

Subject: Mysore Land Reforms Act 1961 - Implementation of
Section 81-A of the ..

C I R C U L A R.

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Section 81-A of the Mysore Land Reforms Act 1961 lays down that no documents relating to any transfer of land shall be registered unless a declaration is made before the registering authority under the Indian Registration Act 1968. The Registering authority is further required under Rule 27(2) of the Mysore Land Reforms Rules, 1965, to forward one copy of each of such declarations filed during a fortnight to the Tahsildar concerned within a week after the expiry of the fortnight, with an invoice in duplicate and the Tahsildar shall on receipt of the declarations return the duplicate copy of the invoice duly acknowledged and take further action to verify the correctness of the particulars furnished in the declaration etc.

2. Instances have, however, come to the notice of the Divisional Commissioner, Belgaum that (i) the Sub-Registrars have, in some cases, registered the documents relating to transfer of lands without getting a declaration filed by the Transferree and (ii) the declarations filed are not forwarded by them to the Tahsildars concerned within the time prescribed under Rule 27 of the aforesaid Rules. Section 81-A of the Act casts complete responsibility on the Sub-Registrars to get the declarations filed before the document is registered and enjoins on them to refuse registration of a document if the transferree omits or fails to file the required declaration. Registration of such a document by the Sub-Registrar without getting the necessary declaration from the transferree, which is a pre-requisite of the registration amounts to contravention of the provisions of the aforesaid Act, which is an offence punishable with fine upto Rs.500/- under section 125(2) of the aforesaid Act. So also it is incumbent on the Sub-Registrars to forward all the declarations filed before them, during a fortnight, to the Tahsildars concerned, within a week after the expiry of the fortnight concerned. It is noticed that the Sub-Registrars do not forward the declarations within the prescribed time, but they send them in bundles at irregular intervals, long after the prescribed period. Such a practice besides contravening the provisions of the said Act and Rules, gives scope for undue delay and omission in forwarding the declarations to the Tahsildars for verification as required by law.

3. In order that the above mentioned provisions of law are not contravened by the Sub-Registrars and the Sub-Registrars do not run the risk of being proceeded against according to law, the Deputy Commissioners in their capacity as District Registrars, should draw the pointed attention of the Sub-Registrars to the above provisions of law and ask them to strictly comply with the same. The Deputy Commissioners should also verify through their Headquarters Assistants (Registration) by periodical inspections that the Sub-Registrars have complied with the above requirements of law in all cases and take suitable action against the defaulting Sub-Registrars under intimation to the Inspector-General of Registration.

4. In regard to the verification of the declarations received from the Sub-Registrars, the attention of the Tahsildars should be drawn to Rule 27 (3) and (4) of the Mysore Land Reforms Rules, 1965 and they should be directed to take prompt action on all such declarations and maintain a record of verification etc. done and action taken by them in any particular case in which there has been

declarations received and verification done by the Tahsildars should be verified by the Inspecting Officers, who should satisfy themselves that the provisions of law are duly complied with.

Sd. N.S. Ramachandra,
Divisional Commissioner,
Belgaum.

Copies to the Divisional Commissioners of Bangalore, Mysore and Galbarga (by name) for information.

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LRF
no. PR. 8/71-72.

Office of the Divisional Commissioner,
Mysore Division,
Mysore. o., Dated: 11th Oct. 1971.

MEMO.

Copy of the above is forwarded to the Deputy Commissioners of Districts, the Assistant Commissioners of Sub Divisions and the Tahsildars of Taluk of this Division for information and necessary action.

B See the *Ramachandra*
for Divisional Commissioner,
Mysore Division.
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