

GOVERNMENT OF KARNATAKA

NO. RD 314 LRM 74

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, Dt:24th December 1974.

C I R C U L A R

Sub: Amount payable to the Land-lords for their lands vesting in Government with effect from 1/3/1974 - under section 44 of Karnataka Land Reforms Act.

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A number of landlords have been representing to Government expressing their desire to make over their lands, which are under lease to the tenants, and which have vested in Government with effect from 1/3/1974 to the respective tenants without any objection. What they want is that the amount payable for the loss of the lands may be paid to them by Government early.

Sections 48A and 48B of the Land Reforms Act provide respectively for enquiry by the Tribunal of the applications filed before them by tenants upto 31.12.1974 and for determination by the Tahsildars of the amount payable to the persons entitled. There is no provision in the Act for the landlord to make an application claiming the amount. This means that until the Tribunals decide under Section 48A (4) or (5) the tenants applications received by them, the Tahsildars cannot work out under section 48B the amount payable to the persons entitled including landlords. This is operating hard on the landlords whose tenanted lands have vested in Government with effect from 1/3/1974 and who are without any income from the land from that date.

In this connection, it may be pointed out that the Tribunal ~~xxx~~ before which the tenant has to file an application under section 48A is empowered to admit such an application if made within one year from 31/12/1974. In other words, the tenants' claim for ownership of land will not cease on 31/12/1974 but they will be alive till 31.12.1975, provided the Tribunal admits such an application filed by tenant after 31/12/1974. This is a long drawn process and in that the landlord has to wait for his amount till after 31/12/1975 in such cases.

There will be three types of cases in respect of the tenanted lands vested in Government under section 44 --- namely,-

- (i) Tenants who have filed applications before Tribunal before 31/12/1974 for conferment of ownership.

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- (ii) Tenants who have filed applications before the Tribunals after 31/12/1974 but before 31/12/1975 and which have been admitted by the Tribunals; and
- (iii) Tenants who have failed to file applications before the Tribunals even after 31/12/1975.

In the first two categories of cases, the applications filed by the tenants might be either contested by the landlords or not contested. There may be rival claims of Tenants also for the same land. In the (iii) category of cases, the non-filing might be due to collusion of both the tenant and the landlord concerned.

The Tahsildars who are the Secretaries of the Tribunal may sort out the applications received upto 31/12/1974 into contested and uncontested and arrange to obtain immediate orders of the Tribunal on uncontested cases under section 48-A(4). Uncontested applications may be sorted out by inviting objections from the concerned landlords. Such a course of action would help in relieving the burden of work of the Tribunal as also help in settling the claims of landlords and tenants expeditiously.

Further action with regard to cases coming under categories (ii) and (iii) referred to above, may be taken only after 31.12.1975.

N.B. Sakhardande
(N.B. Sakhardande)

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

To

- All the Divisional Commissioners of the Divisions.
- All the Assistant Commissioners of the Sub-Divisions.
- The Special Assistant Commissioners of Shimoga/Sagar/Kumta/Coondapur and Mangalore Sub-Divisions.
- All the Tahsildars of the Taluks.
- Special Tahsildars of Channagiri, Honnali, Hosanagar, Shikaripur, of Shimoga District and Arkola, Kumta, Bhatkal, Honnavar, Karwar, Haliyal, Sirsi and Siddepur Taluks of North Kanara District and Coondapur, Uipi, Karkal, Mangalore, Buntwal and Pattur Taluks of South Kanara District.
- All the Deputy Commissioners of Districts.

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