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കേരള സർക്കാർ  
Government of Kerala  
2017



Regn. No. KERBIL/2012/45073  
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്  
KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA  
Revenue (U) Department  
NOTIFICATION

G. O. (P) No. 60/2017/RD.

17th August, 2017  
Dated, Thiruvananthapuram, 1st Chingam, 1193  
26th Sravana, 1939.

**S. R. O. No. 621/2017.**—In exercise of the powers conferred by section 7 of the Kerala Government Land Assignment Act, 1960 (30 of 1960), the Government of Kerala hereby make the following rules further to amend the Kerala Land Assignment Rules, 1964, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Land Assignment (Amendment) Rules, 2017.

(2) They shall come into force at once.

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

(1) in sub-rule (1) of rule 7,—

(a) for the first proviso, the following proviso shall be substituted, namely:—

“Provided that the total extent of land, if any, owned or held by him in proprietary right or with security of tenure is less than the limits laid down in sub-rule (1) of rule 5.”;

(b) the third proviso shall be omitted;

(2) in rule 8,—

(a) the proviso to sub-rule (1) shall be omitted;

(b) in sub-rule (1A),—

(i) for the words “twenty five years” the words “twelve years” shall be substituted;

(ii) the following proviso shall be inserted, namely:—

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

(3) in sub-rule (2) of rule 9, for the words and figures “patta shall be issued in the form in Appendix II to these rules” the words, figure and letter “patta shall be issued in the form in APPENDIX II to these rules for occupied lands assigned on registry and in the form in APPENDIX IIA to these rules for unoccupied lands assigned on registry” shall be substituted;

(4) in APPENDIX I, in condition 1, for the words “twenty five years”, the words “twelve years” shall be substituted:

(5) for APPENDIX II, the following shall be substituted, namely:—

## APPENDIX II

**Form of Patta for Occupied Lands**

[See rule 9(2)]

Photograph joint photograph  
of the husband and wife in the  
case of married persons

Number :

Taluk :

Village :

Pattadar :

The amount of tax as per this patta should be paid to the Village Official according to the rate mentioned below and receipt obtained therefor.

Station:

Date:

Tahsildar

Amount  
₹ P.

Kist

1. Survey Number

2. Subdivision Number

3. Wet or dry                      Acre (Hectres)                      Cent (Ares)

4. Area

5. Tax

**Declaration**

I declare that I shall bind myself to the conditions specified below:

Assignee.

## CONDITIONS

1. The land/lands assigned on registry as per sub-rule (1) of rule 8 shall be heritable and alienable.
2. The right over trees in the assigned land shall be as per rule 10(3) of the Kerala Land Assignment Rules, 1964 provided section 22 of the Kerala Preservation of Trees Act, 1986 (35 of 1986) read with section 4 thereof shall apply.
3. All established rights of way and other easement rights shall be respected by the assignee.
4. The land revenue or any tax or fee levied in lieu thereof on the land will be liable to revision.
5. In the case of concessional grant to members of Scheduled Castes or Tribes and indigent families, if the land is at any time brought to sale under the Revenue Recovery Act for the time being in force for arrears of revenue due from the grantee, no fresh grants of land will be made to the grantee under the concessional terms.
6. The registry shall be liable to be cancelled for contravention of any of the provisions in the rules and foregoing conditions.
7. The registry shall also be liable for cancellation if it be found that it was grossly inequitable or was made under a mistake of facts or owing to misrepresentation of facts or in excess of the limits of the powers delegated to the assigning authority or that there was an irregularity in the procedure.
8. In the event of cancellation of the registry, the assignee shall not be entitled to compensation for any improvements he/she may have made on the land.

9. In cases where registry is made subject to survey and demarcation of the extent assigned, the extent noted in the patta shall be subject to revision, if any, found necessary after survey and demarcation is completed.
  10. The assignee shall be liable for the payment of full assessment charged on the land with effect from the year in which the patta is issued. In cases where patta is issued pending survey and demarcation, the liability for land revenue or any tax or fee levied in lieu thereof shall arise from the year in which it is issued and any difference in the tax consequent on the change in extent after survey and demarcation, shall be adjusted to future land revenue or any tax or fee levied in lieu thereof due from the assignee if it is in excess of the tax due or be collected from the assignee straight-away if it is less than the tax due.
  11. The land shall be subject to all local taxes and local rates payable by law or custom.
  12. The existing and customary rights of Government and the public in roads and paths and rivers streams and channels, running through or bounding the land, and the right of Government to a share in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant.
  13. Arrears of assignment dues shall bear interest at 6 per cent per annum.
- (6) after APPENDIX II as so substituted, the following shall be inserted, namely:—

## APPENDIX II A

**Form of Patta for Unoccupied Lands**

[See rule 9(2)]

Photograph joint photograph  
of the husband and wife in the  
case of married persons

Number :  
Taluk :  
Village :  
Pattadar :

The amount of tax as per this patta should be paid to the Village Official according to the rate mentioned below and receipt obtained therefor.

Station:

Date:

Tahsildar

Amount  
₹ P.

Kist

1. Survey Number
2. Subdivision Number
3. Wet or dry                      Acre (Hectres)                      Cent (Ares)
4. Area
5. Tax

**Declaration**

I declare that I shall bind myself to the conditions specified below:

Assignee.

## CONDITIONS

1. The land/lands assigned on registry as per sub-rule (1A) of rule 8 in the case unoccupied lands shall be heritable but not alienable for a period of twelve years from the date of assignment on registry. In the event of alienation in contravention of sub-rule (1A) of rule 8, the Government shall resume the land without payment of any compensation.
2. The right over trees in the assigned land shall be as per rule 10(3) of the Kerala Land Assignment Rules, 1964 provided section 22 of the Kerala Preservation of Trees Act, 1986 (35 of 1986) read with section 4 thereof shall apply.
3. All established rights of way and other easement rights shall be respected by the assignee.
4. The land revenue or any tax or fee levied in lieu thereof on the land will be liable to revision.
5. In the case of concessional grant to members of Scheduled Castes or Tribes and indigent families, if the land is at any time brought to sale under the Revenue Recovery Act for the time being in force for arrears of revenue due from the grantee, no fresh grants of land will be made to the grantee under the concessional terms.
6. The assignee or any member of his family or successor-in-interest shall reside in/cultivate the land and such residence/cultivation shall commence effectively within a period of one year from the date of receipt of patta:

Provided that the Military personnel may lease the land assigned to them to others whilst they are away on active service.

7. The registry shall be liable to be cancelled for contravention of any of the provisions in the rules and foregoing conditions.
8. The registry shall also be liable for cancellation if it be found that it was grossly inequitable or was made under a mistake of facts or owing to misrepresentation of facts or in excess of the limits of the powers delegated to the assigning authority or that there was an irregularity in the procedure.

9. In the event of cancellation of the registry, the assignee shall not be entitled to compensation for any improvements he/she may have made on the land.
10. In cases where registry is made subject to survey and demarcation of the extent assigned, the extent noted in the patta shall be subject to revision, if any, found necessary after survey and demarcation is completed.
11. The assignee shall be liable for the payment of full assessment charged on the land with effect from the year in which the patta is issued. In cases where patta is issued pending survey and demarcation, the liability for land revenue or any tax or fee levied in lieu thereof shall arise from the year in which it is issued and any difference in the tax consequent on the change in extent after survey and demarcation, shall be adjusted to future land revenue or any tax or fee levied in lieu thereof due from the assignee if it is in excess of the tax due or be collected from the assignee straight-away if it is less than the tax due.
12. The land shall be subject to all local taxes and local rates payable by law or custom.
13. The existing and customary rights of Government and the public in roads and paths and rivers, stream and channels running through or bounding the land, and the right of Government to a share in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant.
14. Arrears of assignment dues shall bear interest at 6 per cent per annum.

By order of the Governor,

P. H. KURIAN,  
*Additional Chief Secretary to Government.*



### Explanatory Note

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

As per sub-rule (1) of rule 8 of the Kerala Land Assignment Rules, 1964, the occupied lands assigned on registry as per sub-rule (1) of rule 7 are heritable and alienable, the permission for mortgaging the same with any financial institution is not relevant and in the case of assignees of the unoccupied land, the assignees may be permitted for obtaining loans from financial institutions for the purpose of agriculture or for constructing a house in the assigned property and in no case, the land shall be permitted to be mortgaged as a security for any commercial activity. Sub-rule (1) of rule 7 of the Kerala Land Assignment Rules, 1964 provides that "where any person is in occupation of Government lands under lease, whether current or time expired, or by way of encroachment not considered objectionable such land if such occupation is before the 1st day of August, 1971 shall be assigned to him on registry. Provided that the total extent of land, if any, owned or held by him in proprietary right or with security of tenure is less than the limits laid down in sub-rule (1) of rule 5 or the annual family income from sources other than the Government land held by him is below ₹ 30,000."

Moreover, in the meeting held on 4th January, 2017 it was decided to remove the income limit of the applicant and to change the conditions of transfer as well as mortgage of the assigned land.

The restriction on minimum period of alienability which was inserted in sub-rule (1A) of rule 8 of the Kerala Land Assignment Rules, 1964 as per notification issued under G.O. (P) No. 424/2014/RD dated 30th September, 2014 and published as S.R.O. No. 607/2014 in the Kerala Gazette Extraordinary No. 2425 dated 7th October, 2014 changing the minimum period of alienability in the case of assigned unoccupied lands from 3 years to 25 years is causing difficulty to the occupants of such assigned Government land. Since there is public demand for reducing the minimum period of alienation of the assigned land, the minimum period of alienability has to be reduced to twelve years. Hence, necessary amendments has to be made in Condition 1 in Appendix I (Form of Order of Assignment on Registry) of the Kerala Land Assignment Rules, 1964.

There is no provision in the present Form of Patta as per sub-rule (2) of rule 9 of the said rules to distinguish whether the patta was given to occupied land or to unoccupied land. As such, necessary distinction has to be made in the format of the form of patta. Therefore, the Government have decided to introduce two forms of patta ie., Form of Patta in Appendix II for occupied lands assigned and Form of Patta in Appendix IIA for unoccupied lands assigned.

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

The notification is intended to achieve the above object.