

പതിനാലാം കേരള നിയമസഭ
പതിനാറാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ 6615

21-11-2019 ൽ മറുപടിക്ക്

ഭൂ പതിവ് നിയമം

ചോദ്യം

മറുപടി

ശ്രീ. അനൂപ് ജേക്കബ്

ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ

(റവന്യൂവും ഭവനനിർമ്മാണവും വകുപ്പ് മന്ത്രി)

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|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(എ) സംസ്ഥാനത്ത് ഭൂ പതിവ് നിയമത്തിൽ ഏറ്റവും ഒട്ടവിൽ വരുത്തിയ ഭേദഗതിയുടെ പകർപ്പ് ലഭ്യമാക്കുമോ?</p> | <p>(എ) 02.02.2018 ലെ ജി.ഒ (പി) നം. 7/2018/റവ നമ്പർ ഭേദഗതി ഉത്തരവിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.</p> |
| <p>(ബി) ഭൂ പതിവ് നിയമത്തിൽ നിലവിൽ ഭേദഗതി നിർദ്ദേശം സർക്കാർ പരിഗണനയിലുണ്ടോ; എങ്കിൽ ഇത് സംബന്ധിച്ച നടപടി ഏതു ഘട്ടത്തിലാണെന്ന് വ്യക്തമാക്കുമോ?</p> | <p>(ബി) 1964 ലെ കേരള ഭൂമി പതിവ് ചട്ടത്തിലും 1995 ലെ മുൻസിപ്പൽ കോർപ്പറേഷൻ പ്രദേശങ്ങളിലെ ഭൂമി പതിവ് ചട്ടത്തിലുമുള്ള ചില വ്യവസ്ഥകളിൽ ഭേദഗതി വരുത്തുന്നതിനുള്ള കരട് ചട്ടം തയ്യാറാക്കുന്നതിനുള്ള നടപടി സ്വീകരിച്ചുവരുന്നു.</p> |



സെക്ഷൻ ഓഫീസർ

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Government of Kerala
2018



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(NY)634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 7 } Vol. VII }	തിരുവനന്തപുരം,	2018 ഫെബ്രുവരി 5	നമ്പർ } No. } 236
	തിങ്കൾ	5th February 2018	
	Thiruvananthapuram,	1193 മകരം 22	
	Monday	22nd Makaram 1193	
		1939 മാഘം 16	
		16th Magha 1939	

GOVERNMENT OF KERALA

Revenue (U) Department

NOTIFICATION

G. O. (P) No. 7/2018/RD.

2nd February, 2018
Dated, Thiruvananthapuram, 19th Makaram, 1193
13th Magha, 1939.

S. R. O. No. 66/2018.—In exercise of the powers conferred by section 7 of the Kerala Government Land Assignment Act, 1960 (30 of 1960), the Government of Kerala hereby make the following rules further to amend the Kerala Land Assignment Rules, 1964, namely:—

PRINTED AND PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSES
AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2018.

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Land Assignment (Amendment) Rules, 2018.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Land Assignment Rules, 1964, in rule 9,—

(1) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Order granting registry shall be issued in the form in APPENDIX I to these rules, for assignment of occupied lands and in the form in APPENDIX IA to these rules, for assignment of unoccupied lands”;

(2) for APPENDIX I, the following shall be substituted, namely:—

“APPENDIX I

[see rule 9(1)]

**FORM OF ORDER OF ASSIGNMENT ON REGISTRY
(OCCUPIED LANDS)**

Shri/Smt.of.....village is informed that his/her application for the land/lands described in the schedule appended to this order has been accepted and that the above land/lands is/are assigned to him/her on registry subject to the following conditions:—

(1) That the land/lands assigned on registry as per sub-rule (1) of rule 8 shall be heritable and alienable:

Provided that the assignee may mortgage such lands to the Government, banks, financial institutions, Rubber Board and Tea Board as security for obtaining loans for housing, agricultural or land improvement purposes.

- (2) That the registry shall be liable to be cancelled for contravention of the conditions specified in the patta.
- (3) That the registry shall also be liable for cancellation if it be found that it was grossly inequitable or was made under a mistake of facts or owing to misrepresentation of facts or in excess of the limits of the powers delegated to the assigning authority or that there was an irregularity in the procedure.
- (4) That in the event of cancellation of the registry, the assignee shall not be entitled to compensation for any improvements he/she may have made on the land.
- (5) That in cases where registry is made subject to survey and demarcation of the extent assigned, the extent noted in the patta shall be subject to revision, if any, found necessary after survey and demarcation is completed.
- (6) The cost of survey and demarcation shall be recovered from the assignee at the following rates:
 - Survey charges at.....
 - Demarcation charges at.....
- (7) That the assignee shall be liable for the payment of full assessment charged on the land with effect from the year in which the patta is issued. In cases where patta is issued pending survey and demarcation, the liability for land revenue or any tax or fee levied in lieu thereof shall arise from the year in which it is issued and any difference in the tax

consequent on the change in extent after survey and demarcation, shall be adjusted to future land revenue or any tax or fee levied in lieu thereof due from the assignee if it is in excess of the tax due or be collected from the assignee straight away, if it is less than the tax due.

- (8) That the land shall be subject to all local taxes and local rates payable under any law or custom.
- (9) That the assignee shall be liable to pay the arrears, if any, due to Government as prescribed in sub-rule (3) of rule 9 of these rules and as shown in the schedule.
- (10) That the assignee shall be liable to pay land value at the rates prescribed in rule 10 of the Kerala Land Assignment Rules, 1964 and as shown in the schedule. The assignee shall also be liable to pay the value of trees, plants or vines, if any, specified in Parts A and B of Appendix III attached to the Kerala Land Assignment Rules, 1964 standing on the land at the time of assignment, at such rates as may be specified by Government.
- (11) The right over trees in the assigned land shall be as per sub-rule (3) of rule 10 of the Kerala Land Assignment Rules, 1964 provided section 22 of the Kerala Preservation of Trees Act, 1986 (35 of 1986) read with section 4 thereof shall apply.
- (12) That the assignee shall also be liable to pay to the Kerala Land Development Corporation Limited the cost or the proportionate cost as the case may be, of the land development work, if any, executed on the land by the Kerala Land Development Corporation with interest thereon.
- (13) That the assignee shall not be liable to pay tree value in respect of trees the girth of which is 90 centimetre or less at breast height, but in cases where the girth of trees at breast height exceeds 90 centimetre, tree value shall be charged and collected. If the assignee was already in occupation of the land

and he or his predecessor in occupation has planted trees etc. thereon, no tree value shall be charged in respect of such of those trees, etc. planted by him or by his predecessor in occupation as are specified in Part B of Appendix III to these rules.

- (14) That, if the assignee is not agreeable to pay the tree value as specified in condition 13, in respect of trees specified in Part A of Appendix III, the Tahsildar shall dispose of such trees in public auction.
- (15) That the title to the land shall not pass to the assignee until he remits the land value and tree value payable in respect of the land, the arrears of tax, if any, due in respect of the land and other charges due from him.
- (16) That, if the assignee does not remit the land value, tree value arrears of assessment, etc. within three months from the date of sanctioning registry, or such other period as may be allowed by the Tahsildar, the registry shall be cancelled, the occupants evicted, the land resumed and reassigned to other eligible families.
- (17) That no land value and survey and demarcation charges shall be recovered from the assignees belonging to Scheduled Castes and Scheduled Tribes.
- (18) That the existing and customary rights of Government and the public in roads and paths and rivers, streams and channels, running through or bounding the land, and the right of Government to a share in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant.
- (19) Arrears of assignment dues shall bear interest at 6 per cent per annum.

(3) After APPENDIX I as so substituted, the following shall be inserted, namely:—

“APPENDIX I A

[see rule 9(1)]

**FORM OF ORDER OF ASSIGNMENT ON REGISTRY
(UNOCCUPIED LANDS)**

Shri/Smt.of.....village is informed that his/her application for the land/lands described in the schedule appended to this order has been accepted and that the above land/lands is/are assigned to him/her on registry subject to the following conditions:—

- (1) That the land/lands assigned on registry as per sub-rule (1A) of rule 8 in the case of unoccupied lands shall be heritable but not alienable for a period of twelve years from the date of assignment on registry:

Provided that the assignee may mortgage such lands to the Government, Banks, Financial Institutions, Rubber Board and Tea Board as security for obtaining loans for housing, agricultural or land improvement purposes.

- (2) That the assignee or any member of his/her family or successor-in-interest shall reside in/cultivate the land and such residence/cultivation shall commence effectively within a period of one year from the date of receipt of patta.
- (3) That the registry shall be liable to be cancelled for contravention of the said conditions above and also for contravention of the conditions specified in the patta.

- (4) That the registry shall also be liable for cancellation if it be found that it was grossly inequitable or was made under a mistake of facts or owing to misrepresentation of facts or in excess of the limits of the powers delegated to the assigning authority or that there was an irregularity in the procedure.
- (5) That in the event of cancellation of the registry, the assignee shall not be entitled to compensation for any improvements he/she may have made on the land.
- (6) That in cases where registry is made subject to survey and demarcation of the extent assigned, the extent noted in the patta shall be subject to revision, if any, found necessary after survey and demarcation is completed.
- (7) The cost of survey and demarcation shall be recovered from the assignee at the following rates:

Survey charges at.....

Demarcation charges at.....

- (8) That the assignee shall be liable for the payment of full assessment charged on the land with effect from the year in which the patta is issued. In cases where patta is issued pending survey and demarcation, the liability for land revenue or any tax or fee levied in lieu thereof shall arise from the year in which it is issued and any difference in the tax consequent on the change in extent after survey and demarcation, shall be adjusted to future land revenue or any tax or fee levied in lieu thereof due from the assignee if it is in excess of the tax due or be collected from the assignee straight-away if it is less than the tax due.

- (9) That the land shall be subject to all local taxes and local rates payable by law or custom.
- (10) That the assignee shall be liable to pay the arrears if any due to Government as prescribed in sub-rule (3) of 9 of these rules and as shown in the schedule.
- (11) That the assignee shall be liable to pay land value at the rates prescribed in rule 10 of the Kerala Land Assignment Rules, 1964 and as shown in the schedule.
- (12) The assignee shall also be liable to pay the value of trees, plants or vines if any, specified in Parts A and B of Appendix III attached to the Kerala Land Assignment Rules, 1964 standing on the land at the time of assignment, at such rates as may be specified by Government.
- (13) The right over trees in the assigned land shall be as per sub-rule (3) of rule 10 of the Kerala Land Assignment Rules, 1964 provided section 22 of the Kerala Preservation of Trees Act, 1986 (35 of 1986) read with section 4 thereof shall apply.
- (14) That the assignee shall also be liable to pay to the Kerala Land Development Corporation Limited the cost or the proportionate cost as the case may be, of the land development work, if any, executed on the land by the Kerala Land Development Corporation with interest thereon.
- (15) That the assignee shall not be liable to pay tree value in respect of trees the girth of which is 90 centimetre or less at breast height, but in cases where the girth of trees at breast height exceeds 90 centimetre, tree value shall be charged and collected. If the assignee was already in occupation of the land and he or his predecessor in occupation has planted trees etc.

thereon, no tree value shall be charged in respect of such of those trees, etc. planted by him or by his predecessor in occupation as are specified in Part B of Appendix III to these rules.

- (16) That, if the assignee is not agreeable to pay the tree value as specified in condition (15) in respect of trees specified in Part A of Appendix III, the Tahsildar shall dispose of such trees in public auction.
- (17) That the title to the land shall not pass to the assignee until he remits the land value and tree value payable in respect of the land, the arrears of tax, if any, due in respect of the land and other charges due from him.
- (18) That, if the assignee does not remit the land value, tree value arrears of assessment, etc. within three months from the date of sanctioning registry, or such other period as may be allowed by the Tahsildar, the registry shall be cancelled, the occupants evicted, the land resumed and reassigned to other eligible families.
- (19) That no land value and survey and demarcation charges shall be recovered from the assignees belonging to Scheduled Castes and Scheduled Tribes.
- (20) That the existing and customary rights of Government and the public in roads and paths and rivers, streams and channels, running through or bounding the land, and the right of Government to a share in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant.
- (21) Arrears of assignment dues shall bear interest at 6 per cent per annum.

SCHEDULE OF LAND

District	Taluk	Village	Sy. No.	Extent	Boundaries	Assessment payable on
				A.C [Hectares (Ares)]		(Land Revenue) Rs. P.
Survey and Demarcation Charges	Land value	Tree value	Arrears due as per rule 9(3) of the Rules	Total amount due		
Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	

Place:

Signature and Designation of the

Date:

Assigning authority.

DECLARATION

I declare that I shall hold the grant subject to the conditions specified above and shall abide by the rules which are now in force or may hereafter be issued by the Government in regard to registry of lands.

Signature of Assignee.

(Strike out whichever is not applicable)

By order of the Governor,

P. H. KURIAN,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per sub-rule (I) of rule 9 of the Kerala Land Assignment Rules, 1964, order granting registry shall be issued in the Form in APPENDIX I to the said rules.

The Government as per notification issued under G.O. (P) 60/2017/RD dated 17th August, 2017 and published as S. R. O. No. 621/2017 in the Kerala Gazette Extraordinary No. 2199 dated 10th October, 2017, amended the Kerala Land Assignment Rules, 1964 by introducing two forms of patta for assignment of occupied lands and unoccupied lands. But the Form of Order of Assignment was not amended by the said notification. Hence, in order to distinguish between the order of assignment given to occupied land and unoccupied land assignments, Government have decided to introduce two forms of Order of Assignment i.e., Form of Order of Assignment in Appendix I for assignment of occupied land and Form of Order of Assignment in Appendix IA for assignment of unoccupied land.

In the above circumstances, the Government have decided to amend the said rules suitably.

The notification is intended to achieve the above object.
