

No.RD.48.LGP.84

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Karnataka Government Secretariat,  
5th Floor, 3rd Stage MS. Buildings.,  
Bangalore, dated 29-7-1986.,  
Circular.

Sub:-Sanction of diversion/conversion of agricultural lands into non-agricultural use within the zones of "Green belt" clarifications thereon

It has come to the notice of Government that applications for conversion/diversion of agricultural lands for non-agricultural purposes are being rejected by the competent Revenue Authorities on the ground that the said agricultural lands are lying within the area declared as "Green Belt" on the basis of Government Notification No.RD.48.LGP.84 dated 24th October 1985.,

2.The new sub-sections(3A)and (3B)were inserted in Section 95 of the Karnataka Land Revenue Act 1964 by the amendment made under the Karnataka Land Revenue(amendment)Act 1984(Karnataka Act No.23 of 1984) Sub-Section (3B) is intended to prohibit absolutely the diversion of any land lying within the area declared as green belt, to any non agricultural purpose. Sub-Section (3A)provides the mechanism for declaring an area as Green belt.

3.In order to bring into existence the green belt, two actions have to be initiated and completed by the State Government. The first one is to make a rule for identifying the limits within which an area can be declared as green belt. This has been done vide Govt. Notn No.RD.48.LGP.84 dated 24th October 1985, whereunder the necessary rules were issued. The other action which is necessary is to issue another notification declaring as Green Belt particular areas lying within the limits of cities and towns or within the prescribed distance from such limits. This notification is yet to be issued. Consequently, there is no area at present which in the eye of law can be regarded as a declared green belt.

4.In view of the above legal position, it is hereby clarified that till such time as the notification necessary to actually declare a given area as Green belt is issued, as contemplated under Sub-Section (3A)of section 95 of the Karnataka Land Revenue Act, it would be impermissible to reject an application for diversions of Agricultural land for other purposes, in cases where permission for the diversion can otherwise be given under section 95 of the Act. Applications for diversion received under section 95 of the Act may be examined under that section and either rejected or granted by working grounds permissible under the said section and the rules concerning such diversion, and the requirements of the town and country planning Act, if however it is found that permission can be accorded under section 95, then such permission cannot be refused now solely on the ground that the area concerned is lying within a green belt, as in the eye of law there is no such Green belt at present. These instructions would hold good till the notification required for declaring an area as green belt is actually issued.

sd/-Under Secy to Govt.R.D.,

No.ALN.54/86-87 Hassan, 573201, dated 11-8-1986.,  
Copy of the above circular is forwarded to the Assistant Commissioner, Hassan and Sakleshpur and all the Tahsilars in the District for followup the above guidelines in future.

For Special Deputy Commissioner,  
Hassan District