

GOVERNMENT OF KARNATAKA

NO.RD 113 LRM 74

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, Dt: 18th January 1975.

C I R C U L A R

Section 95 of the Karnataka Land Revenue Act, 1964 provides for the conversion of a land for non-agricultural purposes. The conversion of a land for non-agricultural purposes can be deemed to have been permitted of, after a valid application is preferred before the Deputy Commissioner, no order is communicated to the applicant within four months. The important point to note in this connection is that there must be a valid application. If the application itself was not valid, then, the deemed conversion would not flow from it.

The Karnataka Revenue Appellate Tribunal in their decision dated 30.8.1973, have quoted the decision of the High Court in Puttamma vs. Karnataka Revenue Appellate Tribunal reported at 1969(2) MYS Law Journal 184. The extracts from this judgment quoted by the Karnataka Revenue Appellate Tribunal are relevant. The High Court's decision states as follows:-

"Section 95(2) does not authorise the Deputy Commissioner to accord permission for conversion without reference to the liability on the part of the applicant for conversion/he proposes to make by reason of his not being in possession of the land. If a tenant or a sub-tenant is in possession and the landlord cannot secure possession except after the eviction of the tenant or the sub-tenant, the proper stage at which an applicant for the conversion could be made is normally the stage when the landlord secures possession from the tenant or the sub-tenant as the case may be".

/to make the conversion

It would therefore follow that the conversion granted on application preferred before taking possession of the land from the tenant was not correct and that even if no action has been taken on such application, the conversion cannot be deemed to have been sanctioned as there was no proper application.

The Deputy Commissioners of the Districts are requested to keep in mind the ruling of the High Court referred to above and reject the applications for conversions in all cases where the land is cultivated by a tenant as premature, as a valid application can be made only after the applicant has obtained possession from the tenant.

The Assistant Commissioners/Special Assistant Commissioners/ & Tahsildars, Special Tahsildars who are the Chairmen and Secretaries of the Tribunals are also requested to draw attention of the Tribunals to the position arising from the High Court decision.

N.B. Sakhardande

(N.B. Sakhardande)

Asst. Spl. Officer for L.R. & Ex-officio
Under Secy. to Govt. Rev. Dept.

Copy to:

- All the Divisional Commissioners of the Divisions.
- All the Deputy Commissioners of the Districts.
- All the Assistant Commissioners/All the Special Asst. Comrs.
- All the Tahsildars of the Taluks.
- All the Special Tahsildars/Weekly Gazette.

*of the Sub-Divisions.

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