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No.RD 303 LRM 79

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated: 6-6-1979

CIRCULAR

Sub:- Land Reforms - Sale of lands by the landlords to the tenants prior to 1-3-1974 and further sale of lands by the tenants to others affecting proceedings u/s 66 - Procedure to be followed - Clarification issued -

A point has been raised as to what procedure has to be followed in the cases of transaction wherein the landlords have sold the lands to the tenants earlier to 1-3-1974 and subsequently the tenants have sold the lands to others the procedure having been adopted apparently to circumvent the provisions of Section 66 of the Karnataka Land Reforms Act.

Lands sold to tenants cannot be added back to the holding u/s 63(10)(ii) of the Karnataka Land Reforms Act. They are specifically excluded (like land transferred by partition in favour of minors).

However, the sales alleged to be made in favour of tenants must be subjected to the test whether they were in conformity with the law in force at the time. If the sales are violative of the law, then they can be ignored. - The sales made apparently with an ulterior motive have to be closely scrutinised with reference to the provisions of Sec.39 of the Act. One should, for example ask the following questions:-

Was written offer of sale made to the tenant? Was the reasonable price disputed or undisputed? Was it deposited before the Court? Has the tenant been dispossessed in pursuance of the sale or does he continue on the land despite the two sales? Is there a 48-A application from him and, if so, what is its disposal, etc. All these points should be investigated by the Tahsildars and by the Tribunals before determination of surplus in proceedings under Sec.67 of the Act.

If the sales are treated as invalid (and if there is no pending application from the tenant) the Tribunal, as a follow-up measure, has to entertain and decide upon an application u/s 48-A from the old tenant.

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6/6/79

Asst. Spl. Officer for Land Reforms & Ex-officio Under Secy. to Govt. Rev. Dept.

- To
- All the Divisional Commissioners.
 - All the Deputy Commissioners/Spl. Deputy Commissioners.
 - All the Assistant Commissioners/Spl. Assistant Commissioners/ Addl. Spl. Assistant Commissioners.
 - The other Chairman of the Trib.

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