

CIRCULAR.

Attention of all the Deputy Commissioners is invited to the procedure followed with regard to conversion of agricultural lands into non-agricultural purpose under Section 95 of Land Revenue Act vis-a-vis the provisions of the Karnataka Land Reforms Act as amended from 1-3-1974, especially of the Co-operative Societies, which could hold land prior to 1-3-1974 but which are prohibited from holding land after 1-3-1974.

Prior to 1-3-1974, the Co-operative Societies were entitled to acquire by sale agricultural land, under the then Section 81(b) as the then existing Land Reforms Act contained no prohibition on holding lands by Co-operative Societies. After the coming into force from 1-3-1974, of the amendment Act Co-operative Societies can only get mortgage of any land or interest therein as a security for any loan or other facilities given by such societies.

As there was no impediment for the Co-operative Societies to acquire agricultural lands by purchase prior to 1-3-74, the sales in favour of Co-operative Societies prior to that date are quite valid and the Karnataka Land Revenue Act, 1964 is to be made applicable in such cases. It was open to such Co-operative Societies which had purchased land prior to 1-3-1974 to apply for conversions under Section 95 to the Assistant Commissioner to whom the powers of the Deputy Commissioner are delegated.

With effect on and from 1-3-1974 onwards however, the provisions of the Land Reforms Act as amended are to be made applicable. These provisions do not, however, apply to non-agricultural land, i.e., land which had been converted prior to 1-3-1974 under Section 95 of Karnataka Land Revenue Act for non-agricultural purposes under competent sanction or land which has to be deemed to have been converted under sub-section (5) of Section 95 of Karnataka Land Revenue Act, the statutory period of 4 months from the date of application for conversion having expired prior to 1-3-1974. The Co-operative Societies holding unconverted lands as on 1-3-1974 have to furnish declarations of such land to the Tahsildar under Section 79-B of the Land Reforms Act, who will move the Deputy Commissioner to declare such land as vesting in Government.

Further Section 91(1) relating to the disposal of pending proceedings under the Land Reforms Act introduced by Karnataka Act No.1 of 1974 which lays down that the provisions of the principal Act as amended by Karnataka Act No. 1 of 1974 shall be applicable to all proceedings commenced before 1-3-1974 and pending before any authority as if the principal Act as amended by Karnataka Act No. 1 of 1974 was in force when the right accrued or the liability was incurred and the authority shall deal with the proceedings accordingly.

The observations made by the High Court of Karnataka in their judgement dated 23-11-73 in writ Petitions Nos. 3436 and 3469 dated 73 are reproduced below for information and guidance-

"In these Writ Petitions, Mr. Shantaraju, learned High Court Govt. Pleader, contended that the lands purchased by the parties were in contravention of the provisions of the Mysore Land Reforms Act, 61 and therefore the Tribunal should not have accorded permission for conversion.

The contention was based on the ground that the agricultural lands cannot be alienated without the sanction of the prescribed authorities under Land Reforms Act. That may be so, but the alienation ipso facto cannot be considered as invalid. It is for the Asst. Commr. who is the prescribed authority under Section 83 of the Land Reforms Act to make a summary enquiry and determine whether the alienation in question was

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