

"CIRCULAR"

sub:-change of spot found during pucca phody-instruction regarding.

Ref:-Official Memorandum No.RD.54.LGP.76 dated 21-6-1976

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While cancelling the instructions issued in O.M.No. RD.108.LGP.71 dated 3-6-1971 government issued instructions in the O.M.No.RD.54.LGP.76 dated 21-6-76 not to confirm the excess extent of land found during pucca phody and also directed that all applications for confirmation of excess extent of land or change of spot found during pucca phody shall abate. Instructions were also issued to measure the lands not as per enjoyment but as per the grant of sanction made by the competent revenue authorities and then to send the records to the concerned authorities for durasthi.

The Director of Survey settlement and Land records has now pointed out that the above mentioned instructions have resulted in large scale pendency of darkhast phody cases remaining unsettled and have made it difficult to complete the phody work for the reason that prior to the coming into force of the Karnataka Land Grant Rules, 1969, the land proposed for grant was not being demarcated as is now being granted on the basis of rough sketches prepared by the Revenue Inspectors who did not possess adequate knowledge of survey. Further these sketches were neither drawn to the scale nor did they indicate any measurement from a fixed point, with the result the intended darkhast spots have not been properly shown or demarcated and during pucca phody, the parties are found in possession of land not in conformity with the one shown in the sketch. He has, therefore, stated that if during pucca phody, work done by the Revenue Inspectors which is nothing but rough sketches is taken into consideration, it would result in causing undue suffering to the grantees who would be dispossessed from their long possession and enjoyment of lands which were brought under cultivation by their hard labour and investments. The Director has therefore suggested that there need not be any objection to effecting pucca phody so long as the sanctioned extent is kept in tact. He has, therefore, requested the government to amend the O.M. dated 21-6-76 in so far as change of spots is concerned.

It may also be stated here, that subsequent to the issue of the O.M. dated 21-6-1976 referred to above, government have ordered under G.O.No.RD.105.LGP.77 dated 1-9-77 grant of land to the landless unauthorised occupants. By virtue of these orders, persons who have occupied government land unauthorisedly, that is without any order of grant in their favour, have been granted such lands. This being so it is felt that the cases of persons who had a valid order of grant in their name, but have by a bonafide mistake occupied some other land resulting in change of spot, also deserve to be considered favourably for similar grants by modifying the earlier orders dated 21-6-76.

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Having regard to the above circumstances and with a view to achieving expeditious disposal of old and pending cases involving change of spot, including those prior to the coming into force of the Karnataka Land Grant Rules 1969 as also those relating to land grants ordered prior to 1-9-1977, it is hereby directed in supersession of the instructions contained in the O.M.No. dated 21-6-76 referred to above, that the measurement work shall be done in respect of all kinds of phody cases referred to above as per actual enjoyment however restricting the extent strictly in conformity with the sanctioned extent. Such cases of change of spot will however be approved by the tahsildar only after personal spot inspection and after satisfying himself of the fact of actual, possession and enjoyment thereof by the grantee and of the fact that it is a bonafide case deserving such approval. It is further clarified that any excess of land found during pucca phody may also be considered for grant if permissible as per the instructions contained in G.O.No. pp.105.LGP.77 dated 1-9-77 read with the detailed instructions issued in circular No. RD.16.LGP.79(p) dated 16-10-79 and 4-12-1979.

These orders apply to cases of change of spot or excess occupation prior to 1-9-1977 only.

sd/-R.A.Naik,
 Revenue Commissioner and secretary,
 to Government Revenue Department.

No. LND(2) 92 / 82-83

Hassan, 573201, dated 18-10-1982

copy of the above is forwarded to all the tahsildars, Assistant Commissioners of Hassan and Sakleshpur copy to Assistant Director of Land records Hassan/Sakleshpur.

for information and necessary action

Handwritten initials and signatures:
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 22/10/82
 RAA
 E M

Signature
 For Deputy Commissioner,
 Hassan District.

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*ನಾಕೆಲ್ಲಾ ಕೊಟ್ಟು Phodi ಶಿವನಿ ಯಾಗಿಸಿ
 ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸರ್ಕಾರ*

27.10.82

Handwritten signature