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GOVERNMENT OF KARNATAKA

RD 91 LGP 85

Karnataka Government Secretariat
Multi Storeyed Buildings
Bangalore, Dated 26th September 1987

CIRCULAR

Sub: Sanction of diversion/conversion of agricultural lands into non-agricultural use within the zones of "Green Belt"- clarification of -

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Sub sections(3A) and (3B) were inserted in Section 95 of the Karnataka Land Revenue Act 1964, by way of amendment viz., Karnataka Land Revenue (Amendment Act 1984 of 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 use.

In Circular No.RD 48 LGP 84 dated 24-10-1985, necessary rules for declaring the Green Belt in respect of any town or city under the aforesaid sub-sections have been issued.

Further, in Circular No.RD 48 LGP 84 dated 29-7-1986 it was clarified that as the requisite second notification declaring particular areas lying within the limits of cities and towns or within the prescribed distance from such limits as constituting the Green Belt for such towns or cities has not been issued under the K.L.R Act, there is no area at present which in the eye of law can be regarded as a declared Green Belt and permission for diversion of lands to non-agriculture use may be accorded under the K.L.R.Act keeping this point in view.

The High Court of Karnataka in their judgement in Special Deputy Commissioner Vs.Bhargavi Madhavan (ILR 1987

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Karnataka 1260) has held that wherever ODP and CDP have been approved by the Town Planning Department, the Deputy Commissioners are not empowered to grant permission for change of land use under Section 95 of Karnataka Land Revenue Act. The Government has taken action to file a review petition against the said judgement. It is however clarified that until this judgement is recalled or modified in the review petition or set-aside in appeal, the decision laid down in that judgement is binding on Government and the competent executive authorities may not ignore the rule.

In the circumstances, Deputy Commissioners stand divested of their powers under Section 95 of the KLR Act. They are therefore directed not to entertain such applications for permission under Section 95 of the KLR Act, until such time as the High Court judgement is reviewed or modified or set-aside in appeal. All pending applications should accordingly be returned forthwith to the parties concerned for such action as they may deem fit.

It may be noted that the Deputy Commissioners may invite contempt of court proceedings against themselves if there is any lapse in following the above directions.


(BETTAVEERIAH)

Under Secretary to Government
Revenue Department

To
All the Divisional Commissioners of Divisions.

The Secretary to Chief Minister.

The Secretary to Government Housing and Urban Development
Department.

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The Secretary, Animal Husbandry, Fisheries and Forest
Departments.

The Chief Conservator of Forest (General) Aranya Bhavan
Malleswaram, Bangalore.

The Secretary to Government, Rural Development and Panchayat
Raj Department.

The Commissioner, Bangalore Development Authority, Bangalore.

The Director, Town Planning, Bangalore.

The Registrar of Cooperative Societies, Bangalore.

All the Deputy Commissioners/ Special Deputy Commissioners
of the Districts.

All the Assistant Commissioners of Sub-divisions.

All the Tahsildars of Taluks.

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