

GOVERNMENT OF KARNATAKA

NO.RD 337 LRM 74

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated:20th November 1975.

C I R C U L A R

Sub: Ceiling area - Determination of surplus land -

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Para 15 of the Government Circular No. RD 337 LRM 74 dated 6.3.1975 reads -

"How much land a person or family is entitled to hold has been stated in sub-section (1) of Section 63. As defined in the Karnataka Land Revenue Act, 1964 'to hold land' or 'holder' means, to be in lawful possession of land either actually or constructively. If a major member of a family other than a joint Hindu Family can be said to be a holder as defined in the Land Revenue Act, he will be entitled to hold land to the extent of a ceiling area."

It has been represented that para 15 reproduced above is capable of the interpretation that only major members of family other than joint Hindu Family can hold land upto a separate ceiling. The correct way of interpreting the circular would be as follows:

The term 'joint family' used in the Land Reforms Act is not synonymous with the Hindu Undivided Family. The term is of much wider significance and includes any family in which the property is held jointly by several persons constituting the family as tenants-in-common. Section 63(4) lays down the treatment to be accorded to co-parceneries and shares of joint family property in calculating the extent of land held. Therefore the concept of 'holding' becomes relevant. Paragraph 15 of the circular dated 6.3.1975 is mainly intended to explain that in respect of family other than a joint Hindu Family, a major member has to 'hold' land, as defined in the Land Revenue Act before he can be allowed to retain land up to the ceiling limit. While in law every member of a Hindu coparcenery holds the lands of such joint family, in respect of families other than a Joint Hindu Family the question whether each major member is a 'holder' has to be decided on the basis of the facts and circumstances of each case. The sentence "if a major member of . . . . . ceiling area" is only an illustrative case. It does not cover all cases of lands 'held' by sharers in a co-parcenery or a joint family. The method of calculation of the total extent of land held by a family or by each person constituting a family is given in another part of the circular dated 6.3.1975 and that method must be followed in any such calculation.

The Tahsildars and Special Tahsildars should note the above clarification in determining the surplus.

( B.M.Nagaraj )

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

To

- All the Divisional Commissioners of Divisions.
- All the Deputy Commissioners / Special Deputy Commissioners.
- All the Assistant Commissioners/Special Assistant Commissioners.
- All the Tahsildars / Special Tahsildars.

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