

KARNATAKA VILLAGE OFFICES ABOLITION RULES, 1961

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KARNATAKA VILLAGE OFFICES ABOLITION RULES, 1961

As amended by GSR 203, dated 18-4-1967; GSR10, dated 8-1-1968; GSR 252, dated 18-7-1968; GSR 42, dated 20-1-1970; GSR 224, dated 17-5-1972; GSR 4, dated 27-12-1978; GSR 48, dated 23-1-1979; GSR 78, dated 25-3-1980; GSR 43, dated 1-4-1982; GSR 294, dated 1-12-1983; GSR 175, dated 16-6- 1984; GSR 92, dated 26-3-1987; GSR 90, dated 27-5-1991; GSR 97, dated 27/28-5-1991; GSR 163, dated 1-10-1991 and GSR 168, dated 1-10-1991.) In exercise of the powers conferred by sub-section (1) of Section 11 of the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961), the Government of Karnataka, hereby makes the following rules, the draft of the same having been previously published in the Karnataka Gazette, dated 30th November, 1961 as required by the said sub-section, namely

1. Title :-

These rules may be called the Karnataka Village Offices Abolition Rules, 1961.

2. Definitions :-

In these rules, unless the context otherwise requires.-

(a) "Act means the Karnataka Village Offices Abolition Act, 1961.

(b) "Section" means a section of the Act.

3. Manner of holding enquiry under Section 3 :-

(1) Any person interested in the village office or in any land granted or continued in respect of or annexed to, such office and desiring a decision on any question referred to in Section 3, may make an application to the Deputy Commissioner.

(2) Every application under sub-section (1) shall contain the following particulars.-

(i) name of the village or villages;

(ii) name and address of the applicant;

(iii) the question or questions on which a decision is sought for;

(iv) name of the baraward-dar

(v) nature of the interest possessed by the applicant in the village office or in any land pertaining to such office in respect of which such question arises;

(vi) names of other persons, if any, interested in the matter; and

(vii) other particulars in support of the claim.

(3) On receipt of the application under sub-rule (1) the Deputy Commissioner may call upon the applicant to furnish any further particulars that may be required and fix a date for furnishing such particulars. When the particulars called for are furnished within the specified time, the Deputy Commissioner shall fix a date for hearing, notice of which shall be given to the applicant, and to other persons mentioned in the application as interested in the subject-matter. A copy of the notice shall also be affixed on the notice board of the office of the Deputy Commissioner.

(4) The notice under sub-rule (3) shall be served in the manner prescribed for service of notices under the Code.

(5) On the date fixed for hearing or such other date, to which the case may be adjourned, the Deputy Commissioner shall hold an enquiry in the manner prescribed for a formal enquiry under the Code, and then by order decide the questions.

(6) Every decision or order under sub-rule (5) shall contain a full statement of the grounds on which it is made and shall be written and signed by the Officer making the order or from the dictation of such Officer, in which case, a certificate to that effect shall be made and signed by such Officer in his own hand.

4. Time and manner of payment of occupancy price under Sections 5 and 6 :-

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(1) The occupancy price referred to in Sections 5 and 6 may be paid in a lump sum or in three equal annual instalments the first to be paid within ²[31st March 1992] by remitting the amount to the Treasury by a challan or depositing it in the taluk office and a receipt obtained. ³ [Provided that in respect of land in an enfranchised inam of which regrat is sought by the holder of a village office or by an authorised holder, such payment in a lumpsum or of the first instalment thereof may be made on or before the 31st day of December, 1984.]

(2) The Deputy Commissioner, shall, well in advance of the date fixed for payment of the first instalment of occupancy price, cause to be served a notice on every holder of a village office intimating the date on which such payment has to be made. He shall also cause a similar notice to be served on every holder of a village office in respect of payment of second and third instalments of the occupancy price. The notice under this rule shall be served in the manner prescribed for service of notices under the Code.

(3) Notwithstanding anything contained in sub-rules (1) and (2), where the holder of a village office produces a certificate from the Deputy Commissioner to the effect that an application under Rule 6 for relief under Section 9, made by him, disclosing a prima facie valid claim for relief is pending, then, such occupancy price may be paid within one month from the date of the decision of the application, if no amount by way of relief is awarded or the date on which such amount is awarded to the holder of the village office.

1. Rule 4 substituted by GSR 10, dated 8-1-1968, w.e.f. 11-1-1968.

2. Substituted for the words and figures "30th day of June, 1991" by GSR 168, dated 1-10-1991, w.e.f. 11-10-1991.

3. Proviso to sub-rule (1) inserted by GSR 175, dated 16-6-1984, w.e.f. 12-7-1984.

5. Application for regrat :-

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(1)

(a) The Deputy Commissioner, shall, after satisfying himself that a person entitled to the regrat of a land resumed under sub-section

(3) of Section 4 has paid the full occupancy price under Rule 4, cause to be served a notice on every such person intimating that he shall make an application the Deputy Commissioner for such re-

(b) A person entitled to the regrant of a land resumed under subsection (3) of Section 4 shall make an application to the Deputy Commissioner for such regrant within three months from the date of payment of the full occupancy price under Rule 4:

Provided that the Deputy Commissioner may for sufficient reason, condone the delay in the making of the application.]

(2) Every application under sub-rule (1) shall be accompanied with the extracts from the Record of Rights and the Inam Register in respect of the land whose regrant is claimed, and shall contain the following particulars namely.-

(i) the name of the village or villages in which the land is situate;

(ii) details of the land such as survey number, area, assessment, jod or other amounts which were being paid to Government

(iii) whether the applicant was a holder or an authorised holder; in the latter case, details of alienations made and how they were valid under the existing law, are to be stated; and

(iv) the challan for having credited the occupancy price under Rule 4 or the receipt obtained from the Treasury for such payment.

(3) The Deputy Commissioner shall, after satisfying himself of the truth of the allegations made in the application, pass orders for regrant of the land.

1. Sub-rule (1) substituted by GSR 10, dated 8-1-1968, w.e.f. 11-1-1968.

5A. Eviction of an unauthorised holder or person in wrongful possession :-

(1) The Deputy Commissioner may, evict any person under subsection (4) of Section 5 or Section 7, in the following manner, namely.-

(i) by serving a notice on the person in possession to vacate the land within such time after the service of such notice as may appear reasonable to him; and

(ii) if such notice is not obeyed, by removing or causing the

removal of any person who may refuse to vacate the land; and

(iii) if such person or any other person on his behalf resists or obstructs such removal, he shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause, may, without prejudice to any proceedings to which such person or other person may be liable under any law for the time being in force for such resistance or obstruction, take or cause to be taken, such steps and use or

(2) Subject to the above sub-rule, the provisions of the Karnataka Land Revenue Act, 1964, shall apply to such eviction.

6. Determination of relief under Section 9 :-

(1) An application to be made by a holder of a village office under sub-section (2) of Section 9 shall be in the Form appended to these rules.

(2) The Deputy Commissioner, on receipt of an application under sub- rule (1), shall fix a date for hearing and give due notice of it to the applicant.

(3) On the date fixed or such other date to which the case may be adjourned, the Deputy Commissioner shall hold an enquiry in the manner prescribed for a summary enquiry under the Code.

(4) For the purpose of clause (c) of sub-section (1) of Section 9 the cash value of customary fees or perquisites levied or leviable in kind by the holder of the village office in a year shall be determined on the basis of prices of commodities covered by such fees or perquisites as recorded for the month of January of the year in the price register for the taluk in which the village office existed.

(5) The Deputy Commissioner shall, by order, determine the amount payable to the applicant under sub-section (1) of Section 9. The amount payable shall be written in figures and words in the own handwriting of the Deputy Commissioner, who shall affix his signature to it.

(6) If the amount determined as payable under sub-rule (5) in respect of any village office, does not exceed rupees five hundred, such amoum shall be paid in cash in full. In case the amount exceeds rupees five hundred, rupees ¹ [five hundred shall be paid in cash in one instalment and the balance paid in three annual instalments with interest at three per cent per annum.]

1. Substituted for the words "five hundred may be paid in cash and the balance paid in instalment bonds of periods not exceeding five years" by GSR 42, dated 20-1-1970, w.e.f. 5-2-1970.

7. Power of Deputy Commissioner in making enquiries :-

The Deputy Commissioner, in making enquiries under these rules, may exercise all or any of the powers conferred on a Revenue Officer making formal or summary inquiry under the Code, and the procedure to be followed shall, as far as practicable, be the procedure prescribed in the Code of Civil Procedure, 1908, in respect of the following matters, namely.-

- (i) Summoning and enforcing the attendance of any person and examining him on oath; and
- (ii) Compelling the production of documents.