovery on the basis of the area of the building sites among the holders liable to pay such fees.

(2) The cost of City Survey shall include salary, allowances and expenditure on contingencies of the staff directly engaged on the work and supervision charges not exceeding twenty per cent thereof.

1. Rule 85 substituted by GSR 102, dated 10-3-1977, w.e.f. 31-3-1977.

## **86. The certificate to be granted under Section 154 :-**

The certificate to be granted under Section 154 shall be in Form 9.

## **87. Maintenance of Maps and Plans :-**

The City Surveyor shall personally inspect building sites and shall record in the maps, property cards, or registers, particulars of all alterations or reconstruction of buildings, encroachments, lease for building purposes by the Government or a local body, acquisition and sub-division of city Survey Numbers whether reported or found out during such inspection, and shall maintain a map Correction Register and an Encroachment Register for the purpose of recording such particulars in the map.

## **88. Recording Mutations :-**

On receipt of information of changes in the rights over building sites on account of succession, survivorship, inheritance or otherwise, of

(a) through intimation slips from the Sub-Registrar; or,

(b) by virtue of orders of superior Officers, or

(c) due to changes notices during inspection by the City Surveyor, the City Surveyor shall effect mutations in the property cards or

property registers.

**89. Publication of Record of Mutation :-**

After the mutation is effected in the property cards or registers, the alterations shall be published on the notice board of the office of the Surveyor in-charge of the survey in the village, town or city for a period of not less than thirty days and individual notices shall be issued simultaneously to the parties concerned, in accordance with the provisions of sub-section (2) of Section 129.

**90. Attestation of Mutation :-**

If no objection is received within a period of thirty days from the date of service of notice under Rule 89, the mutation entry shall be certified by the Tahsildar or by the Survey Officer or by an Officer of the Revenue Department superior in rank than the Revenue Inspector appointed for the purpose. Objections, if any, received within thirty days shall be entered in the register of disputed cases and shall be disposed of according to the procedure prescribed in Rule 67. The result of the decision in such cases shall be entered in the property cards or registers.

**91. Rewriting of Record of Rights :-**

(1) The property cards or registers shall be re-written incorporating all the mutations recorded up to the date to be specified, in view of the number of entries, as and when directed by the Deputy Commissioner of the District.

(2) When the rewritten copies of the property cards or registers are reported to be complete the Deputy Commissioner or the Assistant Commissioner shall cause not less than five per cent of the entries to be checked. Such Officer shall then sign new property cards or registers and subscribe below it a certificate that the entries therein have been duly tested and found correct.

(3) Wherever the Record of Rights Register is so re-written a copy of the Register as so re-written shall be maintained in the office of the Surveyor-in-charge of the survey of the village, town or city as the case may be.

**92. Issue of receipt for fees recovered :-**

For every item of money recovered from the holders or claimants

under any of the provisions of these rules, a receipt shall be given.

**93. Application of other rules to the Record of Rights of Village, Town or City :-**

Rules 68 and 69 shall mutatis mutandis apply to the survey of lands and their boundaries within sites of villages or the limits of cities and towns.

**93A. Disposal of occupancy of building sites :-**

<sup>1</sup> (1) The occupancy of building sites shall ordinarily be sold by auction to the highest bidder whenever the Deputy Commissioner shall be of opinion that there is demand for such sites; but the Deputy Commissioner may dispose of the occupancy of such sites by private arrangements, either upon the payment of a price fixed by him or without charge as he shall deem fit subject to all or any of the following conditions in addition to such other conditions as may be imposed by the Deputy Commissioner, namely

(a) the site shall not be alienated for a period of fifteen years from the date on which the grantee takes possession of the site;

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

(c) the grant of the site is liable to be terminated and the site resumed if the site is appropriated for a purpose, other than that for which it is granted;

(d) the utilisation of the grant shall be subject to any law relating to the local authority in the jurisdiction of which the site is situated;

(e) the failure to comply with any of the conditions prescribed as aforesaid, shall render the building site liable to resumption at the discretion of the Deputy Commissioner without payment of any compensation to the grantee.

(2) The value of sites shall be so fixed as to realise at least their full market value provided that the value, of individual sites may be above or below the average value regard being had to the extent, situation and other natural advantages or disadvantages of such sites.

(3) In cases where the Deputy Commissioner decides to dispose of the building sites by private arrangements, he shall

- (a) advertise the proposal for disposal of such building sites; and
- (b) call for applications giving a time limit of three months.
- (4) In disposing of the applications due regard shall be shown to the adjoining holders where the building site cannot with advantage be disposed of as an independent site.
- (5) In other cases, the sites shall be disposed of in the following order of priority, namely
  - (a) poor persons not having a site or a house in the village, town or city or elsewhere;
  - (b) poor persons with no houses of their own in the village, town or city concerned;
  - (c) Class IV employees of Government, State or Central;
  - (d) Class III employees, State or Central and ex-Servicemen;
  - (e) Class II employees of Government, State or Central;
  - (f) Class I employees of Government, State or Central:Provided that a site shall be granted only if they do not own a site or a house within the village, town or city concerned and no site has been granted to them during last twenty years; and
- (g) other persons in need of building sites.
- (6) Notwithstanding anything contained in this rule, the Deputy Commissioner, may subject to special or general orders of Government, grant site on payment of value determined by him to any educational or charitable institution or to a public authority.]

1. Rule 93-A inserted by GSR 81, dated 28-1-1967 and shall be and shall always be deemed to have come into force w.e.f. 10-3-1966.

## **CHAPTER 13 Revenue Jurisdiction**

### **94. Extinction of Rights of Public, etc. :-**

, Over any public road, street, lane, etc., not required for use of Public When the whole or any part of any public road, street, lane or path which is the property of the State Government is not required for the use of the public, a notification in Form 27 shall be published by the State Government in the Official Gazette.

### **95. Notice of Enquiry :-**

(1) After the expiry of the period specified in the notification issued under Rule 94 calling for objections to the proposals, the Deputy

Commissioner shall issue a notice in Form 28 of the proposed enquiry and of the place and time and subject matter thereof. This notice shall be affixed at the Chavadi of the village in which the property is situated and in a conspicuous position upon the property with respect to which the enquiry will be held on a day not less than ten days before the enquiry is held.

(2) A copy of the notice shall also be served not less than ten days before the enquiry on all persons who are known or believed to have made any claim to the subject-matter of the enquiry, and every such notice shall be served in the manner provided in Section 30.

**96. Notification under Section 68(5) and decision of the Deputy Commissioner under Section 68(6) :-**

(1) After considering the record of the proceedings and the report of the Deputy Commissioner made under sub-section (4) of Section 68, a notification in Form 29 shall be published in the Official Gazette, if the State Government is satisfied that the public road/street/lane-path or part thereof specified in the Notification issued under Rule 94 is not required for the use of the public.

(2) Written notice in Form 30 of the decision of the Deputy Commissioner, regarding the amount of compensation, specifying briefly the subject matter, contents and the date of the order passed, shall be served in the manner specified in Section 30 upon the persons to whom the compensation is payable.

**97. Providing free Pasturage :-**

(1) Government land shall be set apart for free pasturage for the cattle four goats, sheeps of each village at the rate of twelve hectares for every hundred heads of cattle. Explanation In calculating the heads of cattle or calves or cow or buffalo shall be taken as equivalent to one head of cattle.

(2) If there is sufficient forest area in the village concerned or in the adjoining village to enable the village cattle to graze, the area to be set apart as free pasturage may be reduced correspondingly.

(3) If there is no grazing land available in a village, or the land available falls short of the extent prescribed under sub-rule (1) the deficit may be made up by setting apart Government land available in the adjacent village.

(4) The Deputy Commissioner shall determine the extent of land

necessary to be set apart for free pasturage in any village. If in the opinion of the Deputy Commissioner the extent of pasturage should exceed the minimum prescribed in sub-rule (1) he may so set apart such larger extent as may be necessary. If on the contrary he considers that the area already so set apart is much larger than what is really required, he may reduce it to the prescribed minimum. Where, he considers that the extent of free pasturage may be reduced below the prescribed limit, he should do so only after obtaining the prior permission of the Divisional Commissioner.

<sup>1</sup> [Provided that no such permission shall be necessary where the reduction below the prescribed limit is for the purpose of

(i) distribution of house sites to the siteless person; and

(ii) grant of land to persons belonging to Scheduled Castes and Scheduled Tribes, for agricultural purposes, who are ordinarily residents of such village.]

(iii) regularisation of unauthorised cultivation under Chapter XIII-A.]

1. Rule 102-A inserted by GSR 280, dated 6-9-1974.

### **98. Sale of produce of Government Trees :-**

The produce of trees belonging to Government shall be sold by auction annually by the Officers of the Forest Department authorised in this behalf.

### **99. Disposal of grazing and other produce of all unoccupied Government Lands :-**

The right to grazing or collect other produce of all unoccupied lands vesting in Government, whether such lands are surveyed, settled and assessed or not and of lands specially reserved for grass or for grazing (except lands assigned to villages for free pasturage), may be sold by public auction every year, either field by field or in tracts, and at such time as the Deputy Commissioner shall determine:

Provided that the purchasers right over such land shall entirely cease on the 30th June, or on such earlier date as the land may be granted for cultivation on full assessment.

### **100. . :-**

Disposal of grazing and other produce otherwise than by sale in

public auctionThe Deputy Commissioner may, for sufficient cause and with the prior approval of the Divisional Commissioner, sanction the disposal of the grazing rights or the right to collect other produce of any land specified in Rule 99 otherwise than by sale in public auction.

**101. Disposal of grass grown on the rear slopes of bunds of tanks and irrigation canals :-**

The authorities in-charge of the maintenance of tanks and irrigation canals shall sell by auction, grass grown on the rear slopes of bunds of such tanks and irrigation canals. Such grass shall be cut and removed and no cattle shall be allowed to graze on such slopes.

**102. Right to trees growing on the banks of a stream included in an occupied Survey Number :-**

When a stream forms the boundary of an occupied Survey Number, the occupants shall ordinarily have the benefit of the trees upto mid-stream, subject to the provisions of Sections 81 and 82.

**102A. Planting of Trees by private persons on Government Lands :-**

- <sup>1</sup> (1) The Deputy Commissioner may subject to the following conditions, grant permission to any person to plant and grow trees on lands vesting in the State Government, in any village, namely
- (i) the grantee and his successor-in-interest (hereinafter referred to as "Hakdar") shall be entitled only to the usufruct of such trees and not to any other right over the trees or lands on which they are planted;
  - (ii) fee of twenty paise per annum for every tree planted shall be paid as ground rent;
  - (iii) the Hakdar shall raise trees within two years from the date, the permission is granted;
  - (iv) the Hakdar shall not do any act which is destructive or permanently injurious to the land;
  - (v) the Hakdar shall not interfere with any existing or customary rights of the public or of owners of adjoining land over such land;
  - (vi) the permission will be liable to be cancelled for contravention of any of the above conditions and the Hakdar shall not be entitled to any amount for such cancellation;
  - (vii) the Hakdar shall not be entitled to any amount when such

trees have to be removed for widening of roads or for other public purposes or when the land is disposed of under the Karnataka Land Grant Rules, 1969. If the trees are to be removed for any of the said purposes, the Hakdar may be allowed to remove the trees at his own cost".

(2) In cases where trees have already been raised by any person on the lands vesting in Government prior to the coming into force of these rules, the persons concerned may apply to the Deputy Commissioner for grant of permission to collect the usufruct of such trees. If the Deputy Commissioner is satisfied that such person has raised the trees and is of the opinion that the grant of permission is not objectionable he may grant permission to such person to collect the usufruct of such trees subject to the conditions mentioned in sub-rule (1):

Provided that the ground rent in respect of such trees shall be paid from the date of their planting.

(3) A register called in respect of such trees for each village shall be maintained wherein a record shall be made of the trees already

(4) The Register shall be checked by the Tahsildar at least once in a year.]

1. Rule 102-A inserted by GSR 280, dated 6-9-1974.

### **102B. Limits of Green belt :-**

**1** The State Government may in respect of the cities, city municipalities, town municipalities or notified areas specified in Column (2) of the Table below, declare any area lying within the limits thereof or within the distance from such limits specified in the corresponding entries in Column (3) of the said Table as Green belt under sub-section (3-A) of Section 95 of the Act.

1. Rule 106-A inserted by GSR 4, dated 7-1-1984.

### **103. Assessment of Non-agricultural land on diversion for agricultural purpose :-**

(1) When land which has been assessed with reference to any purpose other than agriculture is used for the purpose of agriculture only, the Deputy Commissioner may, on the application of the holder, remove the non-agricultural assessment on such land

and impose if the Settlement period has not expired, either the old agricultural assessment, if any, and in other cases impose the agricultural assessment as may be determined in accordance with agricultural lands.

(2) The agricultural assessment imposed under sub-rule (1) shall be subject to the same conditions as to periodical revision and other rules and provisions of Law as if it had been imposed at the ordinary revenue settlement of the village in which the land is situated: Provided that if the holder has paid any lump sum as commuted assessment for any period, he shall not be entitled to any refund or to any change in the conditions of his lease or agreement until the period for which the assessment has been commuted expires.

#### **104. Commutation of Annual Non-Agricultural Assessment**

:-

(1) The holder of a land which has been used for any purpose other than agriculture and in respect of which non-agricultural assessment payable annually was leviable or had been levied by or under any enactment or law in force, before the commencement of the Act, may make an application to the Deputy Commissioner for Commutation of such non- agricultural assessment.

(2) The application under sub-rule (1) shall be accompanied by a certified copy of the Record of Rights or of the property card or register, as the case may be, relating to such land and a treasury challan showing that an amount equal to five times the amount of such annual non-agricultural assessment has been paid to the State Government by the holder of the land.

(3) The Deputy Commissioner shall, after making such inquiry as he deems fit and after satisfying himself that the holder has made such payment make an order of commutation of the assessment.

(4)

(a) The Deputy Commissioner shall cause copies of the order passed by him under sub-clause (3) to be sent to the Assistant Superintendent of Land Records of the District and to the Tahsildar of the Taluk for the purpose of making necessary entries in the Record of Rights, property card or registers as the case may be.

(b) The Deputy Commissioner shall issue a certificate to the holder in Form 44 in respect of commutation of annual non-agricultural assessment.

**105. Assessment of land revenue of lands not already assessed under Chapter X of the Act :-**

Where assessment has not been fixed under on any land not wholly exempt from land revenue under Chapter X of the Act, the Deputy Commissioner of the District in which the land is situate shall fix the same for a period not exceeding five years taking into account the land revenue assessment prevailing for similar and contiguous lands in the local area concerned.

**106. Register of alienated lands and grant of certified extracts :-**

(1) The register of alienated lands under Section 85 shall be in Form 31.

(2) Certified extract from the Register of alienated lands may be granted under Section 85 on payment of a fee of Rs. 5/-.

**106A. Notice for diversion of dry (Punja) Land :-**

<sup>1</sup> The prior notice for diversion of dry (Punja) Land under the proviso to sub-section (2) of Section 95 of the Act shall be in Form 21-A. The occupant shall enclose to the said notice a challan for having credited the fine computed in accordance with Rule 107 to the concerned Treasury.]

1. Rule 106-A inserted by GSR 4, dated 7-1-1984.

**107. Levy of fine for conversion of agricultural land for nonagricultural use :-**

<sup>1</sup> The amount of fine which may be levied under sub-section (7) of Section 95 shall be at the rates specified in the table below, namely

1. Rule 107 substituted by GSR 347, dated 11/19-10-1972, w.e.f. 26-10-1972.

**107A. Amount for compounding diversion of agricultural lands :-**

<sup>1</sup>The compounding amount which may be levied under sub-section (4) of Section 96 shall be at the rates specified in the table below,

namely

**1** Provided that in respect of diversion made by a Government Department, Municipal Council, City Corporation, Town Municipality, Village Panchayat, Taluk Panchayats, Zilla Panchayats, charitable or education institution for charitable or public purposes from which the Government Department, Municipal Council, City Corporation, Town Municipality, Village Panchayat, Taluk Panchayats, Zilla Panchayats, charitable or educational institution concerned does not derive any profit and the land is used for the purposes such as construction of school buildings, playgrounds, roads, hospitals, dispensaries or rest houses, the compounding fee payable shall be twenty five percent.]

1. Proviso inserted by Notification No. RD89 LGP 94, dated 22-5-1995, w.e.f. 24-5-1995.

**107B. Terms and conditions of permission in special cases**

:-

**1** The permission granted in special cases under Section 98 shall be subject to the terms and conditions specified below

(i) The period for which the permission is granted shall not exceed the period specified in the licence, or one year, whichever is less.

The said period shall not be extended;

(ii) The land shall be utilised for the purpose for which the permission is granted and shall not be used for any other purpose;

(iii) The land shall not be alienated during the period for which permission is granted;

(iv) The land shall not be used in any manner other than one specified in the licence;

(v) Any other terms and conditions which may be specified in addition to the above;

(vi) In case of contravention of any of the aforesaid conditions or of the conditions subject to which the permission is granted or of the condition of the licence if any or of the condition specified in the agreement referred to in Section 98, the permission shall stand cancelled.]

1. Rule 107-B inserted by GSR 266, dated 19-9-1986, w.e.f. 30-9-1986.

**108. Pine not to be levied in certain cases :-**

<sup>1</sup>[(1) Notwithstanding anything contained in the foregoing rules, no fine shall be imposed for the appropriation of agricultural lands made over to or acquired under the Land Acquisition Act at the instance of a Government Department, Municipal Council, Local Board, Village Panchayat, Charitable or Educational Institution for charitable or public purposes from which the Government Department, Municipal Council, Local Board, Village Panchayat, Charitable or Educational Institution concerned does not derive any profit and the land is used for the purposes such as construction of a School Building laying out of play-ground, roads, hospitals, dispensaries or rest houses.]

<sup>2</sup>[(2) The exemption under sub-rule (1) shall also apply in cases of lands

(i) made over to or acquired

(a) for village extension and for the improvement of village sanitation at the instance of the village panchayat;

(b) for construction of houses by the Karnataka Housing Board; <sup>3</sup>[x x x x]

<sup>4</sup>[(c) for the purpose of market yards by the Agricultural Produce Market Committees constituted under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966;]

<sup>5</sup>[(i-a) proposed to be converted for the purpose of poultry farming; <sup>6</sup>[x x x x x]]

<sup>6</sup>[(ii) not exceeding two acres, proposed to be converted for the purpose of locating new, tiny and small scale industrial units set up in Zone III and <sup>7</sup>[Government Order No. CI 30 SPC 96,, dated 16th March, 1996], certified as such by the Director of Industries and Commerce in Karnataka, Bangalore or any other Officer of the Department of Industries and Commerce authorised by the Director in this behalf:

Provided that the exemption under clause (ii) and shall be in force with effect from <sup>8</sup>[12th day of July, 1998 to 31st day of March, 2001;

<sup>9</sup>[(iii) proposed to be converted for the purpose of locating

(a) all new tourism units in category C location, including hotel projects of 4 and 5 Star category, within the limits specified in column (2) of the table below in respect of the categories specified in column (3) thereof;

(b) new tourism units in category B locations within the limits specified in column (2) of the Table below in respect of the categories specified in corresponding entries in column (3), thereof;

<b>SI. No,</b>	<b>Limits of exemption</b>	<b>Catgories</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1.	not exceeding. One Unit	Hotel projects of three, two and one star
2.	Half Unit	Budget hotels and way side amenities
3.	Two Units	Amusement parks and tourism resorts:

Provided that the exemption under clause (iii) shall be in force with effect from 1st day of June, 1992 and upto 31st day of May, 1997.

Explanation(1) Tourism units in category B and C locations means the units and locations specified in Government Order No. ITY 89 (P), dated 30thMay, 1992, read with G.O. No. ITY 9 TTT 89 (P), dated 25th February,1994 and certified as such by the Director of Tourism in Karnataka, Bangalore.

(2) "Unit" means the unit as defined in sub-clause (35-A) of clause (a) of Section 2 of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962).]

**10**[Provided that the exemption under clauses (ii) and (iii) of this rule shall not be applicable to new industries to be started within the Municipal limits of the City of Bangalore and in any village situated within the radius of sixteen Kilometers from the Corporation limits of the City of Bangalore and within the areas of Bangalore South and Bangalore North Taluks.]

**11**(2A) Notwithstanding anything contained in these rules, no fine shall be imposed in respect of land purchased by an educational institution and diverted for the purpose of construction of buildings or use as playground required for such educational institution.]

**12** [(3) x x x x x.]

1. Sub-rule (1) substituted by GSR 108, dated 16-4-1968, w.e.f. 18-4-1968.

2. Sub-rules (2) and (3) substituted for sub-rule (2) by GSR 104, dated 17-3-1970 and shall be deemed to have come into force w.e.f. 30-6-1969.

3. The word "and" omitted by GSR 311, dated 14-9-1972, w.e.f. 21-9-1972.

4. Clause (c) inserted by GSR 163, dated 29-5-1975, w.e.f. 26-6-1975.

5. Clause (i-a) inserted by GSR 311, dated 14-9-1972, w.e.f. 21-9-1972.

6. Clause (ii) substituted for clauses (ii) and (iii) by GSR 210, dated 30-12-1991 and shall be and shall be deemed to have been substituted w.e.f. 1-10-1990.

7. Substituted for the words, letters and figures "G.O. No. CI 140 SPC 93, dated 12-7-1993" by Notification No. RD 59 LGP 98, dated

17-2-1999 and shall be deemed to have been substituted w.e.f. 12-7-1998.

8. Substituted for the words and figures "12th day of July, 1997 to 11th day of July, 1998" by Notification No. RD 59 LGP 98, dated 17-2-1999 and shall be deemed to have been substituted w.e.f. 12-7-1998.

9. Clause (iii) inserted by GSR 165, dated 5-10-1994 and shall be deemed to have been inserted w.e.f. 1-6-1992.

10. Proviso inserted by GSR 332, dated 12-10-1976 and shall be deemed to have been inserted w.e.f. 4-4-1975.

11. Sub-rule (2-A) inserted by GSR 149, dated 10-5-1979, w.e.f. 11-5-1979.

12. Sub-rule (3) omitted by GSR 210, dated 30-12-1991 and shall be and shall be deemed to have been omitted w.e.f. 1-10-1990.

### **108A. Notice of assessment to occupants :-**

<sup>1</sup> The notice of assessment required to be served on an occupant under Section 122-A, shall be issued by the Revenue Inspector in Form 31-A.]

1. Rule 108-A inserted by GSR 183, dated 20-5-1969, w.e.f. 21-5-1969.

## **CHAPTER 13A Regularisation of unauthorised occupation of Land**

### **108B. Definitions :-**

For the purpose of this Chapter, unless the context otherwise requires [(a) "Additional Committee" means the Additional Committee constituted in accordance with sub-section (2-A) of Section 94-A;] [(aa)] "Committee" means committee constituted under Section 94-A;

(b) "To cultivate personally" shall have the same meaning as assigned under the Karnataka Land Reforms Act, 1961.

### **108C. Application for Grant of Land :-**

(1) Any person who is in unauthorised occupation of any land may make an application in writing to the Tahsildar of the Taluk in Form 50 along with a fee of Rupees Two payable by affixing a Court Fee

Stamp.

(2) Immediately on receipt of application under sub-rule (1), the Tahsildar shall cause the particulars of the application to be entered in a register which shall be in Form 51 kept in his office. He shall, thereafter, place the application before the Committee 8[or the Additional Committee] after such scrutiny as may be necessary.

**108CC. Procedure under Section 94-B. :-**

<sup>1</sup> (1) For the purpose of Section 94 to the Tahsildar of the concerned Taluk shall on receipt of an application or by issuing a public notice in Form No. 53 and by sending individual notice to the occupants in Form No. 54 identify the unauthorised occupants.

(2) He shall thereafter prepare a list of persons eligible for grant in accordance with the provisions of Section 94-B in Form No. 55 and enter the details in a register, kept in Form No. 56 and shall within a period of three months from the date of issues of public notice send all related documents to the Deputy Commissioner or other officer authorised under Section 94-B.

(3) The Deputy Commissioner or other Officer authorised under Section 94-B shall on receipt of the documents from the Tahsildar make spot inspection, examine the documentary and circumstantial evidence, determine the eligibility or otherwise and make the recommendation to the committee within three months from the date of receipt of the document from the Tahsildar.

(4) Provisions of sub-rules (3), (4) and (5) of Rule 10 shall mutatis mutandis apply for the purpose of grant of land under Section 94-B.]

1. Rule 108-CC inserted by Notification No. RD 38 LGP 98-11, dated 6-11-1998, w.e.f. 9-11-1998.

**108D. Procedure of the Committee :-**

(1) The Committee <sup>1</sup>[or the Additional Committee] shall, after verifying the particulars furnished by the applicant and after holding such enquiry as it deems necessary determine the extent of land to which the applicant is entitled for grant and the amount required to be paid by him for the grant of land, publish a notice which shall be in Form 52 in the Chavadi of the village in which the land is situated and also in the Office of the Mandal Panchayat, inviting objections from the interested persons for the proposed grant, within such time as may 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 period specified in the notice the Committee <sup>2</sup>[or the Additional Committee] shall, after considering the objections received and after further enquiry, if necessary, <sup>3</sup>[recommend for grant of the land unauthorisedly occupied by the applicant or to dismiss it], subject to the provisions of Rule 108-1.

<sup>4</sup>[(3) On such recommendations, the Tahsildar, who shall be the Secretary of the Committee or the Additional Committee, as the case may

(4) The first instalment shall be paid in accordance with clause (a) of sub-section (6) of Section 94-A and remaining two instalments of amount payable, if any, shall be paid by the applicant within Sixty days from the expiry of the last date fixed for the payment of first instalment]

<sup>5</sup> [(5) Appeal against orders made by the Tahsildar on the recommendations of the Committee shall lie to the Assistant Commissioner, and of the Additional Committee shall lie to the Deputy Commissioner.]

1. Inserted by GSR 158, dated 20-9-1994, w.e.f. 27-9-1994.

2. Inserted by GSR 158, dated 20-9-1994, w.e.f. 27-9-1994.

3. Substituted for the words "grant the land unauthorisedly occupied by him" by GSR 48, dated 7-3-1994, w.e.f. 16-3-1994.

4. Sub-rules (3) and (4) substituted for sub-rules (3), (4) and (5) by GSR 158, dated 20-9-1994, w.e.f. 27-9-1994.

5. Sub-rule (6) substituted by GSR 158, dated 20-9-1994, w.e.f. 27-9-1994.

### **108E. Members of the Committee :-**

<sup>12</sup>[(1)] The Committee shall consist of the following members

(1) the Member of the Karnataka Legislative Assembly representing the major part of the Taluk;

<sup>3</sup>[(2) three persons nominated by the State Government of whom one shall be a woman and another shall belong to Scheduled Castes or Scheduled Tribes.]

(3) the Tahsildar of the concerned Taluk.

Provided that if such Member of the Legislative Assembly belong to Scheduled Castes or Scheduled Tribes, the Member to be nominated shall not necessarily belong to Scheduled Castes

Scheduled Tribes:

Provided further that where the member representing major part of the Taluk is not available or is not willing to be a member of the committee, for any reason, the State Government may nominate any other Member of the Legislative Assembly as a member of the Committee.]

<sup>4</sup>[(2) The Chairman and in his absence, <sup>5</sup>[the Tahsildar shall convene the meeting and] shall preside at the meeting of the Committee.

(3) The quorum of the Committee shall be <sup>6</sup> [two], of which one shall be the Tahsildar.]

1. Rule 108-E substituted by GSR 121, dated 29-6-1991, w.e.f. 3-7-1991.

2. Rule 108-E renumbered as sub-rule (1) thereof by GSR 48, dated 7-3-1994, w.e.f. 16-3-1994.

3. Clause (2) substituted by GSR 158, dated 20-9-1994, w.e.f. 27-9-1994.

4. Sub-rules (2) and (3) inserted by GSR 48, dated 7-3-1994, w.e.f. 16-3-1994.

5. Substituted for the words "any member chosen by the members present among themselves" by GSR 158, dated 20-9-1994, w.e.f. 27-9-1994.

6. Substituted for the word "three" by GSR 158, dated 20-9-1994, w.e.f. 27-9-1994.

### **108EE. Additional Committee :-**

<sup>1</sup> (1) The Additional Committee shall consist of the following members, namely

(a) the Assistant Commissioner of the concerned sub-division or any other Officer of the equivalent rank nominated by the State Government as Chairman;

(b) three persons nominated by the State Government of whom one shall be a Woman and another shall belong to Scheduled Castes or Scheduled Tribes;

(c) the Tahsildar of the concerned taluk.

(2) The quorum of the Additional Committee shall be two, of which one shall be the Tahsildar.

1. Rule 108-BE inserted by GSR 158, dated 20-9-1994, w.e.f. 27-

9-1994.

**108F. Eligibility for Grant :-**

No person shall be eligible for grant of land under this Chapter, unless

(i) he has attained the age of eighteen years; and

2[(ii) x x x x x.]

(iii) he is a permanent resident within the limits of the Taluk in which the land is situated or in the adjacent Taluk; and

(iv) he is a bona fide agriculturist cultivating the land personally and is not prohibited from holding or acquiring land under the provisions of Karnataka Land Reforms Act, 1961; and

(v) he is in authorised occupation of land for at least a continuous period of not less than three years prior to the Fourteenth day of April, 1990:

Provided that in the case of persons belonging to scheduled Castes and Scheduled Tribes, such period shall be not less than one year.

**108G. Amount payable for Grant of Land :-**

(1) The amount payable for the grant of land under Section 94-A, shall, subject to the provisions of sub-rules (2) and (3) be 1[fifty times] and Revenue payable for such land: Provided that no amount shall be payable by persons belonging to Scheduled Castes and Scheduled Tribes.

(2) In computing the amount payable for the land, the Tahsildar shall not take into consideration the value of any trees standing on the Land or Improvements made by the applicant during the period of unauthorised occupation.

(3) If at the time of determining the amount payable, there is reason to believe that the tree has been cut, the Tahsildar shall, verify the entries in the Record of Rights and hold an enquiry as he deems necessary after giving the grantee an opportunity of being heard. After such enquiry, on being satisfied that the grantee has cut the tree, the Tahsildar shall get the value of the tree assessed by the authorities of the Forest Department and include the same in the amount payable by the grantee.

(4) Land Revenue Assessment for the entire period of unauthorised occupation shall be collected in addition to the amount payable by the grantee.

**108H. Land not already assessed to be assessed before it is granted :-**

Every land in unauthorised occupation, if not assessed shall be assessed to payment of Land Revenue, in accordance with the provisions of this Act before the order of grant is made. Such land shall also be surveyed and demarcated and its boundaries fixed. The grantee shall be liable to pay the charges, if any, for the same: Provided that no such charges shall be payable by persons belonging to Scheduled Castes and Scheduled Tribes. Substituted for the words "two hundred t.....es" by GSR 158, dated 20-9-1994, w.e.f. 27-9-1994.

**108I. Certain lands not to be granted :-**

Notwithstanding anything contained in this chapter, lands assigned for special purposes under Section 71 of the Act, and lands described in revenue records, as Devarakadu, Urduve, Gunduthop Tankbed, Phut Kharab halla, datereserve, burial grounds and such lands, which in the opinion of the Government is required for public purpose, shall not be granted:

<sup>1</sup> [Provided that the provisions of this rule shall not apply to lands set-apart for free pasturage under Section 71 of Karnataka Land Revenue Act which will be governed by Rule 97.]

1. Proviso inserted by GSR 211, dated 30-12-1991, w.e.f. 1-1-1992.

**108J. Conditions for Grant of Land :-**

(1) The grant of land under this Chapter shall be subject to the following conditions, namely

(i) the grantee shall not alienate the land nor use it for non-agricultural purposes for a period of Fifteen years from the date of issue of Saguvali Chit or certificate grant to him;

(ii) the grantee shall cultivate the land personally;

(iii) the grantee shall within a period of six months from the date of issue of Saguvali Chit or certificate of grant in respect of the granted land, plant and maintain not less than one tree per every ten areas (guntas) of land or ten trees per hectare of land, at his cost. In case the tree planted were to die or get damaged due to cause beyond his control, he shall replant in its place another tree

and year them;

(iv) for contravention of any of the above conditions, the grant shall be liable to be cancelled and resumed to Government free from all encumbrances by the Assistant Commissioner:

Provided that no such cancellation shall be made without giving the grantee an opportunity of being heard.

(2) The following shall not be regarded as alienation for purposes of sub-rule (1)

(a) Mortgage of the land in favour of State Government or a Cooperative Society or a Scheduled Bank or the Agricultural Re-financing Corporation or the Karnataka State Agro Industries Corporation for loans obtained for improvement of such land or for buying cattle or agricultural implements for the cultivation of such land; and

(b) leasing of the land in accordance with the provisions of the Karnataka Land Reforms Act, 1961.

#### **108K. Cancellation of Grant :-**

Any grant of land made under this chapter shall be liable to be cancelled and the land resumed by the Assistant Commissioner, where the grant has been obtained by making false or fraudulent representation or is contrary to these rules: Provided that no such cancellation shall be made without giving the grantee an opportunity of being heard.

#### **108L. Grant of Land Discretionary :-**

Nothing contained in these rules, shall be deemed to confer on any person any right to the grant of the land under his unauthorised occupation.

#### **108M. Grantees of Land to Execute an Agreement :-**

Every person who is granted lands for agricultural purposes under these rules shall execute an agreement in Form V prescribed under Rule 28 of Karnataka Land Grant Rules, 1969.

#### **108N. Powers of the State Government :-**

Notwithstanding anything contained in this chapter, 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, recording reasons for such relaxation, subject to such conditions as may be specified in the orders and thereupon lands may be granted in such a case or classes of cases in accordance with such direction.]

## **CHAPTER 14** Recovery of Land Revenue

### **109. Payment of Assessment :-**

(1) All payments of revenue shall be made to the Village Accountant who shall grant receipts for the same in Form 36: Provided that such payments may, at the option of the payer, be made

(a) into the Treasury of the Taluk in which the land is situated;

(b) with the sanction of the Deputy Commissioner into any other Taluk Treasury in the district or into the District Treasury; or

(c) by money order the remittances being accompanied in each case by a Memorandum giving full particulars of the amount due and of the properties on account of which the payment is made.

(2) Where any payment is made into a District Treasury or Taluk Treasury or by money order such payment shall not affect any sale held prior to the production before the Officer conducting the sale.

(3) Treasury Officers receiving any such payment shall give immediate intimation of the fact to the Tahsildar of the Taluk where the payment is due; and the latter shall lose no time in causing the necessary entry to be made in the Village Accounts.

### **109A. Remission of assessment in cases of diluvion :-**

<sup>1</sup> (1) Claims to decrease of assessment under Section 82 for land lost by diluvion shall be made to and disposed by the Deputy Commissioner after obtaining such particulars regarding the extent and nature of the land, the loss caused and other relevant matters as he may consider necessary.

(2) The Village Accountant shall ascertain and record the losses due to diluvion in every holding. He shall also report to the Tahsildar, the area of any land exceeding the extent of half an acre lost by diluvion or by submersion under the seas or on account of being washed away by currents of rivers, streams, nalas and sea water, etc.]

1. Rule 109-A inserted by GSR 52, dated 1-2-1978, w.e.f. 16-2-

1978.

**110. Land Revenue payable by instalments; periods of instalments :-**

(1) The land revenue leviable on account of a revenue year shall be payable in four equal instalments in the months of January, February, March and April of each year. Each instalment shall be paid by the 20th day of each such month: Provided that where the land revenue for the year in any case is less than five rupees, the whole amount due shall be paid in by the 20th of January.

(2) If any person wished to pay the entire years revenue in one instalment, he may do so by the 20th of January.

**111. . :-**

Time for commencing and closing of Village AccountsAll Village Accounts shall be maintained for each Revenue year.

**112. Demand how made :-**

(1) The Village Accountant shall issue a notice of demand under sub-section (1) of Section 162 in Form 37.

(2) If the person liable to pay fails to pay the amount due within seven days after service of the Demand Notice issued under sub-rule (1) the Village Accountant shall make a report to the Deputy Commissioner and if the Deputy Commissioner so directs the Village Accountant shall destrain the defaulters movable property which may be brought to sale by the Revenue Inspector after giving wide publicity for such sale.

**113. Procedure for Sale :-**

(1) Every sale, shall, as a rule, be held on the day named in the proclamation, and, if necessary, continued from day to day (closed holidays expected), until all the properties specified in the proclamation shall have been sold. The Officer conducting the sale,

(2) If the party purchases by himself or through another person without such permission, the Sub-Division Assistant Commissioner may if he thinks fit, on the application of the defaulter or any other person whose interests are affected by the sale, by order set aside

the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale and all expenses attending it, shall be paid by the party at whose instance the sale had been originally held.

(3) In cases in which the Deputy Commissioner considers necessary, that the applicant should not be allowed to bid for less than the sum to be fixed, it shall be competent to him to so fix the minimum.

(4) Where the applicant purchases with such permission, the purchase money and the amount for the recovery of which the sale is held may be set off against one another.

(5) The Notice of demand issued under Rule 111 shall be published in the village by affixing a copy of the same on the Notice Board of the Chavadi. A copy shall also be served on the defaulter as per Section 30. A sum of Re. 1 (Rupee one only) shall be recovered from the defaulter as the cost of the demand notice. On the completion of the sale the full value of the movable property shall be deposited forthwith.

<sup>1</sup> [(6) The proclamation of sale and notice in that behalf shall be in Form 38.

1. Sub-rule (6) inserted by GSR 65, dated 22-1-1972, w.e.f. 17-2-1972.

#### **114. Forfeiture of Occupancy of Alienated holding :-**

<sup>1</sup> x x x x x.

1. Rule 114 omitted by GSR 65, dated 22-1-1972, w.e.f. 17-2-1972.

#### **115. Procedure to be adopted when the occupancy consists of two or more Survey Numbers or estates separately assessed :-**

If the occupancy or alienated holding in respect of which the arrear is due consists of two or more Survey Numbers or of two or more portions of land or estates separately assessed, and the Deputy Commissioner is of the opinion that the whole amount of such arrear could be realised by the sale of some one or more only of such Survey Numbers, or portions of estates, he may, in his discretion, restrict the forfeiture to such one or more of the said such Survey Numbers, or portions of estates, <sup>1</sup> [x x x x x.]

1. The words "Where the forfeiture is intended not for the purpose of sale but for taking possession and otherwise disposing of the holding the previous sanction of the Divisional Commissioner shall be obtained in each case" omitted by GSR 65, dated 22-1-1972, w.e.f. 17-2-1972.

**116. Sale of Forfeited Occupancy or Alienated Holding :-**

**1** x x x x x.

1. Rule 116 omitted by GSR 65, dated 22-1-1972, w.e.f 17-2-1972.

**117. Procedure to be followed if default is made in the case of unenfranchised service inams :-**

(1) Inam lands held for village service, revenue or police, or for religious or charitable purposes shall not be declared forfeited and sold, but the Deputy Commissioner shall proceed to realise the demand against the holders by the attachment and sale of their personal and other movable property.

(2) In the case of unenfranchised holding on which arrears may be due, the Deputy Commissioner may, in the event of his failing to recover the arrears by the sale of the defaulters personal or other immovable property, obtain the sanction of the Divisional Commissioner to the holding being declared forfeited and resumed.

**118. The tenure of enfranchised alienated inams not to be extinguished by forfeiture :-**

In the case of an enfranchised alienated holding which has been declared forfeited for the purpose of sale under Section 163, such forfeiture shall not operate so as to extinguish the tenure on which the alienation was originally made and the property shall be sold as alienated property and conveyed as such to the purchaser: Provided that if at such auction the property is purchased on account of the Government the Deputy Commissioner shall cause the land comprised in the holding to be entered in the records as unoccupied unalienated land.

**119. Restoration of forfeited occupancy or alienated holding on payment of the arrear due :-**

<sup>1</sup>( 1 ) The Deputy Commissioner may restore any forfeited occupancy or alienated holding which has been purchased on account of the Government and which has not been disposed of otherwise within three years from the date of forfeiture on payment of the arrear in respect of which the forfeiture was incurred together with the amount of land revenue in respect of the holding from the date of forfeiture to the date of restoration and the expenses incurred so far in the recovery and further proceedings as may be forced by the Deputy Commissioner.

<sup>2</sup>(2) During a period of not more than <sup>3</sup> [one year from the date of commencement of Karnataka Land Revenue (Amendment) Rules, 2000], the Deputy Commissioner may, notwithstanding the expiry of the period specified in sub-rule (1), restore any forfeited occupancy or alienated holding which has been purchased on account of the Government dues and which has not been disposed of otherwise, to the person who has not been dispossessed of such occupancy or holding immediately before such commencement, on payment of the arrears in respect of which the forfeiture was incurred together with the amount of land revenue in respect of the holding from the date of forfeiture to the date of restoration and the expenses incurred so far in the recovery and further proceedings as may be fixed by the Deputy Commissioner.]

1. Rule 119 renumbered as sub-rule (1) thereof by GSR 38, dated 24-3-1990 and shall be deemed to have come into force w.e.f. 1-4-1988.

2. Sub-rule (2) inserted by GSR 38, dated 24-3-1990 and shall be deemed to have come into force w.e.f. 1-4-1988.

3. Substituted for the words, figures and brackets "eight months from the date of commencement of the Karnataka Land Revenue (Amendment) Rules, 1998" by Notification No. RD 50 LGP 96, dated 7-9-2000, w.e.f. 8-9-2000.

## **120. Procedure in effecting sale of immovable property :-**

(1) Every sale of immovable property shall be made subject to the same rules <sup>1</sup>[x x x x x] as are applicable to the sale of unoccupied unalienated lands.

<sup>2</sup> [(2) x x x x x.]

1. The words "and orders" omitted by GSR 65, dated 22-1-1972, w.e.f. 17-2-1972.

2. Sub-rule (2) omitted by GSR 65, dated 22-1-1972, w.e.f. 17-2-1972.

**121. Time for remittance of each months collections to the treasury :-**

The Village Accountant shall remit into the Taluk Treasury collections made by him when such collections exceed Rupees Five thousand and shall in any case remit into the Taluk Treasury by the 25th of each month the collections made since the last remittance such amount as he holds on such date irrespective of whether such amount exceed Rupees Five thousand or not. The Village Accountants Khirdi shall accompany every such remittance, to enable the taluk authorities to see that the remittance corresponds with the sums entered in the Khirdi. Should the Village Accountant fail in any month to make the remittance as aforesaid, it shall be the duty of the Tahsildar, or in his absence, the Sheristedar to take immediate steps to recover from the Village Accountant the amount which he has failed to remit.

**122. Distraints and sale of movables of the defaulter :-**

(1) Orders of distraint under Section 164 shall be in Form 40.

(2) The following procedure shall be followed

(a) The distraint shall be made by the <sup>1</sup>[Revenue Inspector or the Village Accountant] in the presence of panchayatdars consisting <sup>2</sup>[in Form 41-A] and attested by the <sup>3</sup>[Revenue Inspector or the Village Accountant] and by the Panchayatdars. A copy of the inventory shall be handed over to the defaulter or his authorised agent, if he is present. The property distrained shall not be disproportionate to the amount of arrears to be recovered.

(b) All distrained property shall ordinarily be retained in the custody of the <sup>4</sup>[Revenue Inspector or the Village Accountant] unless some other arrangement is deemed more suitable, in which event the <sup>5</sup> [Revenue Inspector or the Village Accountant] may make such arrangements.

(c) On all matters not expressly provided for in his rule, the procedure regarding distraints shall, as far as may be, be similar to that prescribed in respect of attachments of moveable property by Civil Courts.

1. Substituted for the words "Village Accountant" by GSR 187, dated 8-5-1969, w.e.f. 29-5-1969.

2. Inserted by GSR 69, dated 15-2-1975, w.e.f. 27-2-1975.
3. Substituted for the words "Village Accountant" by GSR 187, dated 8-5-1969, w.e.f. 29-5-1969.
4. Substituted for the words "Village Accountant" by GSR 187, dated 8-5-1969, w.e.f. 29-5-1969.
5. Substituted for the words "Village Accountant" by GSR 187, dated 8-5-1969, w.e.f. 29-5-1969.

**123. Notice of forfeiture of lands for arrears of revenue to be given to Civil Courts under whose order such lands had been previously attached :-**

If for purpose of recovering any arrears of revenue any occupancy or alienated holding in respect of which a notice of attachment has been issued by a Civil Court is declared forfeited or ordered to be attached, notice of the forfeiture or attachment for arrears and of the intention to bring the land and crops if any standing thereon to sale, in default of the arrears being liquidated, shall be given to the Civil Court under whose orders such previous attachment has been made.

**124. Sales how conducted :-**

**1** (1)

- (a) The notice of sale under Section 168 shall be in Forms 38 and 39 with such modifications as are found necessary.
- (b) The notice of sale shall be affixed on the following places, namely
  - (i) property to be sold;
  - (ii) the notice board of the Office of the Deputy Commissioner of the District;
  - (iii) the notice board of the Office of the Assistant Commissioner in-charge of the Revenue Sub-Division;
  - (iv) the notice board of the Office of the Tahsildar of the Taluk in which the immovable property is situate;
  - (v) the notice board of the Village Panchayat concerned; and
  - (vi) the chavadi in the village in which the immovable property is situate.
- (c) In cases where the arrears to be recovered exceeds rupees five thousand, the notice of sale shall also be published in a vernacular

newspaper having wide circulation in the locality.]

(2) Every sale held under Section 169 shall be held on the day named in the proclamation, and, if necessary, continued from day to day (public or general holidays excepted), until all the properties specified in the sale proclamation shall have been sold. The Deputy Commissioner may adjourn any sale for a period not exceeding three days recording his reasons for such adjournment;

(3) Where owing to combination or other causes there are either no bidders or the bids offered are not adequate, the Deputy Commissioner shall postpone the sale, and in the case of land forfeited under Section 164 he may direct that the land be either purchased on behalf of Government and dealt with as an unoccupied land or disposed of in such other manner as he may deem proper, and in the case of other property, make such orders regarding the purchase of the property on behalf of Government or its disposal by a resale or otherwise, as may seem to him to be suitable.

(4) The certificate of purchase of immovable property to be granted under Section 179 shall be in Form 41, and shall be engrossed or impressed stamp paper to be produced by the purchaser.

1. Sub-rule (1) substituted by GSR 96, dated 14-3-1968, w.e.f. 28-3-1968.

### **125. Registers of movable and immovable properties sold :-**

Registers of movable and immovable properties sold shall be kept in the Taluk Office in Form 42(a) and 42(b) respectively.

### **126. Auction Sales to be conducted in the locality :-**

Auctions held under Rule 123 shall ordinarily be conducted in the town or village in which the land put up for sale is situated.

### **127. Purchase of property by Government :-**

The value of the property purchased by Government shall be determined by the Deputy Commissioner after taking into consideration under Section 171 the market value of the property as ascertained by local enquiry and the statistics of sales of similar properties in the same locality with reference to the records of registration in the Sub-Registrars Office.

### **128. General conditions applicable to sales of[x x x x x]**

## **Land :-**

The Deputy Commissioner should ordinarily set aside the sale under Section 169 if in his opinion

- (i) the bidding at such sale has not been bona fide; or
- (ii) there has been collusion to recover the holding without the payment in full of the arrears and charges due to the State Government; or
- (iii) there has been some material irregularity or mistake or fraud in publishing or conducting such sale which is likely to have affected the amount of the highest bid or otherwise to have caused substantial injury to any person.

## **CHAPTER 15 Copies, Inspection and Searches**

### **129. Certain documents to be open to inspection :-**

Every document which is a public document within the meaning of the Indian Evidence Act (Act I of 1872) and every record referred to in Section 193 shall be made available for inspection subject to the following conditions and payment of the following search fees

<sup>1</sup> [(1) Rupees five per hour for each applicant subject to a minimum of rupees ten to be paid in advance.

(2) A fee of rupees five per hour subject to the maximum of rupees "twenty per day, shall be charged for the inspection of any document

(3) Such documents shall be open to inspection in the office of the Officer-in-charge of the documents during office hours at the place where these documents are usually kept.

(4) No fee shall be charged for

(a) inspection (with the permission of the Officer-in-charge) of the Enquiry Proceedings or Register or Property Register of a City Survey by a Municipal Official for Municipal purposes;

(b) inspection (with the permission of the Officer-in-charge) of the Enquiry Proceedings or Register or Property Register of a City Survey or village records by an Officer of the Panchayat established under the Kamataka Village Panchayats and Local Boards Act, 1959, for the purposes of such Panchayat;

(c) inspection of village records by an Officer or a member of any Co-operative Society for the business of the Society.

1. Clauses (1) and (2) substituted by GSR 78, dated 9-4-1992, w.e.f. 21-4-1992.

**130. Uncertified Copies :-**

Any person may by himself or by an agent make a copy of any public document or of any portion of any public document of which he has duly obtained permission for inspection but no copy so made shall be certified by any public Officer.

**131. Village Accountants to grant certified copies of certain documents :-**

(1) All Village Accountants and in the Cities surveyed under Section 152, all City Surveyors, shall receive applications for and grant certified copies of all registers and documents, the originals of which are in their charge.

(2) Such copies shall, after comparison with the original be certified by the Village Accountant or the city surveyor, as the case may be, as true and given to the applicants direct within ten days from the receipt of the application.

**132. Officers-in-charge of document generally to grant certified copy :-**

The Officer-in-charge of any public document, other than those specified in Rule 139 shall, cause to be prepared and give certified copies of the same or of any portion thereof under his own signature to any person.

**133. Receipt to be endorsed on copy :-**

On every certified copy or extract granted under these rules there shall be endorsed by the Officer who receives the fees for the same a receipt as follows Received Rs.....P.....as fee for this certified copy. Dated.....of 19 (Signed) A.B.

**134. Officers-in-charge of certified copies to grant true copies of such copies :-**

Notwithstanding anything contained in Rules 131 to 132 every Officer-in-charge of a certified copy of any public document shall on an application made to him by any person prepare and give to him a true copy of such certified copy of the document under his own signature on payment of the fees hereinafter prescribed in Rule 139. On every such copy, it shall be clearly stated by such Officer

that it is a true copy of the certified copy of the document. When such copy is granted there shall be endorsed on it by the Officer who receives the fee for the same a receipt in the following form Received Rs.....P.....as fee for this true copy of the certified copy, dated.....of 19 (Signed) A.B.

**135. Intimation of date on which copy will be ready :-**

As soon as possible after an application for a copy of a document is accepted the Chief Ministerial Officer or other person authorised in this behalf shall intimate to the applicant in person or by post the probable date on which the copy will be ready for delivery. If the copy is not actually ready on such date a further intimation shall be given in like manner of the date on which the copy is expected to be ready.

**136. Time taken for copying to count for filing appeals :-**

Whenever an applicant for a copy is personally informed of the date on which it will be ready for delivery the fact shall be noted on the copy application and the signature of the applicant taken thereto, and whenever such intimation is sent by post, the date on which it was so sent as also the date on which the copy is expected to be got ready shall similarly be entered on the application.

**CHAPTER 16 Levy and Recovery of Fees**

**137. Levy and Recovery of Fees :-**

(1) In cases in which a Survey Number or a sub-division of a Survey Number is to be divided in pursuance of a mutation under sub-section (1) of Section 128, a fee at the rate of <sup>1</sup>[rupees eight] in respect of each division shall be recovered. <sup>2</sup>[Provided that such fee shall not be levied and recovered from the members of the Scheduled Castes and Scheduled Tribes.] <sup>3</sup>[Provided further that no such fee shall be recovered in respect of lands donated to or granted by the Karnataka Bhoodan Yagna Board under the Karnataka Bhoodan Yagna Act, 1963 (Karnataka Act 34 of 1963).]

(2) The fee recoverable under sub-section (4) of Section 128 shall be levied and recovered at the following rates, namely

(i) fee of <sup>4</sup>[two rupees] per entry in respect of a Survey Number or a sub-division of a Survey Number subject to a maximum of <sup>5</sup>[twenty rupees] for all entries made at one time pertaining to the

lands in a village held by the same individual;

(ii) additional fee of <sup>6</sup>[eight rupees] for every new sub-division of a Survey Number to be formed in respect of mutations which involve measurement.

<sup>7</sup>[Provided that in the case of persons belonging to the Scheduled Castes and Scheduled Tribes, the free recoverable shall be nil:]

<sup>8</sup> [Provided further that in respect of lands donated to or granted by the Karnataka Bhoodana Yagna Board under the Karnataka Bhoodan Yagna Act, 1963 (Karnataka Act 34 of 1963), the fee recoverable under this sub-rule shall be nil.]

1. Substituted for the words "rupees four" by GSR 346, dated 15-11-1975, w.e.f. 4-12-1975.

2. First proviso to sub-rule (1) inserted by GSR 396, dated 25-10-1969, w.e.f. 20-11-1969.

3. Second proviso to sub-rule (1) inserted by GSR 251, dated 25-1-1972, w.e.f. 29-6-1972.

4. Substituted for the words "one rupee" by GSR 5, dated 27-12-1976, w.e.f. 6-1-1977.

5. Substituted for the words "ten rupees" by GSR 5, dated 27-12-1976, w.e.f. 6-1-1977.

6. Substituted for the words "four rupees" by GSR 5, dated 27-12-1976, w.e.f. 6-1-1977.

7. First proviso to sub-rule (2) inserted by GSR 396, dated 25-10-1969, w.e.f. 20-11-1969.

8. Second proviso to sub-rule (2) inserted by GSR 251, dated 25-1-1972, w.e.f. 29-6-1972.

### **138. Assessment of Cost and Expenses under Clause (b) of Section 131 :-**

The cost of expenses to be assessed for the preparation or revision of any map or plan under Clause (b) of Section 131 shall include the following items, namely

(i) the proportionate pay and allowances of the surveyor and his peon;

(ii) wages of the labour engaged provided that no such wages be charged if the parties were to provide such labour;

(iii) cost of stones and other material;

(iv) cost of transport of survey equipment; and  
(v) supervision charges at twenty per cent of the cost thereof. After recovering in advance the cost and expenses as assessed above the Assistant Superintendent of Land Records of the District shall get the work executed.

**139. Recovery of Fees in Appeals :-**

Any person aggrieved by the decision given by a Surveyor in respect of the boundaries of a Survey Number or sub-division of a Survey Number as determined by the Surveyor may appeal against the decision of the Surveyor to the Assistant Superintendent of Land Records of the district and an appeal against the decision of the Assistant Superintendent of Land Records in such appeal, shall lie to the Superintendent of Land Records of the division. The memorandum of appeal to the Assistant Superintendent of Land Records shall be accompanied by a fee of <sup>1</sup>[thirty-five rupees] and the memorandum of appeal to the Superintendent of Land Records shall be accompanied by a fee of <sup>2</sup> [sixty rupees] . The amount of fee paid shall be refunded to the party if the appeal of the party is allowed. A copy of every order passed in appeal shall be sent to the Tahsildar of the taluk in which the land is situated.

1. Substituted for the words "twenty five rupees" by GSR 57, dated 1/6-2-1978, w.e.f. 23-2-1978.
2. Substituted for the words "fifty rupees" by GSR 57, dated 1/6-2-1978, w.e.f. 23-2-1978.

**140. Officers in-charge of original and certified copies to grant certified and true copies respectively :-**

(1) Every Officer in-charge of a certified copy of any public document shall on application made to him by any person give to him certified copy or a true copy or true copy of such certified copy of the document respectively under his own signature on payment of the fees hereinafter prescribed.

I.(i)	For every 100 words or part thereof for copying for comparing	[Forty Paise.] One-fourth of the above.
(ii)	If the original be in tabular form for copying	Twice the rate noted above.
(iii)	If the copy be given in printed form, for every	[Twenty Paise.]

	sheet used	
This is in addition to the Fees prescribed under (i) and (ii) above.		
II. Certified copy of entries of the mutations in respect of the surveyed areas within sites of village, town or city.		
(i)	For copying	[Twenty Paise per entry.]
(ii)	For comparing	One-fourth of the above
(iii)	For the printed form used	[Twenty Paise per entry.] in addition to the above.
III. For certified copy of a map of a Survey Number or a sub- division or a tippan of Survey Number or sub-division.		
	Copying fee	[One rupee twenty-five paise.]
	Comparing	[30 Paise.]
IV.	For each form of extract of a City Property Register	[Fifty Paise.]
	When no printed forms is supplied or available, for each sheet of foolscap paper used in preparing the copy other than that of a map or plan under these sub-rules	[twenty-five Paise.]
(1)	For every certified copy of a serial number (or entry) in the Record of Rights, Register of Mutations, or either part of the combined form and in villages to which Rule 130(2) applies, for every certified copy of each entry in the forms named, or for each khata in the holding of the applicant-	
	Provided that no fee shall be charged for correcting the holding sheet at any time during the five years for which it is current.	
(2)	For every certified or copy of a map of a Survey Number or sub-division of a survey number or of any (uncoloured) map of any immovable property prepared under or of an entry in a City Property Register	15 Paise.
(3)	For showing the scaled-off perimeter measurements on any certified copy of a map, a Survey Number or sub-division of a Survey Number	
	(i) if applied for at the time of the measurement of the Survey Number or subdivision of a Survey Number	15 Paise
	(ii) if applied for at any time thereafter	30 Paise
(4)	Subject to Rule 164 for every certified copy of	1 Rupee

	a map of a Survey Number of a sub-division or of a field or of any ordinary (uncoloured) map or plan of any immovable property; or extract of City Survey map, for each field or plot; not falling under item (8)	
(5)	For every certified copy of a map or plan or of portion of a map or a plan not falling under item (1) or (4).	Such fee not exceeding fifteen rupees, and not less than one rupee, as the Officer who certified the copy shall determine:
		Provided that no fee exceeding Rupees five shall be charged by any Officer subordinate to a Deputy Commissioner except with the permission of the Deputy Commissioner or by the Officer of the Superintendent of Land Records to whom he is subordinate.
(6)	For every true copy of a certified copy.	The same fee as for a certified copy.
(7)	For every search.	[Two rupees] for each year of which the records are searched:
		Provided that in the case of the Alienation Office Records, a fee of rupees five shall be charged for each rumal searched subject to a minimum of rupee five every such rumal searched
(8)	For every authenticated translation of orders, and the reasons therefore and of exhibits in formal or summary inquiries under the Act.	
	(a) for the first one hundred words or fraction of one hundred words	80 Paise
	(b) for every subsequent one hundred words or fraction of one hundred words	40 Paise

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<sup>1</sup>[includes a fraction which is less than five paise] in place of the fraction.

(2) Search fees charged When application is made for an inspection of copy of any public document or of any portion of a public document and such application does not distinctly describe the number, date and nature of the document required; or if the description given in such application is incorrect and it shall in consequence be necessary for the Officer in charge of the document to search his records in order to find it, a fee of <sup>2</sup> [two rupees] for each year of which the records are searched shall be payable by the applicant for such search.

1. Substituted for the words "includes a fraction of an anna a whole anna shall be levied" by GSR 99, dated 21-3-1977, w.e.f. 31-3-1977.

2. Substituted for the words "one rupee" by GSR 219, dated 31-7-1973, w.e.f. 30-8-1973.

#### **141. Time and Place of Inspection of Record of Rights and Mutation Register :-**

During the working days the Record of Rights Register and Mutation Register shall be open for inspection by the public in the village chavadi, and no inspection fee shall be charged and made available on application either oral or written to the Village Accountant.

#### **141A. Inspection of Record of Rights and Mutation Register in Mysore and Bangalore Division :-**

<sup>1</sup> Notwithstanding anything contained in Rule 141, in the Mysore Division and the Bangalore Division, the original Record of Rights and Mutation Register shall be open for inspection by the public at the taluk office and the duplicate Record of Rights in the village chavadi during all working hours and no inspection fee shall be charged and the registers shall be so made available on application either oral or written, made to the Tahsildar or the Village Accountant, as the case may be.]

1. Rule 141-A inserted by GSR 257, dated 28-8-1980, w.e.f. 4-9-1980.

#### **142. Determination and Recovery of expenses of partition or otherwise :-**

- (1) In respect of partitions to be made under Section 111 the party or parties at whose instance such partition is to be made shall
- (2) The Assistant Superintendent shall then get the work executed and shall determine the actual expenses incurred in making such partition on the basis of
- (i) proportionate pay and allowances of the surveyor and his peon;
  - (ii) wages of labour engaged, provided that no such wages be charged, if the party were to provide such labour;
  - (iii) cost of stones and other materials used;
  - (iv) cost of transport of survey equipment; and
  - (v) supervision charges at twenty per cent of the cost thereof.
- (3) On determining the expenses, if such expenses exceed the amount already deposited, the Assistant Superintendent of Land Records shall require the party to pay the balance and on his failure to do so it shall be recovered as an arrear of Land Revenue. If the amount so determined is less than the amount deposited, the difference shall be refunded to the party by money order at the cost of the party.

**143. Acknowledgement of Information or Documents given by the parties :-**

Written acknowledgement in Form 22 shall be given to persons furnishing information or documents under Section 130.

**144. Issues of Receipts for fees recovered :-**

For every item of money recovered from the hissadars or claimants under any of the provisions of these rules, a receipt shall be given in Form 23.

**145. Maintenance of Khata and Khirdi by the Village Accountants :-**

- (1) The Village Accountant shall maintain a separate Khata and Khirdi in Form 24 and Form 25 respectively for the Accounting of money due and collected in respect of each village.
- (2) The Khata shall be maintained in the same manner as in the case of land revenue collection, indicating the following particulars, namely The opening balance, the total demand under this head,

the total collections every month and the balance.

(3) The Khirdi will begin with the "HALE BAKI" or Old Balance (Khulavar), if any, and as the individual items are collected, they should be rounded off in the "HALE BAKI". In the last page of the Khirdi, the demand, collection and balance for the year should be shown.

#### **146. Checking of collections :-**

.--With a view to check irregularities and to see that the collection work is progressing satisfactorily the Revenue Inspectors and the Tahsildars should examine the Khata and Khirdi whenever they visit the villages and verify the entries therein with the receipt books. They will also satisfy themselves by enquiring whether printed receipts are being issued for money recovered.

### **CHAPTER 17 Remission of Land Revenue**

#### **147. Deputy Commissioner authorised to cause crop cutting experiment :-**

**123**(1)] The Deputy Commissioner shall cause crop cutting experiments to be conducted in all the villages every year in all the crop growing seasons, in order to determine the average cropwise yield per acre. The Tahsildar shall conduct such crop cutting experiments in atleast five per cent of the villages in the Taluk, the Revenue Inspector in atleast twenty per cent of the villages in the circle and the Village Accountant in all the villages in his charge, in which neither the Tahsildar nor Revenue Inspector has conducted such experiments every year in the relevant seasons. The question of remission of land revenue, shall be considered on the basis of such experiments.]

**4**(2) the average cropwise yield per acre for the purpose of **5** [x x x x x] remission of land revenue shall be determined under sub-rule (1), separately in respect of land possessing irrigation facilities from wells, tanks, rivers and other sources and lands not possessing such irrigation facilities.

1. Substituted for the words "Deputy Commissioner authorised to suspend collection of Land Revenue" by GSR 128, dated 15-4-1968 and shall be deemed to have come into force w.e.f. 1-4-1964.

2. Rule 147 renumbered as sub-rule (1) thereof by GSR 147, dated 1/15-7-1978, w.e.f. 20-7-1978,

3. Sub-rule (1) substituted by GSR 13, dated 12-1-1995, w.e.f. 9-2-1995.

4. Sub-rule (2) inserted by GSR 147, dated 1/15-7-1978, w.e.f. 20-7-1978.

5. The words "suspension or" omitted by GSR 13, dated 12-1-1995, w.e.f. 9-2-1995.

#### **147A. Suspension of Land Revenue :-**

<sup>1</sup> x x x x.

1. Rules 147-A and 147-B omitted by GSR 13, dated 12-1-1995, w.e.f. 9-2-1995.

#### **147B. Collection of Suspended Land Revenue :-**

<sup>1</sup> x x x x.]

1. Rules 147-C and 147-D inserted by GSR 128, dated 15-4-1968 and shall be deemed to have come into force w.e.f. 1-4-1964.

#### **147C. Remission of Land Revenue :-**

(1) If the average crop-wise yield is less than twenty five per cent, there shall be full remission of land revenue <sup>1</sup>[and where the average crops-wise yield is more than twenty-five per cent but less than fifty per cent there shall be remission of land revenue not exceeding fifty per cent.

(2) If the average crop-wise yield is <sup>2</sup> [fifty per cent and more], there shall be no remission of land revenue.

1. Inserted by GSR 13, dated 12-1-1995, w.e.f. 9-2-1995.

2. Substituted for the words "twenty-five per cent and more" by GSR 13, dated 12-1-1995, w.e.f. 9-2-1995.

#### **147D. Remission of suspended Land Revenue :-**

<sup>1</sup> x x x x.]

1. Rule 147-D omitted by GSR 13, dated 12-1-1995, w.e.f. 9-2-1995.

**148. Application how to be made :-**

Every application shall be made in writing and except in the case of an application for inspection made to a Village Accountant must be duly stamped. The application may contain a request that the copy, extract, or translation, be forwarded by value payable post (unregistered book packet) to any Post Office which is also a Money Order Office.

**149. Stamp Duty or Court Fee payable in addition :-**

Nothing in these rules shall affect the provisions of the Karnataka Stamp Act, 1957, or the Karnataka Court Fees and Suits Valuation Act, 1958. The Stamp Duty or Court Fee with which an application, copy or extract made or furnished under these rules may be chargeable is in addition to the fees prescribed herein and care is to be taken that the requirements of the Stamp Act and Court Fees and Suits Valuation Act are properly fulfilled in respect of every such application, copy or extract.

**149A. Form of notice :-**

<sup>1</sup> The notice referred to in Section 39 and sub-section (2) of Section 96 shall be in Forms 47 and 48 respectively.

1. Rules 149-A and 149-B inserted by GSR 69, dated 15-2-1975, w.e.f. 27-2-1975.

**149B. Form of summons :-**

The summons under Section 29 shall be in Form 49.]

**150. Seal for Revenue Offices :-**

All the Revenue Offices including Taluk Office, Assistant Commissioners Office, Deputy Commissioners Office, Divisional Commissioners Office, Offices of the Commissioner for Survey, Settlement and Land Records, Deputy Commissioner of Land Records, Deputy Commissioner of Settlement, Superintendent of Land Records, Assistant Superintendent of Land Records, Settlement Officers, Endowment Commissioner and the Inspector-General of Registration and the Commissioner for Stamps and other Offices under the control of the Revenue Department, presided over by the Officers of above the rank of Tahsildars shall use a circular

seal, two inches in diameter which shall bear therein the Karnataka State Emblem, with the inscription in Kannada and English, indicating the name of the Office.

**150A. Form of Warrant :-**

**1** The Warrant referred to in sub- section (2) of Section 22 shall be in Form 46.]

1. Rule 150-A inserted by GSR 4, dated 18-12-1967, w.e.f. 11-1-1968.

**150B. Application to construct water course :-**

**1** Any person desirous of constructing a water course may make an application in writing to the Tahsildar in Form 50.

1. Substituted for the words "twenty-five per cent and more" by GSR 13, dated 12-1-1995,w.e.f. 9-2-1995.

**150C. Period for execution of agreement under Section 90 :-**

-AThe applicant shall execute an agreement in favour of the neighbouring holder in Form 51 within Fifteen days from the date of the order under Section 90-A.]

**151. Repeal and Savings :-**

All rules corresponding to the foregoing rules continued in force by virtue of Section 202 of the Act and the Kamataka Land Revenue Rules, 1964, are hereby repealed: Provided that the said repeal shall not affect previous operation of the said rules and the provisions of Section 6 of the Karnataka General Clauses Act, 1899, shall be applicable as if the said rules had been repealed by a Karnataka Act.