

Government of Karnataka

No. RD 200 LRM 79

Karnataka Government Secretariat,
Vidhana Soudha,
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CIRCULAR

In certain parts of the State, lands have come under irrigation (with water from an assured Government source) subsequent to 1-3-1974. The question of dealing with such lands with reference to the ceiling provisions of the Land Reforms Act does not appear to have been correctly understood in some areas. Hence this Circular.

Declarations under Section 66 of the Act were required to be filed (by all persons holding land up to the extents mentioned therein) within the last date mentioned in the Act (31-12-1974) on the basis of the position of ownership/cultivation that prevailed as on 1-3-1974. Orders on the declarations so filed have also to be passed with reference to the situation as on 1-3-1974.

However, when lands get converted into any other classification as a result of irrigation from a Government source Section 65A comes into play. It provides that if by such change of classification, the lands in the holding of a declarant exceeds the ceiling area, the land so in excess is deemed to be surplus. Sec.66 is again attracted by the land. A fresh determination of surplus needs to be made, on the basis of the fresh declaration under Sec.67 of the Act, taking into account the revised classification.

Thus where land gets converted into irrigated land subsequent to 1-3-1974, the surplus will have to be determined under two separate orders one passed with reference to the situation as on 1-3-1974 and the other based on the situation as on the date of conversion (that date is the date of completion of the irrigation work notified under the Karnataka Irrigation (Betterment Contribution & Water Rate) Act - vide explanation to Sec.65A.

However, care should be exercised in passing orders (especially 'nil surplus' orders) on the second declaration. The transactions, if any, occurring in the period between the two dates above-mentioned (such transactions would have to be declared by the declarant as per Sec.66(4)) should be particularly scrutinised and cross-checked to make sure that they are bonafide and not intended to wrongfully evade the ceiling limit.

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- To The Divisional Commissioners of all Divisions.
- The Deputy Commissioners/Spl. Deputy Commissioners.
- The Assistant Commissioners/Spl. Assistant Commissioners/ Addl. Spl. Assistant Commissioners.
- The Other Chairmen of the Tribunals.
- The Tahsildars/Spl. Tahsildars/Addl. Spl. Tahsildars.

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