

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN BENCH  
APPEAL NO. 52 OF 2021**

IN THE MATTER OF:

Tejas S Rao

...Appellant

-VS-

State of Karnataka & Ors.

...Respondents

**INDEX TO THE TYPED SET OF DOCUMENTS FILED BY THE 2<sup>nd</sup> RESPONDENT**

| S. No | Date       | Description of the Document   | Page No. |
|-------|------------|---|----------|
| 1.    | 26.05.2019 | Application for No-objection Certificate preferred by the Appellant <i>vide</i> Affidavit ID: 185594 and Land conversion No:156282 for the purpose of land conversion.            | 1-6      |
| 2.    | 30.05.2019 | Reply to the Deputy Commissioner, Bangalore Urban District with respect to the Application preferred by the Appellant for land conversion along with the translated copy thereof. | 7-8      |
| 3.    | -          | Extract of the Master Plan-2031 notified by the Bangalore Development Authority   | 9        |
| 4.    | -          | Extract of the relevant provisions from the Karnataka Town and Country Planning Act, 1961   | 10-24    |
| 5.    | -          | Extract of the relevant provisions from the Karnataka Land Revenue Act, 1964  | 25-27    |

Certified that the above documents are the true copies of its originals

**Dated at Chennai on this the 19<sup>th</sup> day of October, 2021.**

  
COUNSEL FOR 2ND RESPONDENT



ಸರ್ಕಾರ ಸಂಖ್ಯೆ: 20020320431492 ಸರ್ವೆ ನಂಬರ್: 4/7/23 ಸ್ಥಳ ಸಂಖ್ಯೆ: 20020320431492001  
 ಜಿಲ್ಲೆ: ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ ತಾಲ್ಲೂಕು: ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ಹೋಬಳಿ: ತಾವರಹೆರೆ - 2 ಗ್ರಾಮ: ವಡೋರು  
 ಆರ್ಜಿವಾರದ ಹೆಸರು: ಶೇಷ್ ಭಾವ್ ರಾವ್ ಮುನಾಟು: ಅರೇನವ್  
 ದಿನಾಂಕ: 8 ಕೆ ಲೆಟರ್ ವಾಪರದ್ದಿವಾಳ್ಯ ಬಿ ಉ ತಾ ನಾಗರಭಾವಿ 560072

## ಬ್ಯಾಂಕ್ ವಿವರ

| ಸರ್ವೆ ನಂಬರ್ | ಬ್ಯಾಂಕ್ ಸಂಖ್ಯೆ | ಒಟ್ಟು ಮೌಲ್ಯ | ವಿರಾಟು ಎ ಮೌಲ್ಯ | ವಿರಾಟು ಬಿ ಮೌಲ್ಯ | ಕೃಷಿ ಜಮೀನಿನ ಮೌಲ್ಯ | ಭೂವಲಮರ್ಗನಿಗೆ ಉದ್ದೇಶಿತ ಮೌಲ್ಯ | ಆಕಾರ | ಆರ್.ಬಿ.ಸಿ. ಹಕ್ಕುಬಾರದ ಹೆಸರು | ತಂದೆಯ ಹೆಸರು / ಗಂಡನ ಹೆಸರು |
|-------------|----------------|-------------|----------------|-----------------|-------------------|-----------------------------|------|----------------------------|--------------------------|
| 4/7/23      | 1              | 1-0-0.00    | 0-0-0.00       | 0-0-0.00        | -                 | 1-0-0.00                    | -    | ಶೇಷ್ ಭಾವ್ ರಾವ್ .           | (ಜಿ ಶಂಕರ್ ರಾವ್)          |

## ಚೆಕ್ಯುಟಂದಿ ವಿವರ

| ಬ್ಯಾಂಕ್ ಸಂಖ್ಯೆ | ಉತ್ತರಣೆ  | ಪೂರ್ವಣೆ  | ದಕ್ಷಿಣಣೆ | ಮೊತ್ತಣೆ  |
|----------------|----------|----------|----------|----------|
| 1              | ರೂ ಹಿ 22 | ರೂ ಹಿ 22 | ರೂ ಹಿ 20 | ರೂ ಹಿ 22 |

## ಬಾಟು ವಿಂಗಡಣೆ ವಿವರ

| ಬ್ಯಾಂಕ್ ಸಂಖ್ಯೆ | ಬಾಟು ತರಹ | ಮೌಲ್ಯ    | ಆಕಾರ | ನೀರಿನ ಅಶ್ರಮ |
|----------------|----------|----------|------|-------------|
| 1              | ಅರೇನವ್   | 1-0-0.00 | 0.00 | ಮಳೆ         |

ಆಕೆ ಕೆಲವು ನಿರ್ವಹಿಸಿದವರು  
 (Prepared by)  
 BASAVANNA M P  
 ಪರವಾನಗಿ ಭೂಮಾಪಕರು  
 05/03/2020

ಪರಿಶೀಲಿಸಿದವರು  
 (Checked by)  
 SHIVAKUMARASWAMY .M  
 ಪರಿಶೀಲಣಾ ಭೂಮಾಪಕರು  
 21/03/2020

ಅಂಗೀಕರಿಸಿದವರು  
 (Approved by)  
 SHASHIKUMAR .B.P  
 ತವಾಣೆಕರು 28/04/2020

ಸ್ಥಳ ಬೆಂಗಳೂರು ದಕ್ಷಿಣ  
 ದಿನಾಂಕ : 08/05/2020

Valid Till: 25/10/2020

SHAKUNTHALA  
 ಮೋಪಣಿ ನಿವಾಸಕರು

Note: ಈ ಸ್ಥಳಿಯನ್ನು ಮೇಲ್ಕಾಣಿಸಿದ ಸ್ವಾಧೀನ/ ಅಧಿಕಾರಿಗಳು ಗಣಕ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ Bio Login ಬಳಸಿ ಅಂಗೀಕರಿಸುವುದು. ಭೌತಿಕ ಸಹಿ ಅನಿವಾರ್ಯವಾಗಿರುತ್ತದೆ.

3



ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
ಕಪಟೀಲ್ದಾರ್ ರವರ ಕಛೇರಿ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲೂಕು  
ಅಲಿವೇಷನ್ ವ್ಯಕ್ತಿ

ಅರ್ಜಿ ಸಂಖ್ಯೆ : 20020320431492

ಸರ್ವೆ ಸಂಖ್ಯೆ : 41/23

ಸ್ಥಳ ಸಂಖ್ಯೆ : 20020320431492001

ಜಿಲ್ಲೆ : ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ

ತಾಲೂಕು : ಬೆಂಗಳೂರು ದಕ್ಷಿಣ

ಬ್ಲಾಕ್ : ಕಾವರಗೆರೆ - 2

ಗ್ರಾಮ : ವರ್ತಮಾನ

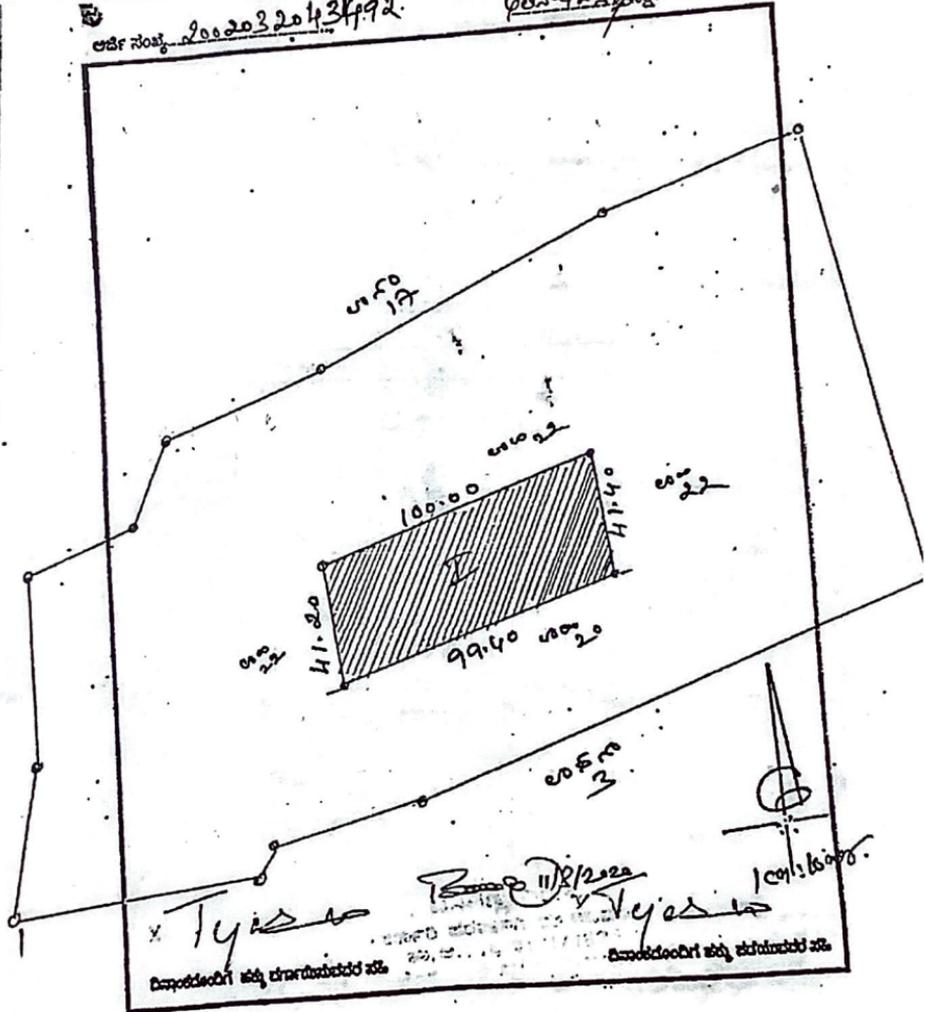
ಅರ್ಜಿದಾರರ ಹೆಸರು : ಕೆ.ಎಸ್.ಎಸ್. ರಾಮ್

ಮತವಾಹಿನಿ : ಅಲಿವೇಷನ್

ವಿಳಾಸ : ಕೆ.ಕೆ.ಆರ್.ಪೇಟೆ ವಾಚರಡ್ಡಿ, ಬಿ.ಉ.ಪಾ.ನಗರಭವನ 580072

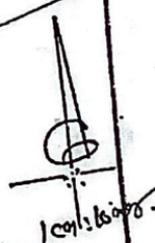
ಅಲಿವೇಷನ್ ವ್ಯಕ್ತಿ

ಅರ್ಜಿ ಸಂಖ್ಯೆ 20020320431492



K. S. S. Ramesh  
ಅಲಿವೇಷನ್ ವ್ಯಕ್ತಿ

11/8/2022  
K. S. S. Ramesh





ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
ನೋಂದಣಿ ಹಾಗೂ ಮುದ್ರಾಂಕ ಇಲಾಖೆ  
Department of Stamps and Registration

ಪ್ರಮಾಣ ಪತ್ರ

1957 ರ ಕರ್ನಾಟಕ ಮುದ್ರಾಂಕ ಕಾಯ್ದೆಯ ಕೆಲ 10 ಎ ಅಡಿಯಲ್ಲಿಯ ಪ್ರಮಾಣ ಪತ್ರ

(ನಿಯಮ 10-A)

ಶ್ರೀ/ಶ್ರೀಮತಿ ತೇಜಸ್ ವಾ್ ರಾವ್ (ADJ No - 94/2020-21), ಇವರು 200.00 ರೂಪಾಯಿಗಳನ್ನು ನಿಗದಿತ ಮುದ್ರಾಂಕ ಶುಲ್ಕವಾಗಿ ಪಾವತಿಸಿರುವುದನ್ನು ದೃಢೀಕರಿಸಲಾಗಿದೆ

| ಪ್ರಕಾರ         | ಮೊತ್ತ (ರೂ.) | ಪಾವತಿಯ ವಿವರ  |
|----------------|-------------|--------------|
| ಮುದ್ರಾಂಕ ಶುಲ್ಕ | 200.00      | Paid In Cash |
| ಒಟ್ಟು :        | 200.00      |              |

ಸ್ಥಳ : ಗಾಂಧಿನಗರ

ದಿನಾಂಕ : 26/05/2020

  
ಉಪ-ನೋಂದಣಿ ಮತ್ತು ಮುದ್ರಾಂಕ ಅಧಿಕಾರಿ  
ಗಾಂಧಿನಗರ (ಗಾಂಧಿನಗರ)

Designed and Developed by C- DAC Pune.



29/05/2020

<https://landrecords.karnataka.gov.in/Service74/ud/TransReport.aspx>

6

26/5/2020



**Affidavit Based Land Conversion  
Transaction Report**

6

Affidavite ID:185594

Land conversion ID:156282

Land Details

| District        | Taluk           | Hobli          | Village | SurveyNo |
|-----------------|-----------------|----------------|---------|----------|
| BENGALURU URBAN | Bengaluru-South | TAVAREKERE - 2 | VARTURU | 41/23    |

Applicant Details

| Name         | Relative Name     | Mobile Number | Email | Address              | Aadhaar Number |
|--------------|-------------------|---------------|-------|----------------------|----------------|
| ಕೆಜೆಎಸ್ ರಾವ್ | ( ದಿ ಶಂಕರ್ ರಾವ್ ) | 9886047343    |       | 3RD CROSS K K LAYOUT | *****239       |

Transaction Details

| Type of Conversion | Sub-Conversion | Acqui-Type | Mutation No / Year | Planning Authority        | Land Class | Total Extent | Kharab A | Kharab B | Owner Extent | TranExtent |
|--------------------|----------------|------------|--------------------|---------------------------|------------|--------------|----------|----------|--------------|------------|
| Petrol bunk        | Agriculture    | GIFT DEED  | 20/2019            | Magadi Planning Authority | DRY        | 1.0.0.00     | 0.0.0.00 | 0.0.0.00 | 1.0.0.00     | 1.0.0.00   |

11E and Checkbandi Details

| 11E Number        | North    | South    | East     | West     |
|-------------------|----------|----------|----------|----------|
| 20020320431492001 | ಲಾ ಹಿ 22 | ಲಾ ಹಿ 20 | ಲಾ ಹಿ 22 | ಲಾ ಹಿ 22 |

ದೂರವಾಣಿ ಸಂಖ್ಯೆ: 080-2774 5057  
080-2955 0157  
ವೆಬ್‌ಸೈಟ್: www.magadi-pa.in  
ಇ-ಮೇಲ್: mpa.magadi@gmail.com

## ಮಾಗಡಿ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ

7

ಕಛೇರಿ: ನಂ. 297/5588, ಬಾಗೇಗೌಡ ಬಡಾವಣೆ, ತಿರುಮಲೆ ರಸ್ತೆ, ಮಾಗಡಿ ಟೌನ್, ರಾಮನಗರ ಜಿಲ್ಲೆ, ಪಿನ್ ಕೋಡ್-560 120

ಸಂಖ್ಯೆ:ಮಾಯೋಪ್ರಾ/ಭೂ.ಪ.ನಿ/01/2020-21

ದಿನಾಂಕ: 30-05-2020

ಇವರಿಗೆ,

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು,  
ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ,  
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೆ,

ವಿಷಯ: ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ತಾವರಕೆರೆ ಹೋಬಳಿ, ವರ್ತೂರು ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 4/23 ರಲ್ಲಿ 1 ಎಕರೆ ವಿಸ್ತೀರ್ಣದ ಜಮೀನನ್ನು ಪೆಟ್ರೋಲ್ ಬಂಕ್ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂ ಪರಿವರ್ತನೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಭಿಪ್ರಾಯ ನೀಡಲು ಮನವಿ ಸಲ್ಲಿಸಿರುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1) Affidavite ID: 185594  
2) ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ನಆಇ/1/ಬಿಎಂಆರ್/2017, ದಿ:20-07-2019.

\*\*\*\*\*

ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖ(01)ರಂತೆ ಶ್ರೀ ತೇಜಸ್ ಎಸ್. ರಾವ್ ಬಿನ್ ಬಿ. ಶಂಕರ್ ರಾವ್ ರವರು ಆನ್‌ಲೈನ್ ಮುಖಾಂತರ Affidavite ID: 185594 ರಂತೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ತಾವರಕೆರೆ ಹೋಬಳಿ, ವರ್ತೂರು ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 4/23 ರಲ್ಲಿ 1 ಎಕರೆ ವಿಸ್ತೀರ್ಣದ ಜಮೀನನ್ನು ಪೆಟ್ರೋಲ್ ಬಂಕ್ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂ ಪರಿವರ್ತನೆ ಮಾಡಲು ಕೋರಿರುತ್ತಾರೆ.

ಪರಿಶೀಲಿಸಲಾಗಿ, ಮಾಗಡಿ ಸ್ಥಳೀಯ ಯೋಜನಾ ಪ್ರದೇಶಕ್ಕೆ ಸರ್ಕಾರದಿಂದ ಅನುಮೋದನೆಯಾಗಿರುವ ಮಹಾಯೋಜನೆ-2031ರಂತೆ ಸದರಿ ಜಮೀನನ್ನು ಕೃಷಿ ಉದ್ದೇಶಕ್ಕಾಗಿ ಕಾಯ್ದಿರಿಸಲಾಗಿದೆ. ಆದರೆ, ಉಲ್ಲೇಖ(02)ರ ಸರ್ಕಾರದ ಆದೇಶದಂತೆ ವರ್ತೂರು ಗ್ರಾಮದ ಎಲ್ಲಾ ಸರ್ವೆ ನಂಬರ್ ಜಮೀನುಗಳು ವಲಯ-03ರಲ್ಲಿ ಬರುತ್ತಿದ್ದು, ಅರ್ಕಾಪತಿ ನದಿಯ ದಡದಿಂದ 500.00 ಮೀ. ಅಂತರದ ಮಿತಿಯಲ್ಲಿ ಯಾವುದೇ ವ್ಯಕ್ತಿಯು ಕೃಷಿ ಅಥವಾ ಕೃಷಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಚಟುವಟಿಕೆಗಳನ್ನು ಬಿಟ್ಟು ಬೇರೆ ಚಟುವಟಿಕೆಗಳನ್ನು ಪೂರ್ವಾನುಮತಿಯಿಲ್ಲದೆ ನಡೆಸುವಂತಿಲ್ಲ. ಆದ್ದರಿಂದ, ಸದರಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ತಿರಸ್ಕರಿಸಬಹುದೆಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

  
ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ, 30.05.2020  
ಮಾಗಡಿ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ,  
ಮಾಗಡಿ

No:MPA/Bu.Pa.Ni/01/2020-21

Date: 30-05-2020

To,

Deputy Commissioner,  
Bangalore District,  
Bangalore.

Sir,

Subject: Submitting opinion regarding the conversion of land from agriculture to non agriculture for the purpose of construction of Petrol Bunk an area of 1 Acre at Sy.No. 4/23 Varthur Village, Tavarekere Hobli, Bangalore South Taluk.

Reference: 1) Affidavite ID: 185594.  
2) Government Order No: NaAaEe/11/BMR/2017,  
Date: 20-07-2019.

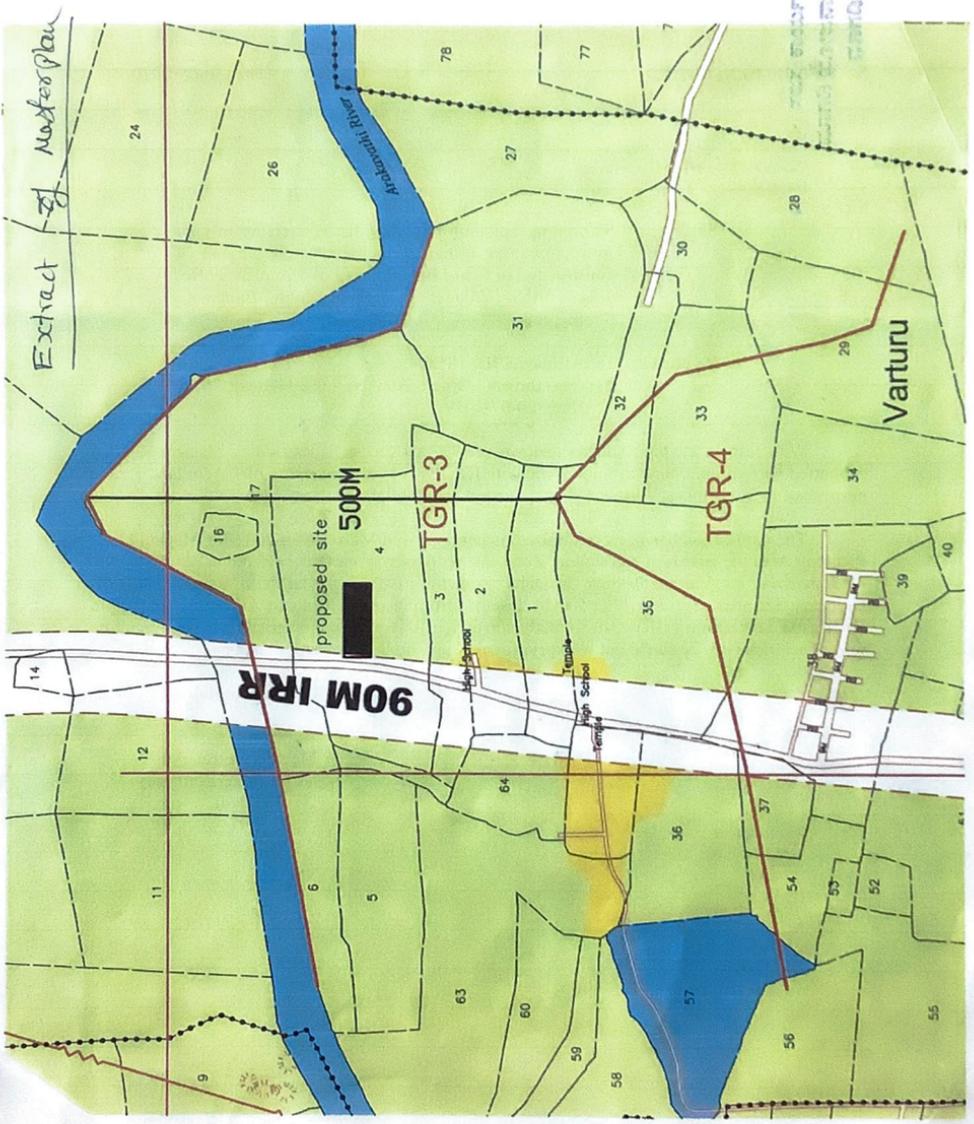
\*\*\*\*\*

With respect to above subject and reference at Sri Thejas S. Rao s/o B. Shankar Rao has submitted application online through Affidavite ID: 185594 for conversion of 1 Acre land for the purpose of Petrol Bunk at Varthur Village, Tavarekere Hobli, Bangalore South Taluk.

The application has been scrutinized as per approved Master Plan-2031 for Magadi Local Planning Area the land is in Agriculture Zone. As per Government Order referred at (2) the Sy.No. 4/23 pertaining to Varthur Village is under Zone -3 of Tippagondanahalli Reservoir (TGR) boundary. i.e. area covered within 500 M. distance from the river banks of Arkavathy (only upto Hesargatta tank from TGR) and Kumudvathi and in this area only agriculture or agriculture related activities can be carried out with prior permission. So the application may be rejected.

You're faithfully,

Sd/-  
Member Secretary,  
Magadi Planning Authority,  
Magadi.



**<sup>1</sup> [KARNATAKA ACT]<sup>1</sup> No. 11 OF 1963**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Twenty-eighth day of March, 1963.)*

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> TOWN AND COUNTRY PLANNING ACT, 1961**

*(Received the assent of the President on the Eighth day of March, 1963.)*

(As amended by Karnataka Acts 14 of 1964, 2 of 1968, 12 of 1976, 39 of 1985, 34 of 1987, 2 & 17 of 1991, 8 of 1994, 18 of 2003, 23 of 2004, 1 of 2005, 1 of 2007, 2 of 2007, 6 of 2012, 57 of 2013, 67 of 2013, 10 of 2014 and 38 of 2015)

An Act to provide for the regulation of planned growth of land use and development and for the making and execution of town planning schemes in the <sup>1</sup>[State of Karnataka]<sup>1</sup>.

WHEREAS it is necessary and expedient,—

(i) to create conditions favourable for planning and replanning of the urban and rural areas in the <sup>1</sup>[State of Karnataka]<sup>1</sup>, with a view to providing full civic and social amenities for the people in the State,

(ii) to stop uncontrolled development of land due to land speculation and profiteering in land,

(iii) to preserve and improve existing recreational facilities and other amenities contributing towards balanced use of land; and

(iv) to direct the future growth of populated areas in the State, with a view to ensuring desirable standards of environmental health and hygiene, and creating facilities for the orderly growth of industry and commerce, thereby promoting generally standards of living in the State;

AND WHEREAS in order to ensure that town planning schemes are made in a proper manner and their execution is made effective, it is necessary to provide that a local authority shall prepare a development plan for the entire area within its jurisdiction;

AND WHEREAS it is necessary and expedient to consolidate and amend the law relating to town planning for the aforesaid and other purposes hereinafter appearing;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

operation of this Act the whole or a part of any local planning area declared thereunder.

(2) When a notification is issued under this section in respect of any local planning area,—

(i) this Act and all notifications, rules, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area;

(ii) the State Government shall, after consulting the Board and the local authority or authorities concerned, frame a scheme determining what portion of the balance of the fund of the local planning authority shall vest in the State Government and the local authority or authorities concerned, and in what manner the properties and liabilities of the local planning authority shall be apportioned between the State Government and the local authority or authorities, and on the scheme being notified, the fund, property and liabilities of the planning authority shall vest and be apportioned accordingly.

**4C. Constitution of Planning Authority.**—(1) As soon as may be, after declaration of a local planning area, the State Government in consultation with the Board, may, by notification in the official Gazette, constitute for the purposes of the performance of the functions assigned to it, an authority to be called the "Planning Authority" of that area, having jurisdiction over that area.

(2) Every Planning Authority constituted under sub-section (1), shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both moveable and immovable and to contract and shall by the said name sue and be sued.

(3) Every Planning Authority constituted under sub-section (1), shall consist of the following members, namely:—

- (i) a Chairman appointed by the State Government;
- (ii) a Town Planning Officer appointed by the State Government, who shall be a Member-Secretary to the Planning Authority;
- (iii) representatives of local bodies composed as follows:—

(a) in the case of a planning area in which only one local authority has jurisdiction, a representative nominated by that local authority from among

the members of that authority and the Chief Executive Officer of that local authority;

(b) in the case of a planning area in which two or more local authorities have jurisdiction, one representative each of such local authorities as the State Government may consider necessary to be represented, nominated by the respective local authorities from among the members of each such local authority:

Provided that, the total number of such representatives shall not exceed five.

(iv) three other members, appointed by the State Government.

(4) The State Government may, if it thinks fit, appoint one of the members as Vice-Chairman of the Planning Authority.

**4D. Term of office and conditions of service of the Chairman and members of Planning Authorities.**—(1) Subject to the provisions of sub-section (2), the term of office and conditions of service of the Chairman and members of a planning authority constituted under section 4C shall be such as may be prescribed and they shall be entitled to receive such allowances as may be fixed by the State Government.

(2) The Chairman and members of a Planning Authority constituted under section 4C, except those nominated by local authorities shall hold office during the pleasure of the State Government. The representative of a local authority who is a member of that authority shall cease to be a member of the Planning Authority when he ceases to be a member of the local authority concerned.

(3) The Chairman or any member may resign his membership of the Planning Authority by giving notice in writing to the State Government and on such resignation being accepted, he shall cease to be a member of that planning authority.

(4) Any vacancies shall be filled by fresh appointment by the State Government or by nomination by the local authority concerned, as the case may be.

**4E. Meetings of Planning Authorities.**—(1) Each Planning Authority constituted under section 4C shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such

Planning Authority, which shall thereupon publish, by notification, the plan and the reports inviting public comments within sixty days of such publication.

(2) If within sixty days of the publication under sub-section (1), any member of the public communicates in writing to the Planning Authority any comments on the plan and the reports, the Planning authority shall consider such comments and resubmit the plan and the reports to the State Government, through the Director with recommendations for such modifications in the plan and reports as it considers necessary in the light of the public comments made on the plan and reports.

(3) The State Government, after receiving the plan and the reports and the recommendations for modifications from the Planning Authority, shall, in consultation with the Director, give its final approval to the plan and the reports with such modifications as the Director may advise in the light of the comments and the recommendations of the Planning authority or otherwise.

(4) The Planning Authority shall then publish in the prescribed manner the Master Plan and the reports as finally approved by the State Government. The plan and the reports shall be permanently displayed in the offices of the Director and the Planning Authority and a copy shall be kept available for inspection of the public at the office of the Planning Authority.<sup>1</sup>

1. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

**<sup>1</sup>[13-A. Interim Master Plan.-** (1) Pending the preparation of Master Plan, a Planning Authority may, where it considers it expedient, and shall, when so directed by the State Government, prepare and publish the Interim Master Plan for the entire area within the jurisdiction of the Planning Authority, or for any part thereof; and their upon, the provisions of section 13 shall, so far as may be, but subject to the provisions of this section, apply in relation to such Interim Master Plan as they apply in relation to the preparation and publication of the Master Plan.

(2) The Planning Authority shall prepare and publish such plan not later than one year from the date of notice in the official Gazette of its declaration of intention to prepare a Master plan or not later than such further period not exceeding one year as may be extended by the State Government.

(3) The Interim Master Plan shall provide only for matters mentioned in clauses (a), (b) and (c) of section 12 and if necessary, such other matters

(3) The Comprehensive Development Plan prepared by any Planning Authority revised under section 25 prior to the commencement of the Amendment Act shall be deemed to be Master Plan revised under this Act.

**13-D. Revision of Master Plan.** – At least once in every ten years from the date on which the Master Plan has come into force, subject to the provisions of section 13-C, the Planning Authority may and if directed so by the State Government shall, carryout a fresh survey of the area within its jurisdiction, with a view to revising the existing Master Plan and the provisions of section 9 to section 12 (both inclusive) shall mutatis mutandis apply in respect of such revision of the Master Plan.”

**13-E. Amendment to Regulations.** - The State Government may, after previous publication of the draft for not less than one month by notification make amendments to regulations.]<sup>1</sup>

1. Sections 13-A to 13-E inserted by Act 1 of 2005 w.e.f. 14.2.2005.

**14. <sup>1</sup>[Enforcement of the Master Plan and the Regulations]**<sup>1</sup>.—<sup>1</sup>[(1) On and from the date on which a declaration of intention to prepare a Master Plan is published under sub-section (1) of section 10, every land use, every change in land use and every development in the area covered by the plan subject to section 14-A shall conform to the provisions of this Act, the Master Plan and the Report, as finally approved by the State Government under sub-section (3) of section 13.]<sup>1</sup>

1. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

(2)[x x x]<sup>1</sup>, no such change in land use or development as is referred to in sub-section (1) shall be made except with the written permission of the Planning Authority which shall be contained in a commencement certificate granted by the Planning Authority in the form prescribed.

1. Omitted by Act 14 of 1964 w.e.f. 26.03.1964

<sup>1</sup>[Provided that where the use or change of land use under this section needs the diversion of agricultural land to non-agricultural purposes, such use or change of use shall not be permitted unless permission is obtained in accordance with the provisions of the Karnataka Land Revenue Act, 1964 for such diversion.]<sup>1</sup>

1. Inserted by Act 2 of 1991 w.e.f.20.03.1991.

**Explanation.**— For the purpose of this section,—

(a) the expression "development" means the carrying out of building or other operation in or over or under any land or the making of any material change in the use of any building or other land;

(b) the following operations or uses of land shall not be deemed to involve a development of any building or land, namely:—

(i) the carrying out of works for maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

<sup>1</sup>[XXX]<sup>1</sup>

1. (ii) and (iii) omitted by Act 23 of 2004 w.e.f. 3 06 2004

(iv) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such;

(v) when the normal use of land which was being temporarily used for any other purpose on the day on which the declaration of intention to prepare the outline development plan is published under sub-section (1) of section 10 is resumed;

(vi) when land was normally used for one purpose and also on occasions for any other purpose, the use of the land for that other purpose on similar occasions.

(3) Every application for permission under sub-section (2) shall be accompanied by a plan, drawn to scale showing the actual dimensions of the plot of land in respect of which permission is asked, the size of the building to be erected and the position of the building upon the plot and such other information as may be required in this behalf by the Planning Authority.

<sup>1</sup>**14A. Change of land use from the outline development plan.—**(1) At any time after the date on which the outline development plan for an area comes into operation, the Planning Authority may, with the previous approval of the State Government, allow such changes in the land use or development from the outline development plan as may be necessitated by topographical cartographical or other errors and omissions, or due to failure to fully indicate the details in the plan or changes arising out of the implementation of the proposals in outline development plan or the

circumstances prevailing at any particular time, by the enforcement of the plan:

1. Inserted by Act 17 of 1991 w.e.f. 19.04.1991.

Provided that,—

- (a) all changes are in public interest;
- (b) the changes proposed do not contravene any of the provisions of this Act or any other law governing planning, development or use of land within the local planning area; and
- (c) the proposal for all such changes are published in one or more daily newspapers, having circulation in the area, inviting objections from the public within a period of not less than fifteen days from the date of publication as may be specified by the Planning Authority.

(2) The provisions of sub-section (2) and (3) of section 14 shall apply *mutatis mutandis* to the change in land use or development from the outline development plan.<sup>1</sup>

<sup>2</sup>{(3) XXX}<sup>1</sup><sup>2</sup>

1. Sub-section (3) Inserted by Act 1 of 2005 w.e.f. 14.2.2005.

2. Omitted by Act 38 of 2015 w.e.f 10.09.2015.

<sup>2</sup>{**14B. Benefit of development rights.**-(1) In a Local Planning Area if any Public Authority requires any 'Area' for the public purpose, it shall notify the same in such manner as may be prescribed and the owner of such 'Area' hands over possession of such 'Area' free from all encumbrances to such Public Authority in lieu of any compensation, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (central Act 30 of 2013) or any other law, he shall, notwithstanding anything contained in this Act or regulations, be entitled to be granted Development Rights (DR) under this section subject to conditions specified below. The Planning Authority shall issue Development Rights to such persons not more than the extent specified in table below, subject to such terms and conditions as may be prescribed.

(2) The provisions of this section shall be applicable to the Local Planning Areas having City corporation and may be extended to other Local Planning areas as and when required by the State Government by notification from time to time.

(3) No Development Rights shall be granted under this section unless the Public Authority deposits the amount with Planning Authority equal to the market value of the area required:

Provided that the Local Authority and Planning Authority are exempted from such deposition.

(4) The Public Authority intending to obtain Development Rights in favour of owners shall apply to the Planning Authority enclosing the list of land owners who have surrendered the area for the public purpose as per the provisions in sub-section (1) after verifying title over such property and ensuring that no other person has any claim over such property. It shall also specify the details of entire land or building so surrendered along with payment of 'Deposition Amount' as per the market value, to the Planning Authority.

(5) The Planning Authority before issuing Development Rights shall verify and notify the details of Area surrendered in the news paper calling objections and suggestions, if any, for the purpose of Development Rights and the Development Rights intended to be issued, after satisfying itself beyond doubt that the persons claiming Development Rights is entitled for the same.

(6) If the owner does not agree to surrender his 'Area' required by a public Authority for any public purpose, for the Development Rights and demands for monetary compensation, then the public Authority may acquire such 'Area' by providing compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (central Act 30 of 2013) or any other law prevailing.

(7) Any 'Area' owned by Public Authority required for public purpose by a Local Authority shall also be eligible to obtain Development Right if such 'Area' is surrendered to the Local Authority in lieu of any compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (central Act 30 of 2013).

(8) The Authority competent to approve Building plan shall not approve utilization of the Development Right unless an entry to that effect is made in the Development Rights Certificate and in the register/database maintained by the Planning Authority as prescribed.

(9) The Planning Authority after considering objections or suggestions received under sub section (5) shall verify the details for sanction of Development Rights and if found eligible issue it in the form of Development Right Certificate (DRC) under intimation to the public Authority to the owner specifying the extent of Notional Land as Development Rights admissible, subject to such terms and conditions as may be prescribed or reject it, quoting the reasons thereof.

Provided that no such application shall be rejected without giving opportunity of hearing to the public Authority and the owner of such land.

(10) The Development Rights shall be calculated based on the land area or building area surrendered by the owner to any Public Authority free from all encumbrances and without claiming any compensation. The Land or building area so surrendered shall be converted into 'Notional Land' to extent specified in the Table below based on the value of the land determined on the basis of Market value notified by the State Government under the Karnataka Stamp Act, 1957.

(11) The Deposition amount or fee amount received by the Planning Authority under sub section (3) or sub section (27) shall be kept in a separate account called Transferable Development Rights Fund of the Planning Authority and shall be granted and utilized in the concerned Local Planning Area by the concerned Local Authority or Planning Authority in the prescribed manner.

(12) The Development Rights so issued shall be utilized within the same Local planning Area to which it is issued.

(13) The Development Rights may be utilized within the same plot or in any other Area in the same Local Planning area by the owner or the owner of such Development Rights may transfer the Development Rights to somebody else who can use that Development Rights on any other Area within the Local Planning area, as Transferable Development Rights.

(14) The utilisation of Development Rights at the receiving plot shall be subject to limitations, as may be prescribed.

(15) Whenever the owner sells the Development Rights, it shall be registered in the Planning Authority after due entry in the register/database and on the Development Rights Certificate.

(16) No transfer or utilization of the Development Right shall be valid unless it is registered by the Planning Authority.

(17) The Planning Authority shall maintain a register/database and shall make entry of issue, transfer or utilization of Development Rights granted under this section in such manner as may be prescribed.

(18) Issue, transfer or utilization of the Development Rights may be done through electronic form and through internet in such manner as may be prescribed.

(19) The State Government shall establish a State level Development rights monitoring authority consisting of such number of members as may be prescribed to keep track of all transactions of Development Rights. It shall also have power to inspect, verify the records of concerned planning Authority pertaining to these transactions. It shall also have power to prosecute persons responsible for illegal or fraudulent transactions in contravention of the provisions of this section.

(20) No person shall be eligible for the Development Rights for the surrender of the areas earmarked for road, parks or common open spaces and Civic Amenity sites to the Planning Authority or Local Authority while obtaining permission for formation of layouts or development any land under section 15 or 17.

(21) The Planning Authority shall periodically publish total number of Development Rights issued, transferred and the balance remaining in each Local Planning Area and the name of the holder in such manner as may be prescribed.

(22) Any person aggrieved by any order of the Planning Authority may appeal to such Appellate Authority, in such manner, as may be prescribed. The appellate Authority may dispose the application with such direction as it deems fit. The decision of the appellate Authority shall be final.

(23) Any person who fraudulently create any Development Rights Certificate or fraudulently transfers Development Rights shall on conviction be liable for an imprisonment for not less than one year which may be extended to three years and to a fine which may extend to double the value of amount cheated by him.

(24) The member secretary of the Planning Authority, shall be responsible to file complaint before the Court regarding the offences committed under this section.

(25) In case of any dispute arising over the ownership of the 'Area' surrendered, where the Development Rights Certificate issued for such 'Area' is already transferred and utilized by any person other than the person who has surrendered the 'Area', such claims shall be restricted only to the extent of eligibility of compensation from the person who has surrendered the 'Area' for Development Right. The Public Authority which verified the claims shall also be responsible for the wrong recommendation for issue of Development Right. It shall make good the loss occurred by it.

(26) All Development Rights issued before the commencement of the Karnataka Town and Country Planning (Amendment) Act, 2015 shall also be entered in the register/database maintained under this section in the same manner specified herein.

(27) Necessary fees as prescribed shall be collected by the Planning Authority for registering any transaction of issue, transfer or utilization of Development Rights Certificate.

(28) Every Transaction pertaining to issue, utilization or transfer of Development Rights and the Transferable Development Rights Fund of the Planning Authority created under sub-section (11) shall be audited every year by such officer as may be prescribed. The audit report alongwith compliance shall be sent to the Government by the concerned planning authority and the Government shall place the same before both the houses of the State legislature.

**TABLE**  
{see sub-section (1)}  
**QUANTUM OF DEVELOPMENT RIGHTS ADMISSIBLE**

| Sl. No. | PURPOSE FOR WHICH LAND SURRENDERED   | DEVELOPMENT RIGHT ADMISSIBLE  |
|---------|--|---|
| 1.      | <b>Land Development Rights</b>   |   |
|         | (i) Any road widening/any road formation as proposed in Master Plan or as proposed by the Local Authority or Developing Authority. |   |
|         | (ii) Any infrastructure Projects approved by the Government (Transportation Water Supply, Sewage,                                  | Development Right in the form of "Notional land" which shall be equal to: |

| Sl. No. | PURPOSE FOR WHICH LAND SURRENDERED  | DEVELOPMENT RIGHT ADMISSIBLE   |
|---------|---|--|
| 1.      | <b>Land Development Rights</b><br>Electricity, etc...)  | (a) two times of the Area surrendered;<br>(b) two times of the total area surrendered, in case the remaining area after surrendering the required portion for public purpose has become incapable of reasonable beneficial use.  |
|         | (iii) Providing for parking, parks, play grounds and open spaces or any other public places proposed in the Master Plan or proposed by Local Authority<br>(iv) Providing EWS/LIG/affordable housing.<br>(v) Any other public purpose notified by the Government from time to time |  |
| 2.      | <b>Building Development Rights</b><br>All types of authorized buildings   | Development Rights in the form of notional land which shall be equal to one time the land area derived by dividing the value of the building/portion of the building surrendered, by the market value of the land/plot on which the building is situated.<br>The method of valuation of building shall be as prescribed. |

**Note.-** The Development Rights in the form of 'Notional Land' shall be multiplied by the permissible Floor Area Ratio of the plot where Development Rights or transferable Development Rights is proposed to be utilized, to derive the additional Floor Area eligible for that plot due to utilization of Development Rights or Transferable Development Rights.

**Explanation.-** for the purpose of this section,-

- (a) "Area" means land/plot or land and building/portion of building thereon.
- (b) "Deposition Amount" means the amount to be remitted by any Public Authority intending to acquire the area falling within the jurisdiction of the Local Planning Area. This

amount shall be equal to the market value of the area to be acquired;

- (c) "Development Rights (DR)" means the right given for development of land within the Local Planning Area in the form of "Notional Land" to an owner who surrenders the area of land or building required for public purpose without claiming any compensation.
- (d) "Development Right Certificate (DRC)" means the certificate of Development Rights issued to owner;
- (e) "EWS/LIG" means such class of person as may be notified by the State Government from time to time;
- (f) "Floor Area" means the floor area defined in the respective Zonal Regulations;
- (g) "Market value" means the value determined as per the guidance value of land in accordance with a section 45B of the Karnataka Stamp Act, 1957;
- (h) "Notional Land" means the Development Rights in the form of theoretical land area and not in the form of real/physical land area, in lieu of compensation;
- (i) "Public Authority" means the Planning Authority, Local Authority or an authority or a body owned and controlled by the State Government, Central Government or by both State and Central Government jointly having Authority by laws to acquire, hold and dispose of property together;
- (j) "Public purpose", means and includes for the purposes of,-
  - (i) Any road widening/any road formation as proposed in Master Plan or as proposed by the Local Authority;
  - (ii) Any Infrastructure projects approved by the Government (Transportation, Water Supply, Sewage, Electricity, etc.,...)
  - (iii) Providing for parking, parks, playgrounds and open spaces or any other public places proposed in the master plan or proposed by Local Authority except cases under Section 15 and 17;
  - (iv) Providing EWS/LIG/affordable housing; and

- (v) Any other public purpose notified by the Government from time to time."
- (k) "Transferable Development Rights" (TDR) means the Development Right given in the form of 'Notional Land' to an owner, which can be sold or disposed or utilised elsewhere in the Local Planning Area. The DR of the 'Area' surrendered in the form of 'Notional Land', shall be permitted as TDR only after factorising the Market Value of the Originating Plot and the Receiving Plot, as specified in the Terms and Conditions.]<sup>1</sup>

1. Section 14B Inserted by Act 23 of 2004 w.e.f 3.6.2004.

2. Inserted by Act 38 of 2015 w.e.f 10.09.2015.

**15. Permission for development of building or land.—** (1) On receipt of the application for permission under section 14, the Planning Authority shall furnish to the applicant a written acknowledgment of its receipt and after such inquiry as may be necessary either grant or refuse a commencement certificate:

Provided that such certificate may be granted subject to such general or special conditions as the State Government may, by order made in this behalf, direct.

(2) If the Planning Authority does not communicate its decision to the applicant within three months from the date of such acknowledgment, such certificate shall be deemed to have been granted to the applicant.

<sup>1</sup>[Provided that the land use, change in land use or the development for which permission was sought for is in conformity with the outline development plan and the regulation finally approved under sub-section (3) of section 13.]<sup>1</sup>

1. Inserted by Act 17 of 1991 w.e.f. 19.04.1991.

(3) Subject to the provisions of section 16, no compensation shall be payable for the refusal of or the insertion or imposition of conditions in the commencement certificate.

(4) If any person does any work on, or makes any use of, any property in contravention of section 14 or of sub-section (1) of this section, the Planning Authority may direct such person by notice in writing, to stop any such work in progress or discontinue any such use; and may, after making an inquiry in

the prescribed manner, remove or pull down any such work and restore the land to its original condition or, as the case may be, take any measure to stop such use.

(5) Any expenses incurred by the Planning Authority under sub-section (4) shall be a sum due to such Authority under this Act from the person in default or from the owner of the land.

**Explanation.**—The power to grant necessary permission under this section for a change of user of land shall include the power to grant permission for the retention on land of any building or work constructed or carried out thereon before the date of the publication of the declaration of intention to prepare an outline development plan under sub-section (1) of section 10 or for the continuance of any use of land instituted before the said date.

<sup>1</sup>[(6) Any person aggrieved by the decision of the Planning Authority under sub-section (1) or sub-section (4) may, within thirty days from the date of such decision, appeal to such authority as may be prescribed.

(7) The prescribed authority may, after giving a reasonable opportunity of being heard to the appellant and the Planning Authority, pass such orders as it deems fit, as far as may be, within four months from the date of receipt of the appeal.]<sup>1</sup>

1. Sub-sections (6) and (7) Inserted by Act 17 of 1991 w.e.f. 19.4.1991

**16. Obligation to purchase land on refusal of permission in certain cases.**—(1) Where permission for change of land use of the kind referred to in the explanation to section 15 is refused or is granted subject to conditions, then, if any owner of the land claims,—

- (a) that the land has become incapable of reasonable beneficial use in its existing state, or
- (b) in a case where permission for such use is granted subject to conditions, that the land cannot be rendered capable of reasonable beneficial use, by carrying out the conditions of the permission,

he may within the time and in the manner prescribed by regulations made by the Planning Authority, serve on the Planning Authority a notice (hereinafter referred to as a 'purchase notice'), requiring the Planning Authority to purchase his interest in the land in accordance with the provisions of this section.

**'[KARNATAKA ACT]' No. 12 OF 1964.**

(First published in the '[Karnataka Gazette]' on the  
Nineteenth day of March, 1964.)

**THE '[KARNATAKA]' LAND REVENUE ACT, 1964.**

(Received the assent of the President on the  
Sixth day of March, 1964.)

(As amended by Karnataka Acts 9 of 1965, 2 of 1966, 7 of 1969, 5 of 1970, 33 of 1975, 22 of 1976, 23 of 1976, 42 of 1981, 23 of 1982, 20 of 1983, 23 of 1984, 10 of 1985, 20 of 1986, 2 of 1991, 21 of 1991, 28 of 1991, 20 of 1993, 33 of 1994, 22 of 1998, 14 of 1999, 26 of 1999, 15 of 2000, 22 of 2000, 21 of 2003, 19 of 2004, 1 of 2005, 29 of 2005, 18 of 2006, 15 of 2007, 17 of 2007, 18 of 2007, 23 of 2009, 26 of 2009, 29 of 2011, 9 of 2012, 11 of 2013, 51 of 2013, 66 of 2013, 26 of 2014, 27 of 2014, 02 of 2015, 07 of 2015, 31 of 2015, 11 of 2017, 20 of 2017, 49 of 2017, 50 of 2017 and 11 of 2018)

**An Act to consolidate and amend the law relating to land and the land revenue administration in the '[State of Karnataka]'.**

WHEREAS it is expedient to consolidate and amend the law relating to land, the assessment and recovery of land revenue, the land revenue administration and other matters hereinafter appearing;

BE it enacted by the '[Karnataka]' State Legislature in the Fourteenth year of the Republic of India as follows:—

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

## CHAPTER I

### PRELIMINARY

**1. Short Title, Extent and Commencement.**—(1) This Act may be called the '[Karnataka]' Land Revenue Act, 1964.

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

(2) It shall extend to the whole of the '[State of Karnataka]'.

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

(3) It shall come into force on such '[date]' as the State Government may, by notification, appoint

1. The Act has come in to force w.e.f. 1.4.1964 by notification. Text of the notification is at the end of the Act.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(1) "alienated" means transferred in so far as rights of the State Government to payment of the rent or revenue are concerned, wholly or partially, to the ownership of any person;

(2) "building site" means a plot of land held for building purposes, whether any building is actually erected thereupon or not, and includes the open ground or courtyard enclosed by, or adjacent to, any building erected thereupon;

- (a) lies in the line of natural drains or course of valley;
- (b) coming in the way of existing or proposed roads, inner or outer ring roads, national highways, by pass over ring roads including those proposed for widening and railway lines, tramways, mass rapid transit system projects, communications and other civic facilities or public utilities;
- (c) a forest land;
- (d) reserved for parks, playgrounds, open places or for providing any civic amenities;
- (e) is abutting to neighbouring property, storm water drain, tank bed areas, river course or beds and canals or below the high tension electric lines;
- (f) use against height restrictions specified in zoning regulations for heritage monuments, aerodromes and defence regulations;
- (g) not conforms to any clearance from high-tension lines or fire protection measures; and
- (h) in the area covered by the Coastal Zone Regulation of the Ministry of Environment and Forest, Government of India.

**Explanation:-** For the purpose of this section "Unrecorded habitation" means Lambani Tanda, Gollarahatti, Vaddarahatti, Kurubarahatti, Nayakarahatti, Majare Grama, Hadi, Doddi, Palya, Camp, Colony or any such group of habitations in any Land belonging to Government and identified as such by the Government which are falling within the boundaries of existing village or to be amalgamated or converted in to a village.]<sup>1</sup>

1. Inserted by Act 49 of 2017 w.e.f. 16.12.2017.

**95. Uses of agricultural land and the procedure for use of agricultural land for other purpose.**—(1) Subject to any law for the time being in force regarding erection of buildings or construction of wells or tanks, an occupant of land assessed or held for the purpose of agriculture is entitled by himself, his servants, tenants, agents, or other legal representatives, to erect farm buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid.

<sup>12</sup>[Provided that the farm Building or farm House so erected shall not be more than ten percent of his holding subject to maximum of such extent of land as may be prescribed.

**Explanation.-** For the purpose of this sub-section "Farm Buildings" or "Farm house" means a house attached to a farm and constructed in a portion of an agricultural land, used for the residence of the agriculturist or used for the purpose of keeping agricultural equipments and tethering cattle. The house shall be used by farmer for his own use and it shall not be let out for commercial activities to any individual or agency.]<sup>12</sup>

(2) If any occupant of land assessed or held for the purpose of agriculture wishes to divert such land or any part thereof to any other

purpose, he shall [notwithstanding anything contained in any law for the time being in force]<sup>4</sup> apply for permission to the Deputy Commissioner who may, subject to the provisions of this section and the rules made under this Act, refuse permission or grant it on such conditions as he may think fit.

<sup>13</sup>[Provided that in case of any agricultural land assessed or held for the purpose of agriculture, falling within the Local Planning Area for which the Master Plan has been duly published under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and such land and such diversion is in accordance with the purpose of land use specified in such Master plan. The permission therefore shall be deemed to have been granted subject to payment of fine prescribed under sub-section (7).]<sup>13</sup>

<sup>3</sup>[Provided further that]<sup>5</sup> in Dakshina Kannada District, subject to any law for the time being in force regarding erection of buildings or the construction of wells or tanks, an occupant of <sup>5</sup>[dry (punja) land, wet land or garden land]<sup>5</sup> who is not,—

(a) a person registered or liable to be registered as an occupant of such land under section 48A of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962); or

(b) a grantee of such land under section 77 of the said Act, may, without obtaining the permission required under this sub-section and notwithstanding anything contained therein, divert such land or part thereof to any other purpose after sending a prior notice in that behalf, in the prescribed form to the Tahsildar and paying in the prescribed manner, the fine prescribed under sub-section (7).]<sup>3</sup>

<sup>7</sup>[(2A) Where any occupant of land assessed or held for the purpose of agriculture has diverted such land or part thereof to residential purpose without obtaining the permission of Deputy Commissioner under sub-section (2), prior to 31<sup>st</sup> day of December 2008 and desirous to get such diversion be regularised, shall, apply <sup>8</sup>[within the period of one year from the date of commencement of the Karnataka Land Revenue (Amendment) Act, 2011]<sup>8</sup> in such form, alongwith such fee and penalty, as may be prescribed, to the Deputy Commissioner. On receipt of such application, the Deputy Commissioner may, notwithstanding anything contained in this Act, but subject to the provisions of any other law for the time being in force and subject to such conditions and in such manner as may be prescribed, on production of such evidence as he may require it to be necessary and after an enquiry, regularise or refuse to regularize except where such land,-

- (i) lies in the line of natural drains or course of valley;
- (ii) belongs to the State Government or an authority owned or controlled by the State Government or any local Authority;
- (iii) coming in the way of existing or proposed roads, inner or outer ring roads, national high ways, by pass over ring roads including those proposed for widening and railway lines, tram ways, mass rapid transit system projects, communications and other civic facilities or public utilities;
- (iv) is a forest land;
- (v) belonging to another person over which the applicant has no title;