

Karnataka Land Revenue Act, 1964

Chapter VII - Land and Land Revenue

Section 67 - Public roads, etc., and all lands which are not the property of others belong to the Government

(1) All public roads, streets, lanes and paths, bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers, streams, nallas, lakes and tanks and all canals and water--courses and all standing and flowing waters, and all lands wherever situated which are not the property of individuals or of aggregate of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be with all rights in or over the same or appertaining thereto, the property of the State Government.

Explanation.--In this section, "high--water mark" means the highest point reached by ordinary spring tides at any season of the year.

(2) Where any property or any right in or over any property is claimed by or on behalf of the State Government or by any person as against the State Government, it shall be lawful for the Deputy Commissioner or a Survey Officer not lower in rank than a Deputy Commissioner, after formal inquiry to pass an order deciding the claim.

(3) Any person aggrieved by an order made under sub-section (2) or in appeal or revision therefrom may institute a civil suit contesting the order within a period of one year from the date of such order and the final decision in the civil suit shall be binding on the parties.

Section 68 - Extinction of rights of public and individuals in or over any public road, street, lane or path not required for use of public

(1) Whenever it appears to the State Government that the whole or any part of any public road, street, lane, or path which is the property of the State Government, is not required for the use of the public, the State Government may, by notification, make a declaration to such effect, stating in such declaration that it is proposed that the rights of the public as well as of all persons in or over any such road, street, lane or path, or part thereof, as the case may be, shall be extinguished. On the publication of such notification, the Deputy Commissioner, shall, as soon as possible cause public notice of such declaration to be given at convenient places on, or in the vicinity of, such road, street, lane or path, or part thereof, as the case may be. Such declaration and notice shall specify, as far as practicable, the situation and limits of such road, street, lane or path or part thereof, and shall invite objections to the aforesaid proposal.

(2) Any member of the public or any person having any interest or right, in addition to the right of public high--way, in or over such road, street, lane or path or part thereof, or having any other interest or right which is likely to be adversely affected by the proposal may, within ninety days after the issue of the notification, under sub-section (1), state to the Deputy Commissioner in writing his objections to the proposal, the nature of his interest or right and the manner in which it is likely to be

adversely affected and the amount and particulars of his claim to compensation for such interest or right:

Provided that the Deputy Commissioner may allow any person to make such statement after the period of ninety days after the issue of the notification under sub-section (1), if he is satisfied that such person had sufficient cause for not making it within the said period.

(3) The Deputy Commissioner shall give every person who has made a statement to him under sub-section (2), an opportunity of being heard either in person or by pleader and shall, after hearing all such persons in such manner and after making such further enquiry, if any, as he thinks necessary, determine the amount of compensation, if any, which should, in his opinion, be given in any case in respect of any substantial loss or damage likely to be caused by the proposed extinction of the rights of the public as well as of persons as aforesaid. The provisions of sections 9, 10 and 11 of the Land Acquisition Act, 1894 (Central Act I of 1894) shall, so far as may be, apply to the proceedings held by the Deputy Commissioner under this sub-section.

(4) The Deputy Commissioner shall submit to the State Government therecord of the proceedings held by him with the report, containing his recommendations on the objections, if any, received by him stating the amount of compensation, if any, which, in his opinion, are payable to any person.

(5) If the State Government is satisfied after considering the record of the proceedings and the report, if any, made under sub-section (4) that the public road, street, lane or path, or part thereof, specified in the notification under sub-section (1) is not required for the use of the public, a declaration shall be published in the official Gazette that all rights of the public as well as of all persons in or over such road, street, lane, or path, or part thereof, are extinguished; and all such rights shall thereupon be extinguished, and such road, street, lane or path, or part thereof, shall be at the disposal of the State Government with effect from the date of such declaration.

(6) The decision of the Deputy Commissioner, subject to such appeals or revision as are allowed under Chapter V, regarding the amount of compensation and the person to whom such compensation, if any, is payable, shall be final; and payment shall be made by the Deputy Commissioner to such persons accordingly.

Section 69 - Disposal of lands or other property belonging to State Government under section 67

1[69. Disposal of lands or other property belonging to State Government under section 67

Subject to such rules as may be made in this behalf, the State Government, the Divisional Commissioner, the Deputy Commissioner, the Assistant Commissioner in--charge of a Taluk or Taluks and the Tahsildar, may dispose of land or other property belonging to the State Government under section 67 or otherwise, for purposes of agriculture, industry or any public utility and subject to the provisions of Chapter XII for the construction of buildings.]

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Section 70 - Right to mines and mineral products to vest in Government

1[Notwithstanding anything contained in] any law in force before the commencement of this Act or under the terms of any grant made or of any other instrument of transfer executed, by or on behalf of the Government for the time being, the right to mines, minerals and mineral products, shall vest absolutely in the State Government and the State Government shall, subject to the provisions of the

Mines and Minerals (Regulation and Development) Act, 1957 (Central Act No. 67 of 1957), have all the powers necessary for the proper enjoyment or disposal of such rights.

1. Substituted by Act 20 of 1993 w.e.f. 1.4.1964.

Section 71 - Lands may be assigned for special purposes and when assigned, shall not be otherwise used without sanction of the Deputy Commissioner

Subject to the general orders of the State Government, Survey Officers, whilst survey operations are proceeding under this Act, and at any other time, the Deputy Commissioner, may set apart lands, which are the property of the State Government and not in the lawful occupation of any person or aggregate of persons in any village or portions of a village, for free pasturage for the village cattle, for forest reserves or for any other public purpose; and lands assigned specially for any such purpose shall not be otherwise used without the sanction of the Deputy Commissioner; and in the disposal of lands under section 69 due regard shall be had to all such special assignments.

Section 72 - Regulation of use of pasturage

The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated by rules or orders made generally or in any particular instance, by the State Government. The decision for the Deputy Commissioner in any case of dispute as to the said right of grazing shall be final.

Section 73 - Recovery of value of natural product unauthorisedly removed from certain lands

(1) Any person who shall unauthorisedly remove from any land which is set apart for a special purpose or from any land which is the property of Government, any natural product shall be liable to the State Government for the value thereof which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under this Act for such unauthorised removal; and notwithstanding any criminal proceedings which may be instituted against him in respect of such unauthorised removal.

(2) The decision of the 1[Tahsildar] as to the value of any such natural product shall be final.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Section 74 - Right to trees in villages to which survey settlement has not been introduced

In any village or portions of a village to which survey settlement has not been introduced under this Act or under any of the Acts repealed by this Act, the right to all trees, except such as are reserved by the Government under any law for the time being in force, shall be deemed to vest in the occupant, if any, of the land upon which they may be standing, except when such trees are the property of the State Government.

Section 75 - Right to trees in villages, to which survey settlement has been introduced

(1) In any village or portions of a village if the original survey settlement has been completed before the commencement of this Act, the right of the State Government to all trees in any land, except trees reserved by the State Government or by any Survey Officer, whether by express order made at or about the time of such settlement or by notification made and published at or any time after such settlement shall be deemed to have been conceded to the occupant.

(2) In any village or portion of village, if the original survey settlement shall be completed after the passing of this Act, whether the work of such settlement was undertaken before or after the passing of this Act, the right of the State Government to all trees in any land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved by the State Government at or about the time of such settlement or generally by notification made and published at any time previous to the completion of the survey settlement of such village or portion of a village.

(3) When permission to occupy land has been or shall hereafter be granted after the completion of the survey settlement of a village or portion of a village, in which such land is situate, the said permission shall be deemed to include the concession of the right of the State Government to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

Section 76 - Trees and forests vesting in the Government

The rights to all trees specially reserved under the provisions of section 75 and to all trees, brush-wood, jungle or other natural product, wherever growing, except in so far as the same may be the property of any person or of aggregate of persons capable of holding property, vest in the State Government; and such trees, brush-wood, jungle or other natural product shall be preserved or disposed of in such manner as the State Government may from time to time direct.

Section 77 - Road--side trees

All road--side trees on lands held by any person which have been planted and reared by or under the orders of and at the expense of the State Government and all trees which have been planted and reared at the expense of any local authority by the side of any road, belonging to the State Government, vest in the State Government; but in the event of such trees dying, or being blown down, or being cut down by order of the 1[Tahsildar], the timber shall become the property of the holder of the land in which they were growing; and the usufruct including the loppings of such trees shall also vest in the said holder:

Provided that the trees shall not be lopped except under the orders of the 1[Tahsildar].

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Section 78 - Recovery of value of trees, etc., unauthorisedly appropriated

(1) Any person who shall unauthorisedly fell and appropriate any tree or any portion thereof or remove from his holdings any other natural product, whether of the like description or not, which is the property of Government, shall be liable to the State Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under the provisions of this Act, for the occupation of the land or otherwise: and

notwithstanding any criminal proceedings which may be instituted against him in respect of the said appropriation of Government property.

(2) The decision of the 1[Tahsildar] as to the value of any such tree or portion thereof or other natural product, shall be final.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Section 79 - Regulation of supply of firewood and timber for domestic or other purposes

(1) In any village or land in which the rights of the State Government to the trees have been reserved under section 75 subject to certain privileges of the villagers or of certain classes of persons to cut firewood or timber for domestic or other purposes and in any land which has been set apart under section 71 for forest reserve subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by such rules as may be prescribed, or by orders to be made either generally or in any particular instance by the Deputy Commissioner or by such other officer as the State Government may direct. In any case of dispute as to the mode or time of exercising such privileges, the decision of the Deputy Commissioner or of such officer shall be final.

(2) Notwithstanding anything contained in sub-section (1) but subject to such general or special orders that may be issued by the State Government from time to time, the privileges that are being enjoyed either by custom or under any order such as privileges in respect of Kumki lands, Bane lands and Kane lands in South Kanara District, Betta lands and Hadi lands in North Kanara District, Kan and Soppina Betta lands in Mysore Area, Jamma and Bane in Coorg District and 1[Motasthal wet lands] in 2[Gulbarga Area] shall continue.

1. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Section 80 to 90 - Land Revenue

Section 80 - All land liable to pay land revenue, unless specially exempted

All land, whether applied to agricultural or other purposes and wherever situate, is liable to the payment of land revenue to the State Government according to the provisions of this Act, except such as may be wholly exempted under the provisions of any special contract with the Government or any provision of this Act or any other law for the time being in force.

1[Provided that the State Government may, by notification or order and subject to such conditions if any, as may be specified therein, for reasons to be recorded in writing, exempt either prospectively or retrospectively any class of lands in any area or areas or any part thereof from the payment of land revenue.]

1. Proviso inserted by Act 10 of 1985 w.e.f. 1.4.1964.

Section 81 - Alluvial land and its liability to land revenue

(1) Notwithstanding any law, custom or usage to the contrary all alluvial lands, newly formed islands, abandoned river--beds, shall vest in the State Government, but the holder or occupant of the bank or shore on which such alluvial land is formed, shall be entitled to the temporary use thereof, unless and until the area of the same exceeds one acre, in which case such land, island or river--bed shall be at the disposal of the Deputy Commissioner, subject to the provisions of section 92.

(2) No land revenue shall be leviable in respect of any alluvial lands, newly formed islands or abandoned river--beds during the period of temporary use under sub-section (1).

Section 82 - Remission of assessment in cases of diluvion

Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be prescribed, to a decrease of assessment, if any portion thereof, not being less than half an acre in extent, is lost by diluvion.

Section 83 - Manner of assessment, commutation of non--agricultural assessment and prohibition of use of land for certain purposes

(1) Save as otherwise provided by or under this Act, the land revenue leviable on any land under this Act, shall be assessed or shall be deemed to have been assessed, with reference to the use of the land for the purpose of agriculture.

(2) If any land held or used for any purpose other than agriculture bediverted or used for the purpose of agriculture, such land shall, notwithstanding that it was exempt from assessment or was assessed with reference to any purpose other than agriculture, be liable to the payment of land revenue at such rates and subject to such rules as may be prescribed in this behalf, as for land used for the purpose of agriculture.

(3) Land revenue leviable on any land and assessed or deemed to be assessed under any enactment or law in force before the commencement of this Act, with reference to the use of that land,--

(a) for purpose of dwelling houses;

(b) for industrial or commercial purposes; or

(c) for any other non--agricultural purpose, shall, notwithstanding anything contained in this Act, continue to be levied at such rate at which it was levied or was leviable as at the commencement of this Act, unless such assessment is commuted in accordance with the provisions of sub-section (4).

(4) Where in respect of any land used for any purpose other than agriculture, assessment payable annually was leviable or has been levied by or under any enactment or law in force before the commencement of this Act, such assessment may, in accordance with such rules as may be prescribed, be commuted by payment to the State Government of an amount equal to five times the amount of such annual assessment, and on such commutation such land shall be exempt from such annual assessment.

(5) The 1[Tahsildar] or a Survey Officer may, subject to such rules as may be prescribed in this behalf, prohibit the use for certain purposes of any land liable to the payment of land revenue and may summarily evict any holder or other person who uses or attempts to use the same for any such prohibited purpose.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Section 84 - Assessment by whom to be fixed

(1) On all lands which are not wholly exempt from the payment of land revenue, and on which assessment has not been fixed under the provisions of Chapter X, the assessment of the amount to be paid as land revenue, shall, subject to such rules as may be made by the State Government in this behalf, be fixed by the Deputy Commissioner, for such period not exceeding the maximum prescribed as the State Government may, by general or special order, specify, and the amounts due according to such assessment shall be levied on all such lands:

Provided that in the case of lands partially exempt from land revenue, or the liability of which to the payment of land revenue is subject to special conditions or restrictions, regard shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting according to the nature of the said rights:

Provided further that where any land which was wholly or partially exempt from payment of land revenue has ceased to be so exempt, it shall be lawful for the Deputy Commissioner to fix the assessment of the amount to be paid as land revenue for such land, with effect from the date on which such land ceased to be so exempt or any subsequent date, as he may deem fit.

(2) After the expiry of the period for which the assessment of any land is fixed under sub-section (1), the Deputy Commissioner may from time to time revise the same in accordance with the rules made in this behalf by the State Government. The assessment so revised shall be fixed each time for such period not exceeding the maximum prescribed as the State Government may, by general or special order, specify.

Section 85 - Register of alienated lands

A register shall be kept by the Deputy Commissioner in such form as may, from time to time, be prescribed by the Government, of all lands the alienation of which has been established or recognised under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Deputy Commissioner that a sannad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of such fees as may be prescribed, grant to any person whom he may deem entitled to the same, a certified extract from the said register which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sannad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sannad.

Section 86 - Settlement of assessment with whom to be made

The settlement of the assessment of each portion of land or survey number to the land revenue shall be made with the person who, under the provisions of this Act, is primarily responsible to the State Government for the same.

Section 87 - Land Revenue to be a paramount charge on the land

(1) Arrears of land revenue due on account of the land by any land holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or the

holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forfeiture and an order in this behalf may be made by the 1[Tahsildar.]

(2) On the making of an order of forfeiture under sub-section (1), the 1[Tahsildar] may, subject to the provisions of section 163, levy all sums in arrears, by sale of the occupancy or the holding or otherwise dispose of such occupancy or holding under rules made by the State Government in this behalf.

(3) Such occupancy or holding, when disposed of, whether by sale as aforesaid or otherwise under rules referred to in sub-section (2) except by restoration to the defaulter, shall, unless the 1[Tahsildar] otherwise directs, be deemed to be freed from all tenures, rights, encumbrances and equities therefor created by the occupant or holder or any of his predecessors in title in favour of any person other than the Government or in any way subsisting against such occupant or holder, but so as not to affect the rights of kadim tenants or permanent tenants in alienated holdings in respect of such occupancy or holding.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Section 88 - Forfeited holdings may be taken possession of and otherwise disposed

The 1[Tahsildar] may, in the event of the forfeiture of the holding through any default in payment or other failure occasioning such forfeiture under section 87 or any law for the time being in force, take immediate possession of such holding and dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Act or any other law for the time being in force.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Section 89 - Receipts

(1) Every Revenue Officer receiving payment of land revenue shall, at the time when such payment is received by him, give in the prescribed form a written receipt for the same.

(2) Every superior holder who is entitled to receive direct from an inferior holder any sum due on account of the rent or land revenue shall, at the time when such sum is received by him, give in the prescribed form to such inferior holder a written receipt for the same.

Section 90 - Penalty for failure to grant receipts

Any person contravening the provisions of section 89 shall, after summary enquiry before the Deputy Commissioner, be liable to pay as fine such amount as the Deputy Commissioner may specify, not exceeding three times the amount received for which a receipt was not duly granted.