

GOVERNMENT OF KARNATAKA

NO. RD 555 LRM 75

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 17th December 1975.

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Sub: Collusive applications filed by the
tenants for registration of occupancy
rights - other incidental matters.

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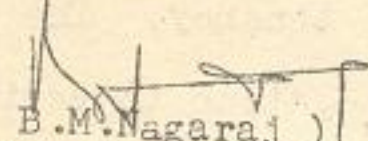
Government have observed that in some taluks large number of applications from tenants have been received for registration of occupancy rights, disproportionate to the actual incidence of tenancy both recorded or otherwise. It has also been observed that some of these applications when taken up by the Tribunal are readily conceded by the landlords. It has been found very often that such landlords are surplus holders. This would lead to a suspicion that surplus holders have got collusive applications filed by tenants with a view to reduce the extent that they will have to surrender to Government as surplus land. In these circumstances, a detailed scrutiny has to be made by the Tribunal even where the landlord who is a surplus holder admits the alleged tenancy. The Tribunal should make an independant investigation to verify that the so-called tenancy is not a collusive transaction to reduce the extent of surplus land to be surrendered to Government.

While orders indicating the reasons for the decision are written, in cases where the application is heard on merits and disposed of, there should similarly be a detailed order even in cases where the applications are rejected on the ground that land has been purchased by the applicant or that he himself is the Khatedar. But,

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whether the sale took place after the land vested in Government and place the application before the Tribunal for formal rejection, if he finds that the sale took place before 1.3.1974. The orders passed by the Assistant Commissioner rejecting the applications without placing them before the Tribunal are no valid orders as the Assistant Commissioner cannot function independantly as the Tribunal in respect of applications under Section 48A.

Sometimes, applications from the tenants are received without giving the specific date or year from which the tenancy concerned, but with vague statements like "has been a tenant for 8 to 10 years". In such cases, it is necessary that the date or the year of commencement of the tenancy should be determined by the Tribunal in every case and there should be a finding whether the lease was a valid one under the provisions of Land Reforms Act in force at the time the lease was entered into. Occupancy rights can be granted to the tenant only after the date of commencement of lease is determined and the Tribunal has recorded a finding that the lease was a valid one under the Law in force at the time of the lease was entered into.


(B.M. Nagaraj)
Asst. Spl. Officer for L.R. & Ex-officio
Under Secy. to Govt. Rev. Dept.

To

All the Divisional Commissioners.
All the Deputy Commissioners / Special Deputy Commissioners.
All the Assistant Commissioners / Special Assistant Commissioners.
All the Tahsildars / Special Tahsildars.
Weekly Gazette (Final Orders approved by Revenue Commissioner and Revenue Secretary on 12.12.1975).