

**Report of the  
Comptroller and Auditor General of India  
on  
Grant, Lease, Eviction of Encroachment  
and  
Regularisation of Unauthorised Occupation  
of the Government Lands**

**for the year ended March 2017**

**Government of Karnataka**

*Report No.5 of the year 2018*

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## PREFACE

1. This Report of the Comptroller and Auditor General of India for the year ended March 2017 has been prepared for submission to the Governor of Karnataka under Article 151 (2) of the Constitution of India for being laid before the State Legislature.
2. The Report covering the period 2012-17 contains the results of the Performance Audit of 'Grant, Lease, Eviction of Encroachment and Regularisation of Unauthorised Occupation of Government Lands'.
3. Audit has been conducted in conformity with the Auditing Standards issued by the Comptroller and Auditor General of India.

## **Highlights**

## **Grant, Lease, Eviction of Encroachment and Regularisation of Unauthorised Occupation of Government Lands**

### **Why CAG did this Audit**

*Government land is granted/leased to facilitate and accelerate socio-economic development activities in the State. Besides, Government also distributes land to the under-privileged for agricultural and dwelling purposes through notified schemes for regularisation of unauthorised occupation of Government land. Given the importance of grant/lease and regularisation schemes of Government land in the socio-economic development on the one hand, and possible risks of misuse on the other, this Performance Audit was undertaken to examine (i) whether the process of grant/lease of land was transparent and judicious, (ii) whether the land granted/leased was valued appropriately and monitored to ensure the stated utilisation for intended purposes, and (iii) whether the risk of encroachment was mitigated adequately and schemes for regularisation were effective.*

### **What CAG Recommends**

*Ten recommendations are relating to building up of database for lands available/granted/leased; review of Rules; strengthening of systems; and ensuring compliance to internal controls. The Department has generally accepted the recommendations.*

### **What CAG Found**

During the period 2012 to 2017, the Government had granted/leased nearly 5650.60 Acres of Government land in the 11 Districts (out of 30) selected for this Performance Audit.

Inventory management of the Revenue Department was unstructured. The Government neither maintained databases relating to lands available for disposal nor the lands disposed as grants/leases. The transparency in disposal of applications could not be assessed as the applications for grant/lease were not systematically compiled. Eligibility criteria of applicants were not met in some instances and set procedures were deviated. Absence of mechanism in the Department to assess the extent of land sought vis-à-vis that required for the intended project of the applicant resulted in transfer of excess/surplus land.

The Karnataka Government (Transaction of Business) Rules, 1977 empowered the Government to consider grant/lease of lands reserved for public purposes, which were specifically prohibited from being granted/leased under the Karnataka Land Revenue Rules. Grant of such prohibited land was neither according to the extant Rules/Court Judgements nor was an environment friendly act. There were issues in grant of price concessions and adoption of Market Value of lands which resulted in incorrect computation/short-levy of the value of land.

There was no monitoring of lands disposed, which resulted in non-retrieval of land after expiry of lease periods, non-collection of lease rent, non-usage of land granted/leased for considerable periods, etc.

As per statistics maintained by the Government, encroachments were static and no additions were recorded (except in Bengaluru Urban District) after August 2013 even though there were public complaints regarding encroachments. Significant number of public complaints on encroachment of Government land was pending for over five years. Further, the passive role of Karnataka Public Lands Corporation (the agency meant for protecting land on which encroachment is evicted), lack of proper security to the lands recovered after eviction of encroachment and the non-transfer of the cases of encroachment to the Specially Designated Court slackened the process of evictions.

The fulfilment of prescribed criteria for regularisation was not documented sufficiently to verify the correctness of claims made by the applicants. There were cases of regularisation of unauthorised occupation of land contrary to prescribed provisions.

## Grant/Lease of Government Land

### Key Facts

Types of Government land		<p>Land with Public User Rights like Gomala, Tank bed, Gunduthopu, burial grounds, etc., which are not to be granted/leased.</p> <p>Land with sole Government privileges and available for grant/lease.</p>
Grant/lease of Government land in the eleven Districts selected out of 30.		5650-24 Acres-Guntas, covering 260 beneficiaries during 2012-17.

### Findings

Subject	Findings
Inventory (Paragraphs 3.1 and 3.2)	<ul style="list-style-type: none"> <li>• No database of lands available for disposal, though required to be prepared annually. Lands for grant were identified by beneficiaries themselves.</li> <li>• No database of lands already granted/leased.</li> <li>• Seven institutions continued to be in use of lands even after expiry of lease periods.</li> </ul>
Due process before grant/lease (Paragraphs 4.1 to 4.4)	<ul style="list-style-type: none"> <li>• 47-21 Acres-Guntas granted to eleven beneficiaries even without receipt of application for land grant.</li> <li>• 132-15 Acres-Guntas granted to 27 beneficiaries despite non-fulfillment of eligibility conditions.</li> <li>• 390-38 Acres-Guntas of unavailable/ineligible lands granted in 10 instances.</li> <li>• Non-assessment of extent of land required resulted in excess grant/non- usage in 9 cases.</li> </ul>
Grant of prohibited land (Paragraph 5.1)	<ul style="list-style-type: none"> <li>• Grant of 487-30 Acres-Guntas of prohibited lands such as Phut B Kharab (water bodies, Gunduthopu, crematory, burial ground, etc.), and land within municipal limits, to 86 beneficiaries.</li> </ul>
Valuation of Land (Paragraphs 6.1 t and 6.2)	<ul style="list-style-type: none"> <li>• Uniform policy introduced in 2015 vide Rule 22A; ambiguities in implementation need to be sorted out.</li> <li>• ₹ 176.01 crore concession in land price granted in 51 cases.</li> </ul>
Monitoring and enforcement (Paragraphs 7.1 and 7.2)	<ul style="list-style-type: none"> <li>• No mechanism existed for periodic inspection and reporting.</li> <li>• Joint Physical Verification with Departmental officers revealed non-usage/partial use/diversion of lands granted/leased in 81 out of 234 cases covering 726-29 Acres-Guntas.</li> <li>• Non-demand of ₹ 7.33 crore as lease rent due in 46 cases.</li> </ul>

# Encroachment of Government Land

## Key Facts

Types of encroachment	}	<p><b>For agricultural or dwelling purposes</b> Schemes available for regularization of such encroachment.</p> <p><b>For purposes other than mentioned above</b> To be summarily evicted and fine levied.</p>
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Karnataka Public Lands Corporation	Set up in 2008, to protect land resumed from encroachment besides distributing such resumed lands to various Government Departments and agencies.
Total encroachment in the State	4,48,615 Acres (57 per cent reported as evicted, as of March 2017). (Excludes cases under regularisation schemes and litigation).
Total encroachment in eleven selected Districts	2,05,221 Acres (63 per cent reported as evicted, as of March 2017).

## Findings

Subject	Findings
Identification, accounting and eviction of encroachments (Paragraph 8.2)	<ul style="list-style-type: none"> <li>Encroachment figure is static as of August 2013.</li> <li>No mechanism of periodic inspections and identification of new encroachments.</li> </ul>
Public complaints on encroachment (Paragraph 8.3)	<ul style="list-style-type: none"> <li>Good initiative but poor follow-up.</li> <li>1856 out of 2608 complaints received were pending verification and eviction.</li> </ul>
Grant of encroached land to the encroachers (Paragraph 8.4)	<ul style="list-style-type: none"> <li>89-31 Acres-Guntas encroached in four Districts for different purposes were granted to the encroachers; potentially encourages further encroachment.</li> </ul>
Protection of encroachment evicted lands (Paragraph 8.6)	<ul style="list-style-type: none"> <li>Only seven percent of the encroachment evicted land were protected.</li> </ul>
Disposal of dispute cases (Paragraph 8.7)	<ul style="list-style-type: none"> <li>Special Court set up in 2016 for speedy disposal of cases.</li> <li>1,131 cases were not transferred from various other Civil and Revenue Courts to this Court.</li> </ul>



# Regularisation of Unauthorised Occupation

## Key Facts

Schemes for Regularisation	<p><b>Sections 94 A and 94 B of the KLR Act</b> Unauthorised occupation of Government lands prior to 14 April 1990 for cultivation. Last date of application was 15 July 1999.</p> <p><b>Sections 94 C and 94 CC of the KLR Act</b> Unauthorised occupation of Government lands for dwelling. Introduced from 2013 for rural areas and from 2015 for urban areas.</p>
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Implementation of schemes for regularisation in the eleven selected Districts	<p><b>Agricultural purposes</b> Regularised 1,55,226-27 Acres-Guntas in respect of 93,462 applicants.</p> <p><b>Dwelling purposes</b> Applications were received to the end of September 2016 and are under process.</p>
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## Findings

Subject	Findings
Delay in disposal (Paragraph 9.1.1)	<ul style="list-style-type: none"> <li>• 47348 applications involving 164874-24 Acres-Guntas still pending disposal, delay of upto 18 years.</li> </ul>
Discrepancies in regularisation for agriculture (Paragraph 9.1.2)	<ul style="list-style-type: none"> <li>• 1,055-19 Acres-Guntas of land regularised contrary to the eligibility conditions/provisions of the Scheme/Act/Rules.</li> <li>• Loss of ₹ 31.57 crore worth of Government land (437-30 Acres-Guntas) due to excess grant of land, grant to ineligible beneficiaries and regularisation of Gomala land.</li> </ul>
Discrepancies in regularisation for dwelling purposes (Paragraph 9.2.1)	<ul style="list-style-type: none"> <li>• No documentation of fulfillment of eligibility conditions.</li> <li>• Excess grant of 8872 sq.ft. of land costing ₹ 10.56 lakh in 31 cases.</li> </ul>
Non-repeal of earlier Rules (Paragraph 9.3)	<ul style="list-style-type: none"> <li>• The Karnataka Land Revenue (Regularisation of Unauthorised Occupation of Lands) Rules, 1970 deals with regularisation and was open ended with no cut-off dates for application.</li> <li>• Even on introduction of Sections 94 A and 94 B with specific cut-off dates for filing applications, the Rules <i>ibid</i> have not been repealed.</li> </ul>

## Chapter I

### Introduction

Karnataka has a total land area of 1,91,791 square kilometres, of which, the total land owned by the Government<sup>1</sup> is 63,83,634 Acres<sup>2</sup>.

Public land, *i.e.*, the land which the Government owns and manages directly can fall under two broad categories. The first category of public land – referred to as common land - is one, which is owned and managed by the Government but the people may have some user rights on such land. The second category of public land – referred to as Government land - is the land owned and managed by the Government, on which, the people have no such user rights. The public land, on which, people have rights collectively include lands such as grazing land, burial lands, tank-beds and so on. Some of these lands, which were used for grazing and other common purposes became common property resources over time. These include *Gomala* lands (those used for grazing the cattle); *Gunduthopu* (those used for planting trees for common use); *Poramboku* (or the cultivable waste); uncultivable waste lands and lands used for public utilities including lakes and roads, etc.

The Government did not have database of all lands granted/leased<sup>3</sup> and therefore, the exact number of grants/leases are not known. As per the files made available in the Revenue Department, there were 144 grants/leases across all the Districts in the State for the period 2012-13 to 2016-17. Audit verified all the 144 files. Audit selected 11 Districts using simple random technique for detailed examination/verification at field level. During the visit to the field offices, the offices of the Deputy Commissioner/Tahsildars of the 11 selected Districts made available another 176 grant/lease files. Audit examined/verified all the 176 files. Thus, in total, Audit verified 320 files of which, 260 pertained to the 11 Districts selected in Audit. Besides, 150 files/records of grant/lease made prior to 2012 were made available in the selected 11 Districts. Audit conducted joint inspections in respect of all 150 files with officials of the Revenue Department to verify the system of monitoring the usage of land for the purpose granted.

Audit verified progress reports relating to eviction of encroachment of Government land in the 11 selected Districts and also conducted joint inspection in 43 cases on random basis. In these 11 selected districts, there were 1,948 case files relating to regularisation of unauthorised occupation of Government lands during the audit period. Audit examined 1,559 of these files.

Audit has made observations on availability of land, procedures for verification of eligibility of beneficiaries, grant of prohibited lands, grant of incorrect/excess concessions, absence of system to monitor the usage of land, deficiencies in accounting and eviction of encroachments and irregularities in regularisation of unauthorised occupation. These observations point to lapses

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<sup>1</sup> Land exclusively under the Revenue Department of the Government of Karnataka.

<sup>2</sup> 1 Acre = 40 Guntas.

<sup>3</sup> Refer Paragraph 3.2.

of internal controls and procedures which need to be strengthened to ensure fair and transparent disposal of Government land.

### **1.1 Disposal of lands belonging to the Government**

As per Section 67 of the Karnataka Land Revenue Act, 1964 (KLR Act), public roads, etc., and all lands, which are not the property of others belong to the Government.

According to Section 69 of the KLR Act, subject to such rules as may be made in this behalf, the State Government, the Regional 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.

### **1.2 Computerisation of land records**

The Central Government's Computerisation of Land Records project was enthusiastically pursued in Karnataka under the name *Bhoomi* since the early 2000. As a result, rural land records were made available in a digitised format for easy access by farmers, etc. Fees for accessing records from the *Bhoomi* database are reasonable and anyone can collect copies of the Record of Rights, Tenancy and Crop Information (RTC) on payment of the fee. Information in respect of the RTC were also made available online.

### **1.3 General Administration of land**

Although the Revenue Department is responsible in general for land administration, the actual management of land is shared primarily by four Departments and a number of agencies under these Departments. The forest land is managed by the Forest Department while non-forest land, rural agricultural land, both public and private, and common lands are under the Revenue Department, urban land is under the Urban Local Bodies and rural housing site land (*gramthana*) is under the Rural Local Bodies. Besides, Land Use Planning is under the Town and Country Planning Department, which is under the Urban Development Department.

The Revenue Department is headed by the Principal Secretary to the Government and is administratively sub-divided into four Regions, viz. Bengaluru, Mysuru, Belagavi and Kalaburgi, each headed by a Regional Commissioner (RC). At the District level, Deputy Commissioners (DCs) are in charge, while Assistant Commissioners (ACs) are in charge for each Sub-Division in the District. The Tahsildars are in charge of the respective Taluks and are assisted by Revenue Inspectors for each Circle comprising villages. At the village level, the Village Accountants are the root functionaries for the Revenue Department.

The Government in December 2008 incorporated a Company, namely the Karnataka Public Lands Corporation (KPLC), with the main objective of securing the Government land, which were recovered following eviction, from further encroachment, classifying Government lands based on its value and distribution of recovered land among various Government Departments. The

Principal Secretary, Revenue Department, is the ex-officio Chairman of the Corporation. KPLC is headed by a Managing Director and other Directors nominated by the Government.

#### **1.4 Encroachment of public land and regularisation**

Encroachment of public land can take place in two ways. Sometimes people who do not have shelter or any means of livelihood may occupy the public land for the purposes of housing or cultivation. Generally, such encroachments or occupation of public land is regularised, from time to time, through various regularisation schemes of the Government under Sections 94 A, B, C and CC of the KLR Act. The other kind of encroachment is land grabbing, which happens when private individuals or entities illegally occupy public land or create fake documents and claim the public land.

## **Chapter II**

### **Audit Framework**

#### **2.1 Audit Objectives**

The objectives of the Performance Audit were to assess whether:

- i) Inventory of Government land available for grant/lease is available and the transfer of Government land for private/public purpose by way of lease/grant is carried out through a clear, transparent and judicious process;
- ii) System of pricing for transfer of land is adequate;
- iii) Effective monitoring exists to ensure the usage of the land for the intended purposes; and
- iv) System for timely detection and eviction of encroached Government land and the process of regularisation of unauthorised occupation of Government land is effective.

#### **2.2 Audit Criteria**

The main sources of criteria for the Performance Audit were:

- Karnataka Land Revenue (KLR) Act, 1964;
- Karnataka Land Revenue Rules, 1966;
- Karnataka Land Grant (KLG) Rules, 1969;
- Karnataka Land Reforms Act, 1961;
- Karnataka Land Revenue (Regularisation of Unauthorised Occupation of Lands) Rules, 1970;
- Karnataka Grant of Land in case of construction of dwelling houses in occupied land Rules, 1999;
- Karnataka Government (Transaction of Business) Rules, 1977;
- Relevant notifications issued by the Government from time to time; and
- Relevant Court Judgements.

#### **2.3 Scope**

Cases of grant, lease, encroachment and eviction thereof and regularisation of unauthorised occupation of Government lands coming under the jurisdiction of the Revenue Department during the period from 2012-13 to 2016-17 were examined. Cases of grants/leases/regularisation granted prior to 2012-13 were also verified to check the compliance of conditions, on which such lands were granted/leased. This Performance Audit excludes lands assigned/transferred/reserved by Revenue Department in favour of other Government Departments.

Audit verified all files of grant/lease across all Districts of the State as made available by the Revenue Department and selected 11 Districts using the

simple random technique to verify the internal controls and procedures at field level. The 11 Districts<sup>4</sup> representing 35 per cent of the total 30 Districts in the State and 30 Taluks representing 40 per cent of 74 Taluks under the selected Districts were also selected using random sampling method. In addition, records in the Revenue Department and Karnataka Public Land Corporation (KPLC) were also examined.



<sup>4</sup> Ballari, Bengaluru (Urban), Bengaluru (Rural), Belagavi, Chikkaballapura, Chikkamagaluru, Dharwad, Kalaburgi, Mysuru, Ramanagara and Tumakuru.

## **2.4 Methodology**

The Revenue Department did not maintain a database of lands granted/leased. Hence, records as available with the Government<sup>5</sup>, 11 Deputy Commissioners, and selected Tahsildars, were reviewed. Cases of grants/leases prior to 2012-13, were also selected from the old records and individual files as made available by the Revenue Department, Offices of the DCs and Tahsildars, to verify monitoring of compliance of conditions of grant/lease.

In respect of encroachment of Government land, data was obtained from the KPLC (established specifically to deal with encroachment of Government lands as mentioned earlier in para 1.3) to review the status of encroachment and eviction thereof in selected cases. Cases of regularisation of unauthorised occupation of Government land for agriculture and dwelling purpose were collected from the respective Tahsildar Offices and test-checked.

Joint inspections in 277 cases were conducted along with officials of the Revenue Department. Out of these, 150 cases (90 grants and 60 leases) were for verification of the usage of land granted/leased, 84 cases were those regularised in favour of the occupant and 43 cases to verify reported eviction of encroachments. Photographs taken during the joint inspections are included in the relevant paragraphs.

## **2.5 Acknowledgement**

We acknowledge the co-operation extended by the Revenue Department. An Entry Conference was held with the Principal Secretary, Revenue Department in April 2017, wherein the Audit Objectives, scope of audit and methodology including sampling were explained to the Department. The draft Performance Audit Report was forwarded to the Government in August 2017 and discussed in the Exit Conference held in September 2017 with the Principal Secretary to Government, Revenue Department. The views of the Government and replies of the field Offices received during the Exit Conference are suitably included. Audit findings are discussed in the following chapters.

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<sup>5</sup> All grants/leases sanctioned across the State by Government during the audit period.

## Chapter III

### Inventory Management of Government land

Any State has to balance needs of economic growth, ecological conservation and equity concerns while managing its land resources. Therefore, it is critical that the State possesses an estimate of available land, develops a balanced approach for its management and maintains a detailed and accessible land records system to manage the available land resources efficiently and equitably.

Effective management of land resources requires a database of its land resources, identification of lands for disposal and database of lands granted/leased. *Bhoomi*<sup>6</sup> software contains details of all Government lands. Audit scrutiny into the State's efforts in building up a database of lands available for disposal and lands granted/leased revealed the following:

#### 3.1 Non-identification of Government land available for disposal

The Tahsildar is required under Rule 3 of the Karnataka Land Grant (KLG) Rules, to prepare a list of lands available for disposal in the villages under his jurisdiction. The list excludes lands reserved for free pasturage, forest reserves, lands classified as 'C' and 'D' categories<sup>7</sup>, by the Department of Agriculture and lands reserved for other public purposes. The list was to be updated each year and notified within 1<sup>st</sup> July every year, in order to identify availability and status of lands for disposal.

Audit noticed that in nine<sup>8</sup>, of the 11 test-checked Districts, such lists were not prepared, and the reasons thereto were not recorded either. Even though all the Tahsildars in Ballari District prepared such lists, the same were not notified. In Mysuru District, it was notified that Government lands were not available for disposal.

<sup>6</sup> *Bhoomi* – software used in the Land Revenue Department containing Record of Rights, Tenancy and Crops.

<sup>7</sup> **A Category - lands** having facilities for assured irrigation from such Government Canals and Government Tanks as are capable of supplying water for growing two crops of paddy or one crop of sugar cane in a year. **B Category – lands** having facilities for assured irrigation from such Government Canals and Government Tanks as are capable of supplying water for growing only one crop of paddy in a year and lands irrigated by such lift irrigation projects capable of supplying water for growing two crops of paddy or one crop of sugarcane in a year. **C Category – lands** irrigated from Government sources of irrigation including lift irrigation other than A and B **Categories**, lands on which, paddy can be raised with rain water and lands irrigated by lifting water from a river or Government Canal or tank where lifting or pumping devices maintained by the land owner. **D Category – lands** classified as dry and not having any irrigation facilities from Government sources, but growing paddy or garden crops not coming under any of the above classes.

<sup>8</sup> Belagavi, Bengaluru (Rural), Bengaluru (Urban), Chikkaballapura, Chikkamagaluru, Dharwad, Kalaburgi, Ramanagara and Tumakuru.



### *What Audit did in the absence of a database?*

Audit collected information from the Revenue Department and the DC Offices concerned, and found that there were **260** cases of grant/leases covering **5650-24 Acres-Guntas (A-G)** to various persons/institutions during 2012-17 in the selected Districts. Out of these, **217** cases comprising **3778-11 A-G** were allotted as grant and the remaining **43** cases covering **1872-13 A-G** were disposed as leases (*Annexure –I*).

### *What were the impacts of not having a database?*

It was noticed that in all 320 cases of grants/leases for non-agricultural purposes, the beneficiaries identified the Government land themselves. Thereafter, the process of grant/lease was initiated even though the land was not identified by the Department as available for disposal. Cases of irregular grant/lease of deemed<sup>9</sup> forest/forest/forest buffer zone (five cases), land already granted to other parties (two cases), lands specifically prohibited by the KLR Act/Rules (96 cases), etc. were noticed as discussed in the paragraphs Nos. 4.4 and 5.1 of this Report. Such irregular grants could have been avoided if the Department had finalised the list of lands available for grant as required under Rule 3 and made grants of only such identified lands.

## **3.2 Absence of database of land granted/leased**

Audit also found that the Department did not maintain database of the lands granted/leased which was a key aspect of land management. It was crucial in monitoring the lands transferred to ensure due compliance with the conditions of transfer of land and also to verify the intended utilisation of the same.

### *Why Bhoomi software is not adequate in indexing Government lands?*

The land grant process involved creation of a new Record of Rights in favour of the grantee for the extent granted, out of the Record of Rights of the Government land. However, there was a pendency of mutations<sup>10</sup> in respect of land grants in *Bhoomi*. Besides, even in cases of mutation, there was no tagging of the new survey number allocated to the granted land with the earlier Government land survey number. Hence, *Bhoomi* was not sufficient in indexing all alienation of Government land.

Due to the absence of a database of grants/leases, the Department was not in a position to identify:

- (i) Repetitive grants to same beneficiaries;
- (ii) Expired leases during the year and its retrieval;
- (iii) Progress of renewal of leases;
- (iv) Payments under default; and

<sup>9</sup> Deemed forest land is Government land which, has more than 80 full grown trees per hectare (2.34 acres).

<sup>10</sup> Change of title in the Record of Rights, Tenancy and Crop Information.

(v) Deviation from purposes of grant/lease, etc.

Such deficiencies led to non-collection of lease rents, non-use of lands for periods ranging from 3 to 22 years and non-retrieval of lands after expiry of lease, etc. Audit brought out two case studies, which were indicative of the problems on account of absence of database with the Government.

**Case Study No.01: Lack of timely action and retention of land after expiry of lease period**

Seven leases allotted for:

(i) AIDS Counselling Centre in Bengaluru East Taluk, (ii) Veda Vignana Peeta, in Bengaluru South Taluk, (iii) a Ladies Association, and (iv) a petrol pump in Ballari Taluk, (v) a Trust in Dharwad and (vi) a school in Chikkamagaluru Taluk.

(vii) 6-19 A-G granted to Karnataka Education Board, Dharwad

These leases expired between 2005 and 2015. However, the lessees continued to be in possession of the lands as of March 2017. Of these, four lessees applied for renewal of lease after periods ranging from 1 month to 11 years after expiry of lease. In the remaining two cases relating to Ballari District, the lessees did not apply for renewal of lease as of March 2017. The Department on its own did not identify the cases and initiate timely action, for either renewal of lease or resumption of Government land.

The land was initially leased, which expired on 31 July 1973. The lessee applied for extension after 33 years (July 2006 and November 2007). The Government granted the land to the lessee in October 2011. The Government was unaware of the expiry of the lease and did not collect lease rent for 38 years. Even penalty of ₹ 2.28 lakh was also not levied for un-authorized occupation after expiry of lease.

**Case Study No.02: Ambiguity in land records**

Two acres each in 20 cases in Survey Number 8, Mavallipura, Bengaluru North Additional Taluk.

2 cases<sup>12</sup> (11-06 A-G), of temporary grant (Hangami) in Ramanagaram Taluk mutated in favour of the beneficiaries.

As per entries in RTCs, these lands were stated to be granted for agricultural purpose. However, the Tahsildar reported these cases as doubtful as the corresponding initial entries in the *Saguvali Chit*<sup>11</sup> Register could not be verified since the register was not traceable, which is the basic land document.

In these cases, the lands which were granted for temporary cultivation as per the entries in RTCs, were mutated to the beneficiaries stating that the lands were obtained through auction sale. There was no documentary evidence to the same.

<sup>11</sup> Certificate authorising the individual to cultivate the land.

<sup>12</sup> Survey No. 37/6b1 and 37/7, Harisandra village, Ramanagara Taluk.

Government Orders, Grant Certificates, *Saguvali* Chit Issue Register, etc. are basic entities of land records management. These help in confirming title of the beneficiaries and to resolve disputes relating to land issues. Deterioration and non-availability of very old manual records will hinder resolution of disputes and pose risk of creation of fraudulent records for land grabbing. Hence the following recommendations are made.

**Recommendation 1 – The Government may consider:**

- i. Compilation of electronic database of all grants/leases incorporating beneficiary, location of land, purpose of grant/lease, period of lease, special conditions, if any, etc.; and**
- ii. Digitisation of all manual records relating to alienation of Government land to mitigate the risk of fraudulent records.**

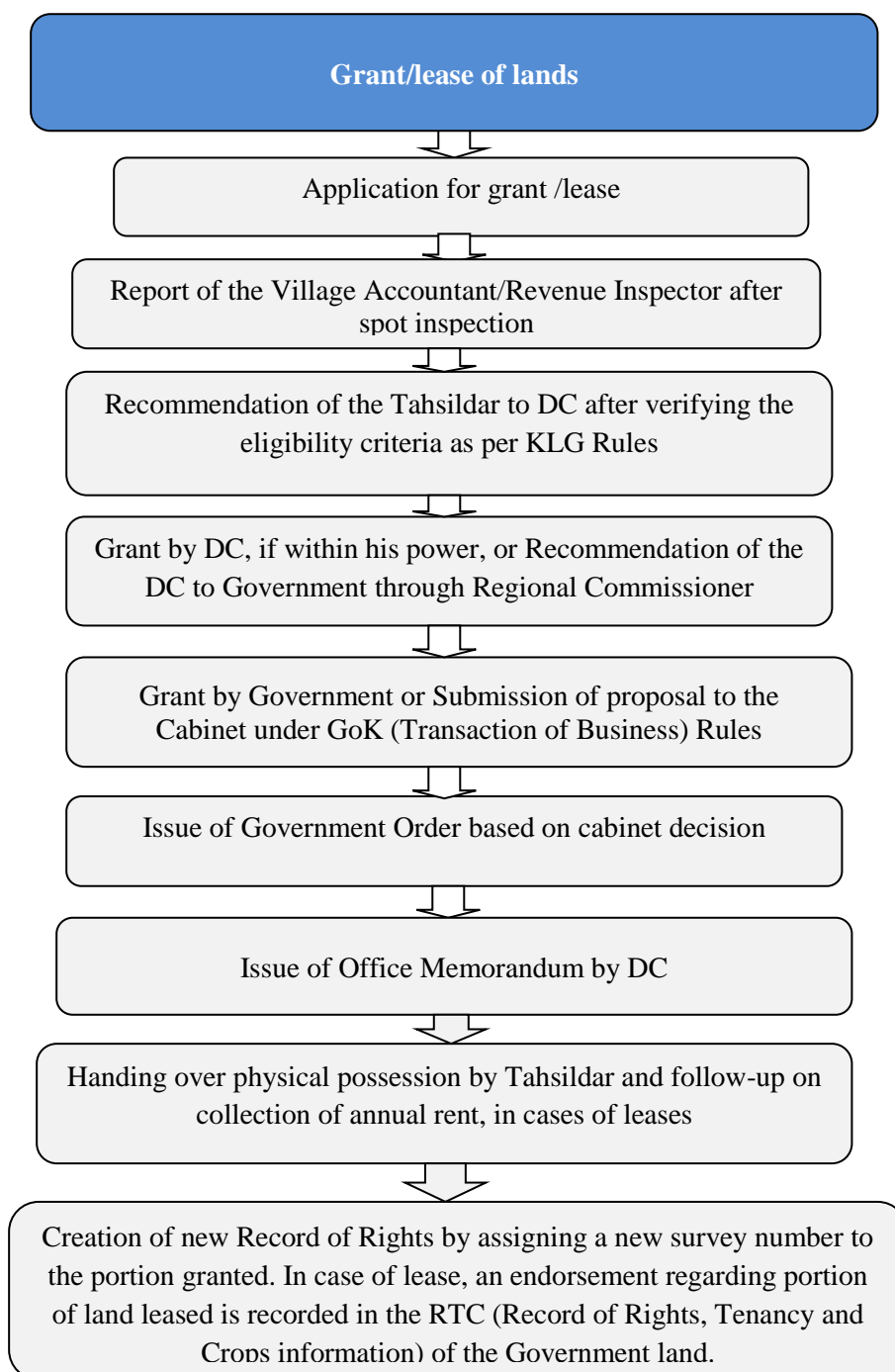
The Government accepted the audit observations and agreed to build up a database.

## Chapter IV

### Disposal of Government land by Grant/Lease

The process of transfer of Government land in Karnataka is governed by the KLG Rules, 1969, and the KLR Rules, 1966. The chart below depicts the flow of the Departmental process to grant/lease Government land:

Chart No.4.1 – Process for Grant/Lease of Government land



As mentioned in paragraph 3.1, the Government did not maintain a list of land available for grants or leases and hence, the person in need of land identifies the land himself and applies for grant/lease. Land is either granted or leased accordingly.

Audit examined the process right from the stage of application to the final grant to ensure compliance to the process with the Rules prescribed and also whether the process was unambiguous, transparent and judicious. Audit observations are discussed in succeeding paragraphs.

#### **4.1 Non-maintenance of separate register for applications made and received**

As per Rule 17A of the KLG Rules, on receipt of an application for grant/lease of land, the Tahsildar should cause the particulars of an application to be entered into a register for that purpose.

##### *Whether disposal of applications was fair and transparent?*

Transparency and equal opportunity in considering all applications for grant of land requires that all applications are chronologically indexed, priority criteria fixed and reasons recorded for selection of an application over another for grant/lease of Government land.

In the absence of a specific register or an electronic database to monitor receipt of applications, disposal of applications was not being monitored. The transparency in evaluating all applications uniformly *vis-a-vis* available land therefore not assessed by Audit. Besides, the risk of an out of turn consideration of application could not be ruled out.

None of the test-checked Offices of the Tahsildars maintained separate registers for indexing applications received for grant/lease. The applications were indexed in the General Register and thereafter processed separately as individual files.

The Management Information System (MIS) Reports of the Department did not include details such as applications received, recommended and pending at Tahsildar/DC/RC/Government level. Hence, Audit could not ascertain the total number of applications received, processed and pending at various stages. Information called for in this regard from the test-checked Tahsildar Offices were not furnished.

##### *Grant of lands even without application by beneficiary*

In 11 out of 320 cases checked, the due process for grant/lease of land took place without even an application from the beneficiary. In these cases, 47-21 A-G were granted/leased.

**Details in this regard are given below:**

Lease of 10 acres in January 2012 – Mythic Society <sup>13</sup> –Study of Indology, Bengaluru (North) Additional Taluk	There was no application from the beneficiary. The Government in the Exit Conference (September 2017) informed that the lease had since been cancelled
12-21 A-G <sup>14</sup> leased in December 2015 to 9 institutions in Sira Taluk for educational and charitable activities	The Regional Commissioner, while forwarding proposals for 14 institutions, indicated non-availability of applications in respect of 9 of the intended beneficiaries. However, these cases were considered and land leased in 2015 to 15 institutions ( <b>Annexure-II</b> ) by deletion of one institution proposed by Regional Commissioner and addition of two other institutions in the Government Order.  Further, the lease of land at 10 <i>per cent</i> of the Guidance Value (GV) <sup>15</sup> of the land was later converted (December 2016) as grant in all the 15 cases without charging the land cost as prescribed under Rule 22A of the KLG Rules.  The Government accepted the audit observations in the Exit Conference (September 2017).
25 acres in January 2012 to Mata Amrithanandamayi Charitable Trust, Bengaluru North Taluk	<i>Suo motu</i> proposal of Government (April 2010) for grant of 15-0 A-G land for hospital was converted into grant of 25-0 A-G for Medical College-cum Hospital. Here also, there was no application from the Trust for the grant of land for either the intended hospital or the subsequent addition of Medical College.

Grant of land even without application by the persons/institutions was deviation from set procedures. In the absence of information on all applications received and their disposal, Audit could not verify the transparent processing of all applications.

#### 4.2 Verification of eligibility of grantees

As per Rule 17A(2) of the KLG Rules, on receipt of an application, the Tahsildar shall make such enquiry as necessary to ensure that the applicant has *bona fide* intention of using the land for the purpose for which it was sought

<sup>13</sup> Lease since cancelled in July 2017.

<sup>14</sup> *Sendivan* land – Toddy Palm Grove.

<sup>15</sup> Estimated market values of properties notified by the Central Valuation Committee for the purpose of assessment of Stamp Duty.

and if the land was available for grant, to submit a report to the DC along with connected records, viz. Checklist, Revenue Sketch of the land, Spot Inspection Report, etc.

The KLG Rules and Circulars issued by the Department *inter alia* provide for submission of adequate documentation such as permission from competent authorities for education activities, annual accounts of the institutions for five years and ensuring involvement in the education activity for a prescribed period of five years before grant/lease of Government land.

***Was eligibility of beneficiaries verified before grant/lease?***

In 27 out of 320 checked cases, Audit noticed that complete details of the applicant as prescribed under the KLG Rules/Circulars of the Department were not verified before the cases were recommended for grant/lease. Lands granted/leased in these cases involved 132-15 A-G.

As a result, land was granted to institutions, which did not have specified experience in the field of activity granted for or the bye laws of the institution did not envisage such an activity.

Further, land was granted to a political party and to an Association for residential purpose, which was not provided under the Rules.

***Details are given below:***

18-21 A-G to 11 <sup>16</sup>	institutions for educational purposes in Sira (December 2015) and Bengaluru North Additional Taluks (January 2012).	Submission of documents permitting applicants to run educational institution was not documented though required as per Circular <sup>17</sup> . Of these, in respect of two trusts, their bye-laws did not envisage education activity.
88-19 A-G to 11 <sup>18</sup>		Rule 19(2) of KLG Rules, 1969, prescribes

<sup>16</sup> **Sira Taluk**–Valmiki Nayaka Sanga (0-20), Nandini Pattina Sahakara Sanga Niyamitha (0-20), Chalavadhi Mahasaba (Arya Dravida) (0-20), Sevalal Banjara (Lambani) kshemabivridi Sanga (0-20), Arya Ediga Sanga (0-20), Kanaka Samskruthika Vedike Sanga (0-20), Balija Mahila Sanga (0-20), Chowdeshwari Medha ST Bidiru Kelasagarara Kshemabivridi Sanga (0-20), Ramakrishna Vivekananda Ashrama (4-01), Savitha Samaja (0-20) **Bengaluru North Additional Taluk** –Mythic Society (0-20).

<sup>17</sup> No. RD 126 LGP 87 dated 30 June, 1988.

<sup>18</sup> **Bengaluru North Taluk** – Srinivasa Educational and Charitable Trust (23-00), Gowtham Medical Education and Technologies (6-00), Buddha Education Society and Trust (1-29), Ragavendra Education Institutions Society (7-00), Deccan Education Society (5-30), Mathru Education Trust (8-00). **Chamarajanagara Taluk** – Buddhist Monks Charitable Trust (R) (25-00). **Chikkaballapura Taluk** – Bharatha Rathna Sir M. Visveshvaraiiah National Training Facility for Skills for All (BMVNTFSA) (10-00). **Sira Taluk** – Chalavadhi Mahasaba (Arya Dravida) (0-20), Hallikarara Sanga (1-00), Kanaka Samskruthika Vedike Sanga (0-20).

institutions for educational purposes in Bengaluru (North), Chamarajanagar, Chikkaballapura and Sira Taluks between February 2004 and January 2017.	grant of land for educational activities for institutions, which were in the field of education for a period of five years before grant of land. However, the same was not verified and documented in the cases noticed.
10-0 A-G to 2 <sup>19</sup> institutions for education and charitable purposes (September 2011/January 2013).	The trusts were granted land within one year of their registration and were not involved in education activities for five years prior to date of grant as required under Rule 19(2) of the KLG Rules, 1969.
0-15 A-G in 2 instances (October 2015) for Political party office <sup>20</sup> .	The KLG Rules do not provide for grant of land to political parties.
15-0 A-G to One Association <sup>21</sup> for residential purposes (August 2013).	The KLG Rules do not provide for grant of land to an Association for residential purposes.

Grant/lease of land without ensuring fulfilment of eligibility criteria can result in grant of lands to ineligible parties, which defeats the purpose of having such criteria for fair, bonafide grants/lease. Besides, it can also abet grabbing of Government land by the institutions/persons and result in depletion of land resource for future projects.

### **4.3 Verification of status of land before grant/lease**

The process of grant/lease is well-defined by a comprehensive checklist to be filled in by the Tahsildar and forwarded to the DC, which will enable decisions regarding grant or otherwise of the land.

#### ***Whether status of the land was ascertained before grant?***

In ten out of 320 cases checked, incomplete or incorrect details regarding the status of land in the checklist resulted in grant of lands, which were not available for disposal.

In all these cases, possession of the land granted/leased could not be handed over and necessitated grant of alternative land. This caused consequent delays/inconveniences to the grantees/lessees.

<sup>19</sup> Shimoga Taluk – Sree Kanaka Seva Trust (2-00). Bengaluru North Taluk – Vishwa Ganigara Samudaya Trust (8-00).

<sup>20</sup> Channapatna Taluk – District Congress Committee, Bolappanahalli (0-10), District Congress Committee, Mangalavarapete (0-05).

<sup>21</sup> Bengaluru North Additional Taluk –Karnataka Government Secretariat Group-D Employees Association (R) (15-00).



**Details are given below:**

<p>7-00 A-G to Bengaluru Institute of Higher Education and Research (January 2014) in Bengaluru East Taluk, 170-38 A-G to 31 grantees in Ramanagar Taluk and 2-0 A-G to Dr. Vishnuvardhan Smarakha (March 2014) in Bengaluru (South) Taluk.</p>	<p>Land originally granted was Forest land/Forest Buffer Zone and hence necessitated grant of alternative land.</p>
<p>2-0 A-G granted (April 1980) to Sri. Kodimath Maha Samstha in Bengaluru North Taluk and 1-25 A-G land to Bengaluru Metropolitan Transport Corporation (April 2008) in Anekal Taluk.</p>	<p>Land granted was already granted for a Government housing scheme (2 acres) and to another individual in 1979-80.</p>
<p>1-0A-G granted (March 2016) to Syndicate Rural Self Employment Training Institute and 2-0 A-G Karnataka State Open University (February 2013) in Ballari Taluk.</p>	<p>Land originally granted was marked as Open Space in Comprehensive Development Plan of the town. Alternative land was granted to the institute (2017).</p>
<p>110-0 A-G granted (February 2013) to Indian Institute of Management in Anekal Taluk and leased 0-25 A-G to Narcotics Control Bureau (March 2013) in Bengaluru North Additional Taluk.</p>	<p>In both these grants, the persons whose applications under the regularisation of unauthorised occupation over the same land were pending decision, disputed the grant. Consequently, while land was not handed over to Indian Institute of Management, the Narcotics Control Bureau could not utilise the land pending decision of the Judiciary on the dispute claims filed (2014).</p>
<p>93-30 A-G in Ballari to BMM Ispat Ltd (July 2013).</p>	<p>Land could not be handed over as the same was already granted to other beneficiaries under the scheme for regularisation of unauthorised occupation.</p>

The Government accepted the audit observations and stated that instructions for verification and complete filling of the checklist correctly would be reiterated. Government in April 2018 issued a revised checklist for collecting all information necessary for grant/lease of Government land.

#### 4.4 Assessment of land requirement/grant of excess land

Land is a valuable resource, which should be granted judiciously and in accordance with the extent required for immediate use, so as to preserve the land for future public purposes. As per Rule 21(i) of the KLG Rules, the extent of land to be granted shall be assessed keeping in view the purpose of grant, the present financial condition and the capability of the grantee institution. Besides, no land shall be granted in excess of the immediate requirement of the institution concerned. Further, as per the check list derived from the KLG Rules for grant of land, the Government shall grant/lease land duly considering the land already owned by the grantee.

##### *Whether there was a system for assessment of extent of land required?*

There was no system in place to assess the extent of land required by obtaining details of plans for immediate usage of land *vis-a-vis* available funds for construction, etc from the beneficiary institutions. In all the cases, the extent of land granted was based on the extent of land requested and/or its availability. Absence of a mechanism of assessment in this respect may result in granting land in excess of the actual requirement.

##### *Implications of non-assessment*

Audit brings out the implications of non-assessment in the form of two illustrations as shown below:

##### *Illustration No. 01: Lesser extent accepted in lieu of the original demand*

Three<sup>22</sup> beneficiaries, who were initially granted (between 2000 and 2011) 33-00A-G of land, subsequently settled (between 2012 and 2015) for 18-29 A-G.

In another<sup>23</sup> case, as against five acres applied (2010) by the beneficiary, Government sanctioned 3-20 A-G in 2012.

Possession could not be handed over in original grant due to land dispute, issues with land use pattern, etc. Grantees settled for lesser extents of land when alternative land was to be granted *in lieu* of original land. In the absence of details of the envisaged project, Audit could not verify if the beneficiaries had scaled down their project due to reduction in extent of land granted, or the reduced extent of land itself was sufficient and they had asked for extra land initially.

Further, in two<sup>24</sup> of the three cases, the original grant of 13-0 A-G was not cancelled.

<sup>22</sup> Buddha Education Society, Bengaluru Institute for Higher Education and Research, Karnataka State Government Secretariat Group 'D' Employees Association.

<sup>23</sup> National Academy for RUDSETI.

<sup>24</sup> Buddha Education Society - 6 acres in Survey No. 38, Gidadhakonenahalli village, Bengaluru North Taluk and Bengaluru Institute for Higher Education and Research - 7 acres in Survey No.109, Gunjuru village, Bengaluru East Taluk.

<b>Illustration No.02: Non-usage of lands indicating lack of immediate requirement</b>	
Three <sup>25</sup> cases totalling 50-00 A-G of land were granted/leased in 1967, 2006 and 2012 (one lease was cancelled in 2012 after lease expired in 1997).	Land was not put to use for periods of five, seven and 43 years respectively from the year of grant/lease.
10-00 <sup>26</sup> A-G leased for a period of 30 years (1967 to 1997).	Though remained unutilised for 30 years, the same land was again leased (2012) to the same entity.
58-26 A-G <sup>27</sup> of land was given in February 2007 to a contractor on lease for storage of materials utilised in the work of National Highway in Chikballapura District.	On spot verification of the land by Audit along with the Departmental Officers, it was noticed that approximately three acres of land was put to use and the remaining extent was unutilised. It was further observed that excess land available with the lessee was not retrieved back even after the work on the National Highway was completed in 2009.
Absence of mechanism to assess and monitor usage of land resulted in locking up of Government lands with the beneficiaries.	

The above cases indicate that non-assessment of land required based on proposals for execution of the project could result in grant of lands in excess of requirement and locking up of Government lands. Absence of a mechanism to assess the requirement of land could be mis-utilised by the applicants by seeking more land than needed for their immediate use. Considering the poor record maintenance by the Government, the chances of the beneficiaries disposing off the excess land without the knowledge of the Government cannot be ruled out.

**Recommendation 2 – The Government may consider instituting a mechanism to assess the exact requirement of land.**

During the Exit Conference (September 2017), the Government agreed to examine the modalities of assessing the extent of land required. Thereafter, the Government issued (January 2018) a revised Checklist which required details of land already owned by the applicant and usage of the same to be specifically recorded.

<sup>25</sup> Mythic Society, Karnataka AdiJambhava Social and Educational Trust and Golden Valley Educational Trust.

<sup>26</sup> Vokkaligara Sangha.

<sup>27</sup> M/s KNR Constructions.

#### 4.5 Grant of excess land to persons whose land were acquired for public purposes

During scrutiny of records relating to grant of alternative lands to the affected persons, whose lands were acquired for Government projects, Audit noticed two instances, wherein lands in excess of prescribed limits were granted due to non-adherence to the scales prescribed in the Grant Orders. Details are given below;

##### *Bhadra Wildlife Project, Chikkamagaluru*

Affected Persons of the Project were eligible for alternative lands at prescribed scales. Land of one, three and five acres were to be granted in lieu of acquired extents of less than one acre, one to five acres and above five acres respectively.

As per the prescribed scale, only 192 acres were to be granted to the 60 affected persons. However, due to non-adherence to the prescribed scale, 309 acres were granted to 60 persons. This resulted in excess grant of 117 acres valued at ₹ 6.02 crore. Details in *Annexure-III*.

##### *Yegachi Reservoir Project, Hassan District*

Two grantees surrendered lands measuring 12-15 A-G and 4-13 A-G respectively for the Project. As per the Government Order (1971) for land acquisition, those who lost more than four acres were entitled to one half of the land lost subject to a minimum of four acres and maximum of 10 acres, in addition to the monetary compensation.

In the instant cases, the grantees were allotted 16-00 A-G of land (four Acres in Hassan District and 12 Acres in Chikkamagaluru District) as against the entitlement of 10-7.5 A-G (6-7.5 A-G and four Acres). The Land Acquisition Officer erroneously computed land to be granted at one and a half times (instead of one half) the extent of land lost, which resulted in excess grant of 5-32.5 A-G valued at ₹ 0.23 crore. Details in *Annexure-III*.

After this was pointed out in May 2017, DC, Chikkamagaluru reported in October 2017 that excess land was given since the beneficiaries lost plantation land against which land given was *Khuski* land (dry land). However, in all these cases it was clearly stated in the Grant Certificates (*Hakku Patra*) that the lands were granted for coffee plantation crop. As per the KLR Act<sup>28</sup>, land in which plantation crops can be grown are plantation lands. Hence, grant of land suitable for coffee plantation amounted to grant of plantation land and the grant of excess land was not justified.

<sup>28</sup> Section 2(8)(d).

## Chapter V

### Lands prohibited for grant/lease under the KLR Rules

#### *Are there lands which are prohibited from disposal?*

The public land, on which people have rights collectively, include lands such as *Phut 'B' Kharab*<sup>29</sup>, *Gomala*<sup>30</sup>, *Gunduthopu*<sup>31</sup>, *Sendivan*<sup>32</sup>, etc., apart from roads, pathways, lanes and streets.

Section 68 of the KLR Act empowers Government to extinguish public rights over roads, streets, paths and lanes which are no longer required for public use. Thereafter, the lands *ibid* become available to Government for disposal.

There is no provision in the KLR Act to either extinguish or prohibit extinguishing of public rights over public lands such as *Phut 'B' Kharab*, *Gunduthopu*, tank bed, burial ground, etc.

However, Rule 108 I<sup>33</sup> of the KLR Rules specifically prohibits grant of *Phut 'B' Kharab*, *Gunduthopu*, etc. which in the opinion of the Government are required for public use. Further, the KLR Rules also prohibit grant/lease of lands situated within the municipal limits of a city/town for private purpose.

Besides, the Hon'ble High Court of Karnataka in its judgement<sup>34</sup> of 2002 has held that types of lands prohibited from grant/lease under Rule 108-I could not be granted at all.

Hence, though the KLR Act is silent about the grant of *Phut 'B' Kharab*, *Gunduthopu*, etc., KLR Rules and the judgement of Hon'ble High Court of the State prohibits grant of such lands.

<sup>29</sup> Unassessed land reserved for public purpose, occupied by road, burial ground and water bodies, etc.

<sup>30</sup> *Gomala* is Government land reserved for pasture of the animals.

<sup>31</sup> Land reserved as Village Forest.

<sup>32</sup> *Sendivan*: Toddy Palm Grove.

<sup>33</sup> Rule 108-I: Certain lands not to be granted: (1) Notwithstanding anything contained in this chapter, lands assigned for special purposes under Section 71 of the Act, and lands described in revenue records, as *Devarakadu*, *Urduve*, *Gunduthopu*, tank bed, *Phut Kharab*, *Halla Kharab*, burial grounds and such lands, which in the opinion of the Government is required for public purpose, shall not be granted:

Provided that the provisions of this rule shall not apply to lands set-apart for free pasturage under Section 71 of Karnataka Land Revenue Act, which will be governed by Rule 97.

(2) No Government land within the limits of a city or town, shall not be granted to any individual or a private institution. All such lands shall be reserved for public or Government purposes to provide for public needs of a growing city or town.

Provided that the lands, which have not lost the characteristics for which they were reserved shall not be declassified and granted or leased for any other purposes.

<sup>34</sup> The St. Annes Education Society and Anr. Vs State of Karnataka and Ors.

### Power of the Government to relax provisions of the KLG Rules

Rule 27 of the KLG Rules empowers the Government to, *suo motu*, or on the recommendation of the RC/DC, relax any of the provisions of the KLG Rules in appropriate cases with reasons suitably recorded, and subject to the conditions specified in the orders passed in this regard.

Item 12 of the Karnataka Government (Transaction of Business) Rules, 1977 as amended in the year 2000 provided for submission of all proposals which are not in accordance with the KLR Act and allied Rules to the Cabinet.

## 5.1 Lands prohibited for grant/lease under the KLR Rules

### *Whether lands prohibited under KLR Rules were granted?*

Audit noticed that due to specific prohibition under the KLR Rules in respect of certain types of lands such as *Gunduthopu*, tank bed etc, proposals for grant/lease of such lands were referred to the Cabinet under Item 12 of the Schedule I of the Karnataka Government (Transaction of Business) (ToB) Rules<sup>35</sup>, 1977.

Out of the 320 cases of grants/leases approved during 2012-17, 86<sup>36</sup> cases of grants/leases involved 487-30 A-G of lands specifically prohibited by the KLR Rules. Of the 86 cases, 79 cases were approved by the Cabinet under the ToB Rules<sup>37</sup> and the remaining 7 cases were orders of lease issued by the Deputy Commissioner concerned. Details in *Annexure-IV*.

### *Whether extinction of public rights over certain lands were made in contravention to extant Rules?*

Audit noticed that of the above 86 cases, Government issued orders in 14 cases under Section 68 of the KLR Act for extinguishing public rights over water stream, *Gunduthopu*, B *Kharab*, *Halla Kharab*, etc., involving 13-37 A-G even though Section 68 of the KLR Act empowers Government to extinguish public rights only in respect of street, road, land or path.

Out of 79 cases approved under the ToB Rules, Government Orders in respect of 50 cases were made available to Audit. It was noticed that powers under Rule 27 of the KLG Rules was found to have been exercised in eight cases without recording specific reasons as required. Audit pointed out that Rule 27 of the KLG Rules could be exercised to relax only the provisions of the KLG Rules and not provisions of the KLR Rules. In the remaining 42 cases, no reference of any provisions for grant of prohibited land was made.

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<sup>35</sup> Government of Karnataka (Transaction of Business) Rules, 1977, were framed for guidance of the administrative Departments for smooth functioning of the Government.

<sup>36</sup> Includes three cases of grant of land to Government Departments which is outside the scope of Audit.

<sup>37</sup> In addition, there were 10 cases of *Gomala* land (169-16 A-G), the grant of which was prohibited under various judgements of Hon'ble High Court, were also approved under ToB Rules.

Audit concludes that the amendment of ToB Rules which read that '*proposals not in accordance with the Land Revenue Act and Rules or any general scheme of the Government*' resulted in submission of all proposals of grant/lease *contrary* to the KLR Rules to the Cabinet. In effect, the amendment of ToB, which was an instrument framed to ease and streamline the conduct of business of the Government, had the unintended outcome of amending the Karnataka Land Act/Rules. Consequent grant of public lands such as *Phut 'B' Kharab, Gunduthopu*, tank bed, burial ground etc., led to loss of Government lands marked for public purposes and environmentally sensitive areas.

**Recommendation 3 – The Government may re-consider grant of public lands not provided under the KLR Act and prohibited under KLR Rules through the Karnataka Government (Transaction of Business) Rules, 1977.**

The Government agreed to review the amendment to the Karnataka Government (ToB) Rules, 1977, in consultation with the Department of Parliamentary Affairs.

## 5.2 Inconsistencies in disposal of *Gomala* land

### *Whether Gomala land could be disposed ?*

Rule 97(1) of the KLR Rules stipulates for earmarking 30 acres of land per 100 headcount of cattle as *Gomala* land. Rule 97(4)<sup>38</sup> of the said Rules empowers the DC to reduce *Gomala* land limit below the prescribed limit subject to prior approval of RC.

However, the Hon'ble High Court of Karnataka, vide various judgements<sup>39</sup> directed the State Government not to grant *Gomala* land, which would reduce the *Gomala* land below the prescribed limit. Consequently, the Government in acceptance of the Court judgments issued Circulars in 2007<sup>40</sup> and 2009<sup>41</sup>, which clearly prohibited grant of *Gomala* land to private bodies/institutions.

Further, as per Rule 97(5)<sup>42</sup> of KLR Rules, *Gomala* land situated within the city limits and within specified distance from city limit may be granted with the General Order of the Government.

<sup>38</sup> As per Rule 97(4) of the KLR Rules, the Deputy Commissioner can reduce the extent of *Gomala* below the prescribed limit of 12 hectares per 100 head count of cattle, if he considers the area so set apart is much larger than what is really required. However, the DC should do so only after obtaining the prior approval of the Regional Commissioner.

<sup>39</sup> Writ Appeal No. 1353/06(KLR-RES), Writ Application nos. 3315/05 (KLR-RES) and 21225/05 (KLR-LG) dated 18.11.2006.

<sup>40</sup> No. RD 83 LGP 2006 dated 05.01.2007.

<sup>41</sup> No. RD 57 LGP 2008 dated 20.08.2009.

<sup>42</sup> Amendment inserted vide notification dated 25.1.2008 with effect from 6 February 2008.

Audit noticed that the Government did not frame any General Orders in respect of Gomala land within city limits (September 2017). In spite of the Circulars issued for not granting Gomala land, the Government had granted Gomala land.

**Whether Gomala lands were disposed off in a consistent manner after fair evaluation?**

Government processed grants on Gomala land in violation of its own Circular. Even in grant of Gomala land, there was inconsistency in decision to grant or otherwise. Cases were decided without recording reasons for disbursing Gomala land even in places where shortage of Gomala land was reported.

Audit brings out three case studies to point out the discrepancies noticed in the processing of grants of Gomala land as below:

**Case Study No.01  
Inconsistent decision making**

(i) In four <sup>43</sup> cases, (three grants and one lease) 88-00 A-G of Gomala land were granted/leased between 2011 and 2016.	Granted Gomala land despite reports of the DC on shortage of grazing land.
(ii) In two <sup>44</sup> cases, proposals were made for grant of 112-21 A-G of land in 2011/2016.	Proposals were rejected on the ground of shortage of Gomala land.

**Case Study No.02  
No evaluation before disposal**

The Government granted 10-09 <sup>45</sup> A-G of Gomala land out of 203-07 A-G in the three survey numbers of the villages in Bengaluru Urban District between August 2012 and November 2013.	However, the remaining 192-38 A-G of Gomala land (i.e. 203-07 A-G minus 10-09 A-G) in the said three survey numbers were already granted/leased to various other entities. Thus, with the grant of 10-09 A-G of Gomala land, the Gomala land in these three survey numbers was completely exhausted. The grants were processed without ascertaining the cattle count and minimum land required/available in these villages concerned for grazing purpose.
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<sup>43</sup> Bengaluru (Rural), Belgaum, Ramanagaram, Tumakuru.

<sup>44</sup> Bengaluru (Urban), Koppal.

<sup>45</sup> Survey No. 64, Doddabidakallu, Bengaluru North taluk, Survey No. 57 and 15, Chikkabanavara and Chikkasandra, Bengaluru North taluk, Survey No. 30, Kumbalagodu, Bengaluru South Taluk.



**Case Study No.03**  
**Grant of land without setting modalities for grant**

10<sup>46</sup> cases (seven grants and three leases), of 117-21 A-G of *Gomala* land situated within the city limit (i.e. with 25 km) between January 2012 and September 2015.

Land was granted, notwithstanding the absence of a General Order of the Government to prescribe modalities for disposal of the *Gomala* land within city limits.

These case studies show that the provisions of the Act/Rules/Circular instructions were not applied uniformly under similar circumstances by allowing grants in some cases while rejecting in other cases.

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<sup>46</sup> Bengaluru (Urban) (eight cases), Chickmagaluru (one case), Gulbarga (one case).

## Chapter-VI

### Valuation of land granted/leased

The objective of the land grant is generally to promote a socio-beneficial activity. While promoting this cause, the Government should consider the economic aspects like the valuation of land during its transfer.

#### *Mechanism for valuation of land granted/leased*

Rules 19 to 22 of the Karnataka Land Grant (KLG) Rules clearly prescribe levy of cost of land granted/leased at either Market Value or Guidance Value.

Prior to June 2015, Revenue Authorities were empowered to determine Market Value by themselves.

From June 2015, **Market Value** was fixed<sup>47</sup> as the average of the highest transaction that has occurred in the village during each of the preceding three years or the cost fixed for similar land acquired as per the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, whichever is higher.

**Guidance Value (GV)** is the estimated value of property as notified by the Central Valuation Committee<sup>48</sup>.

The KLG Rules also prescribe fulfilment of certain conditions for granting concessions to institutions for religious and charitable purposes.

#### 6.1 Concessions in the valuation of land

The KLG Rules prescribe the extent of concession in the value of land that can be allowed for grant of land for various purposes. The concession depends on the purpose for which, land was granted and the status of the grantee, viz. statutory bodies, charitable institutions, etc.

#### *Whether concessions in valuation were as per Rules?*

Concessions granted were found to be not according to the Rules and reasons for going overboard were not stated.

Concessions were granted *suo motu* by the Government without any application from the beneficiary.

Concessions were also higher than the rates prescribed by the KLG Rules

Though the decision on grant of concession was taken under the KG (ToB) Rules, no reasons were recorded as required under Rule 27 of the KLG Rules.

<sup>47</sup> By insertion of Rule 22A in the KLG Rules, 1969.

<sup>48</sup> A Committee constituted under Section 45 A of the Karnataka Stamp Act, 1957.

Issues in detail are discussed below:

### 6.1.1 Grant of concession without application by beneficiary

As per Rule 21 of the KLG Rules, no concession in the price of land shall be allowed in respect of land grants for religious and charitable institutions. However, the Rule has a provision for grant of concession of 50 per cent, on application made by the institution, provided the institution runs purely for religious and charitable purposes, such as temples, leprosy treatment centres, old age homes, orphanages, etc. without collecting any fee or service charges. The application for concession shall be accompanied with supporting documents pertaining to a period of five years preceding the date of application, in proof of their satisfactory functioning.

*Whether the concessions granted were duly applied for by the beneficiaries?*

Concessions were granted *suo motu* by the Government without application by the beneficiary or recording any reasons for the same.

Details in this respect are given below:

<p>One<sup>49</sup> case, where six acres of land was granted to a trust for educational and social activities.</p>	<p>Original order (February 2009) for grant of land at 50 per cent concession was subsequently modified (July 2012) to 75 per cent concession and was stated to be at the request of the grantee. However, there was no request letter on record. The GV of the land was ₹ 45 lakh per acre and the extra concession amounted to ₹ 67.50 lakh.</p>
<p>Four<sup>50</sup> cases involving grant of 89-29 A-G of land to charitable activities.</p>	<p>Government <i>suo motu</i> accorded concession ranging from 20 to 100 per cent without recording any reasons there against. This resulted in undue concession of ₹ 18.93 crore (<i>Annexure - V</i>).</p>

### 6.1.2 Grant of excess concession

The KLG Rules prescribe the extent of concession in price of land depending on the grantee and the purpose of the grant.

<sup>49</sup> Sri Janaseva Vishwastha Mandala at Survey No. 19, Channenahalli, Bangalore South Taluk, Bangalore Urban District in February 2009.

<sup>50</sup> Karnataka Education Board, Dharwad District in October 2011, Rashthrothanna Parishath, Bengaluru (Rural) District in October 2009/March 2011, Mahatma Gandhi Vidhya Peeta, Survey No. 72 & 78, Devarakaggalahalli, Kanakapura, Ramanagara in June 2016 and Krishna Sevashrama Trust, Bengaluru (Urban) District in June 2011.

In 51 out of 320 cases, either the concession was in excess of the limits prescribed in KLG Rules or the concessions prescribed were allowed without verifying the conditions to be fulfilled for availing concession. This resulted in grant of extra concession of ₹ 176.01 crore. These decisions were made under the KG (ToB) Rules and Government Orders issued under Rule 27 of the KLG Rules without recording specific reasons for the excess concession granted. Details of cases are given in **Annexure-VI**.

In reply, the Government stated that the concessions were granted by relaxing the provisions of the KLG Rules under Rule 27 but agreed to the audit observation that specific reasons, as required under Rule 27, were not recorded. Further, no specific reply was given to the audit observation on the lack of uniformity in grant of concession.

### 6.1.3 Short levy of land cost due to incorrect adoption of Market Value/Guidance Value in computation.

Government Order issued in respect of grant/lease prescribes the value of land to be collected, based either on the market value or the GV of the land as the case may be. The DC shall issue a demand for the value of the land.

#### *Whether land cost was collected as envisaged in the GOs?*

On a comparison of the demands raised by the DCs *vis-a-vis* the Government Orders, Audit noticed that in 30 out of 320 cases, the cost to be collected as stipulated in the Government Order worked out to ₹ 39.81 crore, whereas the cost to be collected arrived at by the DCs was ₹ 21.98 crore. This resulted in short demand and consequent loss of Government revenue of ₹ 17.83 crore as given in **Annexure-VII**.

The short demand was due to adoption of lesser market value, GV, etc., by DC.

### 6.1.4 Non-adoption of general principles of valuation notified by Revenue Department

The Central Valuation Committee (CVC)<sup>51</sup> notifies the Guidance Value of all properties for purposes of stamp duty. The CVC has also prescribed certain general principles to be followed while valuing land for stamp duty which *inter alia* stipulates that undeveloped agricultural lands converted for commercial and residential purposes shall be calculated respectively at 180 *per cent* and 165<sup>52</sup> *per cent* of the GV applicable for agriculture land for the year 2016-17.

<sup>51</sup> As per the Karnataka Stamp Act, 1957, Revenue Department had set up a CVC and Sub-Committees thereof in each District. The GVs of all properties in a District as approved by the CVC are notified in the Gazette for the guidance of the Sub-Registrars for Stamp Duty assessment.

<sup>52</sup> For the period 2012-17, enhancement for commercial purposes varied between 60 and 80 *per cent* of value of agricultural land while for residential purposes, enhancement varied between 50 and 65 *per cent* of value of agricultural land.

Audit noticed that Government lands granted/leased were valued as agricultural lands even though they were granted for non-agricultural purposes.

***Whether general principles of valuation prescribed under GV were followed to optimise revenue?***

Government used the Guidance Value of agricultural lands notified by CVC while determining the cost of the land. The principle of CVC to enhance the GV by prescribed percentage for lands converted for commercial/residential purposes was not adopted. As an illustration, in 29 cases involving 243-29 A-G of land, Audit calculated that an increase of revenue of ₹ 35.40 crore would have resulted if the said principle of CVC was adopted. Details in ***Annexure-VIII***.

Hence, non-adoption of the general principles of valuation notified by Revenue Department itself for valuing lands for stamp duty assessment while valuing cost of Government lands granted for non-agricultural purposes resulted in under-valuation and consequent short-realisation of revenue to the Government.

**Recommendation 4 – The Government may fix price of land by enhancement of GV for lands converted for commercial/residential purposes as notified by the CVC.**

The Government agreed to examine principles of land valuation involved in the observations and furnish further remarks.

**6.2 Application of Rule 22A of the Karnataka Land Grant Rules**

With effect from 9 June 2015, uniform sets of rates for grant/lease were prescribed for Government lands for different purposes vide insertion of Rule 22A of the KLG Rules through an amendment in 2015. Rent was prescribed at 5 or 10 *per cent* of the GV of the land depending on the category of grantee such as individuals, statutory bodies, educational institutions, religious and charitable institutions, industries, etc. and the purpose of grant, such as for education, charitable, industrial, etc. Further, as per conditions attached in the Office Memoranda/Lease Agreement, lease rent was to be enhanced by 10 *per cent* every two years.

***Whether the amendment addressed the issue of inconsistency in fixation of rates?***

Though Rule 22A prescribed fixation of land value uniformly based on status of beneficiary and purpose for which land granted/leased, the implementation of the same at the field level posed challenges with regard to periodicity and increment of charging the lease rents.

Tahsildars were not clear if the lease rent were annual or for the entire period of lease. This in turn created problems with the collection of increments also, as it depended on the initial fixation of lease rent.

In the absence of clear directions, the field offices could not raise demands correctly and compute arrears, if any. Audit noticed that while Ballari District demanded and collected lease rent on annual basis with prescribed increments, Bengaluru North (Additional) Taluk did not raise any demand for lease rent after collection of the initial lease rent at 10 *per cent* of the market value.

**Recommendation 5 – The Government may consider issuing suitable clarifications with respect to Rule 22A of the KLG Rules for calculation of lease rent, so as to enable correct demand and collection.**

The Government concurred (September 2017) with the audit observations and stated that clarifications would be issued shortly.

## Chapter VII

### Monitoring the usage of land

#### *Why is monitoring necessary?*

Land is the driving factor behind the socio-economic progress of a State. Monitoring of lands granted/leased is important in ensuring the correct and efficient utilisation of the scarce land resource. It is also necessary to check compliance to the conditions laid down during grant/lease regarding its usage, payment of lease rent/interest, prohibition from sub-letting, etc. Maintenance of relevant records in respect of such grants/leases and periodical inspections, duly recorded, are key to achieving this objective.

#### *What are the conditions laid down?*

Conditions in the grant/lease order stipulate that the land shall be put to use for the intended purpose within two years from the date of lease/grant order or else the lease/grant is liable to be cancelled.

Grantees of land for non-agricultural purposes are to execute an agreement in Form-VI, which stipulates that the grantee or the representatives or heirs shall not, at any time, by partition, inheritance, lease, mortgage or otherwise, transfer the land or allow any portion of it to be cultivated, used or occupied by any other person so as to divide it.

### 7.1 Mechanism to monitor compliance to the conditions

#### *Was there a mechanism to monitor the usage of land?*

There was no institutional mechanism to monitor compliance to the conditions of lease/grant. The Village Accountant, who is the primary level functionary at the Village level, was not carrying out the task of monitoring. There were no information/reports consolidated at the Tahsildar's office. In the absence of a database as already mentioned in paragraph 3.2, there was no mechanism for timely alerts regarding the expiry of two year period after grant/lease.

Audit noticed, that the usage of the land was verified only in case of public complaints regarding non-use, sub-lease or other diversions. Even in such cases, prompt action was not initiated to resume the land back to the Government. Details of some test-checked cases are given below:

### 7.1.1 Implications of non-monitoring

Lease of 12 Acres in Sy.No.57, Chikkabanavara, Bengaluru (North) Taluk, to Kanteerava Pragathi Vidya Samsthe (November 2007) and Srinivasa Education and Charitable Trust (April 2003).	The lessees pledged (August 2008/May 2010) the lands to financial institutions to avail loans, in contravention to the conditions of lease. In these cases, the Government also issued NOCs for the same.
Eight cases <sup>53</sup> of grant/lease between August 2003 and Janaury 2012 involving 50.21 A-G in Bengaluru (Urban) and Ramanagara Districts.	The land was either used partially or not used for period ranging from 5 to 14 years. The Department is yet to initiate action to resume these lands worth ₹ 101.40 crore, even after being aware of the non/partial use.
5 acres granted in 1991 for the purpose of Cancer Research Institute <sup>54</sup> .	The land was sub-let to be used for another Hospital <sup>55</sup> . The land was not resumed back, despite a Government Order (2015).
9-18 A-G granted in 1959 to Leprosy Hospital <sup>56</sup> .	The land was diverted for building a School. On receipt of a public complaint (June 2013) regarding the diversion, the land was resumed back (April 2015).
18 guntas granted in December 2009 to a temple.	The land was diverted for building a commercial complex which was also reported (December 2010) by the jurisdictional Tahsildar. The land is yet to be resumed.
124 acres of tank bed land leased (May 1980) for 30 years to Tourism Department was sub-let to Golf Club, Bengaluru.	The lease expired in 2010, but the Department has still not resumed the land, despite a direction (2011) from the Hon'ble High Court of Karnataka to vacate the land. Meanwhile the Tourism Department renewed (October 2013) the lease for a further period of 30 years without concurrence from the Revenue Department.

<sup>53</sup> M/s. Mythic Society (January 2012), M/s. Gowtham Medical Education and Technologies (March 2004), M/s. Deccan Education Society (March 2004), Lions Service Foundation Organisation Education Society (March 2004), New Cambridge Education Trust (May 2004), M/s. Machidevaguru Peeta Samithi Trust (March 2004), M/s. Adichunchanagiri Shikshana Trust (August 2003), M/s. Vidya Manasa Education Trust (February 2004).

<sup>54</sup> M/s. Imperial Cancer Hospital and Research Centre.

<sup>55</sup> Apollo Hospitals, Bengaluru South Taluk.

<sup>56</sup> Navajeevana Nilaya.



## 7.2 Joint Physical Verifications to ascertain usage of land

### *What Audit did in the absence of a mechanism to monitor?*

To assess the extent of non-adherence to the conditions of the grant/lease and to ascertain the usage of land, Audit conducted joint physical verifications of granted/leased lands with the Revenue Department officials.

90 land grants, 60 land leases and 84 cases of lands granted on regularisation of unauthorised occupation in 30 Taluks were checked. Joint inspection revealed that land to the extent of 726-29 A-G was not used/partially used for the intended purposes and diverted for other purposes due to lack of monitoring by the Department. The details of joint physical verification are consolidated in **Table 7.1**.

**Table 7.1**  
**Deviations in usage of land**

Sl. No.	Usage	No. of cases			Extent (A-G)
		Grants	Leases	Regularisation of unauthorised occupation	
1	Not put to use	29	21	16	633-38
2	Partly used	4	6	--	89-05
3	Diverted for other purposes	4	-	1	3-26
	<b>Total</b>	<b>37</b>	<b>27</b>	<b>17</b>	<b>726-29</b>

From the above, it can be seen that out of the total joint physical verification cases, 32 *per cent* of the lands granted and 58 *per cent* of the land leased remained unused.

### *Locking up of land resource*

Out of the cases mentioned in the Table 7.1, an extent of 361-23 A-G of land granted to 29 institutions remained locked up with the beneficiary institutions without being put to use for periods ranging from 3 to 18 years. The estimated present value of the lands locked up was ₹ 256.35 crore.

It is also pointed out that there is no deterrent provision in the Act/Rules such as levy of penalty or disqualification from applying for future grant/lease in cases of not utilising the granted/leased land within the stipulated period, except cancellation of grant/lease and resuming the land.

A few of the cases noticed during joint physical verification are shown below:

Exhibit 1



5 Acres (Sy.No.115, Channasandra village, Bengaluru East Taluk) was leased to Rajarajeshwari Education Trust for educational purposes which was not put to use even after 13 years ( 2<sup>nd</sup> June 2017).

Exhibit 2



1-15 A-G (Sy.No.74, Urukere Majare Bovipalya (Siddaramanagara) village, Kasaba Hobali, Tumakuru Taluk) was granted to M/s. Mallikarjuna Swamy Vidya Samsthe for religious/ education / social activities, which was used partially leaving large extents of granted land vacant even after 5 years (1<sup>st</sup> March 2017).

Exhibit 3



2 acres (Maralur village, Tumakuru Taluk) was granted to Arya Ediga Sangha for construction of school hostel, which was diverted for commercial purposes (1<sup>st</sup> March 2017).

### 7.3 Non-demand of lease rent

As per conditions stipulated in the lease deed, lease rent is to be paid on prescribed dates, in advance. A Demand, Collection and Balance (DCB) Register with relevant details such as name of lessee, area, lease rent fixed, due for the year, balance if any, etc. is an effective monitoring tool which helps in collection of lease rent. Default in payment of lease rent renders the lease liable to be cancelled.

***Whether lease rents were demanded and paid in a timely manner?***

There were 46 cases out of 103 leases where lease rent amounting to ₹ 7.33 crore was not demanded and collected for the period from 1979-80 to 2017-18. Out of these, ₹ 5.02 crore pertained to one lease<sup>57</sup> alone in Bengaluru (North) Taluk. Details in *Annexure-IX*.

Audit noticed that the Tahsildars concerned did not maintain Demand, Collection and Balance (DCB) Registers and therefore did not notice defaults in payment of lease rent and raise demands promptly.

**Recommendation 6 – The Government may consider closer monitoring of usage of land and collection of revenue due from the grantees/lessees at periodic intervals, preferably through periodic reminders from the electronic database suggested in Recommendation 1.**

The Government accepted the audit findings and agreed to institute a mechanism for periodic follow-up.

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<sup>57</sup> Rajatha Complex, Bengaluru North Taluk.

## Chapter VIII

### Eviction of Encroachment of Government land

Encroachment of Government land adversely affects the inventory and reduces the availability, disposal and equity in distribution of land resource. The KLR Act/Rules prescribe summary eviction of encroachment of Government land.

#### *Was there an Action Plan to deal with encroachment?*

A Joint Legislative Committee submitted its Report on the issue of Encroachment in July 2007, based on which the Government directed (2013) the DCs to prepare an Action Plan for eviction of encroachment of Government lands.

The DCs were required to report progress on eviction in the prescribed formats to Karnataka Public Land Corporation (KPLC), which would in turn submit a monthly consolidated report to the Government.

### 8.1 Working of Karnataka Public Land Corporation

KPLC was incorporated in December 2008 with the main objective of being the primary agency for all transactions of land. Besides this main objective, KPLC was entrusted with collection and maintenance of data about Government lands, valuation of Government lands, devising methods for prevention of encroachment, allotment of lands recovered after eviction of encroachment to different Government Departments, etc.

#### *Limitations of KPLC*

The objective of KPLC was to manage and ensure optimum usage of Government lands but it had not formulated a road map for the same. The activities of KPLC were restricted to monitoring submission of progress reports by the DCs concerned on the Action Plan for eviction of encroachments and reporting the same to the Government. KPLC released Government grants received by it to DCs concerned for protection of Government land. KPLC had instituted a mechanism of public complaints regarding encroachment of Government land and forwarded the complaints received to the DCs concerned for necessary action.

In reply, KPLC stated (August 2017) that proposals were sent in June 2015 to the Government regarding strengthening of KPLC and to project KPLC as a nodal agency for allotment of Government land for various purposes to Government/Public Sector Enterprises.

Government in the Exit Conference stated that KPLC was a small organization with skeleton staff and would not be in a position to handle the eviction of encroachments, as it also lacked eviction powers. Audit is of the opinion that KPLC should be strengthened/empowered to play a proactive role in the identification and eviction of encroachment of Government land.

## 8.2 Identification, accounting and eviction of encroachments

### *Progress of eviction*

As per the progress report of KPLC for the month of March 2017, out of 4,48,615 acres identified as encroached in the State, 2,61,174 acres (57 per cent) was reported to be evicted leaving a balance of 1,87,441 acres (42 per cent). The encroachments identified excluded cases pending in various Courts and applications pending under the Scheme for Regularisation under Section 94 A, 94 B and 94 C of the KLR Act.

In respect of the 11 test-checked Districts, the encroachment stated to be evicted was 1,29,576 acres out of 2,05,221 acres of encroachments identified in the respective Action Plans. While Bengaluru Rural achieved 100 per cent eviction, Chikkamagaluru and Kalburgi with 14 per cent eviction were the least in progress of eviction as of March 2017.

### 8.2.1 Deficiencies in the process of identification, accounting and eviction of encroachments

Audit analysed the process of identification, accounting and eviction of encroachments existing in the Department and noticed the following deficiencies:

#### *Issues of identification*

The Action Plan did not contain any plans to identify new encroachments and no new encroachments were listed after August 2013 except in Bengaluru Urban District.

On introduction (July 2013 - rural areas and January 2015-urban areas) of the scheme for regularisation of unauthorised occupation of Government land for dwelling house, 1,16,904 applications involving 1397-08 A-G were received by March/June 2017. However, none of them were reckoned by the Department as encroachment of Government land in the Action Plan of the Department.

#### *Issues of accounting*

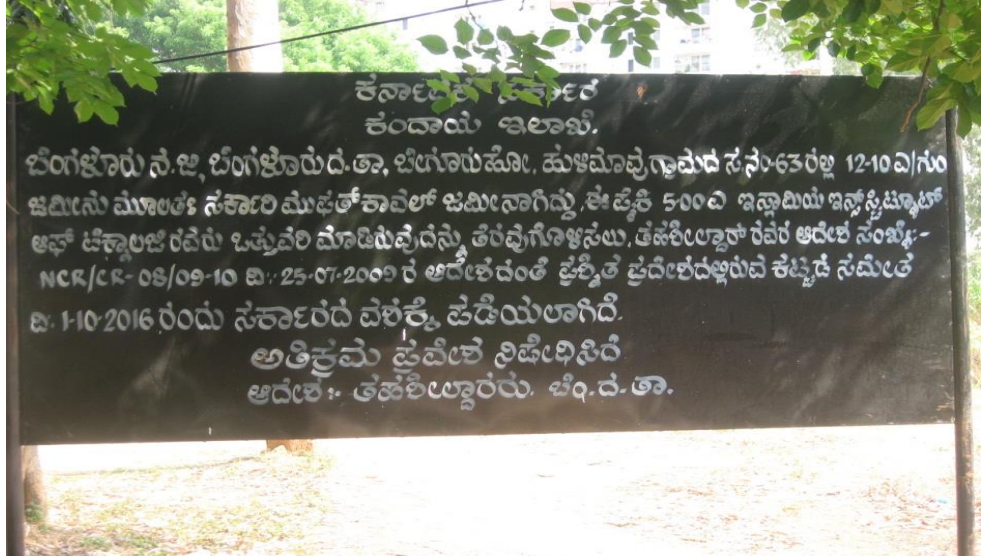
Encroachment of 40-11 A-G by 14 individuals and two Government institutions (*Annexure X*) was recorded (between 2003 and 2014) in the files of eight Offices of DC/Tahsildar. However, the same was not accounted for under the total encroached area maintained either by the Department or KPLC.

Applications rejected under regularisation for agricultural purposes were not accounted for under encroachment. There were 1,81,167 such applications covering an extent of 4,62,637 A-G.

### Joint Inspection with the Department

Audit conducted Joint Inspection with the personnel from the Revenue Department to verify the stated eviction of encroachments. In 43 cases of encroachments stated to be evicted, 22 cases involving 219-14 A-G continued to be under encroachment. Details in *Annexure XI*.

Illustration of a case which continued under encroachment is pictured below:



12-10 A-G of land in Survey Number 63 of Hulimavu village, Begur Hobli, Bangalore South Taluk, Bangalore Urban district is basically a *Mufthkaval* (grazing) land. An extent of 5-0 A-G out of this encroached by Islamia Institute of Technology, was to be evicted as per order No.NCR/CR-08/09-10 dated 27 July 2009 of the Tahsildar. As per the board displayed above, it has to be taken possession of along with the building on 1 October 2016.



Date of Joint Inspection – 20 April 2017

5 Acres (Sy.No.63, Hulimavu village, Bengaluru South) encroached by Islamia Institute of Technology was found not evicted during joint inspection with the Department though an eviction board as shown above had been put up at the spot.



**Recommendation 7 – The Government may consider:**

- i) Updating the existing Action Plan by addition of new encroachments reported/identified subsequent to preparation of the Action Plan; and**
- ii) Including time-bound eviction procedures in the Action Plan in respect of Government lands in the possession of the applicants whose applications under the scheme for regularisation were rejected.**

In reply, the Government agreed to ensure updating of all encroachments and to account lands involved in applications rejected under the scheme for regularisation as encroachment.

### **8.3 Disposal of public complaints on encroachment**

KPLC instituted (2009) a system for receipt of public complaints and compiled a database of all complaints and forwarded the same to the DC Offices concerned for disposal. The procedure for disposal of a public complaint involves a field verification report and issue of notice to the encroacher before eviction is initiated.

#### *How good was the complaints redressal mechanism?*

Creating awareness among the public and encouraging reporting of encroachment is a method of monitoring encroachment of Government land. Hence, a mechanism for receipt of complaints from the public will have considerable effect in the timely detection and eviction of encroachment, if acted upon prudently.

Out of 2,608 State-wide complaints received and sent by KPLC to the DCs/Tahsildars between 2009 and 2017, only 753 complaints were disposed of, leaving a balance of 1,856 cases pending disposal. Pending cases included 1,271 complaints which were more than five years old. Besides, no time-frames were prescribed for field verification of complaints and reporting at various levels. Details in *Annexure-XII*.

No database was maintained for public complaints received in the field offices of the Department, viz. the Tahsildar and DC Offices and the complaints were not compiled either at the DC or the Tahsildars Offices. Information called for in this regard from the DCs were not furnished.

In effect, the Department did not have an established mechanism for follow-up on complaints. The action against established encroachments was not time-bound and systematic, and was ineffective in identifying further encroachments and timely eviction of the same.

**Recommendation 8 – The Government may consider:**

- i) Fixing time-frames for field verification and confirmation of cases of complaints regarding encroachment to make the redressal mechanism effective; and**
- ii) Constitution of Enforcement Cell for each District on the lines of Bengaluru (Urban) District.**

The Government accepted the audit recommendations and agreed to constitute an Enforcement Cell in a few Districts.

#### **8.4 Grant of land to the Encroachers**

As per Section 39 and 94 of KLR Act, 1964, any person who has unauthorisedly occupied any Government land shall be summarily evicted by the jurisdictional DC, besides being liable to be levied penalty<sup>58</sup>. No Acts and Rules made thereunder empower the Government to regularise the encroachment, except encroachment for agriculture purpose<sup>59</sup> and for dwelling house.

From the above, it is imperative that all encroachments should be dealt with strictly in accordance with law and evicted to deter future encroachments.

#### *Whether eviction of encroachment strictly complied with extant Rules?*

Audit noticed instances where the Government granted the encroached land to the encroachers. In the test-checked cases, Government granted land involving 89-31 A-G encroached by 11 individuals in four Districts<sup>60</sup> for non-agricultural purposes, such as construction of church/school, golf village and resort.

Two illustrations in this regard are as below:

#### *Illustration-1: Grant of land contrary to DC recommendation*

Two Acres of Kaveri River shore, Mysuru District, un-authorisedly occupied by M/s.Talakadu Jaladama Resorts.

The occupant constructed a building and a road. However, on request from the encroacher, instead of eviction and contrary to the recommendation of the DC, the Government accorded permission in June 2014 to utilise the said land though the Act/Rules did not permit it.

<sup>58</sup> Penalty of twice the land revenue for the land and also liable, at the discretion of the DC, to a fine not exceeding ₹ 500 per acre per year (for agricultural purposes) and not exceeding ₹ 1,000 per acre per year (for non-agricultural purposes).

<sup>59</sup> By individual of insufficient land holding.

<sup>60</sup> Ballari, Bengaluru (Urban), Mysuru and Ramanagara.

### Illustration-2: Mis-interpretation of Court direction

77-19 A-G in Ramanagara District encroached for Golf Club Village by a private builder<sup>61</sup>.

The Hon'ble High Court of Karnataka dismissed the plea of the encroacher for grant. On appeal, the Hon'ble Supreme Court directed (2009) the Government to grant the said land if the relevant provision of the Rules permitted to do so after collecting price of the land determined by the Government. Though the Rules did not provide for grant of the land, the Government agreed to grant the land, misconstruing the Court direction as direction for grant.

The value of the land assessed by the Department was ₹ 982.07 crore and the Department issued notice in September 2016 for collection of the amount.

During the Exit Conference (September 2017), the Government informed that the encroacher had not paid the amount as of September 2017. However, no further action was taken by the Government and the land remained under the illegal occupation of the encroacher.

The injudicious action of the Government in granting the encroached land would only encourage grabbing of Government land by unscrupulous means/individuals.

### 8.5 Non-levy of penalty for encroachment of Government land

As per Section 94 of the KLR Act, 1964, encroachment of Government land shall be evicted on levy of penalty at two times of land revenue and also be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding ₹ 500 per acre per year (for agricultural purposes) and not exceeding ₹ 1,000 per acre per year (for non-agricultural purposes). However, it was noticed that such fine was not levied in any of the test-checked Districts. The fine involved in respect of evicted lands in the test-checked Districts worked out to ₹ 32.96 crore<sup>62</sup> covering an extent of 1,31,831 acres of Government land.

### 8.6 Protection of evicted lands

KPLC releases grants received from the Government, to the DCs to meet the expenditure towards protection of Government land viz., removal of encroachment, fencing of evicted land, etc. The amount was released based on the requirements of the DC.

<sup>61</sup> M/s. Chamundi Build Infotech.

<sup>62</sup> Computed at ₹ 500 per acre for the extent of evicted lands.

As of July 2017, out of ₹ 17.46 crore released between 2012-13 and 2016-17 towards protection of previously encroached lands to all 30 Districts, Utilisation Certificates were received for only ₹ 10.39 crore. KPLC needs to monitor usage of the balance amount of ₹ 7.07 crore.

***Whether measures taken for protection of evicted land were adequate?***

Out of the total 2,62,293 acres of land recovered after eviction of encroachment, only 18,273.74 acres were stated to be protected by way of fencing, digging trench and putting name plates.

In Bengaluru District, out of 31,050 acres<sup>63</sup> of land recovered after eviction of encroachment, only 482.69 acres (*i.e.* 1.55 per cent) was stated to be protected as of March 2017, though the land in and around Bengaluru is very valuable<sup>64</sup>.

An illustration showing re-encroachment of evicted land is given below:



Date of Joint Inspection – 28 May 2017

Encroachment evicted area (Sy.No. 70, Banavadi village, Magadi Taluk) found to be re-encroached during joint physical inspection with Department.

## **8.7 Disposal of dispute cases of Government land**

***Mechanism for resolution of land disputes***

As per the KLR Act/Rules, dispute resolution takes place both through the Revenue Courts, Revenue Appellate Tribunals and the Civil Courts. In the Revenue Court system, the Tahsildar, who heads the Revenue Department at the Taluk level, is identified as the first level dispute resolution officer. The Revenue Officers heading the sub-divisions, districts and division also have dispute resolution powers. The civil litigation system mainly comprises the High Court, District Courts and Courts of Civil Judge.

<sup>63</sup> Bengaluru Urban - 18441 acres and Bengaluru Rural District -12609 acres.

<sup>64</sup> Present day GV of land in Bengaluru ranges from 14.00 lakh to 12.00 crore per acre.

As per the information furnished by KPLC, there were 1200 cases pending before various Courts as of March 2017. Audit noticed that the Government lost 17-11 A-G of land in five instances due to improper/delayed/un-timely representation on the part of the Department in various Courts of law. All these cases were decreed in favour of the beneficiaries/encroachers due to delay in action in registering cases or filing Government remarks or in-action by the Department (*Annexure-XIII*).

#### *Constitution of Special Court and its effectiveness*

In order to ensure speedy disposal of disputes relating to encroachment or otherwise of Government land, the Government constituted (March 2016) a Special Court under Section 7 of the Karnataka Land Grabbing (Prohibition) Act, 2011. Further, Section 20 of the Act provided for transfer of all land related cases pending before various Courts on 'as is where is' basis to the Special Court constituted.

Despite a reference from KPLC to all the DCs/Tahsildars, only 69 cases were transferred as of August 2017 to the Special Court for speedy disposal leaving a balance of 1,131 cases yet to be transferred. Delay in transferring the cases to the Special Court defeated the very objective of setting up the Special Court for speedy disposal of cases. Consequently, the land under these cases continued to be under encroachment.

Protection of Government land from encroachment is a continuous process and requires active and timely action in identification and eviction procedures. Though the District Offices had identified encroachments and formulated an Action Plan for eviction, it was noticed that there was no system of periodic inspections and identification of new encroachments. Instances of non-eviction of encroachments reported as evicted by the District Offices to Government were also noticed during joint inspections. Grant of land by Government to encroachers<sup>65</sup> would encourage land grabbing. The Department had not levied penalty in any of the encroachment cases. KPLC could only monitor the progress of eviction and disposal of complaints on encroachments reported by District Offices in the absence of powers under the KLR Act for any executive action. Though the Government set up (March 2016) Special Courts for speedy disposal of disputes relating to Government land, it was noticed that 94 *per cent* of the cases pending in various Courts were yet to be transferred (June 2017).

The Government accepted the audit recommendations.

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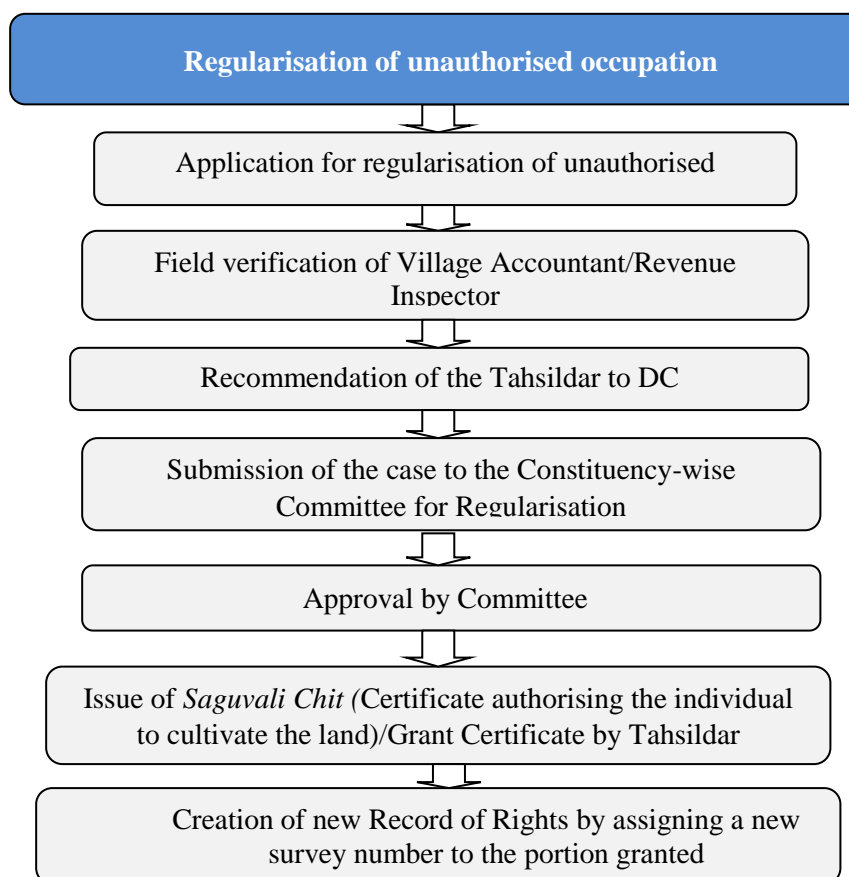
<sup>65</sup> Encroached for purposes other than agriculture and dwelling houses.

## Chapter IX

### Regularisation of the Unauthorised Occupation of Government land

#### 9.1 Regularisation of the Unauthorised Occupation of Government land for agricultural purposes

The Government vide insertion of Section 94A<sup>66</sup> in 1991 to the KLR Act, 1964, introduced a scheme for regularisation of unauthorised occupation of Government lands prior to 14 April 1990 inviting applications from people in unauthorised occupation. Section 94B inserted in 1998 provided an opportunity for those who had not applied under Section 94A to apply for such regularisation. The last date for applications under Sections 94 A and 94B was 5 August 1991 and 15 July 1999 respectively. Rules 108-B to 108-M of the KLR Rules prescribe the procedures and eligibility for regularisation of such unauthorised occupation for agricultural purposes. The process flow for the regularisation is as given below:



<sup>66</sup> Salient features of 94A and B - The conditions for grant of land, under the Act and Rules, *inter alia* stipulates that:

- i) As per Rule 108-F (iv) the applicant shall be in occupation of land prior to 13.4.1990 in general case and 13.4.1989 in case of SC/ST;
- ii) The land granted together with the land already held by the grantee shall not exceed two hectares of land. (provision u/s. 94A(4)); and
- iii) No *B Kharab* land such as *Devarakadu (Forest for God), Urduve, Gunduthopu, tank bed, Phut Kharab, Halla Kharab*, burial ground, etc., assigned for special purpose, shall be regularised (Rule 108-I).

### 9.1.1 Status of disposal of applications

#### *Whether disposal of applications went off as planned?*

The intention of the Legislature was to consider and dispose the applications within one year from the date of the Amendment Act of 1997, with effect from 27 April 2000. However, the pendency of the disposal of the applications necessitated several amendments to the Act with respect to the time frame for disposing off the applications. At the end of March 2017, there were 47,348 applications pending in the test-checked Districts, which covered an area of 1,64,874-24 A-G.

The status of applications disposed under Section 94A and Section 94B as of March 2017 in the test-checked Districts is as shown **Table 9.1** below:

**Table 9.1**  
Disposal of cases under Section 94 A and 94 B as of March 2017

Sl. No.	Section	No. of applications received/ Extent of land (in A-G)	No. of applications regularised/ Extent of land (in A-G)	No. of applications rejected/ Extent of land (in A-G)	No. of applications pending/Extent of land (in A-G)
1.	94A	157792 334769-25	67843 105739	88491 214370-01	1458 14660-24
2.	94B	164185 447967-05	25619 49487-27	92676 248266-18	45890 150213
	<b>Total</b>	<b>321977</b> <b>782736-30</b>	<b>93462</b> <b>155226-27</b>	<b>181167</b> <b>462636-19</b>	<b>47348</b> <b>164873-24</b>

The applicants whose applications were pending for disposal continued to be in possession of the Government lands for over 18 years, awaiting a decision.

### 9.1.2 Discrepancies in regularisation of unauthorised occupation of Government land under Sections 94 A and B

Sections 94 A and B of the KLR Act, read with Rule 108-B to 108-M of KLR Rules, provide for regularisation of unauthorised occupation of Government land for cultivation purpose based on the conditions for grant of land, under the said Act and Rules.

#### *Whether regularisation of agricultural land was as per the stipulated conditions/provisions?*

Audit reviewed 1,022 files in 11<sup>67</sup>Tahsildars' Offices pertaining to regularisation of land under Sections 94 A and B during 2011-12 to 2016-17.

Non-compliances like grant of excess land, grant of *Gomala* land (where shortage was reported), grant to ineligible beneficiaries, grant of land without applications, *etc.* were noticed. As a result, 1,055-19 A-G of land was alienated under the scheme for regularisation contrary to the eligibility conditions/provisions of the scheme/Act/Rules.

<sup>67</sup> Chikkaballapura, Chikkamagaluru, Chinthamani, Doddaballapura, Gubbi, Hosakote, Mudigere, Ramanagara, Tumakuru, Sedam and Sira.

***Details in this regard are given below:***

172-11 A-G of land valuing ₹ 22.68 crore in 110 cases between 2012-17.	Revenue Inspector/Tahsildar of the respective Villages reported shortage of <i>Gomala</i> land and recommended for rejection of applications. But the Committee for Regularisation headed by the jurisdictional elected representative granted land overlooking the recommendation.
89-17A-G of land valuing ₹ 2.89 crore in 77 cases between 2012-17..	Applications were for grant of 159-01 A-G of land against which, the Committee granted 248-18 A-G, resulting in excess grant of 89-17 A-G over that applied for.
176-02 A-G of land valuing ₹ 6 crore in 69 cases between 2012-17.	As per Rule 108 F, no person shall be eligible for grant of land unless he has attained the age of eighteen years and has been in unauthorised occupation of land for at least a continuous period of not less than 3 <sup>68</sup> years prior to 14 April 1990.  Audit analysis of the date of birth/age on the applications revealed that age of the applicants would be between 8 and 17 years when they were purportedly cultivating the land. Such unrealistic applications should have been rendered invalid, but were accepted and land granted.
585-14 A-G of land in 240 cases in six Taluks.	Land was granted though applications were reported to be not available.
32-15 A-G of land in 14 cases.	Land was granted in a different Village/survey number than the ones applied for.

**9.1.3 Non-inclusion of names of beneficiaries in the RTC**

On regularising the land under Sections 94 A and B by issuing *Saguvali Chit* (Grant Certificate), the Department is required to reduce the extent of land so regularised from the original survey number (which is Government land) and allot a new survey number exhibiting the extent of land, name of the grantee and a remark incorporating the condition of grant for non-alienation for 15 years/25 years, etc.

<sup>68</sup> One year in case of Scheduled Caste and Scheduled Tribes.



***Whether the modifications required in RTC were carried out after regularisation?***

In 201 out of 503 test-checked cases of regularisation involving 327-06 A-G of land, modifications were not carried out in RTC. Individual beneficiaries' names, along with the extent of land granted, was neither included in the RTC relating to the Government land nor allotted a new survey number. Consequently, the overall extent of Government land in that particular survey number becomes overstated and title of the land does not get created in the name of the grantee. This has a risk of re-grant of the same land to others and litigations in the future.

**9.1.4 Benefit impact assessment and alienation of land regularised for agricultural purposes**

In the test-checked Districts, the Government regularised and granted 1,55,226-27A-G of Government land as of March/June 2017. However, the Government did not envisage monitoring the usage of the land granted for agricultural purposes. Data such as crop grown by the grantees, annual income earned from the land granted, etc. were not collected. Thus, the benefits accrued to poor landless cultivators remained unassessed. It would be prudent for the Government to conduct a benefit impact assessment of such regularisation policy.

***Whether land regularised for cultivation could be alienated?***

As per the KLR Rules governing the conditions of regularisation under Sections 94 A and 94 B of KLR Act, land shall not be alienated or used for non-agricultural purpose for a period of 25 years (15 years up to 24.8.2011) from the date of issue of *Saguvali Chit*/Grant Certificate. Besides, the grantee shall plant (and replant in case of damage) and maintain 10 trees, at his cost per hectare of land granted, within six months of such grant order.

In 23 cases, the Government accorded permission (between June 2006 and May 2016) under Rule 9 of the KLG Rules for sale of 43-38 A-G of land, regularised under Sections 94A and B of the KLR Act (between August 1994 and July 2005), after 10 to 12 years of regularisation. Rule 9 of the KLG Rules provides for alienation of land within the stipulated period in cases of lands granted for agricultural purposes under the KLG Rules. Hence, permission to alienate regularised land under Rule 9 of the KLG Rules was irregular and contrary to the scheme for regularisation.

## 9.2 Regularisation of unauthorised occupation of Government land for dwelling purpose under Sections 94 C and 94 CC of the Karnataka Land Revenue Act

The Government introduced in the KLR Act Section 94 C<sup>69</sup> with effect from 11 July 2013 and Section 94 CC<sup>70</sup> with effect from 12 January 2015, which provided for regularisation of unauthorised occupation of Government lands for dwelling purposes in rural and urban areas respectively.

Audit scrutiny of the provisions of the Section 94 C and 94 CC revealed the following deficiencies in the implementation of the conditions envisaged under the sections:

Conditions envisaged	Deficiency in implementation
Applicant or his family should not own a house or site other than the one sought to be regularised.	Applications were processed based on a self-certificate of the applicant and there was no mechanism to verify the correctness. As the Government implements many housing schemes like Ashraya, distribution of sites to poor, etc. and allot houses/sites to identified beneficiaries, the risk of overlapping of such beneficiaries could not be ruled out.
House should have been constructed before 1 January 2012.	Proof of the house having been constructed on Government land before 1 January 2012 was not documented in any of the cases.
Section 94 C permitted regularisation of land up to 4,000 sq.ft. in rural areas, Section 94 CC permitted regularisation of land up to 600 sq.ft. in urban areas.	The Tahsildars did not initiate action to recover the Government land under encroachment in excess of 600 sq.ft.

**Recommendation 9 – The Department may consider instituting a mechanism to verify and document fulfilment of eligibility conditions and also devise an Action Plan to resume Government land encroachment in excess of 600 sq.ft. in urban areas and 4000 sq.ft. in rural areas.**

<sup>69</sup> Section 94 C of the KLR Act, 1964, which was substituted by the Act No. 51 of 2013, w.e.f 11 July 2013 read with Rules 108-O to 108-T of KLR Rules, 1969, provides for regularisation of unauthorised occupation of Government land for dwelling purpose in rural areas.

<sup>70</sup> Section 94 CC of the KLR Act, 1964, which was inserted by the Act No. 7 of 2015, w.e.f 12.1.2015 read with Rules 108-U to 108-Z of KLR Rules, 1969, provides for regularisation of unauthorised occupation of Government land for dwelling purpose in urban areas.

The Government accepted the audit recommendation and stated that the field offices had to evict encroachments in excess of 600sq.ft. and 4000 sq.ft. in urban and rural areas respectively.

### 9.2.1 Discrepancies in Regularisation under Sections 94 C and 94 CC

#### *Whether regularisation for dwelling purposes was as per the stipulated conditions/provisions?*

Reviewed all 397 cases under Section 94 C and 140 files out of 529 files of land grants under Section 94 CC approved by the Tahsildars (between October 2014 and March 2017) for issue of provisional grant order/Demand Notice.

Discrepancies like short collection of cost, non-collection of conversion/compounding fine and grant of excess built-up area were noticed in 332 cases under Section 94C.

There were 14 applications under Section 94CC where built up area was in excess of 600 sq.ft. These cases were not evicted.

#### *Details in this respect are given below:*

Short collection of cost of land of ₹ 24.38 lakh in 220 <sup>71</sup> cases. (Section 94C).	Guidance value for agricultural land was collected in 220 cases instead of Site rate. Further, in 20 cases, though the Sites were having roads on two sides, additional 10 <i>per cent</i> of the GV was not levied and collected
Non-collection of conversion fine/compounding fee of ₹ 3.86 lakh in 56 <sup>72</sup> cases. (Section 94C).	Though land was utilised for residential purpose, conversion fine/compounding fee applicable was not collected.
Excess grant of 8872 sq.ft.of land, costing ₹ 10.56 lakh in 31 <sup>73</sup> cases. (Section 94C).	As against 23,640 sq.ft. of actual built up area as applied for by the beneficiary, the Department granted 32,512 sq.ft. resulting in excess grant of 8872 sq.ft.
Grant of 5,277 sq.ft. of built-up area in five <sup>74</sup> cases. (Section 94C).	In these cases, applications were not on record.

<sup>71</sup> Devanahalli (164 cases) and Dodaballapura (56 cases) Taluks between 2014 and 2016.

<sup>72</sup> Dodaballapura Taluk.

<sup>73</sup> Dodaballapura Taluk.

<sup>74</sup> Dodaballapura Taluk.

Excess built-up area of 6762.25 sq.ft. in 14 <sup>75</sup> cases. (Section 94 CC).	In all these cases, applications submitted for regularisation were more than the permissible limit of 600 sq.ft. These cases were not evicted.
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### 9.3 Non-repealing of the Karnataka Land Revenue (Regularisation of Unauthorised Occupation of Land) Rules, 1970

The Karnataka Land Revenue (Regularisation of Unauthorised Occupation of Lands) (RUOL) Rules, 1970, deals with grant of land both for agricultural and dwelling purposes. The person in unauthorised occupation of Government land should apply in Form I to the DC for grant of the land. No cut-off date for submission of applications was prescribed under these Rules.

#### *What were the implications of Karnataka Land Revenue (RUOL) Rules, 1970 after insertion of Sections 94A and 94B of KLR Act and Rules?*

After introduction of Sections 94A and 94B, cases of lands under unauthorised occupation beyond the city limits for cultivation purpose are being regularised under these Sections only. The last date for receipt of applications under the KLR Act was 15 July 1998.

However, 'Karnataka Land Revenue (RUOL) Rules, 1970' was not repealed on introduction of Sections 94A and 94B under the KLR Act. This resulted in an open opportunity for people under unauthorised occupation of Government lands even after 1998 to apply for grant of such lands.

**Recommendation 10 – The Government may consider the necessity of the Karnataka (RUOL) Rules in the present scenario of encroachments for agricultural purposes, and propose for its repeal in view of later laws, so as to avoid any confusion regarding regularisation of land under unauthorised occupation.**

During the Exit Conference (September 2017), the Government informed that the repeal status of the said Rules was not readily available and would be informed to Audit early. No reply was received in this regard (October 2017).

<sup>75</sup> Bangalore (East) Taluk.

## Conclusion

Land is a precious resource, which should be managed in a scientific manner striking a balance between the sustenance of environment and the developmental activities. It requires definite policies for the management and disposal of land. This Performance Audit revealed the following deficiencies apropos the Audit Objectives:

**Audit Objective 1: Whether inventory of Government land available for grant/lease is available and the transfer of Government land for private/public purpose by way of lease/grant is carried out through a clear, transparent and judicious process.**

Under the Karnataka Land Revenue Act, while the Karnataka Land Grant Rules 1969 govern the grant/lease of Government lands, the Karnataka Land Revenue Rules, 1966 govern the general administration of the Government land and impose restrictions on disposal of certain types of Government land meant for public purpose. It was observed that the Karnataka Government (Transaction of Business) Rules provided for all land grant/lease proposals not in accordance with the KLR Act and allied Rules to be submitted to the Cabinet for decision. The grant of lands under the Karnataka Government (Transaction of Business) Rules in exercise of Rule 27 of the KLG Rules or otherwise is in direct contravention of the KLR Rules, which specifically prohibited the grant of such lands and thus defeated the intention of the Legislature in protecting certain kinds of public lands.

There was no strategic planning in identification and disposal of Government land. Databases relating to the lands available for disposal and also the lands already disposed as grants/leases were not maintained. Identification of the land by the beneficiaries themselves, coupled with incomplete verification of the information regarding the land or the beneficiary, resulted in grant/lease of deemed forest/forest/forest buffer zone, land already granted to other parties, etc.

Applications for grant/lease were not systematically compiled and hence the processing of the applications was not verifiable. A few grants were made even without application by the beneficiaries. These depicted lack of fairness and transparency in the transfer of Government lands. No mechanism existed in the Department for evaluation of the extent of land required for the grantees/lessees which resulted in grant of excess/surplus land.

Lands reserved for public purposes, which were specifically prohibited from being granted/leased by the KLR Rules, were granted under Rule 27 of the KLG Rules and using the provisions of Karnataka Government (ToB) Rules.

Hence, the process of inventory management was weak and consequently, the transfer of land suffered from non-transparent and injudicious processes.

**Audit Objective 2: Whether system of pricing for transfer of land is adequate.**

The Government granted more concessions to Institutions than those prescribed in the KLG Rules without recording specific reasons. There was no uniformity in the grant of concessions.

Incorrect adoption of Guidance/Market Value of lands resulted in incorrect computation/short-levy of the value of land amounting ₹ 17.83 crore. Non-adoption of the principles under the Central Valuation Committee guidelines led to undervaluation of lands transferred. Besides, an ambiguity in the Rules related to lease rents prevented field Offices from raising demands correctly and computing arrears.

**Audit Objective 3: Whether effective monitoring exists to ensure the usage of the land for the intended purposes.**

Monitoring of the land grants/leases was not satisfactory and consequently resulted in non-collection of lease rent, non-retrieval of land after expiry of lease period and more importantly, locking up of Government lands with the grantees/lessees without being used for the purpose for which it was granted.

**Audit Objective 4: Whether system for timely detection and eviction of encroached Government land and process of regularisation of unauthorised occupation of Government land was effective.**

As per statistics maintained by the Government, encroachments were static and no additions were recorded (except in Bengaluru Urban District) after August 2013, which was found to be not in consonance with the public complaints made to the KPLC/DCs/Tahsildars. The Government did not formulate an Action Plan to resume land in respect of rejected applications under the scheme of regularisation of unauthorised occupation of Government lands.

Significant number of public complaints on encroachment of Government land pending over five years indicated lack of due diligence in the protection of Government lands. Further, lack of proper security to the evicted lands, and non-transfer of the cases of encroachment to the Specially Designated Court, etc., slackened the process of evictions.

Action of the Department in regularising unauthorised occupation of land contrary to provisions of KLR Act/Rules resulted in irregular grant of Government land. No mechanism was established to cross-verify the correctness of claims made by the applicants for regularisation of land for dwelling purposes.

Hence, it is necessary that while the process of regularisation of unauthorised occupation of Government lands needs to be swiftly completed ensuring fulfilment of all eligibility criteria, the system for identification and eviction of encroachment needs to be strengthened.



**Bengaluru**  
**The**

**(Bijit Kumar Mukherjee)**  
**Accountant General**  
**(Economic and Revenue Sector Audit)**  
**Karnataka**

**Countersigned**



**New Delhi**  
**The**

**(Rajiv Mehrishi)**  
**Comptroller and Auditor General of India**

<b>Glossary</b>	
AC	Assistant Commissioner
A-G	Acre-Gunta
<i>Bhoomi</i>	Project of computerisation of Land records in Karnataka
BMVNTFSA	Bharatha Rathna Sir M. Visveshvaraiiah National Training Facility for Skills for All
CVC	Central Valuation Committee
DC	Deputy Commissioner
DCB	Demand, Collection and Balance
DPAR	Department of Personnel and Administrative Reforms
	Department of Personnel and Training
<i>Gomala</i>	Government land reserved for pasture of animals
Gramathana	Rural housing site land
<i>Gunduthopu</i>	Land reserved as Village Forest
GV	Guidance Value
<i>Hakku Patra</i>	Grant Certificate
KG(ToB) Rules	Karnataka Government (Transaction of Business) Rules
<i>Khuski land</i>	Dry Land
KLG Rules	Karnataka Land Grant Rules
KLR Act	Karnataka Land Revenue Act
KPLC	Karnataka Public Land Corporation
KPTCL	Karnataka Power Transmission Corporation Limited
MV	Market Value
<i>Phut 'B' Kharab</i>	Unassessed land reserved for public purpose, occupied by road, burial ground and water bodies etc.
<i>Poramboku</i>	Cultivable waste



PWD	Public Works Department
RC	Regional Commissioner
RTC	Right, Tenancy and Crop
RUDSETI	Rural Development and Self Employment Training Institute
RUOL	Regularisation of Unauthorised Occupation of Lands
<i>Saguvali chit</i>	A Grant Certificate which demarcates the extent of land granted to an individual
<i>Sendivan land</i>	Toddy Palm Grove

**Annexure -I (Paragraph 3.1)**  
**Details of grants/leases**

<b>Sl. No.</b>	<b>District</b>	<b>No of Grants</b>	<b>Extent<sup>76</sup> (A-G)</b>	<b>No of Leases</b>	<b>Extent (A-G)</b>
01.	Bengaluru (Urban)	28	155-06	10	284-05
02.	Bengaluru (Rural)	3	25-20	1	5-00
03.	Ballari	16	1767-34	8	101-25
04.	Belagavi	7	145-13	2	36-20
05.	Chikkaballapura	5	187-38	4	67-01
06.	Chikkamagaluru	84	209-29	2	7-00
07.	Dharwad	9	204-03	1	0-05
08.	Kalaburgi	6	99-29	2	1348-28
09.	Mysuru	3	17-05	1	0-15
10.	Ramanagara	28	276-34	4	16-26
11.	Tumakuru	28	689-00	8	5-08
	<b>Total</b>	<b>217<sup>77</sup></b>	<b>3778-11</b>	<b>43</b>	<b>1872.13</b>

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<sup>76</sup> Includes approximately 1492 acres granted to various mining lease holders for compensatory afforestation purposes and lands for Government housing schemes.

<sup>77</sup> Only two cases relate to grant of land for agricultural purposes.

**Annexure – II (Paragraph 4.1)**  
**Grant of land without application by the beneficiary**

Sl. No.	Name of the Lessee/Grantee	District	Taluk	Village	Survey No	Extent - Acre	Extent - Gunta	Purpose of Grant	Remarks
1	Arya Ediga Sanga, Sira	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education/ public	Without application
2	Agnivansha Kshathriya (thigalara) kshemabivridi Sanga	Tumakuru	Sira	Kallikote	71 & 72	0	20	Student Hostel	
3	Sri. Sevalal Banjara (Lambani) kshemabivridi Sanga	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education/ public	Without application
4	Baliya Mahila Sanga	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education/ public	
5	Valmiki Nayaka Sanga	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education/ public	Without application
6	Kumbararasanga	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education	<i>Newly inserted in RD</i>
7	Ramakrishna Vivekananda Ashrama, Tumakuru	Tumakuru	Sira	Kallikote	71 & 72	4	1	Education	Without application
8	Nandini Pattina Sahakara Sanga Niyamitha, Sira	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education/ public	
9	Sri. Chowdeshwari Medha ST Bidiru Kelasagararakshemabivridi Sanga	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education/ public	Without application
10	Savitha Samaja	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education/ public	Without application
11	Sri. Lakshmi Ranganatha Adhijambavantha Vividoddesahasahakarasanga	Tumakuru	Sira	Kallikote	71 & 72	1	0	Education/ public	Without application
12	Kunchitigara Sanga, Sira	Tumakuru	Sira	Kallikote	71 & 72	1	0	Education	Without application
13	Chalavadhi Mahasaba (Arya Dravida)	Tumakuru	Sira	Kallikote	71 & 72	0	20	Education/ public	Without application
14	Hallikararasanga, Sira	Tumakuru	Sira	Kallikote	71 & 72	1	0	Education	
15	Kanaka Samskruthikavedikesanga, sira	Tumakuru	Sira	Kallikote	71 & 72	0	20	-	<i>Newly inserted in RD</i>
<b>TOTAL</b>						7	221	<b>=12 Acres -21 Guntas</b>	
<b>NOTE: Kurubara Sanga, Sira, which applied for 20 guntas was removed in Revenue Department (RD). In its place, new grantees Kumbarara Sanga, Sira (20 guntas) and Kanaka Samskruthika Vedike Sanga, Sira (20 guntas) were included in RD.</b>									

**ANNEXURE – III (Paragraph 4.5)**  
**Grant of excess land to persons whose land were acquired for public purposes**

(₹ in crore)

SI No	Name of the Grantee	Extent of Land Acquired		Extent of Land Granted		Extent of land to be granted <sup>78</sup>		Excess grant of land in acres		GV / Acre	FC of excess land granted
		Acre	Gunta	Acre	Gunta	Acre	Gunta	Acre	Gunta		
	<b>A. Bhadra Wildlife Reserve Project, Chikkamagalur</b>										
1	M.S. Manje Gowda s/o. Shakaregowda	8	12	10	0	5	0	5	0	4.74	0.24
2	M.C. Prakash /Channappa Gowda	10	19	10	0	5	0	5	0	4.93	0.25
3	M.S. Manjegowda s/o Siddegowda	11	5	10	0	5	0	5	0	4.93	0.25
4	Basha S/o. Sheik Moyiddin	6	0	10	0	5	0	5	0	4.93	0.25
5	S. Subramanya s/o. Anandarao, Kum. Nireeksha G/o mother sumitraprasad, sumitraprasad W/o Anandarao, Sachhidanandanadig G/o mother Sumitra prasad	49	35	10	0	5	0	5	0	4.93	0.25
6	Girijappashetty	4	1	5	0	3	0	2	0	4.74	0.09
7	Devamma	2	4	5	0	3	0	2	0	6.64	0.13
8	Ganesh (puttaswammy)	2	35	5	0	3	0	2	0	4.93	0.09
9	Beerashetty	2	33	5	0	3	0	2	0	4.93	0.09
10	B.Fathima	2	0	5	0	3	0	2	0	4.74	0.09
11	H.S.Krishna pujari	3	2	5	0	3	0	2	0	4.74	0.09
12	Ningashetty	2	29	5	0	3	0	2	0	4.93	0.09
13	Kanchamma	2	3	5	0	3	0	2	0	6.88	0.14
14	Appannashetty	2	0	5	0	3	0	2	0	4.93	0.09
15	Ningashetty	3	0	5	0	3	0	2	0	4.74	0.09
16	Uddashetty	3	0	5	0	3	0	2	0	3.08	0.06

<sup>78</sup> Land of one, three and five acres were to be granted in lieu of acquired extents of less than one acre, one to five acres and above five acres respectively.

## ANNEXURE – III (Contd...)

(₹ in crore)

SI No	Name of the Grantee	Extent of Land Acquired		Extent of Land Granted		Extent of land to be granted <sup>79</sup>		Excess grant of land in acres		GV / Acre	FC of excess land granted
		Acre	Gunta	Acre	Gunta	Acre	Gunta	Acre	Gunta		
17	Honnaiah	4	0	5	0	3	0	2	0	6.88	0.14
18	H.R. Sundara Pujari	2	0	5	0	3	0	2	0	4.93	0.10
19	H.S. Annegowds	1	22	4	0	3	0	1	0	4.8	0.05
20	H.S. Eregowda	1	29	4	0	3	0	1	0	4.74	0.05
21	H.S. Dharmegowda	1	22	4	0	3	0	1	0	4.74	0.05
22	H.S. Huliappagowda	1	0	4	0	3	0	1	0	4.93	0.05
23	Chamundamma, Suresh	1	39	4	0	3	0	1	0	4.8	0.05
24	Sheshaiah	1	1	4	0	3	0	1	0	4.8	0.05
25	Nanjaiah	1	1	4	0	3	0	1	0	6.88	0.07
26	Subbaiah	1	1	4	0	3	0	1	0	4.8	0.05
27	Shankarappa	1	1	4	0	3	0	1	0	11.01	0.11
28	Ramappa	1	12	4	0	3	0	1	0	6.64	0.07
29	Isamma	1	2	4	0	3	0	1	0	6.64	0.07
30	Puttaswamishetty	1	0	4	0	3	0	1	0	6.64	0.07
31	M.K .Lakshamma	1	2	4	0	3	0	1	0	4.93	0.05
32	Darmaiah	1	13	4	0	3	0	1	0	4.74	0.05
33	Chariyamma	1	0	4	0	3	0	1	0	4.74	0.05
34	Lakshmanmodaliya	1	0	4	0	3	0	1	0	4.74	0.05
35	Premakshi	1	0	4	0	3	0	1	0	6.64	0.07
36	Siddalinga	1	0	4	0	3	0	1	0	4.93	0.05
37	Murthy	1	0	4	0	3	0	1	0	4.8	0.05
38	Krishna	1	0	4	0	3	0	1	0	4.74	0.05

<sup>79</sup> Land of one, three and five acres were to be granted in lieu of acquired extents of less than one acre, one to five acres and above five acres respectively.

**ANNEXURE – III (Contd...)**

(₹ in crore)

Sl No	Name of the Grantee	Extent of Land Acquired		Extent of Land Granted		Extent of land to be granted <sup>80</sup>		Excess grant of land in acres		GV / Acre	FC of excess land granted
		Acre	Gunta	Acre	Gunta	Acre	Gunta	Acre	Gunta		
39	Ramapujari	1	36	4	0	3	0	1	0	4.8	0.05
40	H.S. PuttaswamiGowda	1	0	4	0	3	0	1	0	4.8	0.05
39	Ramapujari	1	36	4	0	3	0	1	0	4.8	0.05
40	H.S. PuttaswamiGowda	1	0	4	0	3	0	1	0	4.8	0.05
41	Meenakshmma	7	34	10	0	5	0	5	0	4.93	0.25
42	Steevan AS rebelloa	10	39	10	0	5	0	5	0	4.93	0.25
43	Annappashetty	12	6	10	0	5	0	5	0	4.74	0.24
44	Basappashetty	3	15	5	0	3	0	2	0	4.93	0.09
45	Snehanadiga, Hoysalanadiga	2	8	5	0	3	0	2	0	4.93	0.09
46	S.H. Channegowda	2	38	5	0	3	0	2	0	6.88	0.14
47	Hoovappa	2	0	5	0	3	0	2	0	4.93	0.09
48	Shivamma, M.G. Gopalagowda	4	3	5	0	3	0	2	0	4.93	0.09
49	Mulashetty	2	11	5	0	3	0	2	0	4.93	0.09
50	K.R. Parvathamma	1	26	4	0	3	0	1	0	6.64	0.07
51	Mujib	1	38	4	0	3	0	1	0	4.74	0.05
52	Seethamma	1	25	4	0	3	0	1	0	6.64	0.07
53	Smithanadiga	1	0	4	0	3	0	1	0	4.93	0.05
54	Gangamma	1	0	4	0	3	0	1	0	4.93	0.05
55	B.S.Shivashankara	1	1	4	0	3	0	1	0	4.8	0.05
56	B.S.Balamuralikrishna	1	1	4	0	3	0	1	0	4.8	0.05
57	Subbashetty, kamma	1	11	4	0	3	0	1	0	6.64	0.07

<sup>80</sup> Land of one, three and five acres were to be granted in lieu of acquired extents of less than one acre, one to five acres and above five acres respectively.

## ANNEXURE – III (Contd...)

(₹ in crore)

Sl No	Name of the Grantee	Extent of Land Acquired		Extent of Land Granted		Extent of land to be granted in acres <sup>81</sup>		Excess grant of land in acres		GV / Acre	FC of excess land granted
		Acre	Gunta	Acre	Gunta	Acre	Gunta	Acre	Gunta		
58	D.P. Eshware Gowda	4	38	14	0	5	0	9	0	4.93	0.44
59	H. B. Shakunthala w/o. D.P. Eshware Gowda,	5	16								
60	Shubada D/o D.P.Eshware Gowda.	1	10								
<b>TOTAL</b>		<b>201</b>	<b>679</b>	<b>309</b>	<b>0</b>	<b>192</b>	<b>0</b>	<b>117</b>	<b>0</b>		<b>6.02</b>
<b>B. Yegachi Reservoir Project, Hassan</b>											
1	Smt. Sushilamma W/O. Y.B.Padme Gowda1	12	15	10	0	6	7.5	3	32.5	3.90	0.15
2	Sri. Y.P.Devaraju S/o. Y.P.Devaraju	4	13	6	0	4	0	2	0	3.90	0.08
<b>TOTAL</b>		<b>16</b>	<b>28</b>	<b>16</b>	<b>7.5</b>	<b>10</b>	<b>7.5</b>	<b>5</b>	<b>32.5</b>		<b>0.23</b>
<b>GRAND TOTAL</b>		<b>217</b>	<b>707</b>	<b>325</b>	<b>7.5</b>	<b>202</b>	<b>7.5</b>	<b>122</b>	<b>32.5</b>		<b>6.25</b>

<sup>81</sup> Land of one, three and five acres were to be granted in lieu of acquired extents of less than one acre, one to five acres and above five acres respectively.

**Annexure -IV (Paragraph 5.1 and footnote no. 37)**  
**Cases of Grant/leases of prohibited lands**

Sl. No.	Nature of land	Reference to provisions of the KLR Act/Rules prohibiting the grant	No. of cases granted/leased	Extent of land involved (A-G)	Purpose
1	<i>Phut B Kharab</i> (water bodies, <i>Gunduthopu</i> , crematory, burial ground, etc.)	108-I of KLR Rules, 1966, Court Judgments	61	283-16	Golf course, stone crushing, KPTCL, Charitable, Residential.
2	<i>Gomala</i>	High Court Order dt. 18.11.2006, Govt Circular 2009 and 2011, Rule 97(5) of KLR Rules, 1966	10	169-16	Education, Industry and community Bhavans, gurupeeta, Hospital.
3	Lands within municipal limits	Rule 10(2) and 22A of KLG Rules, 1969, Rule 108-I of KLR Rules, 1966	25	204-14	Commercial, Petrol pump, education, Bus depot, Hospital, playground, Political party Bhavan, private purpose, Agriculture.
	<b>TOTAL</b>		<b>96</b>	<b>657-06</b>	



**Annexure - V (Paragraph 6.1.1)**  
**Grant of concession without application by beneficiary**

(₹ in crore)

Sl. No.	Beneficiary/purpose of grant	District/Taluk/Village	Survey No.	Extent A-G	Percentage of value fixed in Government order	GV per acre	MV per acre	Monetary impact
1	M/s. Mahatma Gandhi Vidya Peetha trust/Educational	Ramanagaram/Kanakapura /Devarakaggalahalli	72 &78	5-7	100% of GV	0.80	0.95	5.69
	Monetary impact calculated at double the MV for land locked property.							
2	M/s. Karnataka Education Board/Educational	Dharwad/Dharwad/Dharwad	CTS 134/1	6-19	50% of GV	0.51	NA	1.65
	Monetary impact calculated at 50 per cent of GV.							
3	M/s. Rastrothanaparishath/Goshala	Bengaluru Rural/Dodaballapura/Kelagina Naikarandalli	5	50-0	30% of GV	0.10	NA	5.59
			47	26-3	20% of GV			
	Monetary impact calculated at full GV.							
4	M/s. Krishna Sevashrama Trust/Hospital	Bengaluru Urban/Bengaluru East/Munnekolala	36	2-0	Free of cost	1.50	3.00	6.00
	Monetary impact calculated at full Market Value.							
	<b>Total</b>			<b>89-29</b>				<b>18.93</b>

**Annexure – VI (Paragraph 6.1.2)  
Grant of excess concession**

(₹ in Crore)

Sl.No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Grant or lease	Rule under which granted	Purpose of Lease/ Grant.	Percentage of value fixed in Government Order	Amount levied	Leviable as per rules	Short levy
1	M/s. Srinikethan trust	04-00 (A-G), Survey No.108, Gunjur, Bengaluru East Taluk, Bengaluru Urban	Grant	21	Educational	25% of GV	1.00	4.00	3.00
2	M/s. Srinivasa Educational and Charitable trust	13-00 (A-G), Survey No. 15, Chikkabanavara, Bengaluru South Taluk, Bengaluru Urban	Grant	21	Educational	50% of GV	4.23	8.45	4.22
3	M/s. Swamy Vivekananda Vidya Niketana,	03-30 (A-G), Survey No. 63, Yedavanahalli, Anekal Taluk, Bengaluru Urban	Grant	21	Educational	50% of GV	2.34	4.68	2.34
4	M/s. Matha Amritanandamayi Math	25-00 (A-G), Survey No. 41, Kanaminike, Bengaluru South Taluk, Bengaluru Urban	Grant	21	Hospital cum Medical College	30% of GV	6.00	25.00	19.00
5	M/s. Mithic Society	10-00 (A-G), Survey No. 79, Avalahalli, Bengaluru South Taluk, Bengaluru Urban	Grant	21	Educational	30% of GV	1.80	8.00	6.20
6	SriJanaseva Vishwasta Mandali	06-00 (A-G), Survey No. 19, Channenahalli, Bengaluru South Taluk, Bengaluru Urban	Grant	21	Educational	25% of GV	0.67	2.70	2.03
7	M/s. Mahatma Gandhi Vidya Peetha	05-07 (A-G), Survey No. 72 & 78, Devarakagalahalli, Kanakapura, Ramanagara	Grant	21	Educational	100% of GV	4.14	9.94	5.80
8	Karnataka Sanskrit University	100-00 (A-G), Survey No. 40, Surappanahalli and Thippasandra, Magadi, Ramanagara	Grant	20(1)(c)	Educational	NA	0	2.25	2.25
9	M/s. Vishwachethana Kuvempu Adyathmika Kendra	10-00 (A-G), Survey No. 67, Abburu, Channapatna Taluk, Ramanagaram	Grant	21	Educational	30% of GV	0.05	0.18	0.13

## Annexure – VI (Contd...)

(₹ in Crore)

Sl.No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Grant or lease	Rule under which granted	Purpose of Lease/ Grant.	Percentage of value fixed in Government Order	Amount levied	Leviabale as per rules	Short levy
10	Panchasheela Welfare Association	09-00 (A-G), Survey No. 182, Kumbalgodu, Bengaluru South Taluk, Bengaluru Urban	Grant	21	Educational	50% of GV	0.90	7.20	6.30
11 to 22	12 institutions	10-01 (A-G), Survey No. 71&72, Kallikote , Sira Taluk, Tumakuru	Grant	21	Educational and Students hostel	10% of GV	0.19	0.96	0.77
23	M/s. Shri Dohar Kakkayyajnanapeetavrad hashram	1367.90 smt, Survey No. CTS 4958, Gokak, Gokak Taluk, Belgaum	Grant	21	Educational	10% of GV	0.02	0.23	0.21
24	M/s. Karnataka Adijambava Social and Educational	25-00 (A-G), Survey No. 100, Dasanapura, Bengaluru North Taluk, Bengaluru Urban	Grant	21	Medical College	1 lakh per Acre	0.25	3.75	3.50
25	Y A N Charitable Trust	03-00 (A-G), Survey No. 21, Hasahalli , Bengaluru North Additional Taluk, Bengaluru Urban	Grant	21	Educational	50% of GV	0.75	2.55	1.80
26	Y A N Charitable Trust	04-24 (A-G), Survey No. 21, Hasahalli , Bengaluru North Additional Taluk, Bengaluru Urban	Grant	21	Educational	50% of GV	0.57	4.60	4.03
27	M/s. Ramakrishna Vivekananda Ashram	16-36 (A-G), Survey No. 1192, Raichur, Raichur Taluk, Raichur	Grant	21	Educational and Charitable	50% of GV	0.33	1.01	0.68
28	M/s. Karnataka Education Board,	06-19 (A-G), Survey No. 134/1 CTS, Dharwad, Dharwad Taluk, Dharwad	Grant	21	Educational	50% of GV	1.65	8.96	7.31
29	M/s. Vivekananda Vidyavardhaka Sangha, Puttur	53-28 (A-G), Puttur, Puttur Taluk, Dakshina Kannada	Grant	21	Educational	25% of GV	7.06	28.28	21.22

**Annexure – VI (Contd...)**

**(₹ in Crore)**

Sl.No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Grant or lease	Rule under which granted	Purpose of Lease/ Grant.	Percentage of value fixed in Government Order	Amount levied	Leviabale as per rules	Short levy
30	M/s. Buddist Monks Charitable Trust(R)	25-00 (A-G), Uttuvalli, Chamarajnagar Taluk, Chamarajanagar	Grant	20	Educational	50% of GV	0.97	1.94	0.97
31	M/s. BMVNTFSA Bharatha Rathna Sir M. Visveshvaraiyah National Training Facility for Skills for All	10-00 (A-G), Survey No. 28, Angatti , Chickballapura Taluk, Chickballapura	Grant	21	Educational	NA	0	1.20	1.20
32	International institute of Pali, Sanskrit and Comparative Philosophy Trust, Gulbarga Sanskrit University	19-00 (A-G), Survey No. 88/1, Gulbarga, Gulbarga Taluk, Gulbarga	Grant	20(1)(c)	Educational	NA	0	2.53	2.53
33	M/s. Vokkaligarasanga	10-00 (A-G), Survey No. 130, Sri Gandada Kaval, Bengaluru North Taluk, Bengaluru Urban	Lease	21	Educational	10% of GV	0.95	7.09	6.14
34	M/s. Srinikethan trust	01-00 (A-G), Survey No. 108, Gunjuru, Bengaluru East Taluk, Bengaluru Urban	Grant	21	Old age home	25% of GV	0.25	0.50	0.25
35	M/s. Krishna Sevashrama Trust	02-00 (A-G), Survey No. 36, Munekollala, Bengaluru East Taluk, Bengaluru Urban	Grant	21	Hospital	Free of cost	0	6.00	6.00
36	M/s. Nirmalananda Trust	01-35 (A-G), Survey No. 69, Kengeri, Bengaluru South Taluk, Bengaluru Urban	Grant	21	Charitable activities	10% of GV	0.19	0.47	0.28
37	M/s. Ballari Youth Prayer Fellowship	7320 Sq.ft., Survey No. 171, Ballari, Ballari Taluk, Ballari	Grant	21	Religious		0.08	0.40	0.32
38	M/s. Santha Sevalal Janmasthanu Maha Math Samithi	13-20 (A-G), Survey No. 213, Chennikatte , Honnali Taluk, Davanagere	Grant	21	Religious	10% of GV	0.04	0.11	0.07

## Annexure – VI (Contd...)

(₹ in Crore)

Sl.No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Grant or lease	Rule under which granted	Purpose of Lease/Grant.	Percentage of value fixed in Government Order	Amount levied	Leviabale as per rules	Short levy
39	M/s. Buddha Bhoomi Prathistana	02-00 (A-G), Survey No. , Doddabanahalli , Bengaluru East Taluk, Bengaluru Urban	Grant	21	Buddha vihara and formation of Ambedkar garden.	25% of GV	0.15	1.00	0.85
40	M/s Vokkaligara Sangha	25-00 (A-G), Survey No. 167/P-59, Agasavalli, Shivvamogga Taluk, Shivvamogga	Grant	21	Student hostel	25% of GV	0.23	0.41	0.18
41	M/s Kurubara Sangha	25-00 (A-G), Survey No. 169/P-2, Agasavalli, Shivvamogga Taluk, Shivvamogga	Grant	21	Student hostel	25% of GV	0.23	0.41	0.18
42	Sri Ramanjaneya Trust	00-18 (A-G), Survey No. 35(1), Golthamajalu , Bantwal Taluk, Dakshina Kannada	Grant	21	Temple	25% of GV	0.0018	0.0074	0.0056
43	Sri. Adi Chinchunagiri Educational Trust	25-00 (A-G), Survey No. 83, Thippenahalli , Chikkballapura Taluk, Chikkaballapura	Lease	21	Goshala	10% of GV	0	0.82	0.82
44	Karnataka Government Secretariat Group-D Employees Association (R)	15-00 (A-G), Survey No. 81, Belahalli, Bengaluru North Taluk, Bengaluru Urban	Grant		Residential	50% of GV	3.00	18.00	15.00
45	M/s Rajatha Complex Tenants Welfare Association	64756 sq.ft built-up area, Survey No. 812, Chickpet, Bengaluru North Taluk, Bengaluru Urban	Lease	19	Commercial	Different rates per sft for different floors	7.70	50.51	42.81
46	Standard Brick and Tiles Company (P) ltd	00-11 (A-G), Survey No. 144, Yelahanka, Bengaluru North Taluk, Bengaluru Urban	Grant	22	Brick Factory	100% of MV	0.48	0.96	0.48

**Annexure – VI (Contd...)**

**(₹ in Crore)**

Sl.No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Grant or lease	Rule under which granted	Purpose of Lease/ Grant.	Percentage of value fixed in Government Order	Amount levied	Liveable as per rules	Short levy
47	M/s. Sterling Urban Developments	01-32 (A-G), Survey No. 109-116, Seegehalli, Bengaluru East Taluk, Bengaluru Urban	Grant	22	Residential	100% of MV	3.15	9.00	5.85
48	M/s. Shree Cements Limited	243-00 (A-G), Various survey numbers, Benakanhalli and Kodla , Sedam Taluk, Kalburgi	Lease	22	Industrial	Fixed amount of 10000/acre	0.08	0.97	0.89
49	KSRTC	07-04 (A-G), Survey No. 95/p13, SanthKadur, Shivvammogga Taluk, Shivammogga	Grant	20(1)(c)	Transport	0	0	0.28	0.28
50	KSRTC	05-00 (A-G), Survey No. 416, Masige, Chikkamagalur Taluk, Chikkamagalur	Grant	20(1)(c)	Transport	0	0	0.02	0.02
51	Smt. Usha Srinivasan	00-04 (A-G), Survey No. 129/2, Munekollala, Bengaluru East Taluk, Bengaluru Urban,	Grant		Residential	100% of GV	0.25	0.35	0.10
<b>TOTAL</b>		<b>737-29 Acres-Guntas</b>					<b>49.7018</b>	<b>225.7174</b>	<b>176.0156</b>

**Annexure – VII (Paragraph 6.1.3)**  
**Short levy of land cost due to incorrect adoption of Market Value/Guidance Value**

(₹ in crore)

Sl. No.	Name of Lessee/Grantee	Extent/Survey No/ Village/Taluk/ District	Grant or lease	Purpose of Lease/Grant	Cost fixed in Government order	Basis on which cost calculated in Demand Notice	MV of land (Rs.in lakh /acre)	GV of land (Rs.in lakh /acre)	Amount to be levied	Amount levied	Short levy
1	BMTC	00-34 (A-G), Survey No. 3, Ragihalli, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	23	6	0.10	0.03	0.07
2	BMTC	60-37 (A-G), Survey No. 90, Kallabalu, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	45	22	13.71	7.37	6.34
3	BMTC	03-30 (A-G), Survey No. 114/1, Boothanahalli, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	35	15	0.65	0.61	0.04
4	BMTC	02-02 (A-G), Survey No. 59, Dasanapura, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	45	17	0.46	0.38	0.08
5	BMTC	01-18 (A-G), Survey No. 216, Gattahalli, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	80	30	0.58	0.20	0.38
6	BMTC	00-32 (A-G), Survey No. 437, Bidarakuppe, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	35	21	0.14	0.09	0.05
7	BMTC	02-00 (A-G), Survey No. 17, Chinthalamadivala, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	45	30	0.45	0.44	0.01
8	BMTC	10-00 (A-G), Survey No. 97, Bukkasagara, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	50	20	2.50	1.65	0.85
9	KPTCL	02-00 (A-G), Survey No. 48, Mahanthalingapura, Anekal, Bengaluru Urban	Grant	Electricity	50% of MV	Levied at 50% of GV	40	15	0.40	0.33	0.07
10	BMTC	03-29 (A-G), Survey No. 43, Shivanahalli, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	15	10	0.2769	0.2697	0.0072

## Annexure – VII (Contd....)

(₹ in crore)

Sl. No.	Name of Lessee/ Grantee	Extent/Survey No/ Village/Taluk/ District	Grant or lease	Purpose of Lease/Grant	Cost fixed in Government order	Basis on which cost calculated in Demand Notice	MV of land (Rs.in lakh /acre)	GV of land (Rs.in lakh /acre)	Amount to be levied	Amount levied	Short levy
11	KSSIDC	14-04 (A-G), Survey No. 11/b1,2,3,4, Bidarakadahalli, Anekal, Bengaluru Urban	Grant	Industrial	50% of MV	Levied at 50% of GV	25.90	7.5	1.82	1.16	0.66
12	BMTC	01-27 (A-G), Survey No. 97, Kodlipura, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	20	11	0.17	0.10	0.07
13	BMTC	03-14 (A-G), Survey No. 58, Shivanahalli, Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	15	10	0.25	0.18	0.07
14	BMTC	02-00 (A-G), Survey No. 366, Bidarakuppe , Anekal, Bengaluru Urban	Grant	Transport	50% of MV	Levied at 50% of GV	35	21	0.35	0.23	0.12
15	M/s. Karranataka Rajay Sahakara Marata Mahamandala Niyamathi	05-31 (A-G), Survey No. 138 & 193, Theguru , Chickmagalur, Chickmagalur	Grant	Godown	50% of MV	Levied at 50% of GV	6.49	3.93	0.19	0.10	0.09
16	KPTCL	02-20 (A-G), Survey No. 100, Shedbala , Dharwad, Dharwad	Grant	110 KVA sub-station	50% of MV	DC considered GV instead of MV of ₹14 lakh fixed for acquiring approach road to the same land granted	14	0.95	0.18	0.01	0.17
17	M/s. Devaraj Urs Trucks Terminal Limited	56-13 (A-G), Survey No. 128, 87 and 86, Anchettagere, Hubli, Dharwad	Grant	Commercial	50% of MV	DC considered GV instead of MV of ₹7.72 lakh fixed by AC for acquiring land adjacent to the land granted	7.72	2.63	2.17	0.75	1.42



## Annexure – VII (Contd....)

(₹ in crore)

Sl. No.	Name of Lessee/Grantee	Extent/Survey No/ Village/Taluk/ District	Grant or lease	Purpose of Lease/Grant	Cost fixed in Government order	Basis on which cost calculated in Demand Notice	MV of land (Rs.in lakh /acre)	GV of land (Rs.in lakh /acre)	Amount to be levied	Amount levied	Short levy
18	KPTCL	01-20 (A-G), Survey No. 11, Balagere, Chickballapura, Chickballapura	Grant	Sub-station	50% of MV	Though SRO reported GV of ₹29.22 lakh for land abutting NH, DC considered ₹3.90 lakh even though the said survey number was on the service road of the NH.	NA	29.22	0.22	0.05	0.17
19	Kuvempu university	40-00 (A-G), Survey No.273, kadrimidri , Chikkmagalur Taluk Chikkmagalur	Grant		50% of GV	DC considered ₹51780/acres instead of GV of ₹62500/acre	NA	0.63	0.12	0.10	0.02
20	M/s. Sundaram Clayton Ltd	03-24 (A-G), Survey No. 190, Ballur , Anekal, Bengaluru Urban	Grant	Commercial	Full MV	DC considered ₹40 lakh/acre as against ₹70 lakh/acre reported by Tahsildar	70	NA	2.52	1.44	1.08
						Value of trees assessed by Forest Department.			0.30	0	0.30
21	Sri. Suryaprakash and Smt Vijalakshmi	00-21 (A-G), Survey No. 13, Kundanahalli, Bengaluru East, Bengaluru Urban	Grant	Commercial	Full MV	Levied on pre-revised rate of ₹400 lakh/acre as MV	NA	600	3.15	2.10	1.05
22	M/s. Ramakrishna Vivekananda Ashram	16-36 (A-G), Survey No. 1192, Raichur, Raichur	Grant	Educational and Charitable	50% of GV	GV on date of OM was ₹6 lakh/acre as against ₹4 lakh/acre considered.	NA	6	0.50	0.33	0.17

**Annexure – VII (Contd....)**

**(₹ in crore)**

Sl. No.	Name of Lessee/Grantee	Extent/Survey No/ Village/Taluk/ District	Grant or lease	Purpose of Lease/ Grant	Cost fixed in Governmen t order	Basis on which cost calculated in Demand Notice	MV of land (Rs.in lakh /acre)	GV of land (Rs.in lakh /acre)	Amo unt to be levied	Amount levied	Short levy
23	M/s. Mallikarjuna Swamy Vidya Samsthe	01-15 (A-G), Survey No. 74, Urukere Majare Bovipalya, Tumakuru, Tumakuru	Grant	Education, social and religious	Full MV	DC collected 50% of MV as against Government direction to collect full MV	0.03	NA	4.25	0.06	0.03
24	KPTCL	19-00 (A-G), Survey No. 102, Kallukote , Sira, Tumakuru	Grant	power transmission tower	50% of MV	CVC guidelines prescribe enhancement of 50% of GV for properties abutting NH	NA	17.55	2.50	1.67	0.83
25	M/s. Taralabalu Jagadguru Vidyasamsthe	08-00 (A-G), Survey No. 30, Ganapathihalli , Bengaluru South, Bengaluru Urban	Lease	Educational and Charitable	enhance by 50% every five years	Rent for 2015-16 and 2016-17 were not enhanced by 50% as stipulated in OM	NA	NA	0.0027	0.0018	0.0009
26	District Congress Committee, Ramanagara,	00-05 (A-G), Survey No. 527, Mangalavarapete, Chennapattana, Bengaluru Urban	Gant	Political party office	GV	To be calculated at sital rate and enhancement of 40% for non-residential purpose.	NA	Rs.988/sft	0.53	0.10	0.43
27	M/s. Bagalur Agricultural Co-operative Society	00-02 (A-G), Survey No. 1, Bagalur, Bengaluru North Additional, Bengaluru Urban	Grant	Go down	MV	To be calculated at sital rate and enhancement of 40% for non-residential purpose.	NA	Rs.13100/smt	0.27	0.03	0.24
28	M/s. Kukkahalli Milk federation,	00-02 (A-G), Survey No. 10, Kadukunte , DB Pura, Bengaluru Urban	Grant	Building	MV	To be calculated at sital rate and enhancement of 40% for non-residential purpose.	NA	Rs.143/sft	0.031	0.002	0.029

## Annexure – VII (Contd....)

(₹ in crore)

Sl. No.	Name of Lessee/Grantee	Extent/Survey No/ Village/Taluk/ District	Grant or lease	Purpose of Lease/ Grant	Cost fixed in Government order	Basis on which cost calculated in Demand Notice	MV of land (Rs.in lakh /acre)	GV of land (Rs.in lakh /acre)	Amount to be levied	Amount levied	Short levy
29	Y A N Charitable Trust	04-24 (A-G), Survey No. 21, Hasahalli , Bengaluru North Additional, Bengaluru Urban	Grant	Educational	50% of GV	GV on date of OM was ₹50 lakh/acre, the land was granted at 50% of GV. Hence 50% value of land works out to ₹ 1.15 crore whereas amount levied and collected was ₹ 0.58 lakh by DC.	100	50	1.15	0.58	0.57
30	M/s. Karnataka Education Board,	06-19 (A-G), Survey No. 134/1 CTS, Dharwad, Dharwad, Dharwad	Grant	Educational	50% of GV	Value of land towards park and development charges was deducted. This was not necessary as the land was being developed as a single user piece of land and does not require release of land portion for civic amenities.	86	50	4.06	1.65	2.41
<b>TOTAL</b>									<b>39.8106</b>	<b>21.9835</b>	<b>17.8271</b>

**Annexure –VIII (Paragraph 6.1.4)**

**Non-adoption of general principles of valuation notified by Revenue Department for the purpose of Stamp Duty assessment**

(₹ in crore)

Sl. No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Lease/Grant	Purpose of Lease/Grant	Percentage of value as fixed in Government Order	Percentage increase for converted land as per CVC spl instructions	Enhanced value per acre as per CVC	Amount levied	Amount leviable	Difference
A. Grant cases										
1	M/s. Srinikethan trust	05-00 (A-G), Survey No. 73, Gunjuru, Bengaluru East Taluk, Bengaluru Urban	Grant	Educational and social purpose	25% of GV	60	1.60	1.25	2.00	0.75
2	Sri. Suryaprakash and Smt Vijalakshmi	00-21 (A-G), Survey No. 13, Kundanahalli, Bengaluru East Taluk, Bengaluru Urban	Grant	Commercial	100% of MV	60	6.40	2.10	3.36	1.26
3	M/s. Swamy Vivekananda Vidya Niketana,	03-30 (A-G), Survey No. 63, Yedavanahalli , Anekal Taluk, Bengaluru Urban	Grant	Educational	50% of GV	60	2.00	2.34	3.75	1.41
4	Karnataka Government Secretariat Group-D Employees Association (R)	15-00 (A-G), Survey No. 81, Belahalli, Bengaluru North Taluk, Bengaluru Urban	Grant	Residential	50% of GV	50	1.80	3.00	13.50	10.50
5	M/s. Ramakrishna Vivekananda Ashram	16-36 (A-G), Survey No. 1192, Raichur, Raichur Taluk, Raichur	Grant	Educational and Charitable	50% of GV	75	0.11	0.33	0.89	0.56
6	M/s. Matha Amritanandamayi Math	25-00 (A-G), Survey No. 41, Kanaminike , Bengaluru South Taluk, Bengaluru Urban	Grant	Hospital cum Medical College	30% of GV	60	1.28	6.00	9.60	3.60

## Annexure –VIII (Contd...)

(₹ in crore)

Sl. No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Lease/Grant	Purpose of Lease/Grant	Percentage of value as fixed in Government Order	Percentage increase for converted land as per CVC spl instructions	Enhanced value per acre as per CVC	Amount levied	Amount leviable	Difference
7	M/s. Mithic Society	10-00 (A-G), Survey No. 79, Avalahalli, Bengaluru North Additional Taluk, Bengaluru Urban	Grant	Educational	30% of GV	60	0.96	1.80	2.88	1.08
8	M/s. Vivekananda Vidyavardhaka Sangha, Puttur	53-28 (A-G), Survey No Puttur, Puttur Taluk, Dakshina Kannada	Grant	Educational	50% of GV	60	0.75	6.29	10.74	4.45
9	Sri Janaseva Vishwasta Mandali	06-00 (A-G), Survey No. 19, Channenahalli , Bengaluru South Taluk, Bengaluru Urban	Grant	Educational	25% of GV	60	0.72	0.67	1.08	0.41
10	M/s. Karanataka PradeshaKurubara Sangha	06-19 (A-G), Survey No. 254, Magadi, Magadi Taluk, Ramaganaram	Grant	Kanaka Bhavana, educational and social	100% of MV	80	0.43	1.59	2.80	1.21
11	M/s. Mallikarjuna Swamy Vidya Samsthe	01-15 (A-G), Survey No. 74, Urukere Majare Bovipalya (siddaramanagara), Tumakuru Taluk, Tumakuru	Grant	Education and social activities	100% of MV	60	0.07	0.03	0.09	0.06
12	KPTCL	19-00 (A-G), Survey No. 102, Kallukote , Sira Taluk, Tumakuru	Grant	Power Transimission towers	50% of MV	75	0.31	1.66	2.92	1.26

**Annexure –VIII (Contd...)**

**(₹ in crore)**

Sl. No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Lease/Grant	Purpose of Lease/Grant	Percentage of value as fixed in Government Order	Percentage increase for converted land as per CVC spl instructions	Enhanced value per acre as per CVC	Amount levied	Amount leviable	Difference
13	Sri. Pillekamma Maheshwara Temple Trust	00-27 (A-G), Survey No. 24, Singasandra , Bengaluru South Taluk, Bengaluru Urban	Grant	Religious	100% of MV	60	2.40	1.08	1.62	0.54
14	M/s. Karnataka Neeravari Nigama Niyamitha	15-38 (A-G), Survey No. 16 & 57, Kusuburu , N R Pura Taluk, Chickmagalur	Grant	Public utility	50% of GV	80	0.03	0.14	0.26	0.11
15	C. Sampath Kumar	00-18 (A-G), Survey No. , Billakempanahalli, ramanagaram Taluk, Ramanagaram	Grant		100% of MV	60	1.04	0.29	0.47	0.18
16	KPTCL	01-00 (A-G), Survey No. 8, Vandaraguppe, Channapatna Taluk, Ramanagaram	Grant	Sub-station	50% of GV	75	0.44	0.13	0.22	0.09
17	KPTCL	01-00 (A-G), Survey No. 337, Virupakshapura, Channapatna Taluk, Ramanagaram	Grant	Sub-station	50% of GV	75	0.07	0.02	0.03	0.01
18	KPTCL	01-06 (A-G), Survey No. 30, Shivanasandra, Magadi Taluk, Ramanagaram	Grant	Sub-station	50% of GV	75	0.18	0.06	0.10	0.04
19	KPTCL	02-00 (A-G), Survey No. 127, Srigiripura, Magadi Taluk, Ramanagaram	Grant	Sub-station	50% of GV	75	0.18	0.10	0.18	0.08

## Annexure –VIII (Contd...)

(₹ in crore)

Sl. No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Lease/Grant	Purpose of Lease/Grant	Percentage of value as fixed in Government Order	Percentage increase for converted land as per CVC spl instructions	Enhanced value per acre as per CVC	Amount levied	Amount leviable	Difference
20	KPTCL	02-00 (A-G), Survey No. 83, Bijjahalli, Kanakapura Taluk, Ramanagaram	Grant	Sub-station	50% of GV	75	0.07	0.04	0.07	0.03
21	KPTCL	00-39 (A-G), Survey No. 114, Acchalu, Kanakapura Taluk, Ramanagaram	Grant	Sub-station	50% of GV	80	0.20	0.05	0.09	0.04
22	KPTCL	00-34 (A-G), Survey No. 68, Hukunda, Kanakapura Taluk, Ramanagaram	Grant	Sub-station	50% of GV	60	0.02	0.0076	0.0122	0.0046
23	M/s. Vishwachethana Kuvempu Adyathmika Kendra	10-00 (A-G), Survey No. 67, Abburu, Channapatna Taluk, Ramanagaram	Grant	Educational	30% of GV	60	2.88	0.06	0.09	0.03
24	KPTCL	02-00 (A-G), Survey No. 40, Hallimaranahalli , Kanakapura Taluk, Bengaluru Urban	Grant	Substation	50% of GV	75	0.12	0.07	0.12	0.05
25	KPTCL	01-15 (A-G), Survey No., Taluk, Bengaluru Urban	Grant	Substation	50% of GV	75	1.01	0.33	0.70	0.37
26	ISKCON	27-38 (A-G), Survey No. 55, Vasanthapura, Taluk, Bengaluru Urban	Grant	Heritage theme Park	50% of GV	60	1.28	11.18	17.89	6.71
							<b>TOTAL</b>	<b>40.6176</b>	<b>75.4622</b>	<b>34.8446</b>

**Annexure –VIII (Contd...)**

(₹ in crore)

Sl. No	Name of the Lessee/Grantee	Extent/Survey No/Village/Taluk/District	Lease/Grant	Purpose of Lease/Grant	Percentage of value as fixed in Government Order	Percentage increase for converted land as per CVC spl instructions	Enhanced value per acre as per CVC	Amount levied	Amount leviable	Difference
<b>B -Leases</b>										
1	M/s. Gunjur Club.	06-00 (A-G), Survey No. 71 & 72, Gunjur, Bengaluru East Taluk, Bengaluru Urban	Lease	Club	10% of MV	60	0.96	0.60	0.96	0.36
2	M/s. KodavaSamaja	07-00 (A-G), Survey No. 21, Hosahalli, Bengaluru North Additional Taluk, Bengaluru Urban	Lease	Hospital and Old age home	10% of MV	60	0.80	0.49	0.56	0.07
3	M/s. Narcotics Control Bureau	00-25 (A-G), Survey No. 39, Sonnappanahalli, Bengaluru North Additional Taluk, Bengaluru Urban	Lease	Social	10% of GV	60	5.60	0.22	0.35	0.13
<b>TOTAL</b>								<b>1.31</b>	<b>1.87</b>	<b>0.56</b>



**Annexure - IX (Paragraph 7.3)**  
**Non-demand of lease rent**

(₹ in lakh)

Sl. No.	Office	No. of leases	Amount of lease rent due and not paid	Period from which not paid
1	Tahsildar, Bengaluru North	16	527.29	1979-80 to 2017-18
2	Tahsildar, Anekal	02	2.39	1994-95 to 2014-15
3	Tahsildar, Channapatna	01	0.03	2016-17 to 2017-18
4	Tahsildar, Chikkamagaluru	05	0.46	2011-12 to 2017-18
5	Tahsildar, Chintamani	01	0.61	2004-05 to 2017-18
6	Tahsildar, Bengaluru East	03	22.94	2005-06 to 2017-18
7	Tahsildar, Kalaburgi	01	57.10	2015-16 to 2016-17
8	Tahsildar, Bengaluru North Additional	04	7.21	2006-07 to 2017-18
9	Tahsildar, Ramanagara	02	04.29	2010-11 to 2017-18
10	Tahsildar, Sira	02	5.16	2013-14 to 2016-17
11	Tahsildar, Bengaluru South	09	105.84	2005-06 to 2017-18
<b>TOTAL</b>		<b>46</b>	<b>733.32</b>	

**ANNEXURE X (Paragraph 8.2.1)**  
**Issues of Accounting – Encroachments not accounted**

Sl No	District	Name of Encroacher	Taluk/ Village	Survey No.	Extent of encroachment Acres-Guntas	Purpose of encroachment	Remarks
1	Tumkur	5 private persons/institutions (residence of priests of temple, Madhumeha Arogya Kendra, Mahila Sweekruthi Kendra, Sri. Nagarjuna Pattina Sahakara Sangha, Sri Shirdi Sainath Seva Samithi) and 2 Government Institutions (Hemavathy Canal Office and Sericulture Department)	Tumkur/ Maralur	52	11-9	Residential, Health Centre, Government office	In the spot inspection report prepared (August 2012) for the grant of land to a charitable organisation, the report indicated occupation by two Government offices and private institutions for which no grant/lease records were available. However, no action was initiated to probe further.
2	Bangalore Urban	M/s Volkkaligara Trust	Bangalore North/ Sri Gandada Kaval	129	2-30	Educational	Government resumed (2012) 15 acres land on expiry of lease granted to M/s Golden Valley Educational Trust. In the sketch prepared for resumption of land, it was indicated that M/s Volkkaligara Sangha had constructed and was running schools and colleges in the land leased to M/s Golden Valley Educational Trust. Order was passed for resumption of 15 acres without accounting encroachment by lessee of adjacent land or initiating action for removal.

## ANNEXURE X (Contd.....)

Sl No	District	Name of Encroacher	Taluk/ Village	Survey No.	Extent of encroachment Acres-Guntas	Purpose of encroachment	Remarks
3	Tumkur	Private persons	Gunni/ Kadaba	149	0-5	Agriculture (3/4) Shop (1/2) and Temple (2.5) and private purpose (1)	In the spot inspection report prepared (June 2009) for grant of land to KSRTC, the encroachments were identified. However, these were not included in the Action Plan for eviction of encroachments.
4	Bangalore Urban	M/s JSS Mahavidya Peeta	Bangalore South/ Ganakallu	14	0-18	Educational	Tahsildar reported in March 2012 the encroachment of 18 guntas in the area of 8 acres leased to M/s Omkar Ashram in Sy.No.14 while reporting on request of M/s JSS Mahavidya Peeta for grant of additional land in Sy.No. 14.
5	Bangalore Urban	M/s. Omkar Ashram	Bangalore South/ Ganakallu	14	1-10	Religious	As per Tahsildar's report of March 2012, Lessee M/s Omkar Ashram had encroached 1-10 apart from what had been leased to it and built a temple.
6	Ramanagaram	M/s. Siddalingeshwara Yogavana Bettagalu Seva Samsthe	Ramanagaram/ K.G. Gollarapalya	36	15-0	Religious	Tahsildar had issued notice in 2014 to grantee to vacate unauthorised occupation of 15-0 A-G in addition to land granted. The same was not included in the list of encroachments to be evicted and followed up as of March 2017.
7	Ramanagaram	Sri. Premarangappa	Ramanagaram/ Billakempana	33/2	0-4	Not available	As per Tahsildars report for grant to Shri. Sampath Kumar. However, no details of action to evict.

ANNEXURE X (Contd.....)

Sl No	District	Name of Encroacher	Taluk/ Village	Survey No.	Extent of encroachment Acres-Guntas	Purpose of encroachment	Remarks
8	Bangalore Urban	NA	Bangalore East/ Challagatta	16 and 145	0-35	Not available	As per Tahsildar Report to the Special DC, Enforcement cell that, there was an encroachment of 9 guntas in Sy. no. 145 of Kodihalli village and 26 guntas in Sy. no. 112 of Challagatta village. However, no action was found to be taken for eviction of encroachment.
9	Bangalore Urban	Shri. Prabhakar	Anekal/ Bommasandra tank	254	1-5		Based on public complaint, Tahsildar, Anekal taluk confirmed encroachment and requested (May 2010) the DC, Enforcement, Bangalore Urban for assistance in evicting the encroachment. However, there was no record of either eviction thereafter or inclusion of the encroachment in the list of encroachments identified in the Action Plan for eviction.
10	Bangalore urban	Sri, Yellappa	Anekal/ Guddahatti	47	0-8	Not available	After Tahsildar reported eviction in April 2012, the land had been re-encroached as per public complaint in September 2012. No action as of March 2017.
11	Chickmagaluru	Sri. B.T. Aurnkurmar	Mudigere/ Kolagodu	19	7-07	Agriculture	While processing the application for permanent grant of land, the Tahisildar reported (18.8.1995) that besides cultivation of 5 acres of land temporarily granted, the grantee had unauthorisedly occupied another 7.07 A/G of land. However, 5 acres of land was converted to permanent grant without evicting the unauthorised occupation of 7.07 A/G.
					<b>40-11</b>		

**Annexure XI (Paragraph 8.2.1)**  
**Joint inspection with Department – Encroachments not evicted**

Sl. No.	District	Taluk	Name of the Encroacher	Nature of Encroachment	Village	Sy. No.	Extent Acre-Gunta	Remarks
1	Bangalore Urban	Anekal	Doddapapamma & Chikkapapamma	Agriculture	Hulimngala	155	1-10	It was stated by the departmental officials that the encroachers who are Form 50/53 applicants are in possession of the land and cultivating. Further, it was stated that a case is pending in Assistant Commissioner's Court.
2	Bangalore Urban	Bangalore South	Islamia Institute of Technology	Education	Hulimavu	63	5-0	The land has been encroached by Islamia Institute of Information for Education Purpose. The Tahsildar has passed eviction order, but the college building which is on the encroached land still in existence / functioning.
3	Belgaum	Belgaum	Shrikant Fakirappa Mahar Savitha Santhosh Kolkar Ashok Basavanni Kolkar	Primary & High School	Mastmardi	21	17-0	Nearly 220 people have applied under 94CC for regularisation. However, in the progress report sent to KPLC it was mentioned as encroachment evicted.
4	Belgaum	Belgaum	Govt. Primary Boys School, Jain Samudhaya Bhavan, Anganwadi Centre Basarikatti, Anganwadi Centre Shindolli, Govt Lower Marathi Boys School, Vithal Rukmini Mandir, Jal Nirman Office, Chaitanya Gram Sudharan Sangh School Building	School & Marriage Hall	Alarwad	241	6-14	Apart from Govt school, there is a private school by name Chaitanya Gram Sudharan Sangha and Gomatesha High school in the said survey number. There is also an incomplete building of Jain Samudhaya Bhavan which is encroached. It was stated by the village accountant that the remaining encroachments belong to another village which has been erroneously included in the said survey number. However, in the progress report sent to KPLC it was mentioned as encroachment evicted.

Annexure XI (Contd .....

Sl. No.	District	Taluk	Name of the Encroacher	Nature of Encroachment	Village	Sy. No.	Extent Acre-Gunta	Remarks
5	Belgaum	Belgaum	Lalitha Mahadev Pujari	School	Kondaskoppa	1	3-0	Applicant has applied for regularisation of building under 94CC. However, in the progress report sent to KPLC it was mentioned as encroachment evicted.
6	Ramanagara	Kanakapura	NA		Bijjahalli, Kodihalli	85	1-38	The land is stated to be under encroachment for agricultural purpose. Fencing or trenches were not found to be present at the time of visit but as per information obtained from the DC, Ramanagara encroachment was removed and fencing was done.
7	Ramanagara	Magadi	Adjacent Owners of Lake	Agriculture	Uduvegere	63	46-07	It was stated by the village accountant that in Uduvegere Village, the lake bed has been encroached for agricultural purposes by adjacent land owners. Whereas some portion of the encroachment was removed and trenches were dug. But still major portion of lake bed is still under encroachment. The departmental official has stated that exact extent of encroachment can be ascertained only after detail survey is done.
8	Ramanagara	Magadi	Adjacent Owners of Lake	Agriculture & brick factory	Belavadi	20	30-11	It was stated by the visiting departmental representative Village Assistant Sri. Nagaraj. N that lake has been encroached for agricultural purposed by adjacent land owners. However, it was noticed that a cement bricks factory was constructed and functioning close to the lake and the village assistant has confirmed that lake be has been encroached for construction of the said factory. Whereas some portion of the encroachment was removed, still major portion of lake bed is still under encroachment. The departmental official has stated that exact extent of encroachment can be ascertained only after detail survey is done

## Annexure XI (Contd .....

Sl. No.	District	Taluk	Name of the Encroacher	Nature of Encroachment	Village	Sy. No.	Extent Acre-Gunta	Remarks
9	Bangalore Urban	Anekal	Muninagappa & Krishnappa	Agriculture	Chikkahosahalli	102	3-0	It was stated that the land has been re-encroached for agricultural purpose and being cultivated. The said land is a Government lake
10	Ramanagara	Channapatna	NA	Agriculture	Mylanayakanahalli	294	2-39	These lands have been re-encroached for agricultural purpose. Village Assistant who accompanied Audit Team for spot inspection has opined that exact extent of encroachment cannot be ascertained without survey.
11	Ramanagara	Channapatna	Mallamma D/o. Bettashetty	Agriculture	Mylanayakanahalli	500	0-20	These lands have been re-encroached for agricultural purpose. Village Assistant who accompanied Audit Team for spot inspection has opined that exact extent of encroachment cannot be ascertained without survey.
12	Ramanagara	Channapatna	Channegowda	Agriculture	Mylanayakanahalli	505	0-25	These lands have been re-encroached for agricultural purpose. Village Assistant who accompanied Audit Team for spot inspection has opined that exact extent of encroachment cannot be ascertained without survey.
13	Ramanagara	Channapatna	Kempaiah S/o. Marihyadaiah	Agriculture	H.Mogenahalli	207	1-31	These lands have been re-encroached for agricultural purpose. Village Assistant who accompanied Audit Team for spot inspection has opined that exact extent of encroachment cannot be ascertained without survey.
14	Ramanagara	Channapatna	Ramalingaiah	Agriculture	H.Mogenahalli	282	0-01	These lands have been re-encroached for agricultural purpose. Village Assistant who accompanied Audit Team for spot inspection has opined that exact extent of encroachment cannot be ascertained without survey.
15	Ramanagara	Magadi	Abddula Sharief S/o. Razak Sharief	Agriculture	Adarangi	90	6-0	Even though it was stated that encroachment has been removed on 15-06-2014. The land has been re-encroached for agricultural purpose (May 2017)

**Annexure XI (Contd .....**

Sl. No.	District	Taluk	Name of the Encroacher	Nature of Encroachment	Village	Sy. No.	Extent Acre-Gunta	Remarks
16	Ramanagara	Magadi	Javaraiah	Agriculture	Banavadi	70	0-30	Even though it was stated that encroachment has been removed on 3-04-2014. The land has been re-encroached for agricultural purpose (May 2017)
17	Ramanagara	Magadi	Thimmarayappa	Agriculture	Banavadi	70	1-10	Even though it was stated that encroachment has been removed on 3-04-2014. The land has been re-encroached for agricultural purpose (May 2017)
18	Ramanagara	Magadi	Honnaiah	Agriculture	Banavadi	70	0-26	Even though it was stated that encroachment has been removed on 3-04-2014. The land has been re-encroached for agricultural purpose (May 2017)
19	Ramanagara	Magadi	Dhalathimmaiah	Agriculture	Banavadi	70	1-0	Even though it was stated that encroachment has been removed on 3-04-2014. The land has been re-encroached for agricultural purpose (May 2017)
20	Ramanagara	Magadi	Chikkathimmaiah	Agriculture	Banavadi	70	1-02	Even though it was stated that encroachment has been removed on 3-04-2014. The land has been re-encroached for agricultural purpose (May 2017)
21	Ramanagara	Magadi	Thimmaiah	Agriculture	Banavadi	70	0-35	Even though it was stated that encroachment has been removed on 3-04-2014. The land has been re-encroached for agricultural purpose (May 2017)
22	Chikkamagaluru	Chikkamagaluru	Dr. Setharamma shetty	Coffee plantation	Kadavanthi	278	87-35	Though earth work has been carried out and fencing removed from the encroached coffee plantation, possession is in the control of the unauthorised occupant. The revenue from the coffee produce is enjoyed the occupant
							<b>219-14</b>	



**Annexure - XII (Paragraph 8.3)**  
**Disposal of public complaints by KPLC**

<b>Year</b>	<b>Opening Balance</b>	<b>Additions</b>	<b>Total</b>	<b>Disposal</b>	<b>Closing Balance</b>
2009	1	665	666	93	573
2010	573	780	1353	294	1059
2011	1059	434	1493	177	1316
2012	1316	143	1459	80	1379
2013	1379	135	1514	17	1497
2014	1497	152	1649	8	1641
2015	1641	122	1763	10	1753
2016	1753	110	1863	67	1796
2017	1796	67	1863	7	1856

**Annexure - XIII (Paragraph 8.7)**  
**Disposal of dispute cases of Government land in the Judicial Courts**

Sl. No.	Name of the Lessee/Grantee	District	Taluk	Village	Survey No.	Extent Acre	Extent Gunta	Lease/Grant	Purpose
1	Shivanna	Bengaluru Urban	Devanahalli	Devanahalli	438	0	36	Grant	Agriculture
2	R.M. Venkataramaiah	Bengaluru Urban	Doddaballapura	Huskur	44	5	2	Grant	Agriculture
3	Chikkasidde Gowda	Ramanagara	Channapatna	Chikkenalli	44	2	28	Grant	Agriculture
4	Thimmarayappa and Kempaiah	Bengaluru Urban	Anekal	Sonnanaya kanapura	37 & 38	4	0	Grant	Agriculture
5	C.K. Srinivasa Rao	Bengaluru Urban	Bengaluru North	Kachohalli	71	4	25	Grant	Agriculture
					<b>TOTAL</b>	15	91	<b>= 17 Acres - 11Guntas</b>	