

KARNATAKA MUNICIPALITIES (CLAIMS TO PROPERTY) (PROCEDURE) RULES, 1965

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KARNATAKA MUNICIPALITIES (CLAIMS TO PROPERTY) (PROCEDURE) RULES, 1965

In exercise of the powers conferred by Section 82 read with Section 323 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 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 323 of the said Act in Notification No. PLM 8 MLR 65, dated 13th May, 1965, published as GSR 517, in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 20th May, 1965, namely:-

1. Title :-

These rules may be called the Karnataka Municipalities (Claims to Property) (Procedure) Rules, 1965.

2. Definitions :-

In these rules, unless the context otherwise requires.

- (a) "Act" means the Karnataka Municipalities Act, 1964;
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a Section of the Act.

3. Application to be made regarding claim to property :-

Where any property or any right in or over any property in a municipality is claimed by or on behalf of the Municipal Council or by any person as against the Municipal Council, the Municipal Commissioner or Chief Officer as the case may be, on behalf of the Municipal Council or the person concerned shall make an application

in writing to the Deputy Commissioner of the District or in the case of a town Municipal Council to the Assistant Commissioner having jurisdiction over the place as the case may be, in which the property is situate, [or any other officer specified under clause (a) of sub-section (3) of Section 82] furnishing full particulars of the property or any right in or over any such property and the grounds on which the claim is made, accompanied by documents, with a list of such documents on the basis of which the property or the right is claimed. The application shall also furnish the names and addresses of all parties who to the best of the applicant's knowledge have or claim an interest in the property or right in or over the property in question.

4. Fixing the date of enquiry. :-

On receipt of an application, the Deputy Commissioner, or Assistant Commissioner, ¹[or the officer] as the case may be, shall fix a date for enquiry and not earlier than ten days before such date a written notice in Form 'A' of the proposed enquiry and of the time and place and subject matter thereof shall be affixed at the municipal office and in some conspicuous part of the property. It may also be published at the discretion of the Deputy Commissioner or Assistant Commissioner, ² [or the officer,] at some other public place in the Municipality in which the property is situate.

1. The words "or the Officer" inserted by GSR216, dated 23-7-1979

2. The words "or the officer" inserted by GSR216, dated 23-7-1979

5. Service of notice of enquiry on persons. :-

A copy of the notice issued under Rule 4 shall also be served not less than ten days before the date of enquiry on all persons named in the application and also those 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 laid down in Section 262 for service of notices.

6. Manner of service of notice of order. :-

A written notice in Form 'B' of any order passed under Section 82, specifying briefly the subject matter, contents and date of the order passed shall be served in the manner specified in Rule 5 upon the persons referred to therein. Such written notice shall also be affixed in the places specified in Rule 4.