

Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Rules, 2016

KARNATAKA

India

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Rule

KARNATAKA-CONFERMENT-OF-OWNERSHIP-ON-MULAGENI-OR-VO of 2016

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Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Rules, 2016Published vide Notification No. RD 84 LRM 2012, Bengaluru, dated 07.11.2016Last Updated 16th December, 2019No. RD 84 LRM 2012. - The draft of the Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Rules, 2015 was published as required by sub section (1) of section 12 of the Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Act, 2011 (Karnataka Act 24 of 2012) in Notification No: RD 84 LRM 2012 dated 06-10-2016 in part IVA of the Karnataka Gazette (Extraordinary) dated 06-10-2016 inviting objections or suggestions from all the persons likely to be affected thereby, within fifteen days from the date of its publication in the Official Gazette.Whereas the said Gazette was made available to public on 06-10-2016. And whereas no objections and suggestions have been received by the State Government within the period specified above.Now therefore in exercise of the powers conferred by Section 12 of the Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Act, 2011 (Karnataka Act 24 of 2012) the Government of Karnataka hereby makes the following rules, namely:-

1. Title and commencement.

- These rules shall be called the Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Rules, 2016.(2)They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires:-(a)"Act" means the Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Act, 2011; (Karnataka Act No.24 of 2012)(b)"Form" means form appended to these rules;(c)"section" means a section of the Act.

3. Form of application under section 5.

(1)Every application made under sub-section (1) of section 5 of the Act shall be in Form I, along with the documents in support of the following information, namely,-(a)how the applicant derived his title, right or interest in the land as Mulageni or Volamulagenidar;(b)correct date and description of the documents under which the right is claimed;(c)a correct description of the land with survey particulars boundaries if necessary to identify the plot, if building or any structure exists the description thereof with door number etc.,(d)what is the rent paid or payable in respect of the lease-hold in the possession of the applicant, and what is the rent fixed in the lease agreement in respect of the entire lease hold, etc.,;(e)if the rent is in arrears the same shall be stated and deposited before the competent authority along with the application.(2)Along with the application all the documents of title to the lease or sub-lease hold land such as lease agreement, documents evidencing possession of such land, rent bond, RTC, rent receipts, Khata Register and documents in support of facts in sub-rule (1), photographs of the building or structure existing etc., shall be filed with a correct list thereof.(3)In the case of an application under sub-section (4) of section 5 of the Act, certified copy of the application filed before the competent Authority, certified copy of the order of the competent Authority and such other documents as may be considered necessary by the competent authority shall be produced along with the Application.(4)While filing application, apart from the original, as many copies as there are respondents shall be enclosed.

4. Form of Notice and manner of serving by the competent Authority under section 6.

(1)As soon as after registering the application, the competent Authority shall fix a date for appearance of the respondent or respondents for holding enquiry. The competent Authority shall issue notice of enquiry specifying the date, place and time of the enquiry to the applicant and respondent or respondents, in Form II.(2)On the date intimated in the notice under sub rule (1) the respondent or respondents shall file his statement, evidence and documents supporting his statement. A true and correct copy of such statement shall be furnished to the applicant.

5. Mode of enquiry.

(1)The Competent Authority shall hold a summary enquiry. The parties shall file sworn affidavits in support of their case apart from other documentary evidence. The parties shall have the right to cross-examine the opposite parties and their witnesses.(2)Even after the notice of enquiry in Form II is duly served on the date fixed and intimate if the Respondent or Respondents fail to appear before the competent authority, he or such of them who are absent shall be set exparte and enquiry

be continued according to law: Provide that, if the party who is set exparte subsequently appears before the Competent Authority and submits adequate reasons for his default, the order may be set aside and he may be allowed to participate in the enquiry.(3)The Competent Authority shall record correctly and minutely the proceedings of enquiry and summary of the oral evidence and answer to the questions in cross-examination of the parties and witnesses, and the same shall be signed by the parties or witnesses as the case may be.(4)Provisions of the Civil Procedure Code, 1908, be followed in all inquiries.

6. Form of certificate ownership under section 8.

- The Form of certificate of ownership shall be in Form III.

7. Appearance of representatives of the parties, Advocates before competent Authority.

- Appearance of representatives of the parties Advocates or duly authorized persons shall be entitled to represent the parties in any proceedings before the Competent Authority.

8. Manner of registration of certificate of ownership by the registering Officer.

- "Certificate of ownership issued by the Competent Authority shall be presented for registration by the applicant, within four months from the date of issue of the Certificate of ownership, before the concerned registering officer, appointed under the Registration Act, 1908, who shall register the same in accordance with the provisions of law applicable thereto".Form I(see rule 3)Before the Competent AuthorityTaluk, Dist:Application No:.....

1. Sri. A.B. (Name or names and Postal)

2. Address

V/sSri.C.D. (Name or names and Postal address- Respondent/s

1.

2.

Application under section 5 of the Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Act, 2011The Applicant/s submits as follows:-

1. The Applicant is a Mulageni tenant etc.....

(State briefly the facts relevant to the case specified in clauses (a) to (e) of Sub-rule (3)Therefore the

Applicant prays for.....Place:Date:Signature of the ApplicantReceived the
ApplicationPlace:Date:Competent Authority(Tahsildar)Seal,Form II(see rule 6)Notice to
PartiesOffice of the Competent AuthorityApplication No,:.....

1. Sri. (Name of the Applicant) - Applicant/s

Vs

2. Sri (Name of the Respondent) - Respondent/s

Notice of Enquiry under section 6 of the Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Act, 2011(Karnataka Act 24 of 2012)Please take notice that the Applicant/s has filed an Application under section 5 of the Karnataka Conferment of Ownership on Mulageni or Volamulageni Tenants Act, 2011 for conferment of ownership as per the enclosed copy of the Application. The case is posted for your appearance before the Competent Authority.....at 11 a.m. You shall appear before the Competent Authority on the said day either in person or through any legally empowered person and file statement/objections and produce evidence etc., before the Competent Authority. If you fail to comply herewith the proceedings will be proceeded, treating you exparte, in accordance with law.Place:Competent AuthorityDate:Seal.Form III(See rule 10)Ownership CertificateThis is to certify that the ownership of the Mulageni holding described in the Schedule below stands vested in the name of Sri..... the Applicant, free from all encumbrances and charges, with effect from(date), on which the Amount/Consideration of Rs..... (Rupees) only, is deposited. The Revenue Records shall carryout all entries in the relevant records showing Sri..... (the Applicant), as the full owner of the land described in the Schedule below:

of Land

Lands situate in.....village..... Hobali/Ward
No.....of.....Taluk, Dakshina Kannada/Udupi District

R.S.No. T.S.No. Taram Extent

Acre. Cents Sq.Ft. if any,

With boundaries as under:-East-West-North-South-.....Place:Competent
Authority(Tahsildar)Date:Seal.