



# SUNNY TIMES DAILY NEWS PORTAL

## www.sunnytimes.in

Daily News and Views Online TV & Cyber media. "Blunt and Sharp Daily News Portal" Sunday 22-11-2020 Portal Website with online news daily at: sunnytimes.in Mobile: 9945116476

M.S.Yatnatti : Editor and Video Journalist: "Blunt and Sharp Daily News Portal": Swarnamba .R.L Freelance Video Journalist and Reporter

## GOVERNMENT ALLOTTED LAND TO FARMERS IN GROW MORE FOOD PROGRAMME IN 1942 STILL GMF ENTRIES CONTINUED IN RTC



By: M.S.Yatnatti: Editor and Video Journalist Bangaluru : The then Revenue Minister reportedly in 2016 had said that the State government had deadline for correcting discrepancies which have crept in the 1.61 crore records of Rights, Tenancy and Crops (RTC) in the State but nothing happened . Computerization of the RTCs had not solved the problem and mistakes may have crept in during data entry. "As per the information available with the State government, there are defects in more than 50 per cent of the records," had said then revenue minister . Instructions have been issued to set right these defects during Revenue Adalats held in the districts and to reach out to individual houses of farmers.The revenue department did Bhoomi project but still many anomalies are left in computerized RTC . The famers is asking in respect of S No 150 / P8 Hulikunte Village Doddabelvangala Hobli Doddaballapur Taluka 10 Acres Agricultural Land reasons from revenue department for not taking the upset price or penal upset price in respect of Grow more Food Programme leases as per rules despite request of original grant holder had written several letter to collect upset price of Rs 200 per acres as per the government orders vide Sri chikkarudrayya Bin Rudrayya letter dated 06-10-1958 to sub-divisional officer Doddaballapur Sub- Division Bangalore district .Otherwise Even now government need to collect it with penal upset price as conditions of the original lease grant have been fulfilled, the lease grants have to be confirmed to them.(Circular No. R6-53S2-92—L.R. 41-55-29, dated 7th July 1955 and Saguvali chit allotted to Sri ckarudrayya Bin Rudrayya as per Government Circular No. R6-53S2-92—L.R. 41-55-29, dated 7th July 1955). Even in the case of sufficient holders, where the conditions of the original lease grant have been fulfilled, the lease grants have to be confirmed to them.(Circular No. R6-53S2-92—L.R. 41-55-29, dated 7th July 1955). In deserving cases, where the leases have bees, cancelled due to non-fulfillment of the terms of the giaut, the same lands could be re-granted to the same lessees at a penal upset price. This direction would apply also to lessees, who are sufficient holders, subject to the condition that, when such re-grant is in excess of the powers of the officer cancelling the lease, a recommendation for such re-grant may be made.

Even otherwise farmer is entitled a free RTC without entry of GMF in RTC as Saguvali chit was given to Sri ckarudrayya Bin Rudrayya and certified copies and originals are available with thasildar office in saguvali register in respect of S No 150 / P8 Hulikunte Village Doddabelvangala Hobli Doddaballapur Taluka 10 Acres Agricultural Land which was earlier allotted under GMF Programme . The RTC stands in the name of Saguvali chit holder Sri ckarudrayya BIN Rudrayya and subsequently to his sons and legal heirs .Request is made by farmers to delete the GMF entry as it is no longer applicable in view of grant under darkhast and Saguvali chit issued as per rules and RTC is confirmed.

Whereas the grants were made under the Mysore Land Revenue Rules which came into force on 6-7-1955, the Saguvali Chits were issued in respect of the grant made relating to the lands under the Mysore Land Revenue (Amendment) Rules, 1960 In so far as the Saguvali Chits issued under the 1960 Rules are concerned, there was a prohibition on alienation for a period of 15 years irrespective of the question whether the grant was made at an upset price or free of cost. But the 1960 Rules came into force with effect from 3-5-1960. The plain meaning apparent from the Rule is that where the grant is free of cost, the land shall not be alienated for a period of fifteen years commencing from the date of the grant; but if it is a grant at an upset price, then it shall not be alienated for a period of ten years commencing from the date of the grant. The Rule is not obviously capable of the meaning that the date of commencement of the prohibition is on the date of taking possession of the land by the grantee. This is obviously so because the expression 'possession' or taking possession has not been employed in this Rule at all. The Rule has to be read in the form in which it exists and nothing extraneous could be imported into it nor anything taken away from the Rule. For the first time the word 'possession' is used in the Land Grant Rules only in 1969 Amendment Rules. Another important aspect which requires to be noticed in these cases is that all these grantees were invested with possession anterior to the grand of lands made earlier by lease of lands to the grantees prior to 06-10-1958 under the "Grow More Food Scheme".

The land in question was granted under grow more food scheme to Sri chikkarudrayya bin Rudrayya by the Government in the year 1942. The grant certificate or saguvali chit was issued prior to 06-10-1958 in the name of chikkarudrayya bin Rudrayya. As the period of hangami saguvali in terms of the grant was over, the ownership rights over the land had to be vested in the name of chikkarudrayya bin Rudrayya. But the revenue records were not changed and the entries were continued reflecting hangami saguvali as per the grow more food scheme. The framers are requesting to delete the expression 'hangami saguvali' and GMF entry in RTC and in the revenue records.With a view to increase the production of Food and Fodder crops in the State to meet the acute situation caused by war and other natural causes, Government launched a scheme under which the Deputy Commissioners were empowered to lease out unoccupied irrigable lands under channels and tanks for temporary paddy cultivation for a period not exceeding five years with concessions as to payment of assessment as noted below. The persons who brought the lands under cultivation would have the option of purchasing the lands for a First year.. Free assessment.Second year.. Do Third year.. Half assessment. Fourth year.. Do Fifth year .. Full assessment. Reasonable upset price to be fixed at the time when permission was given to cultivate the lands and intimated to the parties in advance. Paddy cultivation on marshy lands were also encouraged by waiving the assessment, provided the lands did not use the channel water directly. (G.O. No. R. 6580-93—R.M. 65-41-1, dated 11th April 1942) . (G.O. No. R. 7955-70—R.M. 65-41-10, dated 13th June 1942) .

Under the Visvesvaraya Canal area, the order extending the village reserve for purposes of prohibition of wet cultivation to two furlong zone of the village was kept in abeyance. Large extents of assessed waste, surrendered Amrut Mahal Kaval and date reserves and disafforested areas and other cultivable lands which were lying unoccupied were authorised to be granted for temo-rary cultivation for growing food crops on a three years basis, option being given to such grantees to purchase such lands at the end of the lease period. Portions of beds of all tanks which were beyond the water margin, including the water spread of K. R. Sagara ; were granted for eksal cultivation for growing vegetables, Bengal gram, Jola, in the dry season. In the case of unreserved lands, Amildars were empowered to put darkhastdars in pos-session of the lands pending the formalities and the issue of final orders in the darkhast. It was also directed that in places where there was keen demand for lands for cultivation, the lands under the control of the Excise, Amrit Mahal and Forest Departments be surrendered freely for growing food crops.

This scheme as laid down in Government Order No. R. 6518-93—R.M. 65-41-1, dated 11th April 1942 was revoked by Government. Regarding the lands already granted under this scheme but not yet confirmed to the grantees, it was ordered that the lands might be confirmed to the grantees provided they are landless and cultivated the land continuously for three years out of five years. This concession would also apply to those who own less than 5 acres of dry land or two acres of wet land. Where a grantee is cultivating both dry and wet lands, for purposes of calculation whether he is eligible for the confirmation of the grant or not two acres of wet land will be considered to be equivalent to five acres of dry land. In other cases, grant of land can be confirmed only if the grantee has cultivated the entire extent continuously for five years. (G.O. No. R. 7892-901—L.R. 266-53-2, dated 10th August 1953).Even in the case of sufficient holders, where the conditions of the original lease grant have been fulfilled, the lease grants have to be confirmed to them.(Circular No. R6-53S2-92—L.R. 41-55-29, dated 7th July 1955).In deserving cases, where the leases have bees, cancelled due to non-fulfillment of the terms of the giaut, the same lands could be regranted to the same lessees at a penal upset price. This direction would apply also to lessees, who are sufficient holders, subject to the con-dition that, when such regrant is in excess of the powers of the officer cancelling the lease, a recommendation for such regrant may be made. The Revenue Commissioner is also empowered to confirm all grants of irrigable dry land under Visvesva-rama Canal area granted under Grow More Food Scheme up to five acres and having regard to the minimum upset price of Rs. 200 per acre fixed in Government Order dated 27th June 1935 submit the remaining oases in which the extent exceeds five acres for orders of Government. (G.O. No. 4806-17—R.M. 45-47-2, dated Srd December 1948). If a person belonging to depressed class who has been granted lands under the Grow More Food Scheme, applies for the conversion of such grant into a grant under the depressed class concession Rules, his request may be granted subject to the conditions laid down in Rule 43(5) and (7) of the rules under the Land Revenue Code. (Letter No. R5-13429—L.R. 133-54-10, dated 10th December 1954 from the Revenue Secretary).

Darkahst lands: (8) (a) Every grant of land under sub-rule (1) shall be subject to the condition(i) Where the grant is made free of cost, that the land granted shall not be alienated for a period of fifteen years from the date of the grant; or(ii) Where the grant is made for an upset price or for reduced upset price, the land granted shall not be alienated for a period of ten years from the date of the grant:Provided that nothing in this sub-rule shall apply to(i) the alienation of any land in favour of the Govern-ment or a co-operative society as security for loans obtained for improvement of the land or for buying cattle or agricultural implements for the culti-vation of the land ; or(ii) the leasing of any land by a person who is a widow, a minor or who is subject to physical or mental disability.(b) If the provisions of clause (a) are contravened the land granted may be summarily resumed by the Government and such land shall vest in the Government free from all encumbrances and neither the grantee nor the alienee, if any, shall be entitled to any compensation.Bhoomi (meaning land) is the project of on-line delivery and management of land records in Karnataka. It provides transparency in land records management with better citizen services and takes discretion away from civil servants at operating levels.The Revenue Department in Karnataka, with the technical assistance from National Informatics Centre (NIC), Bangalore, has built and operationalised the BHOOMI system throughout the state. The BHOOMI has computerized 20 million records of land ownership of 6.7 million farmers in the state. BHOOMI has reduced the discretion of public officials by introducing provisions for recording a mutation request online.

Farmers can now access the database and are empowered to follow up. In the BHOOMI project, a printed copy of the RTC can be obtained online by providing the name of the owner or plot number at computerized land record kiosks in 177 taluk offices, for a fee of Rs.15. A second computer screen faces the clients to enable them to see the transaction being performed. A farmer can check the status of a mutation application on Touch Screen Kiosks. If the revenue inspector does not complete the mutation within 45 days, a farmer can now approach a senior officer person with their grievance. Now, mutation requests are being handled strictly on a first-come-first-served basis eliminating preferential treatment and discretionary powers of the civil servants. Operators of the computerized system are made accountable for their decisions and actions by using a bio-login system that authenticates every Login through a thumbprint. A log is maintained of all transactions in a session. The new system has brought about a sea change in the way land records are maintained and administered in the state. The system has not only simplified the process of record keeping but has also provided many collateral benefits. This governance model has proven to be financially self-sustainable. It has become a trendsetter for e-Governance projects in the state as well as other parts of the country. In the next phase of BHOOMI, the 'LAND RECORDS ON WEB' has been established wherein, all the taluk databases are getting uploaded to a web-enabled central database so as to allow the private agencies to set up the village - level kiosk to download the land records documents at the village and issue to the farmers. In this Private Public Participation (PPP) model, all the stakeholders will be benefited in land records delivery.

"No judgment of a Court, no order of Minister, can be allowed to stand if it has been obtained by fraud: In Lazarus Estates Ltd. v. Beasley, (1956)2 QB 702 at PP. 712-13 Lord Denning, L.J. Said "No judgment of a Court, no order of Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything."Court in express Newspapers Pvt. Ltd. and Ors. v. Union of India and Ors. has held thus:"Fraud on power; voids the order if it is not exercised bonafide for the end design. There is a distinction between exercise of power in good faith and misuse in bad faith. The former arises when an authority misuses its power in



breach of law, say, by taking into account bonafide, and with best of intentions, some extraneous matters or by ignoring relevant matters. That would render the impugned act or order ultra vires. It would be a case of fraud on powers. The misuse in bad faith arises when the power is exercised for an improper motive, say, to satisfy a private or personal grudge or for wreaking vengeance of a Minister as in S. Pratap Singh v. State of Punjab.

A Power is exercised malaciously if its repository is motivated by personal animosity towards those who are directly affected by its exercise. Use of a power for an 'alien' purpose other than the one for which the power is conferred is mala fide use of that power. Same is the position when an order is made for a purpose other than that which finds place in the order. The ulterior or alien purpose clearly speaks of the misuse of the power and it was observed as early as in 1904 by Lord Lindley in General Assembly of Free Church of Scotland v. Overtown, 1904 AC 515, that there is a condition implied in this as well as in other instruments which create powers, namely, that the power shall be used bona fide for the purpose for which they are conferred'. It was said by Warrington. C.J. in short v. Poole Corporation, (1926) 2 Ch. 66 that: "No public body can be regarded as having statutory authority to act in bad faith or from corrupt motives, and any action purporting to be of that body, but proved to be committed in bad faith or from corrupt motives, would certainly be held to be inoperative." "Fraud as is well known vitiates every solemn act. Fraud is a conduct either by letter or words, which induces the other person or authority to take a definite determinative stand as a response to the conduct of the former either by word or letter. It is also well settled that misrepresentation itself amounts to fraud, indeed, innocent mis-representation may also give reason to claim relief against fraud. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by willfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representations which he knows to be false, and injury ensues therefrom although the motive from which the representations proceeded may not have been bad. An act of fraud on court is always viewed seriously. A collusion or conspiracy with a view to deprive the rights of others in relation to a property would render the transaction void-ab-initio. Fraud and deception are synonymous. Although in a given case a deception may not amount to fraud, fraud is anathema to all equitable principles and any affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine including res judicata." Thus, it is clear a fraudulent act even in judicial proceedings cannot be allowed to stand." (Extracts from V. Gunda Reddy vs The Secretary Department Of ... on 1 August, 2005 Equivalent citations: ILR 2005 KAR 5692)

Planning to buy a piece of property? Do it at your own peril. For, the stamps and registration department has said it is not responsible for fraudulent dual registrations. It means the onus is on the buyer and the seller to ascertain whether the sale in question is legitimate or not. Quoting an 1882 law, the then inspector general of registration (IGR) NV Prasad has said they have no power to stop any fraudulent registration of properties in the state. "The registering officer is not empowered to stop or refuse such multiple registrations and as per existing and applicable provisions of the Transfer of Property Act, 1882 only the parties concerned are liable responsible to stop such multiple registrations transactions," he said in his March 31 reply to a notice issued by the Committee on Judicial Accountability under section 80 of Civil Procedure Code (CPC). Take precautions as buying property is not easy. Many check lists have been reportedly published by many on the internet and websites and blogs. Please consider each one of them and do not over look any good point. Reportedly buying a resale property has always proven to be advantageous from choosing a strategic location to acquiring finer properties at better prices and ready to move properties. Although a resale apartment may be old, it is a good investment option owing to the low availability or supply of new properties in the area. Therefore, if the owner chooses to redevelop the property, it is likely to fetch him greater appreciation and better return on investment. Another advantage of buying a resale apartment will be if the buyer makes a one shot payment from his disposable income rather getting into the intricacies of seeking a home loan. However, one should be aware that seeking a home loan for a resale property would mean meeting additional legal and procedural requirements. It is mandatory that one should be aware of the legalities and paperwork before investing in a resale apartment. One can even consider hiring a good realtor and good advocate to get information on the apt resale property, the details of the seller, and running around for paperwork etc.

Every PA must understand that "information" is not created in "Paraloka" or "Swargaloka" or in "CIC" or "SIC" which will be given by PA under Section 2(f) of the RTI Act. It is PA which creates the information every day 4(1) (a) (b) (c) and the "information" in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form need to be created as per 4(1) (a) (b) (c) reasons under 4(1) (a) (b) (c) (d) need to be given by PA to the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act. The PA should be forced to function and create information strictly as per under 4(1) (a) (b) (c) on the applications and request of public and provide it under 2(f) of RTI Act and information should not be incomplete misleading and false and public is free to check accountability under 4(1) (d) RTI Act 2005. The Accountability is checked by public under 4 (1) (d): The citizens who are affected by decisions made under RTI ACT 4(1) (a) (b) (c) can seek reasons for their administrative and quasi judicial decisions. PA can provide reasons to affected person and copy of such reasons can be provided to anybody under 2(f) of RTI Act. Public is fully authorized to ask how and why and under what rules and regulations such decision is arrived at under 4(1) (a) (b) (c) of RTI ACT 2005 using 4 (1) (d). An RTI application can force the PA to create information on his application to PA under 4(1) (a) (b) (c) of RTI ACT 2005 and at the same time he can check the information whether it is provided as per 4(1) (a) (b) (c) of RTI ACT 2005 by invoking 4 (1) (d) of RTI Act 2005. And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Government and their instrumentalities accountable to the governed.

**TIMES NETWORK**  
NOW OR NOTHING

**A NEWS CHANNEL THAT FIGHTS FOR YOU.**

**MIRROR NOW**  
YOU. FIRST.

mirrornow | mirrornow | mirrornow

**Faye D'Souza**  
Executive Editor

The Look: T-Shirt paired with a fleece jacket & joggers

#openworkculture

**Allen Solly**  
Est 1744  
ATHLEISURE AT WORK

AVAILABLE AT EXCLUSIVE ALLEN SOLLY STORES: Ground Floor, Royal Residency Mall, 103 Feet Road, Indiranagar, 4th Block, Bangalore, 10th Main, Koramangala, Brigade Road, 1st Floor, 1st Block, Koramangala, 11th Main, Commercial Street, 1st Floor, Phoenix Market City Mall, 1st Floor, Brigade Cross Mall, PLANET FASHION, Residency Complex, 10th Road, Commercial Street, 10th Floor, 10th Block, Jayanagar, 2nd Floor, Kalyan Nagar, 10th Bangalore, Elements Mall, Hyderabad & Greater Mumbai, Residency Road, Uppal Cross Mall, TUMURU, 2nd Floor, KOLAR, 10th Road, Also Available in Leading Apparel Outlets.

Shop at allensolly.com

**PROVIDENT**

"WHY SHOULD A HOME WITH GLOBAL BRANDS BE EXPENSIVE?"

Global Brands within your Provident Park Square Home

<b>Schindler</b> ELEVATOR	<b>Yale</b> DOOR LOCKS	<b>Kajaria</b> FLOOR TILES	<b>Legrand</b> SWITCHES	<b>Berger</b> PAINT	<b>CEILING</b> CP FITTINGS	<b>American Standard</b> SANITARYWARE
------------------------------	---------------------------	-------------------------------	----------------------------	------------------------	-------------------------------	--

**PRE-LAUNCHING** **PARK SQUARE** **INTEGRATED LIFESTYLE DISTRICT** **RESIDENCES RESTAURANTS RETAIL**

**FROM JUST ₹ 39 LAKHS\***  
AT JUDICIAL LAYOUT, KANAKAPURA ROAD.

1860 258 4444

### ADVERTORIALS AND CONSULTANCY HELP LINE

You may have problems with Government Departments PWD, BDA, BMRDA, KIADB, TOWN PLANNING DEPARTMENTS AND Development Authorities BBMP, Taluka office, D.C. Office, Corporation, K.S.R.T.C., Commercial Tax Offices, K.E.B., Pension problems, Acquisitions of Land Problems, Khata, Bifurcation, Tax Revision. Banks Problems etc, which may be have been pending for months, and years in Government files etc.

Everybody is facing Problems, Problems?

Kindly write to us, we analyze and convince our selves and if appropriate then we will take your problems, to concerned authorities, ministries, i.e., through our news paper property politics and try to help you. We also provide consultancy and Liaison service on case to case bases as per agreed terms and fees. Write your problems with Xerox copies,

M.S.Yatnatti, Editor and Video Journalist Consultant Mobile: 9945116476 E-Mail: msyatnatti@yahoo.com propertypolitics@gmail.com